

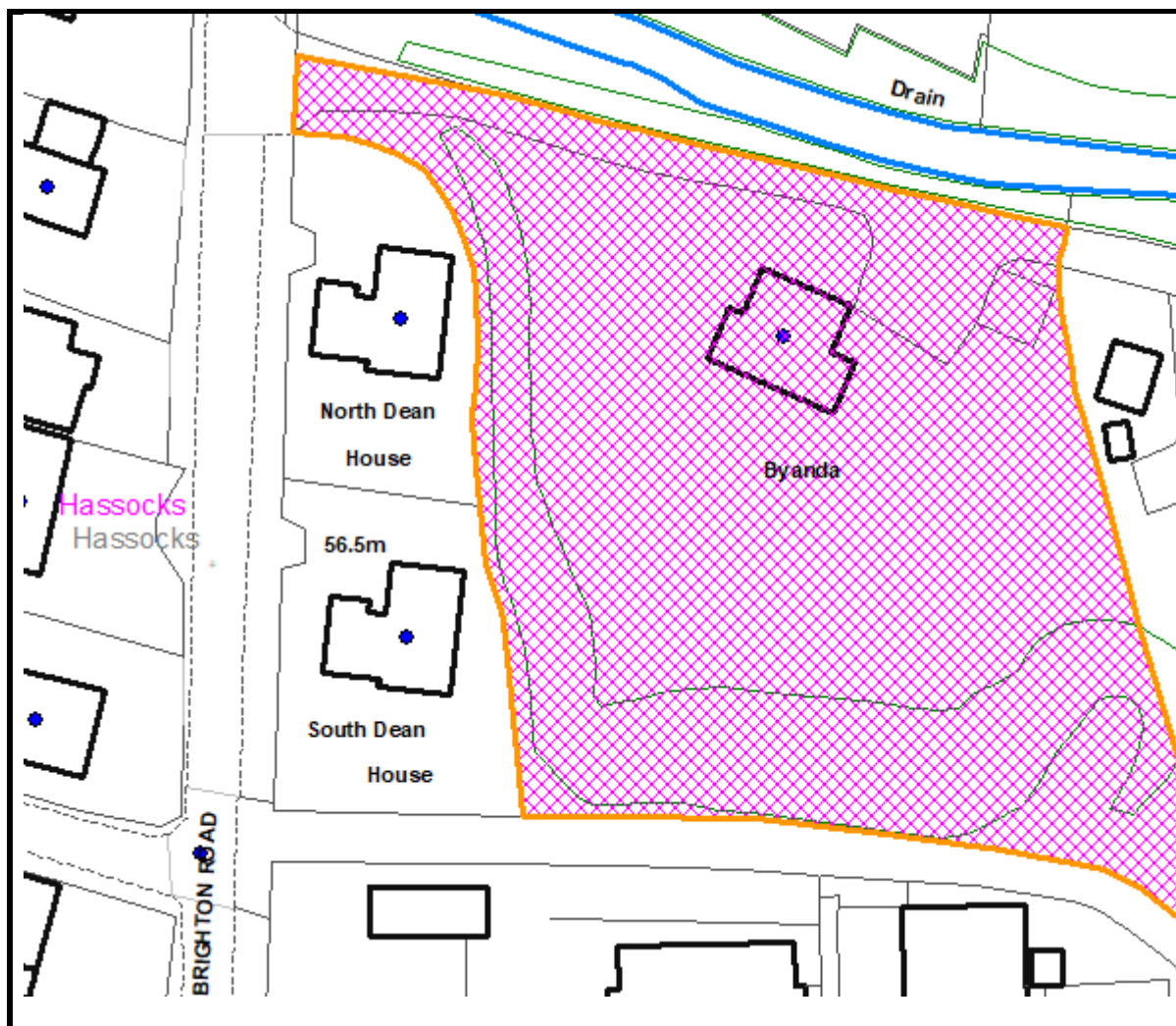
# District Planning Committee



Recommended for Permission

13th July 2023

DM/23/0002



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<b>Site:</b>	Byanda Brighton Road Hassocks West Sussex BN6 9LX
<b>Proposal:</b>	Demolition of Byanda (a single residential property and ancillary buildings) and the erection of a 60 bedroom residential care facility, with associated access, ground works, car parking, servicing, private amenity space, landscaping, construction of substation unit and boundary treatment. (Updated Flood Risk Assessment and Drainage Strategy received 06/04/2023)
<b>Applicant:</b>	Mr Damian Wood
<b>Category:</b>	Smallscale Major Other

<b>Target Date:</b>	29th June 2023
<b>Parish:</b>	Hassocks
<b>Ward Members:</b>	Cllr Sue Hatton / Cllr Kristian Berggreen / Cllr Chris Hobbs /
<b>Case Officer:</b>	Susan Dubberley

### **Link to Planning Documents:**

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RNWPF7KT04L00>

#### **1.0 Purpose of Report**

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

#### **2.0 Executive Summary**

- 2.1 This application seeks planning permission for the demolition of Byanda (a single residential property and ancillary buildings) and the erection of a 60 bedroom residential care facility, with associated access, ground works, car parking, servicing, private amenity space, landscaping and boundary treatment.
- 2.2 The application is a resubmission following the refusal of application DM/21/1653 for a 60 bed care home which was refused by the District Planning Committee on 20<sup>th</sup> October 2022. The application was refused as members considered the proposal to be overdevelopment of the site due to the proposed footprint, scale and mass with limited open space and its considerable size and scale was considered to be out of character with the area. The applicant has appealed the refusal and a hearing is scheduled for 13<sup>th</sup> September 2023.
- 2.3 The application differs from the refused application, as in seeking to address the reasons for refusal, while the number of bedspaces remains the same, the total floor area of the care home has been reduced by 86sqm and the ground floor footprint of the care home has been reduced by 35sqm. The reduction in the footprint of the ground floor has been achieved by reducing the size of the entrance foyer.
- 2.4 Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the proposed scheme does not comply with certain aspects of the Development Plan, other material considerations need to be considered in determining the application, including the (National Planning Policy Framework) NPPF.
- 2.5 The development would provide specialist accommodation for elderly people, which is a type of accommodation where there is a recognised need (national guidance in the PPG states that the need to provide housing for older people is 'critical'). The consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy, which was published on 22nd December 2022 states that 'This government is committed to further improving the diversity of housing options available to older

people and boosting the supply of specialist elderly accommodation', thereby making it clear that the intention is to carry forward this commitment to improve the delivery of housing for elderly people when the NPPF is updated in due course.

- 2.6 In this part of Mid Sussex the development plan comprises the District Plan (DP), the Site Allocations Development Plan Document (SADPD), and the Hassocks Neighbourhood Plan (HNP).
- 2.7 National policy (which is contained in the NPPF and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.
- 2.8 In this case the development lies in the countryside, outside of the built-up area of Hassocks and therefore the development needs to be assessed against policy DP12 of the District Plan. It is clear that a fundamental principle of policy DP12 is that the countryside is protected for its intrinsic beauty. Development can be permitted where it maintains or enhances the quality of the rural landscape character of the District, and it is supported by a policy reference elsewhere in the DP, a development plan document or a neighbourhood plan.
- 2.9 In this case the development is not isolated or in open countryside, there is existing development on the site, and it is considered that the building would be well designed and landscaped, it is not felt that there would be harm to the countryside from this development. While Policies DP25 and DP30 of the Mid Sussex District Plan provide clear support for specialist accommodation which is further supported by the adopted Site Allocations DPD.
- 2.10 It is also a material planning consideration that there is an extant planning permission for the demolition of the existing dwelling and associated structures and the erection of four dwellings (DM15/2400), a lawful start on implementing this planning permission has taken place on the site and therefore this permission remains extant.
- 2.11 The proposal is therefore considered to comply with DP12 and is acceptable in principle. Whilst it does not fully comply with the locational criteria of SA39, there are other material considerations outlined in this report which justify a permission in this particular case.
- 2.12 Weighing in favour of the scheme is that the development will provide new care home facility for which there is an identified critical need and would provide employment opportunities. The proposal would also result in construction jobs over the life of the build.
- 2.13 The proposed design, layout and scale of the development is considered acceptable, and it would not cause harm to the character and appearance of the area. It is not considered to cause significant harm to the neighbouring amenities.
- 2.14 Weighing against the proposal, in relation to ecology issues, it is considered that there would be a loss of habitat as a result of the proposals and therefore there is a conflict with policy DP38. However, this has to be weighed against the benefits of the proposals and the extant permission on the site, which is a material consideration.
- 2.15 There will be a neutral impact in respect of highway safety, drainage, trees, contamination, and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

- 2.16 It is therefore felt that overall, whilst the loss of habitat should be afforded weight, on balance, the public benefits arising from the scheme (a new care home facility for which there is an identified critical need and employment opportunities) should be afforded significant weight and these are considered to outweigh the ecological harm identified.
- 2.17 In addition, it is also relevant that the loss of the habitat has already been established by the extant persimmon for a residential development on the site (DM/16/4541).
- 2.18 Due regard has also been given to the public sector equality duty (section 149 of the Equality Act 2010).
- 2.19 Therefore, on balance, it is recommended that this application is approved.
- 2.20 The application is thereby considered to comply with policies DP1, DP6, DP12, DP17, DP20, DP21, DP25, DP26, DP29, DP30, DP37, DP39, DP41 and DP42 of the District Plan, policy SA38 of the SADPD, policies 4,5,8 and 9 Neighbourhood Plan, The Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

### **3.0 Recommendation**

#### **3.1 Recommendation A**

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure infrastructure contributions and the conditions set in Appendix A.

#### **3.2 Recommendation B**

It is recommended that if the applicants have not completed a satisfactory signed planning obligation by the 13th December 2023, then it is recommended that permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for the following reason:

*'The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'*

### **4.0 Summary of Representations**

- 4.1 30 of letters of objections have been received raising the following concerns:
- This remains essentially the same as that (ref DM/21/1653) previously rejected by Mid Sussex DC Planning Committee on 20th October 2022, following strong objections from neighbours to the site and opposition from Hassocks Parish Council.
  - The proposed structure is almost unchanged in size, and remains extremely bulky relative to the size of the site and is overbearing. The scale and design of the proposed building is wholly inappropriate for the site.
  - The changes in design are minimal and only at ground floor level, which don't affect perceptions of massing.
  - The proposed footprint of the building is barely reduced and it is still overdevelopment of the plot. (using their figures approx. 2.4% reduction over all floors).

- height of building significantly increased (in addition to the extra storey, ceiling heights for commercial premises are required to be higher than residential properties in order to run services such as fire alarms, sprinklers etc), plus a/c units and other plant will be situated on the roof further adding to the height.
- A three storey development in this area is not at all in keeping with the existing neighbouring buildings.
- Refute the comparison with Woodsland Road and Parklands Road as these are around 0.5 miles away from the Proposed Development, on the other side of the train tracks and in the centre of Hassocks village.
- Contrary to Policy 6 and Policy 9 of the Hassocks Neighbourhood Plan.
- Contrary to Principle DG32 of the Mid-Sussex Design Guide (Managing increased density).
- According to the Hassocks Neighbourhood Plan, development should not be supported where it has an unacceptable adverse effect on the AQMA, or where a proposed use or users within the AQMA would be unacceptably adversely effected by the air quality.
- A three storey building on a large footprint will be visible and dominant in the landscape for those visiting the South Downs National Park in higher areas which overlook the Proposed Development Site, such as the Jack and Jill Windmills and Wolstonbury Hill. The vista over the surrounding countryside will be considerably adversely impacted by a building of the proposed size and stature.
- It would overlook nearby properties, causing substantial loss of privacy to neighbours, who would also be subject to noise disruption due to the need for 24/7 access for ambulances and other services, as well as light pollution.
- The Design and Access statement refers to the height of existing buildings on the site but falsely represents there comparatives with the proposed care home. While the tower, which represents the highest point of the current structures on the site is of a similar height to the proposed care home, this represents a fraction of the total land area utilised. In fact, a white swimming pool awning is the dominant structure by land area currently and this is only at the height of the ground floor windows of the proposed care home.
- The only access to the proposed 60-bed care home would be via a narrow and quite steep existing driveway currently serving just five domestic properties. This opens onto the main road (A273) with very unsatisfactory access in terms of sharpness of turn and limited visibility.
- Have no doubt that visitors to the care home will drive through the private drive of south bank - unauthorised cars already drive through here far too quick.
- The Council's Garden Waste team have advised that all green waste collections must now be made from the top of the drive. May therefore need to build a bin store at the top of the drive ( Byanda access road ) which will automatically narrow the width at the top of the drive.
- My primary concern is the potential increase in traffic that this new facility would likely bring to Brighton Road. This road is already heavily trafficked and has been the site of numerous accidents. I have gathered data showing at least six significant incidents in recent years, including multi-vehicle collisions and fatal accidents123456. This list does not include last month's fatal hit and run. The added strain of the proposed 60 bedroom residential care facility's traffic would exacerbate these existing safety issues, endangering the lives of drivers, pedestrians, and residents alike.
- The above problems are compounded by the fact that this proposal is situated beyond a reasonably expected walking distance for a workforce residing within Hassocks village, and is poorly serviced by public transport (namely, only bus

routes which are infrequent and travelling between Haywards Heath, Burgess Hill and Brighton).

- Speeding along the 30mph section of the road is an existing problem and police are regularly present and monitoring speeding drivers with handheld speed guns. The potential for traffic accidents will increase if more traffic is using the section of the road and trying to turn across the southbound carriageway into the access road to the Proposed Development Site.
- The applicant has repeatedly failed to respond to legal challenges around the gradient of the access driveway and how they intend to comply with the Disability Act 2010 when they do not own it or have any right to modify it.
- Question methodology used by Carterwood to show need substantial unmet local need for C2 care home places: specifically, for rooms with en suite showers or wet rooms.
- Drainage is a concern as the site does not currently drain well with minimal development on it.
- Has it been proved that the proposal can be provided with water under the council's DP42 policy.
- On highway safety grounds request that you give consideration to providing a proper pedestrian crossing over the Keymer Road on the east side of the junction, since the Care Home is likely to increase the need for pedestrian access for staff and visitors from Keymer village, railway station and bus stops.
- The lack of car parking spaces at the Care Home will mean that visitors may be forced to park their vehicles in the surrounding roads which are totally inadequate for this purpose, and the South Downs Garden Centre.
- In the most recent application, there are 16 standard car parking spaces and an additional 2 disabled spaces, making a total of 18 spaces. We do not think this will be sufficient to cater for the number of visits required to the site, to cater for staff, visitors, and for their crossover of shifts.  
The traffic situation at Stonepound Crossroads is now busy and gridlocked at many times of the day, with long queues on all directions. To introduce a busy, large care home at Byanda with all associated traffic movements will cause many more traffic problems.
- Understand that there have been three fatalities on busy London Road in the last twelve months.
- Will be increased demands on the local medical facilities in the area.
- A test for Great Crested newts needs to be carried out between the months of mid-April to June and not in July when some previous tests were carried out in nearby pockets of water.
- commercial premises will have much higher output of waste / refuse compared to the existing residential properties in the area. We are concerned that, unless appropriate measures are taken, this could give rise to rodent / pest issues, which will be a nuisance for neighbouring properties.
- Our main objection is the storm water plans. The body of water north of Byanda is repeatedly described as a watercourse or stream , flowing through a culvert under Brighton Road and flowing past Faerie Glen. Disagree with the as the body of water reaches a dead end in garden of Faerie Glen and swimming pool. There is no way that any more water should be expelled into this body of water as it is most certainly a flood risk. We can see from the plans that there is a proposal to discharge water into this pond. If this is the case, permission would have to be sought from ourselves to cross third party land to do so. As owners of the access road, we will not consent to access to our property to discharge water from byanda or anything else.

- Rainwater collects in the stagnant body of water north of Byanda and when it rains heavily it substantially floods into the garden of Faerie Glen on the Eastern side
- An infiltration method is also being considered but a comprehensive BRE 365 test has not yet been carried out. As a minimum, the applicant should have undertaken proper testing to BRE 365 or if they were doing it properly given the lack of other options, Groundwater Monitoring for a period of November to April.
- The owners of the access road to the development will not grant permission for anything on the access road, for example to lay services and during the potential build process we will insist on access to the access road to Faerie Glen 24/7.
- Note that ecologist has a temporary objection regarding bat survey to be conducted between May and August and reptile surveys to determine impact on protected species.
- The ecology survey, which has a date of December 22 (convenient) relies on the information from the one dated May 2020 submitted as part of the last application.  
As such, there are no updated Reptile or Bat surveys
- Loss of light and privacy for properties fronting the Brighton Road Pound Gate and South Bank. the proposed care home with balconies on the 2nd and 3rd floors leading to a "café" area for residents, staff and guests.
- Amenity areas will be in shade all day from hedging to the eastern edge or the care home itself.
- There is an existing honey beehive at the South Downs Garden Centre, we are concerned about the impact that the construction and erection of a large commercial premises will have on this colony and its habitat / food source.
- The noise issues associated with much increased traffic on the access road and the installation of car parking / loading areas / plant and machinery next to existing residential properties.
- Noisy from construction works will also disturb us badly, as due to the pandemic we are working from home.

#### 4.2 One letter of support:

- The Appellant has demonstrated that the building does not represent an overdevelopment of the site, that there is an appropriate amount of outdoor open space and landscaping to provide an appropriate setting to the building within its wider context and that the size and scale of the building is not out of character and will not be overly dominant in its surroundings.
- The development of a new older persons' specialist accommodation providing a bespoke high-quality facility will be a positive investment.

### 5.0 **Summary of Consultees**

- 5.1 **Urban Designer:** I have no objection to the amendments which do not alter my design comments for the previous application which remain the same.
- 5.2 **South Downs National Park Authority :** Objects.
- 5.3 **WSCC Highways:** No objection subject to conditions.
- 5.4 **Environmental Health (Protection) :** No objection subject to conditions.
- 5.5 **Environmental Health (Protection) :** No objection subject to conditions.

- 5.6 **Arboriculturist:** No objection subject to conditions
- 5.7 **Community Facilities Project Officer:** No requirement for financial contributions.
- 5.8 **Street Naming and Numbering:** Informative
- 5.9 **MSDC Drainage Engineer:** No objection subject to conditions.
- 5.10 **WSCC Flood Risk:** No objection. Under local agreements, the statutory consultee role under surface water drainage is dealt with by Mid-Sussex Council's Flood Risk and Drainage Team.
- 5.10 **Southern Water:** No objection subject to informative
- 5.11 **Ecologist:** No objection subject to conditions.
- 5.12 **WSCC Fire and Rescue Service:** No objection subject to condition requiring details of fire hydrant

## **6.0 Town/Parish Council Observations**

- 6.1 Hassocks Parish Council Planning Committee considered the updated Flood Risk Assessment and Drainage Strategy and after a lengthy discussion was in full agreement that this did not alter any of the previous concerns raised by the Parish Council. Therefore in addition to the comments already submitted, Hassocks Parish Council RECOMMENDS REFUSAL (Full comments in Appendix B)

## **7.0 Introduction**

- 7.1 This application seeks planning permission for the demolition of Byanda (a single residential property and ancillary buildings) and the erection of a 60 bedroom residential care facility, with associated access, ground works, car parking, servicing, private amenity space, landscaping, construction of substation unit and boundary treatment.

## **8.0 Relevant Planning History**

- 8.1 A planning application for the demolition of Byanda (a single residential property and ancillary buildings) and the erection of a 60 bedroom residential care facility, with associated access, ground works, car parking, servicing, private amenity space, landscaping and boundary treatment was recommended for approval by officer and refused by the District Planning Committee Members on 20<sup>th</sup> October 2022.

- 8.2 The applicant has appealed the refusal and a hearing is scheduled for 13<sup>th</sup> September 2023.

- 8.3 The application was refused for the following reason:

*'The building is considered to represent an overdevelopment of the site due to the proposed footprint, scale and mass with limited open space and is therefore inappropriate for the site. Its considerable size and scale would be out of character with the area and it would therefore appear alien and overly dominant to its*



*surroundings and the predominantly domestic scaled houses in the locality. The proposals therefore do not comply with Policy DP26 of the District Plan, Policy 9 of the Neighbourhood Plan and the design principle DG39 set out in the Design Guide SPD or with the aims of paragraphs 126, 130 and 134 of the NPPF, which seek a high standard of design in new development.'*

- 8.4 In December 2016 planning permission was granted for the demolition of the existing dwelling and associated structures and the erection of four dwellings (revised design of DM15/2400). A lawful start on implementing the above planning permission has taken place on the site and therefore this permission remains extant. (DM/16/4514).
- 8.5 In October 2015, planning permission was granted for the demolition of the 2 existing dwellings on the site (Byanda and its ancillary bungalow) and replacement with 4 no. 6-bed detached houses, 2 no. detached garages and provision of hard and soft landscaping (DM/15/2400). This permission has not been implemented.
- 8.6 The existing bungalow was erected around 1955, which was then replaced by a larger subterranean dwelling, granted on appeal in 1989 (CN/021/88). A subsequent application for the retention of the existing bungalow as ancillary accommodation to the new dwelling was granted in December 2003 (03/02542/FUL).

## **9.0 Site and Surroundings**

- 9.1 The site consists of an original 1950s ancillary bungalow and detached double garage and an additional 1990s detached and partially sunken dwelling with turret and dome over the swimming pool. Access is gained from Brighton Road via a shared driveway with Faerie Glen, which lies to the west of the site and contains a detached bungalow set within a substantial plot, which has been subdivided to accommodate 2 large detached houses, that were granted permission in 2014 and are built and occupied (Highdown House and Stackley House).
- 9.2 Due to its original use as a sand pit, land levels of all these properties are lower than the surroundings, but undulating within, and the site itself is bounded by mature vegetation screening albeit much has been removed from the western side. Running alongside the driveway to the north is a stream, which culverts beneath Brighton Road. Dwellings at North Dean House, South Dean House and Pound Gate, which front the Brighton Road (A273) sit at a higher level than the site, while further to the east is The Weald Tennis club and to the south the access track to Sandfield Cottage (again, set on higher ground), beyond which is the South Downs Garden Centre and large building housing the Heritage Centre.
- 9.3 The site is set within the countryside, as defined in the Mid Sussex Local Plan, with the built-up area boundary located to the north of the site just beyond the ditch opposite. The South Down National Park boundary lies to the south of the site South Downs Garden Centre and runs along the opposite side of the Brighton Road to the south of Beacon View and along the rear gardens of properties in Sandy Lane.

## **10.0 Application Details**

- 10.1 This application seeks planning permission for the development of a 60 bedroom residential care facility, with associated access, ground works, car parking, servicing, private amenity space, landscaping and boundary treatment.

- 10.2 The proposal is for a detached 3 storey building plus basement. The basement area would contain the staff room, laundry, kitchen and plant room. The main entrance would be located in the north west close to the site entrance and the ground floor, first and second floors would each have a lounge, quiet lounge, and dining areas. On the upper floors there would be inset balconies provided in association with each of the lounge, quiet lounge, and dining areas. The first floor would also have a family room and café, while the second floor would have a cinema room, café and activity room.
- 10.3 The building would have a maximum height of some 10.7m to the ridge and 8.6m to the eaves of the roof, while at the widest point the building would be some 34m and with a length of some 47m.
- 10.4 The principal external areas will comprise of an east facing central courtyard with lawn, a southern terrace, linking to an informal woodland walk and a 'kitchen garden' and an entrance space with seating. All the external areas will be linked by level, wheelchair accessible terraces and paths.
- 10.5 The design is contemporary, and the detailing employs a brick façade which is combined with timber cladding that together with the gables and window proportions are employed to re-interpret the design and detailing of late 19th C/ early 20th C houses in the local area. The front elevation would have a central section with a pitched roof and flat roofed links either side to sections with double gables, that break up the elevation. The flat roofs provide potential opportunity to accommodate photovoltaic panels. To the rear the building would have a central section with pitched roof and double gabled sections either side.
- 10.7 A green wall is proposed on the southern end of the front elevation that would wrap around southern side elevation.
- 10.8 The proposed materials are a grey tiled roof, red/brown brick and timber clad elevations, dark grey/dark brown aluminium window frames, glass balustrading to balconies.
- 10.9 The application differs from the refused application, as in seeking to address the previous reason for refusal, while the number of bedspaces remains the same, the total floor area of the care home has been reduced by 86sqm and the ground floor footprint of the care home has been reduced by 35sqm. The reduction in the footprint of the ground floor has been achieved by reducing the size of the entrance foyer.
- 10.10 The landscaping plan now also includes a path for residents around the building.

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

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document (SADPD) and the Hassocks Neighbourhood Plan.

- 11.3 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

#### **Mid Sussex District Plan**

- 11.4 The District Plan was adopted in 2018 and forms part of the development plan. Relevant policies specific to this application include:

Policy DP1: Sustainable Economic Development  
Policy DP6: Settlement Hierarchy  
Policy DP12: Protection and Enhancement of Countryside  
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
Policy DP18: Setting of the South Downs National Park  
Policy DP20 Securing Infrastructure  
Policy DP21: Transport  
Policy DP25: Community Facilities and Local Services  
Policy DP26: Character and Design  
Policy DP29 Noise, Air and Light Pollution  
Policy DP30: Housing Mix  
Policy DP37: Trees, Woodland and Hedgerows  
Policy DP39: Sustainable Design and Construction  
Policy DP38: Biodiversity  
Policy DP41: Flood Risk and Drainage  
Policy DP42: Water Infrastructure and the Water Environment

#### **Site Allocations DPD**

- 11.5 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. Relevant policies specific to this application include:

SA38: Air Quality

SA39: Specialist Accommodation for Older People and Care Homes

#### **The Hassocks Neighbourhood Plan**

- 11.6 The Hassocks Neighbourhood Plan was adopted in July 2020. Relevant policies include:

Policy 4: Managing Surface Water  
Policy 5: Enabling Zero Carbon  
Policy 8: Air Quality Management  
Policy 9: Character and Design

#### **Mid Sussex District Plan 2021-2039 Consultation Draft**

- 11.7 The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period ran to 19th December 2022. No weight can currently be given to the plan due to the very early stage that it is at in the review process.

## **Mid Sussex Design Guide Supplementary Planning Document (SPD)**

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

## **11.9 MSDC Developer Infrastructure & Contributions SPD (2018)**

### **National Planning Policy Framework (NPPF) (July 2021)**

- 11.10 The NPPF is a material consideration with specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

## **11.18 National Planning Policy Guidance**

*National Design Guide*

*Ministerial Statement and Design Guide*

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

- 11.19 The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

## **12.0 Assessment**

### **Principle of development**

- 12.1. The District Plan is up to date and the Council can demonstrate a 5 year supply of deliverable housing land.
- 12.2 As the proposed development is located within the Countryside and therefore the proposal needs to be assessed against policy DP12 of the District Plan which states:

*The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

- it is necessary for the purposes of agriculture; or*
- it is supported by a specific policy reference either elsewhere in the Plan, a*

*Development Plan Document or relevant Neighbourhood Plan Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.*

*The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.*

*Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council. Economically viable mineral reserves within the district will be safeguarded.*

- 12.3 It is clear that a fundamental principle of policy DP12 is that the countryside is protected for its intrinsic beauty. Development can be permitted where it maintains or enhances the quality of the rural landscape character of the District, and it is supported by a policy reference elsewhere in the DP, a development plan document or a neighbourhood plan.
- 12.4 In this case the development is not isolated or in open countryside, there is existing development on the site, and it is considered that the building would be well designed and landscaped, it is not felt that there would be harm to the countryside from this development.
- 12.5 Policies DP25 and DP30 of the Mid Sussex District Plan also provide clear support for this specialist accommodation which is further supported by the adopted Site Allocations DPD.
- 12.6 Policy DP25 states that:
- The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.*
- 12.7 The preamble to this policy in the District Plan sets out a list of community facilities and local services and the list includes 'specialist accommodation and care homes'.
- 12.8 Furthermore, The District Plan also makes it clear in the supporting text to policy DP30 that the Council's policy approach is to look positively on the provision of C2 uses on potential housing sites. Specifically, Policy DP30 says:
- 'Whilst more attention may need to be paid towards matters of design, neighbouring land uses and security, schemes falling within Use Class C2 are considered to usually have a lesser impact on existing communities, for instance through lower vehicle usage levels and reduced parking requirements. For this reason, provided the scheme makes efficient use of land, any site considered appropriate for housing development would be positively considered for such older person accommodation through the decision-making process.'*
- 12.9 It is also relevant that the Site Allocations Development Plan Document (SADPD) was adopted on 29th July 2022 and policy SA39 relates to the provision of specialist accommodation for older people and states:

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

*The Housing and Economic Needs Assessment Addendum (August 2016) identified forecast demand for care homes (Use Class C2) at 2031 as 2,442 bedspaces. The Council will support proposals that will contribute to meeting these types of specialist accommodation.*

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

- a) It is allocated for such use within the District Plan, Site Allocations DPD or Neighbourhood Plan; or*
- b) It forms part of a strategic allocation; or*
- c) It is located within the Built-Up Area Boundary as defined on the Policies Map; or*
- d) Where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area Boundary as defined on the Policies Map and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy (policy DP4).*

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

- 12.10 The adopted policy has full weight and while the site is not contiguous with the Built-Up Area Boundary, and thus does not comply with the locational criteria of policy SA39, it is noted that the boundary is just to the north of the site on the opposite side of the access road.
- 12.11 In addition, as set out within a recent (12th April 2022) appeal for a 64 bed care home at Land East of Turners Hill Road, Felbridge (Rowans) (APP/D3830/W/21/3281350) paragraph 62 of the NPPF and the Planning Practice Guidance stresses that the need to provide housing for older people is critical in view of the rising numbers in the overall population, while also identifying that there is a significant unmet need for registered care homes within Mid Sussex which is afforded substantial weight to the benefit of adding to the local supply with the provision of a care home.
- 12.12 It is also a material planning consideration that there is an extant planning permission for the demolition of the existing dwelling and associated structures and the erection of four dwellings (DM15/2400), a lawful start on implementing this planning permission has taken place on the site and therefore this permission remains extant.
- 12.13 To conclude the development is not isolated or in open countryside. There is an extant permission on the site for four dwellings; there is existing development on the site and that the building would be well designed and landscaped, it is not felt that there would be harm to the countryside from this development. Policies DP25 and

DP30 of the Mid Sussex District Plan provide clear support for specialist accommodation which is further supported by the adopted Site Allocations DPD and national guidance.

- 12.14 The proposal is therefore considered to comply with DP12 and is acceptable in principle. Whilst it does not fully comply with the locational criteria of SA39, there are other material considerations outlined in this report which justify a permission in this particular case.

## **Design and Character**

- 12.15 Policy DP26 in the District Plan seeks to ensure a high standard of design in all new development and requires new development to demonstrate a sensitive approach to urban design by respecting the character of the locality in which they take place.

- 12.16 It states:

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

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

- 12.17 The MSDC Design Guide has been adopted and is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that respond appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support for site optimisation.

12.18 Policy DP12 states that: countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District.

12.19 Policy 9 of the Neighbourhood Plan states:

*Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:*

1. *Is of high quality design and layout;*
2. *Contributes positively to the private and public realm to create a sense of place;*
3. *Respects the character and scale of the surrounding buildings and landscape;*
4. *Protects open spaces and gardens that contribute to the character of the area;*
5. *Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;*
6. *Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;*
7. *Creates safe, accessible and well connected environments;*
8. *Protects existing landscape features and contributes to the village's Green Infrastructure network;* 9. *Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and*
9. *Positively responds to the local vernacular character of the defined Local Townscape Character Area.*

12.20 There have been a number of objections to the design scale and mass of the proposals. However the design of the previously refused application was considered by both the Design Review Panel (DRP) and the Urban Designer with both supporting the application. In regard to the current application the Urban Designer has raised no objection stating that the amendments now submitted under this current proposal do not alter the design comments for the previous application which remain the same. The previous comments were:

12.21 Building Design and Massing

*While the site is outside the defined settlement boundary, it is surrounded by existing development that is mainly characterised by suburban houses. The proposed three storey building will be bigger and taller than the surrounding two storey houses. Nevertheless, its size and scale will be mitigated by the following:*

- *The topography and set back arrangement of the site in relation to Brighton Road ensures that the building should sit comfortably with its surrounds. In particular, the site is set down the equivalent of one storey below the level of North Dean and South Dean Houses that are positioned between the application site and Brighton Road. Because the ground floor will be one storey lower, the proposed building will not appear to be higher than the houses.*
- *The substantial garden centre with its extensive single storey shed structures immediately to the south of the site gives the surrounds a more diverse character.*



- The vertically articulated elevation helps to break down the scale of the building.
- The landscaping plan incorporates trees and soft landscaping around the building that together with existing surrounding trees and hedges will soften and help screen the development including from Brighton Road.

#### 12.24 Overall Assessment

*The layout, landscaping and building design has been well thought through and while the building is appreciably bigger than the neighbouring houses this has been mitigated by its position, topography and design. Consequently, the proposal should sit comfortably in its context and sufficiently addresses policy DP26 of the District Plan and the principles set out in the Council's Design Guide SPD. The scheme is also supported by the DRP.*

#### 12.25 Overall, the DRP in regard to the previous submission considered that:

*The panel agreed this is a much-improved scheme that benefits from better proportioned and detailed elevations and more open space around the southern boundary. The variety of spaces and landscaping around the building should provide a good level of stimulation for the residents. The central gables particularly on the west elevation do not work as well as the gabled end bays; their shallower pitch is weak and is out of proportion with the rest of the façade, and it undermines the original concept of two inter-connecting "barns" with a weaker concept of five separate "houses". It also presents a confusing message as functionally the central gable suggests, at least on the front/west elevation, that it represents a more important part of the building when in fact it contains the same standard rooms as on either side of it (the focus instead should be on the NW gable where the main entrance is). Furthermore, the panel questioned the idea, suggested by the Brighton Road streetscene drawing, that this element of the façade complements the gabled profile of North Dean and South Dean House; as in practice it would not be read like this because the proposed building is so set-back. For these reasons, the west elevations (and possibly the other elevations too) would benefit from the omission of the central gable that would allow this part of the west elevation to benefit again from the consistent rhythm of the previous scheme. Conversely, it was agreed that breaking up the longer and previously more repetitive south elevation was an improvement. The panel were pleased to see the opportunity has been taken to accommodate solar PV's on the roof; it was suggested as an end-user has been identified, there should be scope for them to also commit to a renewable energy strategy. There was concern that the large area of floor-to-ceiling height glazing on the south and west elevations could result in over-heating problems in the bedrooms without measures being taken to address this. The long internal corridors risk feeling institutional; this would be helped with more windows at the end of the corridors and with glazed internal walls serving the communal rooms that would bring in natural light and help residents navigate the building. Overall Assessment The panel support the scheme subject to changes that address the above issues.*

#### 12.26 Your Planning Officers previously had no objection to the design of the building and would still agree with the assessment of both the DRP and Urban Designer in regard to the current application. Therefore, subject to appropriate conditions it is considered that the design of the application is acceptable, and that the application would comply with Policy DP12, DP26 of the District Plan, the design principles DG37, DG38 and DG39 set out in the Design Guide SPD, Policy 9 of the Neighbourhood Plan and the relevant provisions of the NPPF.

## **Setting of the South Downs National Park**

12.27 Policy DP18 relates to the setting of the South Downs National Park and states:

*Development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, and in particular should not adversely affect transitional open green spaces between the site and the boundary of the South Downs National Park, and the views, outlook and aspect, into and out of the National Park by virtue of its location, scale, form or design.*

*Development should be consistent with National Park purposes and must not significantly harm the National Park or its setting. Assessment of such development proposals will also have regard to the South Downs Partnership Management Plan and emerging National Park Local Plan<sup>9</sup> and other adopted planning documents and strategies.*

12.28 It is noted that the South Downs National Park Authority have objected to the application stating that while the current proposals reduces the ground floor GIA by a nominal 35sqm, no changes have been made to the scale, height and massing of the development. The building would therefore still present along its southern elevation as a large, three storey block with a wide expanse of glazing and that therefore the comments previously provided by the Authority are still relevant. The objection is on the grounds that by reason of the building's height, scale, massing and appearance, there would be harmful visual impacts on the setting of the National Park landscape; impacts on the amenity of users of public rights of way within the National Park; and potential visual impacts when viewed from Wolstonbury Hill, which lies some 2km away to the south west of the site.

12.29 It is considered that while there may be long view of the proposed building, the proposals are not in an isolated setting and would be seen in the context of the existing development that surrounds the site. In particular there is the existing South Downs Garden Centre and large building housing the Heritage Centre located to the south of the site which has much greater visibility. It is therefore considered that in view of the above, the impact on the setting of the South Downs National Park would not be significant and there would be no conflict with policy DP18. This matter did not form a reason for refusal with the previous larger scheme.

## **Access And Transport**

12.30 Policy DP21 the Mid Sussex District Plan states:

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

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

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

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- The scheme protects the safety of road users and pedestrians; and*
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

*Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles. Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.*

- 12.31 The existing access to the site would be used from Brighton Road (A273) which is a shared driveway with Faerie Glen, which lies to the west of the site, along with the more recent development Highdown House and Stackley House. A new pedestrian access to the site is proposed which will be provided a dedicated footpath immediately to the north of North Dean House. This will replace an existing area of raised landscape at the entrance to the site off Brighton Road.
- 12.32 There would be 18 onsite parking spaces (inclusive of disabled and emergency bays) and cycle parking spaces provided for staff and visitors. EV charging points are also proposed. A condition is included in the recommendation to ensure that a minimum of 20 % of the spaces will be electric vehicle charging spaces in line with WSCC requirements.
- 12.33 There have been a number of objections to the application on traffic grounds including concerns over the gradient for the drive, that traffic leaving the plot will be waiting on a very steep incline, with inadequate sight lines, questioning the ability of the applicant to secure access to the driveway in its current form in perpetuity, an objector has also stated that the Council's Garden Waste Team have advised that

all green waste collections must now be made from the junction between the access driveway and the Brighton Road due to issues with refuse vehicles accessing the properties to the east of the site. Therefore, it may be necessary for the driveway's owner to narrow the access to accommodate a bin store, concerns that the access is too narrow and junction with A273 dangerous, concerns about the gradient of the access in relation to the Equalities Act 2010 has also been raised and suggestion that the applicant may not be able to deliver the scheme as due to the gradient of the access the development could not lawfully operate as a care home.

12.34 Concerns have also been expressed regarding the adequacy of the amount of parking proposed on the site and that there may be overspill parking in the surrounding roads and the nearby South Downs Garden Centre.

12.35 The Local Highway Authority (LHA) has reviewed the access and transport and have referred to their previous comments which raised no objections commenting:

*The proposed access works to the existing crossover, including linking footway, and internal layout and car parking arrangements are identical to the previous submission and therefore the LPA should refer to previous comments where no objection was raised in highway safety or road network capacity terms.*

12.36 The previous comments were as follows:

*The LHA has also reviewed the submitted Transport Statement Addendum that summarises the reduction in units in terms of highway matters, relating to parking and vehicle trip rates. Newly submitted tracking drawings have also been supplied to demonstrate access for the various types of vehicles that will access the site. The LHA would raise no concerns to these changes for the reductions proposed.*

12.37 The concerns over the width of the access and visibility are noted, however the Highways Authority have raised no concerns commenting:

*The access will be retained as a vehicle crossover with removal of the sleepers and a footway provided with a retaining feature on the eastern boundary, outside of the highway. It is understood that the verge and sleepers area required for access widening and footway are within the red line boundary and that the remainder of the access road will not require works and thus is outside red edge (although rights of access remain). Swept path tracking shows that two cars can pass within the access and along the access route to the site. A refuse collection vehicle can also manoeuvre the access and pass a car along the access route. The applicant has confirmed that whilst turning within the site will occur outside of the red edge that this will take place on land that the applicant has access rights over.*

*The single issue within the RSA regards visibility has now been addressed with provision of splays in excess of what is required for the recorded speeds....  
The LHA assess that the revised splays indicate the tree would not encroach envelope of visibility and that cutting back of vegetation within splays and removal of sleepers etc to the left splay would provide an improvement over the existing arrangements.*

12.38 In terms of the gradient the LHA has stated that the Manual for Streets (MfS) is the appropriate guidance to apply for Brighton Road in this location and that this state's MfS2 para. 8.4.2 states that:

*In hilly areas steeper gradients will frequently be required, but a gradient of 8% should be regarded as a practical maximum unless there are particular local difficulties... as a general rule, 8% should generally be considered as a maximum, which is the limit for most wheelchair users, as advised in Inclusive Mobility (para. 5.2.5). The gradient appears to be steeper and thus the applicant should consider whether it is appropriate to improve the gradient of the access road .*

- 12.39 It is acknowledged that it appears that the gradient is steeper than this for some stretches of the existing privately maintained access road. The LHA did question whether the applicant was able to consider whether it was appropriate and indeed achievable to improve the gradient of the access road. However, in this case the access road is not possible to amend due to it serving other properties and it is also not in the ownership of the applicant, although the applicant has access rights over. The LHA has therefore commented:

*site restrictions mean this existing situation cannot be altered. The LHA does not consider this would warrant a reason for refusal and notes the proposed improvements in terms of footway and Travel Plan measures for staff to encourage sustainable transport.*

- 12.40 Finally, the LHA concluded that:

*The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.*

- 12.41 There was no highway reason for the refusal of the earlier application and the application remains the same in regard to highway issues. In view of the above it is still considered that from a highway safety perspective the application complies with Policy DP21 of the Mid Sussex District Plan.

#### **Impact on neighbouring amenity**

- 12.42 Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do *'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*.
- 12.43 The main properties affected by the proposal would be the 2 new dwellings to the west (North Dean House and South Dean House), the 3 dwellings to the east (Faerie Glen, Highdown House and Stackley House) and those dwellings to the north (5 and 6 Pound Gate). Objections have been received regarding overlooking and loss of privacy, and general scale of the development.
- 12.44 In terms of distances there would be some 24 m between the rear elevations of North Dean House and South Dean House and the proposed new building, with the levels such that the site is set down the equivalent of one storey below the level of North Dean and because the ground floor will be one storey lower, the proposed building will not appear to be higher than the houses.

- 12.45 There would be some 44m between Fairie Glen and Some 51m between Highdown House and Stackley House and the new building, in addition there is also a high mature conifer hedge on the rear eastern site boundary.
- 12.46 Given the above distances, site levels and the fact that the eastern boundary has a mature conifer hedge and it is considered that there would not be a significant impact on neighbouring amenity.
- 12.47 In view of the above it is considered that the application would comply with policy DP26 of the District Plan and policy CDNP05 (c) of the neighbourhood plan.

### **Air Quality**

- 12.48 It is recognised that this development will generate additional traffic at the Stonepound Crossroads, which is an Air Quality Management Area (AQMA). The site was designated (AQMA) with Defra in March 2012 due to the levels of nitrogen dioxide (NO<sub>2</sub>) being above the target. The boundary of the AQMA has been defined on the basis of the areas which are, or are likely to exceed the air quality objectives for nitrogen dioxide and where there is "relevant exposure", that is places where people live close to the road. The Air Quality Management Area at Stonepound Crossroads includes parts of Keymer Road, Brighton Road, London Road and Hurst Road. Eight properties are affected within the Designated Area, 1-6 Overcourt and The Coach House, Keymer Road, and Shouldarry, Brighton Road Hassocks.
- 12.49 Paragraph 186 of the NPPF states:
- 'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'*
- 12.50 The PPG states:
- 'Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife).'*
- 12.51 Policy 8 of the Neighbourhood Plan states:
- Development will be supported where it would not have an unacceptable adverse effect upon air quality within the Air Quality Management Area.*
- 12.52 Policy SA38 of the Site Allocations Development Plan Document in regard to Air Quality states:

*The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.*

*Where sensitive development is proposed in areas of existing poor air quality and/ or where major development is proposed, including the development types set out in the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2019 or as updated)) an air quality assessment will be required.*

*Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality.*

*Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with the Council's current guidance as stated above.*

*Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.*

*In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to result in increased traffic may be expected to demonstrate how any air quality impacts, including in combination impacts, have been considered in relation to the Ashdown Forest SAC. Any development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate for any potential adverse effects.*

12.53 Given the proximity of the site to the AQMA it is considered that air quality is a material planning consideration in the determination of this application.

12.54 The planning application is accompanied by an Air Quality report that has been reviewed by the Councils Environmental Health Officer, who has no objections and has commented:

*The development site is close to the air quality management area at Stonepound Crossroads in Hassocks. The "Air Quality Assessment" prepared by Ramboll dated January 2021 (project no. 1620009452) is therefore welcomed as this quantifies the air quality impact during both the implementation and operational phases of the development. The conclusions and recommendations in the report are accepted. This includes an emissions and damage cost calculation which has led to the proposed mitigation of a travel plan and 4 fast charge electric vehicle charging points along with passive provision to allow for future connections of e-vehicles. It is recommended that these requirements are included as a condition in the approval document.*

12.55 It is therefore considered that subject to conditions the proposal would comply Policy SA38 of the Site Allocations Development Plan Document and policy 8 of the Neighbourhood Plan.

## Drainage

12.56 Policy DP41 of the District Plan states:

*Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.*

*Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.*

*Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.*

*For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.*

*SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.*

*The preferred hierarchy of managing surface water drainage from any development is:*

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

*Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.*

12.57 Policy 4 of the Neighbourhood plan relates to managing surface water and states:

*Technical proposals which seek to reduce the risk of surface water flooding will be supported. Development proposals should seek to reduce existing run-off rates in the first instance. Development proposals which incorporate sustainable drainage techniques to manage surface water will be supported. Where technically feasible sustainable drainage techniques should include infiltration measures that reflect natural drainage patterns and manage water as close to its source as possible.*

12.58 The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is within an area identified as having possible high to low surface water flood risk. Much of the surface water flood risk shown on the site is related to the Ordinary Watercourse located to the north of the site.

12.59 A number of objections to the application relating to drainage have been received. The objections consider that the details of the drainage should not be conditioned



and that the drainage systems should be finalised prior to any approval with further infiltration testing carried out on site, in addition the applicant does not own the access road and if rainwater is planned to cross the access road to discharge anything into the body of water north of Byanda, then third party consent would be required which is extremely unlikely to be given. It is pointed out that flooding has occurred on the site and the adjoining property in 2002.

- 12.60 The flood risk and drainage team have reviewed the submitted flood risk and drainage reports and initially commented in regard to the surface water drainage:

*The application is supported by an "FRA & Outline Drainage Strategy" report (Rev P10) dated December 2022. This report is an update to the same submitted under a previous planning application.*

*The surface water drainage strategy should be specific for this application and utilise current policy and guidance. The site's drainage opportunities are impacted by several site constraints, including flood extents, root protection zones and the proposed development footprint.*

*Due to the update in policy and guidance, and the constraints on site the team consider that an updated surface water drainage strategy is required.*

*Due to the scale of the development, we would advise the applicant that any proposed surface water drainage strategy should be investigated and designed to a level where the team can determine whether it is, in principle, a viable option.*

*The surface water drainage strategy should be specific for this application and utilise current policy and guidance.*

- 12.61 In regard to foul water the flood risk and drainage team commented:

- *Foul water drainage strategy incorporates a pumped foul system, with discharge connecting to a public foul sewer on London Road. This proposed connection would require drainage to be located beneath third party land and the adopted London Road.*

*The developer has a right to connect foul water drainage into a public sewer and public sewers can be constructed on behalf or by Water Authorities on third party land.*

- 12.62 Following the comments of the drainage team further information on flood risk assessment and the surface water drainage strategy for the site has been submitted and again reviewed. The Flood Risk and Drainage Team are now satisfied with the proposal, subject to conditions that require details of both water and foul water drainage to be finalised prior to any development taking place on the site and have in part commented:

- 12.63 *The principle of the flood compensation approach is considered appropriate for this application. The flood risk and drainage team recommend the finalised details are conditioned to ensure all landscaping, levels and boundary treatments can be incorporated and considered as part of the design.*

*The principle of surface water drainage is considered to have been met for this application. Significant details, including infiltration rates at the proposed soakaway/ infiltration tank location, have been provided to show the viability of using infiltration*

*as a means of drainage. The flood risk and drainage team recommend the finalised details are conditioned to ensure drainage is based on finalised development details and the latest design guidance*

*Consultation response from Southern Water confirms they can facilitate the foul water drainage connection. The principle of foul water drainage is considered to have been met for this application.*

- 12.64 While the concerns of the objectors are noted and understood in regard to the potential need for third party consents, all that is required at this stage is for the applicant to demonstrate that there is a drainage solution and whether that involves third party consent or not for the system to be implemented is outside of the remit of planning. However, it is clear that the drainage condition is a pre-commencement condition and therefore the final details will require approval before any work can commence on the site. If third party consent is required to implement a system and this is not forthcoming, then alternatives would need to be considered. Third-party agreements and consents are not planning issues and therefore, cannot influence the flood risk and drainage team's consultation response. As set out in the comments of the flood risk and drainage team the details submitted are satisfactory such that they are recommending approval in principle subject to conditions that require details to be finalised prior to any development taking place on the site.
- 12.65 It is noted that drainage issues did not form part of the reason for refusal of the previous application and in view of the above, it is considered that the proposal complies with Policy DP41 of the Mid Sussex District Plan and Policy 4 of the Neighbourhood Plan.

### **Trees**

- 12.66 Policy DP37 of the District Plan states in part that: *"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected."*
- 12.67 An Arboriculture Impact Assessment including a Tree Survey, Tree Removal and Tree Protection Plan have been submitted with the application and these have been reviewed by the Council's Tree Officer who has raised no objection subject to a landscaping condition, including a further Method Statement to be submitted. It is recommended that all boundary trees are native species and the use of non-native trees if deemed necessary is restricted to the internal planting areas.
- 12.68 It was previously noted that some of the objections were concerned over the potential for damage to the of the mature conifer hedge between the application site and Faerie Glen, however there is no protection of such a hedgerow under planning regulation. The hedge lies outside of the red line boundary, and should there be any damage to the hedge this would be a private matter and not a planning matter.
- 12.69 In view of the above and subject to a landscaping condition it is considered that the proposal would comply with policy DP37.

### **Ecology**

- 12.70 Policy DP38 of the District Plan relates to biodiversity and states:

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

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or toother areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

*Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks. Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.*

12.71 Para 180 of the NPPF highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible. In determining planning applications, para 180 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which include the following:

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

12.72 Some of the objections received relate to the potential loss of wildlife and habitats. The Council's Consultant Ecologist had reviewed the ecology reports submitted with the earlier application and has commented that as the proposal would involve the net loss of habitats, including those assessed to be Priority Habitats in the supporting ecological report, namely 2 x ponds and partial loss of a wooded area, without sufficient mitigation or compensation, and as such the proposals would be contrary to Policy DP38. Further information was also requested regarding great crested newts.

12.73 In regard to the current application the Council's Consultant Ecologist reviewed the ecology reports submitted with the application and initially requested further information regarding bats and also the Great Crested Newt. Following the receipt of the additional information and on the basis that only on day roost for a Soprano

Pipistrelle and that no trees containing potential bat roost features will be felled, the Consultant Ecologist confirmed that there was now sufficient ecological information available for determination and has raised no objection subject to conditions.

- 12.74 While the comments of the Ecologist are noted regarding the loss of habitat, the principle of the loss of the ponds and loss of some trees has already been established by the extant permission on the site for four large, detached houses (DM/16/4541), where the ponds were not retained and also included the removal of trees. In addition, the submitted landscaping scheme also shows replacement planting on the site. Therefore, it is considered that while there would be a loss of habitat and given the scale of the development and large footprint of the care home building, there is little opportunity for replacement habitat on site and while there is a conflict with policy DP38, this has to be weighed against the benefits of the proposals and the extant permission on the site, which is a material consideration.
- 12.75 Weighing in favour of the scheme is that the development will provide a new care home facility for which there is an identified need, described recently as '*critical*' by the Planning Inspectorate in the appeal referred to above, and would provide employment opportunities. The proposal would also result in construction jobs over the life of the build. These have already been set out in the report and in your Planning Officers view, should be afforded significant weight.
- 12.76 In addition, it is also relevant that the loss of the habitat has already been established by the extant permission for a residential development on the site (DM/16/4541).
- 12.77 It is therefore felt that overall, whilst the loss of habitat should be afforded significant importance and weight, on balance, the public benefits arising from the scheme (a new care home facility for which there is an identified need and employment opportunities) should be afforded significant weight and these are considered to outweigh the ecological harm identified. It is relevant that the ecology issues remain the same as for the previous application and ecology was not a reason for refusal.

### **Ashdown Forest**

- 12.78 Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).
- 12.79 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.76 A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

### **Recreational disturbance**

- 12.77 Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.
- 12.78 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.79 This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

### **Atmospheric pollution**

- 12.80 Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.
- 12.81 The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Site Allocations DPD, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

### **Conclusion of the Habitats Regulations Assessment screening report**

- 12.82 The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.
- 12.83 No mitigation is required in relation to the Ashdown Forest SPA or SAC.

### **Sustainability**

#### Sustainable Design and Construction

- 12.84 District Plan policy DP39 relates to Sustainable Design and Construction and states:

*"All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:*

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*

- Use renewable sources of energy;
- *Maximise efficient use of resources, including minimising waste and maximizing recycling/ re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

12.85 Principle DG37 of the Council's Design Guide deals with 'sustainable buildings' and states;

*'The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.'*

12.86 Hassocks Neighbourhood plan policy 5 states:

*Development proposals will be supported that maximise the opportunity to include sustainable design features, providing any adverse local impacts can be made acceptable. Residential development proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation. Proposals which make provision for charging electric vehicles at each dwelling (where feasible) and on-street; and making parking areas charging ready will be supported.*

12.87 It lists a number of issues that designers should consider, including, amongst others, the incorporation of renewable energy technologies.

12.88 Paragraph 154 of the NPPF seeks to ensure new development helps, *"to reduce greenhouse gas emissions, such as through its location, orientation and design.'* In determining planning applications paragraph 157 expects new development to, *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

12.89 Primarily a fabric-first approach has been taken in this case to minimise energy consumption, including the following:

- Very high levels of Insulation beyond the building regulations standard
- Good glazing and solar protection measures utilizing solar control glass
- Best practice airtightness measures.
- In addition, the document includes the following additional energy efficient measures;
- Solar hot water
- Photovoltaics (PV)
- Air source heat pump (ASHP)
- Most of the occupied rooms will have a good level of daylight.
- High-efficiency artificial LED lighting.
- Auto ON/OFF lighting control with occupancy sensors for internal spaces such as toilets and stores.
- High-efficiency, low water flow sanitary wares.
- Combination of natural and mechanical ventilation to provide long term comfort and energy saving.
- Combination of natural and mechanical ventilation to provide long term comfort and energy saving.

- 12.90 The submitted Sustainability assessment is considered acceptable in meeting the above policies and guidance in terms of sustainable design and construction. It should be noted that in respect of policy DP39 of the District Plan, the wording of this policy is supportive of improving the sustainability of developments, but there are no prescriptive standards for developments to achieve in respect of carbon emission reductions.
- 12.91 Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

#### The accessibility of the site

- 12.92 The accessibility of the site, or the sustainable location of it is also a key consideration. MSDP Policy DP21 relates to transport and requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*
- 12.93 While the site is set within the Countryside, as defined in the District Plan, given the location of the site which is virtually adjacent to the built-up edge of Hassocks, where there are a number of services, it is considered that the location of the site is sustainable. There are local bus services nearby and Hassocks railway station is also a short distance from the site.
- 12.94 Active' charging points for electric vehicles are proposed minimum for a of 20% of all parking spaces with ducting provided at all remaining spaces which can be conditioned.
- 12.95 The proposal is therefore considered acceptable in terms of the accessibility of the site.
- 12.96 In view of the above it is considered that the proposal satisfactorily complies with the requirements of policy DP39.

#### **Infrastructure**

- 12.97 Policy DP20 requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.
- 12.98 The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:
- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
  - b) An Affordable Housing SPD

c) A Development Viability SPD

12.99 The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 55 and 57. Respectively, these paragraphs state:

*'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'*

and:

*'Planning obligations should only be sought where they meet all of the following tests:*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.'*

12.100 These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

12.101 West Sussex County Council Contributions:

Libraries: £11,826

TAD: £52,701

District Council Contributions:

12.102 In this instance, the Community Facilities Project Officer has confirmed that they do not require a financial contribution toward off-site leisure infrastructure, as this is a residential care home providing nursing support for residents, there is no requirement for contributions toward outdoor play provision, formal sports or community buildings.

12.103 These contributions would need to be secured through an appropriately worded Section 106 planning obligation. The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan.

**Water Infrastructure**

12.104 Policy DP42 in the DP states in part *'Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;*

- *that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and*
- *that there is adequate water supply to serve the development'*

12.105 South East water are the water supply company for this area. The applicant has submitted evidence from South East water in the form of a quotation for connection to the water supply should the application be approved and this considered



sufficient to show that there is sufficient water supply for the development in the case.

12.106 It is therefore considered that the application would comply with policy DP42.

### **Equality Act 2010**

12.107 Representations have been received regarding the gradient of the access road from the Brighton Road, which states that there would be an impact on the residents who are likely to have a disability and that the Council's public sector equality duty is therefore engaged. The representation also states that the gradient also means the operator of the care home cannot comply with its duty under section 29 of the Equality Act 2010.

12.108 Local authorities are under a duty not to discriminate as both service providers and exercisers of public functions under the Equality Act 2010. They are also subject to the public sector equality duty (section 149 of the Equality Act 2010). This imposes a procedural requirement when the authority exercises its functions, including meetings, to have due regard to the need to: eliminate discrimination, advance equality of opportunity between those with protected characteristics and those without and foster good relations between those with protected characteristics and those without when carrying out their activities.

12.109 Having due regard for advancing equality involves:

Removing or minimising disadvantages suffered by people due to their protected characteristics; Taking steps to meet the needs of people from protected groups where these are different from the needs of other people, including steps to take account of disabled persons' disabilities; Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

12.110 The Act also states that meeting different needs involves taking steps to take account of disabled people's disabilities.

12.111 The duty is personal to the decision maker who must direct their mind to the obligations. There must be a proper and conscious focus on the statutory criteria and appreciation of the potential impact of the decision on equality. The substance and reasoning must be examined. A properly informed rational view must be taken on the extent of the likely impact. There does not however need to be a formal impact assessment. The absence of it will not make the decision unlawful. But there has to be collection and consideration of information to enable the Council to assess whether the decision would amount to unlawful discrimination or impact on the promotion of equality of opportunity or impact on the promotion of good relations and if so, the extent, nature and duration of that impact.

12.112 In view of the above, following discussions with the applicant, they have now submitted an access management policy with a prerequisite that states the access requirements of residents would be subject to assessment and form part of their agreed care package: *' However, given the high dependency nature of the care home it is not expected that any residents would be able to make any journeys to and from the site independently or unaided. In any event, assistance would of course be provided to residents and agreed as a matter of course as part of their care package.'*

12.113 The access management policy includes a general policy to ensure that the details of the access and the gradient from Brighton Road to the care home would be included on the web-site and all printed details of the care home and made known to relevant adult care services partners, prospective residents, their families and potential employees. There would also be a designated Access Manager (likely to be the Care Home manager) to manage and monitor access support arrangements. In addition, signage and an intercom would be provided at the entrance of the site to allow direct contact with the care home should that be necessary.

12.114 More specifically for residents and staff the following is proposed:

*All residents will be provided with all the support required to access and exit the site. These arrangements will be agreed and monitored as part of the agreed care package and day to day support can be requested as required. This will, as in other cases, take the form of direct physical support from a member of staff (or more as required) or the arrangement of accessible transport (likely a wheelchair accessible taxi hire vehicle) to and from the site.<sup>2</sup> The physical support will take the form of direct support (ie taking an arm as the individual walks, with the use of mobility aids if necessary or handling and pushing the wheelchair).*

*Where employees require support, this will be arranged as part of induction and will again take the form of physical support or the arrangement of accessible transport to and from the site.*

12.115 In regard to visitors the policy states:

*As part of the assessment and induction process for residents contact information will be requested from residents (and/or family and friends) so that likely visitors will be informed directly by letter (and email if available) of the access arrangements and the support available.*

*Where new visitors contact the Care Home to enquire about visiting, they will be informed of the access arrangements and the support in place. Where visitors new to the care home arrive unannounced, which in Barchester's experience occurs only rarely, and they do need support, then as noted earlier, signage and an intercom at the site entrance will be available to request support.*

*In such cases the visitor, after being assisted to access the care home, will be informed of the support available, included as noted earlier, the scope to arrange a suitable pick up point with a wheelchair accessible vehicle for future visits.*

12.116 As set out above in the Access and Transport section of the report the LHA did question whether the applicant was able to consider whether it was appropriate and indeed achievable to improve the gradient of the access road. However, in this case the access road is not possible to amend due to it serving other properties and it is also not in the ownership of the applicant, although the applicant has access rights over. Therefore, given that the proposed access arrangements to the site are constrained by the private ownership of the access way, it is considered that a future care home operator could be considered to have made all reasonable adjustments through on site provision that includes, disabled parking and the details set out in the access management policy with an intercom system on the Brighton Road.

- 12.117 A condition forms part of the recommendation to ensure that the access management policy is implemented and thereafter maintained and carried out for the duration of the development.
- 12.118 In view of the above it is therefore considered that the Council's public sector equality duty; to have due regard to the need to not to discriminate as both service providers and exercisers of public functions under the Equality Act 2010, has been sufficiently undertaken in the consideration of this planning application.

### **Other matters**

- 12.119 All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.
- 12.120 Noise and disturbance during construction is unavoidable however a condition requiring the submission and approval of a Construction Management Plan and conditions restricting hours of work and deliveries form part of the recommendation

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

- 13.1 This application seeks planning permission for the demolition of Byanda (a single residential property and ancillary buildings) and the erection of a 60 bedroom residential care facility, with associated access, ground works, car parking, servicing, private amenity space, landscaping and boundary treatment.
- 13.2 The application is a resubmission following the refusal of application DM/21/1653 for a 60 bed care home which was recommended for approval by officer and refused by the District Planning Committee Members on 20<sup>th</sup> October 2022. The application was refused as members considered the proposal to be an overdevelopment of the site due to the proposed footprint, scale and mass with limited open space and its considerable size and scale was considered to be out of character with the area. The applicant has appealed the refusal and a hearing is scheduled for 13<sup>th</sup> September 2023.
- 13.3 The application differs from the refused application, as in seeking to address the previous reason for refusal, while the number of bedspaces remains the same, the total floor area of the care home has been reduced by 86sqm and the ground floor footprint of the care home has been reduced by 35sqm. The reduction in the footprint of the ground floor has been achieved by reducing the size of the entrance foyer.
- 13.4 Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the proposed scheme does not comply with certain aspects of the Development Plan, other material considerations need to be considered in determining the application, including the (National Planning Policy Framework) NPPF.
- 13.5 The development would provide specialist accommodation for elderly people, which is a type of accommodation where there is a recognised need (national guidance in the PPG states that the need to provide housing for older people is 'critical'). The consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy, which was published on 22nd December 2022 states that 'This government is committed to further improving the diversity of housing options available to older

people and boosting the supply of specialist elderly accommodation', thereby making it clear that the intention is to carry forward this commitment to improve the delivery of housing for elderly people when the NPPF is updated in due course.

- 13.6 In this part of Mid Sussex the development plan comprises the District Plan (DP), the Site Allocations Development Plan Document (SADPD), and the Hassocks Neighbourhood Plan (HNP).
- 13.7 National policy (which is contained in the NPPF and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.
- 13.8 In this case the development lies in the countryside, outside of the built-up area of Hassocks and therefore the development needs to be assessed against policy DP12 of the District Plan. It is clear that a fundamental principle of policy DP12 is that the countryside is protected for its intrinsic beauty. Development can be permitted where it maintains or enhances the quality of the rural landscape character of the District, and it is supported by a policy reference elsewhere in the DP, a development plan document or a neighbourhood plan.
- 13.9 In this case the development is also not isolated or in open countryside, there is existing development on the site, and it is considered that the building would be well designed and landscaped, it is not felt that there would be harm to the countryside from this development. While Policies DP25 and DP30 of the Mid Sussex District Plan provide clear support for specialist accommodation which is further supported by the adopted Site Allocations DPD.
- 13.10 It is also a material planning consideration that there is an extant planning permission for the demolition of the existing dwelling and associated structures and the erection of four dwellings (DM15/2400), a lawful start on implementing this planning permission has taken place on the site and therefore this permission remains extant.
- 13.11 The proposal is therefore considered to comply with DP12 and is acceptable in principle. Whilst it does not fully comply with the locational criteria of SA39, there are other material considerations outlined in this report which justify a permission in this particular case.
- 13.12 Weighing against the proposal, in relation to ecology issues, it that it is considered that would be a loss of habitat as a result of the proposals and therefore there is a conflict with policy DP38. However, this has to be weighed against the benefits of the proposals and the extant persimmon on the site, which is a material consideration.
- 13.13 The proposed design, layout and scale of the development is considered acceptable, and it would not cause harm to the character and appearance of the area. It is not considered to cause significant harm to the neighbouring amenities.
- 13.14 Weighing in favour of the scheme is that the development will provide new care home facility for which there is an identified need and would provide employment opportunities. The proposal would also result in construction jobs over the life of the build.

- 13.15 There will be a neutral impact in respect of highway safety, drainage, trees, contamination, and there will be no likely significant effect on the Ashdown Forest SPA and SAC.
- 13.16 It is therefore felt that overall, whilst the loss of habitat should be afforded weight, on balance, the public benefits arising from the scheme (a new care home facility for which there is an identified need and employment opportunities) should be afforded significant weight and these are considered to outweigh the ecological harm identified.
- 13.17 In addition, it is also relevant that the loss of the habitat has already been established by the extant persimmon for a residential development on the site (DM/16/4541).
- 13.18 Due regard has also been given to the public sector equality duty (section 149 of the Equality Act 2010).
- 13.19 Therefore, on balance, it is recommended that this application is approved.
- 13.20 The application is thereby considered to comply with policies DP1, DP6, DP12, DP17, DP20, DP21, DP25, DP26, DP29, DP30, DP37, DP39, DP41 and DP42 of the District Plan, policy SA38 of the SADPD, policies 4,5,8 and 9 Neighbourhood Plan, The Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".  
  
Reason: For the avoidance of doubt and in the interest of proper planning.
3. 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 Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters, the anticipated number, frequency and types of vehicles used during construction, the method of access and routing of vehicles during construction, the parking of vehicles by site operatives and visitors, the loading and unloading of plant, materials and waste, the storage of plant and materials used in construction of the development, the erection and maintenance of security hoarding, 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), details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy DP21 of the Mid Sussex District Plan.

4. Hours for operational deliveries: No commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled within the application site outside the hours of 07:30 - 18:00 Hours Monday - Friday, 09:00 - 17:00 Hours, Saturday, none permitted on Sundays or Bank/Public Holidays.

Reason: to protect neighbouring amenities and to accord with MSDC Policy DP29: Noise, Air and Light Pollution.

5. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority samples and details of materials and finishes to be used for external walls , windows, doors and roofs of the proposed building. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

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 the District Plan 2014 - 2031.

6. 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).

7. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Potential Site Access Arrangement and numbered ITB15452-GA-006 Rev. E.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan.

8. No part of the development shall be first occupied until visibility splays of 2.4 metres by 60 metres have been provided at the proposed site vehicular access onto Brighton Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan.

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

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

10. 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 Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- o o the anticipated number, frequency and types of vehicles used during construction,
  - o o the method of access and routing of vehicles during construction,
  - o o the parking of vehicles by site operatives and visitors,
  - o o the loading and unloading of plant, materials and waste,
  - o o the storage of plant and materials used in construction of the development,
  
  - o the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), o details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy DP21 of the Mid Sussex District Plan.

11. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

12. No part of the development shall be first occupied until a minimum of 20 % of the spaces have been provided as electric vehicle charging space(s) to meet a minimum of 7kw have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan

13. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, 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, details of the plants in the green wall, the treatment of the boundaries and the defensible space around the ground floor bedrooms these works shall be carried out as approved.

Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the District Plan

14. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Tim Moya Associates, December 2022) and the Bat Survey and Mitigation Report (Tim Moya Associates, November 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.  
This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

15. No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.  
The Reptile Mitigation Strategy shall include the following.
- a) Purpose and conservation objectives for the proposed works.
  - b) Review of site potential and constraints.
  - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
  - d) Extent and location/area of proposed works on appropriate scale maps and plans.
  - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
  - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
  - g) Persons responsible for implementing the works.
  - h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
  - i) Details for monitoring and remedial measures.
  - j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.



16. No development shall commence until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

17. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Tim Moya Associates, December 2022).

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

18. The development hereby permitted shall not be occupied/brought into use until there has been submitted and be approved in writing by, the local planning a Landscape and Ecological Management Plan (LEMP)

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.

- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF

19. The development hereby permitted shall not be occupied/brought into use until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

20. No trees, shrubs or ivy shall be removed between the beginning of March and end of August unless first checked, immediately beforehand, by a suitably qualified ecologist / wildlife consultant and declared to be free of nesting birds.

Reason: to prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

21. Should any evidence be found of great crested newts on site at any stage of development, any exterior works must cease until a suitably qualified ecologist / wildlife consultant has advised on suitable mitigation. If works cannot proceed without an offence being committed, a licence must first be obtained from Natural England.

Reason: to prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

22. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
- a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways for exposure to contaminants that may occur both during and after development;  
and unless otherwise agreed in writing by the LPA,
  - b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013. The report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that it will be made so by remediation;  
and, unless otherwise agreed in writing by the LPA,
  - c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risks from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person to oversee the implementation and completion of the works.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

23. The development hereby permitted shall not be occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority verification by the competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of conditions (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not limited to):
- a) Description of remedial scheme
  - b) as built drawings of the implemented scheme
  - c) photographs of the remediation works in progress
  - d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.
- Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (1)c.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

25. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale sections and elevations that show the following in context:

- o The entrance bay in full including the balcony/balustrading/timber surrounds/gable roof/ entrance door and canopy,
- o o The roof/eaves/dormer/gutter/inset downpipe details,
- o o The green wall
- o o The projecting brick detail,
- o o Other typical window details,
- o o The accommodation of photovoltaics on the roof;

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 the District Plan 2014 - 2031.

26. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority details and specifications of solar control to the windows serving the south and west facing private rooms.

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

27. The development hereby permitted shall not be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, details of the intercom system to be installed at the junction of the Brighton Road and access road to the site. The approved details shall be installed before occupation of the building hereby permitted and maintained for the lifetime of the development

Reason: To ensure that any future residents, staff and visitors to the site with a disability are able to access the site in accordance with policy DP28 of the District Plan.

28. The details set out in the submitted Access Management Policy dated September 2022 shall be fully implemented before occupation of the building hereby permitted and maintained for the lifetime of the development.

Reason: To ensure that any future residents, staff and visitors to the site with a disability are able to access the site in accordance with policy DP28 of the District Plan.

29. Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. The development shall only be implemented in accordance with the approved details and no dwelling hereby approved shall be occupied until such time as the approved fire hydrants have been installed and are operational.

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

#### INFORMATIVES

1. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
2. The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing.  
  
These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
3. 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 advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
4. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority 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. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

5. 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### **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	34484-A-01-001	P2	03.01.2023
Existing Block Plan	34484-A-02-001	P2	03.01.2023
Proposed Block Plan	34484-A-02-101	P2	04.01.2023
Site Plan	34484-A-02-102	P1	03.01.2023
Existing Floor Plans	34484-A-03-001	P1	03.01.2023
Proposed Floor Plans	34484-A-03-101	P1	03.01.2023
Proposed Floor Plans	34484-A-03-102	P1	03.01.2023
Proposed Floor Plans	34484-A-03-103	P1	03.01.2023
Proposed Floor Plans	34484-A-03-104	P1	03.01.2023
Proposed Roof Plan	34484-A-03-105	P2	04.01.2023
Existing Sections	34484-A-04-001	P2	03.01.2023
Proposed Sections	34484-A-04-101	P1	03.01.2023
Proposed Sections	34484-A-04-102	P1	03.01.2023
Existing Elevations	34484-A-05-001	P1	03.01.2023
Proposed Elevations	34484-A-05-101	P1	03.01.2023
Proposed Elevations	34484-A-05-102	P1	03.01.2023
Proposed Elevations	34484-A-05-103	P1	03.01.2023
Proposed Elevations	34484-A-05-104	P1	03.01.2023
Landscaping Details	200120-LP-11	G	03.01.2023
Landscaping Details	200120-LP-1000	G	03.01.2023
Landscaping Details	TMA-200120-L-10	E	03.01.2023

## APPENDIX B – CONSULTATIONS

### Urban Designer

I have no objection to the amendments which do not alter my design comments (attached) for previous application which remain the same:

The revised drawings show the building footprint reduced allowing for more open space and soft landscaping around the building on the south east and south west side especially. The design is otherwise largely the same as before and my comments are therefore mostly the same (as below). While the elevations have now been produced at 1:100 scale (instead of 1:200) to show slightly more detail, I still feel it is necessary to require construction type detailed drawings at 1:20 scale to secure the quality of the scheme. I would also like an additional condition to be included stipulating solar glass in the south and west facing private residential rooms to address potential overheating problems during the summer months. I would recommend that the landscape condition covers the green wall too.

### Building Design and Massing

While the site is outside the defined settlement boundary, it is surrounded by existing development that is mainly characterised by suburban houses. The proposed three storey building will be bigger and taller than the surrounding two storey houses. Nevertheless, its size and scale will be mitigated by the following:

- The topography and set back arrangement of the site in relation to Brighton Road ensures that the building should sit comfortably with its surrounds. In particular, the site is set down the equivalent of one storey below the level of North Dean and South Dean Houses that are positioned between the application site and Brighton Road. Because the ground floor will be one storey lower, the proposed building will not appear to be higher than the houses.
- The substantial garden centre with its extensive single storey shed structures immediately to the south of the site gives the surrounds a more diverse character.
- The vertically articulated elevation helps to break down the scale of the building.
- The landscaping plan incorporates trees and soft landscaping around the building that together with existing surrounding trees and hedges will soften and help screen the development including from Brighton Road.

The building design displays underlying architectural integrity and benefits from being holistically designed through the successful coordination of proportions, materials, colour and detail. This has been aided by the amendment of the west elevation in line with the DRP's previous advice as the loss of the central gable allows the central bay to be more consistently organised and enables the gabled bay on the north west corner to be more clearly read as the principal part of the façade incorporating the main entrance. The crisp contemporary detailing employs a brick façade which is combined with timber cladding that together with the gables and window proportions are employed to re-interpret the design and detailing of late 19<sup>th</sup> C/ early 20<sup>th</sup> C houses in the local area. The Design and Access Statement illustrates the detailing and how the rainwater downpipes and hidden gutters will be discreetly accommodated; 1:20 scale drawings will nevertheless be needed to secure the quality of the design.

The elevations show timber employed around the projecting balconies that will ensure a natural finish on these prominent parts of the building; while "timber effect" is being used on

some of the building face (because of fire risk / insurance reasons) it is limited to the recessed bays and is intended to be a composite that includes timber.

## **Layout**

The building occupies a large part of the site. It nevertheless incorporates usable outdoor spaces that have been carefully landscaped. Setting the building away from the south boundary reduces the impact of the building along this boundary where it will be most visible from Brighton Road.

The ground floor dining area is well positioned in relation to the outside courtyard and the upper floors benefit from balconies attached to the communal rooms.

Internally the scheme has been improved since the February DRP meeting with the inclusion of glazed internal walls serving the communal rooms that provides natural light into the long internal corridors.

While car parking dominates the forecourt area it is softened by planting all around it and will be made a more comfortable space with the incorporation of block paving.

## **Overall Assessment**

The layout, landscaping and building design has been well thought through and while the building is appreciably bigger than the neighbouring houses this has been mitigated by its position, topography and design. Consequently, the proposal should sit comfortably in its context and sufficiently addresses policy DP26 of the District Plan and the principles set out in the Council's Design Guide SPD. The scheme is also supported by the DRP. For these reasons, I raise no objections to the planning application but would recommend conditions are included that require the approval of the following further drawings and information:

- Detailed soft and hard landscaping plan including the plants in the green wall and the treatment of the boundaries and the defensible space around the ground floor bedrooms;
- Details of the facing materials including windows;
- Detailed 1:20 sections and elevations that show the following in context:
  - The entrance bay in full including the balcony/balustrading/timber surrounds/gable roof/ entrance door and canopy,
  - The roof/eaves/dormer/gutter/inset downpipe details,
  - The green wall
  - The projecting brick detail,
  - Other typical window details,
  - The accommodation of photovoltaics on the roof;
- A commitment to a renewable energy strategy (as requested by the DRP) that reflects the provisions in the Design and Access Statement and the inclusion of PV panels as featured on page 27 of the latest DRP presentation.
- The windows serving the south and west facing private rooms, should feature solar control glass (specifications to be provided/agreed).

## **South Downs National Park**

Thank-you for consulting the South Downs National Park on application DM/230002 which is a resubmission of a similar proposal that was previously refused.



The Authority previously objected to the previous, refused scheme due to harmful visual impacts on the setting of the National Park landscape; impacts on the amenity of users of public rights of way within the National Park; and potential visual impacts when viewed from Wolstonbury Hill, by reason of the building's height, scale, massing and appearance. Although the current proposals reduce the ground floor GIA by a nominal 35sqm, no changes have been made to the scale, height and massing of the development. The building would therefore still present along its southern elevation as a large, three storey block with a wide expanse of glazing.

The application is supported by a Landscape and Visual Impact Assessment, which is welcomed in

principle, however this makes only a cursory assessment of impacts upon the landscape designation.

Despite requesting the accompanying appendices to be made public these are still not in the public

domain, and the supporting photographs and other visual evidence is absent. The lack of any notable associated adverse effect on the setting of the National Park has therefore not been demonstrated, and the Authority's concerns regarding visual impacts upon the National Park and its setting have not been addressed. The comments previously provided by the Authority are still relevant and are included below. The inclusion of low transmittance glazing and automated black blinds are to be installed on the west and south facing elevations to prevent/minimise harmful light spill is welcomed and should be secured by condition if the application is approved.

### **SDNPA's response SDNPA's response to the previous application**

The Authority wishes to object to the application proposals as outlined below.

#### **Landscape and Visual Impacts**

Under 11A (2) of the National Parks and Access to the Countryside Act (1949), any relevant authority, including Local Planning Authorities, must have regard to National Park purposes, in particular the first purpose which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. In this case, the site is located to the south of the settlement boundary of Hassocks, within 100m of the National Park Boundary. Potential impacts on the setting of the National Park, a nationally designated landscape, are therefore a key consideration here. The Authority raises concerns that none of the supporting documentation makes any reference at all to the National Park or its setting, and it is unclear how the applicant has considered potential impacts on the National Park or its setting at any stage of the design process.

Whilst the submitted D&A references examples of buildings with a similar height and massing that may be found within the settlement of Hassocks, this is a sensitive edge of settlement location, outside the built up area, where regard must be had to the rural setting of the National Park. The D&A offers the view that the building would be a "transitional site" and "appropriate to the surrounding context." The Authority disagrees with this assessment; the building appears to simply replicate other large buildings within the settlement, and fails to mediate in any way between the built up area to the north and the designated countryside beyond.

Given the height, scale and massing of the new building, which would present along its southern elevation as a large, three storey block with a wide expanse of glazing, there would likely be clear views of the development from footpath 11C to on the approach to Ockenden Shaw from the south, and as it passes the east of Stonecroft Copes. Although there are number of trees between the development site and the footpath, these are sporadic and semi-mature, and it is unlikely that they would offer any significant screening. The buildings along the western side of the A273/Brighton Road are also only 1.5 storeys in height, and would not prevent views of the building. Although some tree planting is suggested along the southern boundary, this is indicated to be an orchard, so tree heights are unlikely to offer any softening of views into the site from the south or south-west. Concerns are therefore raised

with regard to visual impacts on the amenity of users of rights of way within the National Park due to the overbearing height, scale, massing and appearance of the building and the potential for glint and glare from glazing, unless non reflective glass is secured.

Wolstonbury Hill, which lies approximately 2km to the south west is a key landmark and viewpoint in the South Downs identified as WP29 in the SDNPA's View Characterisation and Analysis Study and the associated ZTV indicates that buildings of between 10-25m in height in the proposal location would be visible. Concerns are therefore also raised with regard to visual impacts on views from Wolstonbury Hill, and the potential for the development to impact on the visual integrity, identity and scenic quality of the National Park, through failing to conserve and enhance key views.

Given the above, as a minimum a Landscape and Visual Impacts Assessment should be provided to fully assess impacts to the National Park and its setting, and views from Wolstonbury Hill. However it is the view of the Authority that even if the application identifies and acknowledges the landscape and visual harm, the proposal is unlikely to be capable of successfully mitigating impacts due to the proposed height, scale, massing and appearance of the building.

### **Dark Night Skies**

The South Downs National Park is a designated International Dark Sky Reserve and dark skies and

tranquillity are two of the National Park's special qualities that need to be protected from harmful

development. Paragraph 180(c) of the NPPF 2018 outlines that development should limit the impact of light pollution on intrinsically dark landscapes and nature conservation. The application gives no

consideration to impacts upon the Dark Night Sky reserve. Any new development close to the National Park's boundary should have a sensitive approach to glazing and external lighting which conforms the Institute of Lighting Professionals for lighting in environmental zones, and tries to achieve zero upwards light spill in all respects. The external lighting scheme should also take into account the biodiversity sensitivities of the National Park, which is in close proximity in this

location, and not disturb or harm wildlife. The Council's biodiversity officer should be able to advise

further on this. Further information/advice on sensitive lighting can be found in the SDNPA's Dark Skies

Technical Advice Note which is available via the following link

<https://www.southdowns.gov.uk/wpcontent/uploads/2018/04/TLL-10-SDNPA-Dark-Skies-Technical-Advice-Note-2018.pdf>

Given the extent of glazing proposed, it is likely that the development will cause harmful light pollution from light-spill. If minded to approve the application, officers recommend that the following is secured via appropriately worded planning conditions with the intention of limiting light pollution and disturbance to wildlife:

- o Full details of any external lighting (both during and after the construction period)
- o Low-transmittance glazing and automated black out blinds

### **Summary**

In summary, the South Downs National Park Authority objects to the proposal due to harmful visual

impacts on the setting of the National Park landscape; impacts on the amenity of users of public rights of way within the National Park; and potential visual impacts when viewed from Wolstonbury Hill, by reason of the building's height, scale, massing and appearance.

If there are any material changes to the proposals, the Authority would ask to be re-consulted.

## **West Sussex County Council**

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been consulted on proposals for 60 bed care home and associated works. The LHA previously provided comment under DM/21/1653 to which no highways objections were raised. The application was refused at committee with reason of over development/ scale. This resubmission therefore reduces the footprint of the building whilst retaining the 60 bed use.

The proposed access works to the existing crossover, including linking footway, and internal layout and car parking arrangements are identical to the previous submission and therefore the LPA should refer to previous comments where no objection was raised in highway safety or road network capacity terms.

The Travel Plan

was also previously approved and should be secured through legal agreement with monitoring fee of £3500. The LHA now advise that access works are secured via legal agreement along with the Travel Plan and associated monitoring fee of £3500. If the LPA are minded to secure access through condition instead then these are included below, along with other highways related conditions advised.

### **Access**

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Potential Site Access Arrangement and numbered ITB15452-GA-006 Rev. E.

Reason: In the interests of road safety.

### **Visibility**

No part of the development shall be first occupied until visibility splays of 2.4 metres by 60 metres have been provided at the proposed site vehicular access onto Brighton Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

### **Vehicle parking and turning**

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

Reason: To provide adequate on-site car parking and turning space for the development.

### **Construction Management Plan**

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 Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- 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), details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

**INFORMATIVE**

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

### **Environmental Health**

I have no objections to this application. However, during the implementation phase it will be necessary to control emissions of noise and dust to protect local amenity. I therefore recommend a construction environmental management plan (CEMP) is required by a suitable condition. It is noted that mitigation measures for dust impacts during the construction phase have been identified in the "Air Quality Assessment" prepared by Ramboll dated January 2021 (project no. 1620009452). It would be expected that, amongst other things, within the CEMP there is a commitment to restrict hours of work activities, including demolition, site clearance, construction, deliveries, loading and unloading, to the following:

0800-1800 Monday to Friday

0900-1300 Saturdays

No work on Sundays and Bank Holidays

It would also be expected that there is a prohibition on burning of demolition and other waste on site and that best practice measures are specified to minimise noise and dust from crossing the site boundary and affecting local residents.

Recommended condition:

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

## Air quality

The development site is close to the air quality management area at Stonepound Crossroads in Hassocks. The "Air Quality Assessment" prepared by Ramboll dated January 2021 (project no. 1620009452) is therefore welcomed as this quantifies the air quality impact during both the implementation and operational phases of the development. The conclusions and recommendations in the report are accepted. This includes an emissions and damage cost calculation which has led to the proposed mitigation of a travel plan and 4 fast charge electric vehicle charging points along with passive provision to allow for future connections of e-vehicles. It is recommended that these requirements are included as a condition in the approval document.

## Operational phase

The plans show that there will be a kitchen, plant room and tank room on the lower ground floor level. There are no details of the extraction system for the catering unit nor are their details of the plant to be located in the lower ground floor rooms all of which have the potential to cause noise and odour impacts on nearby residents as well as residents within the care home itself. To ensure that there is no significant adverse impact on residential amenity for those in the vicinity, prior to plant, machinery and any extract system for the kitchen coming into use, an assessment of the impacts should be undertaken for noise and odour. This could be dealt with by condition in the decision notice.

### Recommended conditions:

Any kitchen extraction system serving the catering unit shall not come into use until a scheme for the installation to control emissions of fumes and odour has been submitted to and approved in writing by the LPA and the scheme as approved has been implemented. The submitted odour control scheme shall be in accordance with current best practice and shall include an odour risk assessment, as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours.

The use hereby permitted shall not come into use until a scheme has been submitted to the LPA demonstrating that the noise rating level (L<sub>Ar</sub>,Tr) of plant and machinery within the build shall be at least 5dB below the background noise level (L<sub>A90,T</sub>) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

### **Aboriculturist**

I note the footprint of the development on this latest application has been reduced and consequently should allow for the planting of native species around the boundaries to mitigate for the loss of a number of trees, and should enable them to successfully establish and grow to their full potential.

I would suggest a further Method Statement is submitted particularly with regard to those details that have not yet been finalised and may subsequently impact the RPA of retained trees.

Furthermore a detailed landscaping plan should be supplied giving details of planting specifications and after care management and it would be recommended that all boundary trees are native species and the use of non-native trees if deemed necessary is restricted to the internal planting areas.

## **Community Facilities Project Officer**

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

## **Ecologist**

Comments dated 14 March 2023

### **Summary**

We have reviewed the Preliminary Ecological Appraisal (Tim Moya Associates, December 2022) and the Bat Survey and Mitigation Report (Tim Moya Associates, November 2020) supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation.

We note from the Bat Survey and Mitigation Report (Tim Moya Associates, November 2020) that a Bat Mitigation Class Licence will be used to register the site before commencement of any works and recommend that evidence of site registration for a Bat Mitigation Class Licence is secured by a condition of any consent. This is because there is one Soprano Pipistrelle day roost in the hanging tiles of Building B1. The mitigation measures, including erection of at least one new bat box elsewhere within the site prior to dismantling bat roost features, hand-dismantling under supervision of the licensed ecologist and inspection of crevices and other features which cannot be dismantled by hand by endoscope prior to works, are specified in Section 5.8 of the Bat Survey and Mitigation Report (Tim Moya Associates, November 2020).

We understand that no trees containing potential bat roost features will be felled. However, if the plans change in the future, any trees to be affected must be subject to further bat surveys prior to determination and the results submitted to the LPA, including any mitigation measures to support a lawful decision, according to Government Standing Advice.

We note that the Preliminary Ecological Appraisal (Tim Moya Associates, December 2022) recommends eDNA surveys of Pond P3. However, as access to this pond has been denied, we support the implementation of a non-licensed GCN Precautionary Method Statement (Preliminary Ecological Appraisal (Tim Moya Associates, December 2022)).

As the site provides suitable habitat for reptiles, we also support the implementation of a reptile mitigation strategy (Preliminary Ecological Appraisal (Tim Moya Associates, December 2022)). The strategy should be secured by a condition of any consent and implemented in full.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation and enhancement measures identified in the Preliminary Ecological Appraisal (Tim Moya Associates, December 2022) and the Bat Survey and Mitigation Report (Tim Moya Associates, November 2020) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species. The finalised measures should be provided in a Construction and Environmental

Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent for discharge prior to slab level.

The proposed enhancement measures, including a wildlife pond, planting shrub species identified on the RHS 'Plants for Pollinators' lists, native tree species and species-rich wildflower grassland, together with maintaining a mosaic of habitats including bare ground, short and tall grass, tussocks and a variety of plants (Ecological Impact Assessment (The Landscape Partnership, June 2022)) should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife. The grassland should be cut once or twice a year. The specifications and locations of the additional hibernacula for reptiles, amphibians and small mammals, log or stone piles, bat and bird boxes and hedgehog boxes and holes for hedgehogs in fencing should also be identified in the LEMP. The LEMP should be secured by a condition of any consent and implemented in full.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Bat Survey and Mitigation Report (Tim Moya Associates, November 2020)). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures will be implemented:

- • Light levels should be as low as possible as required to fulfil the lighting need.
- • Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- • The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- • Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

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

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

#### **Recommended conditions**

### **1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

*"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Tim Moya Associates, December 2022) and the Bat Survey and Mitigation Report (Tim Moya Associates,*

November 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

*This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”*

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

## **2. PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF BATS: SUBMISSION OF EVIDENCE OF SITE REGISTRATION UNDER A BAT MITIGATION CLASS LICENCE FOR BATS**

*“Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:*

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or*
- c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”*

## **3. PRIOR TO COMMENCEMENT: REPTILE MITIGATION STRATEGY**

*“No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.*

*The Reptile Mitigation Strategy shall include the following.*

- a) Purpose and conservation objectives for the proposed works.*
- b) Review of site potential and constraints.*
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.*
- d) Extent and location/area of proposed works on appropriate scale maps and plans.*
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.*
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.*
- g) Persons responsible for implementing the works.*
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).*
- i) Details for monitoring and remedial measures.*
- j) Details for disposal of any wastes arising from works.*

*The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”*

**Reason:** To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species)

## **4. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY**

*“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.*

*The CEMP (Biodiversity) shall include the following.*

- a) Risk assessment of potentially damaging construction activities.*



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

*The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”*

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

## **5. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT**

*“A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Tim Moya Associates, December 2022), shall be submitted to and approved in writing by the local planning authority.*

*The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.”*

**Reason:** To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

## **6. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN**

*“A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.*

*The content of the LEMP shall include the following:*

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

*The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”*

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

## **7. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

*“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.*

*All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”*

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

Comments dated 15<sup>th</sup> February

### **Summary**

We have reviewed the Preliminary Ecological Appraisal (Tim Moya Associates, December 2022), supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats, and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination. This is because the Preliminary Ecological Appraisal (Tim Moya Associates, December 2022) concludes that further bat surveys must be undertaken between May and August. These surveys are required to inform the application for a European Protected Species Mitigation Licence for the demolition of the detached dwelling. In addition, the Preliminary Ecological Appraisal (Tim Moya Associates, December 2022) recommends that Pond P3 should be subject to a eDNA Great Crested Newt survey between mid April and June. The results of the surveys, including any mitigation and enhancement measures required to make this proposal acceptable, should be provided to the LPA, according to Government Standing Advice for bats and for Government Standing Advice for Great Crested Newt. The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”*

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage (based on the judgement in the Hack Green Group (Appellant) v Cheshire East Council [2006] - APP/R0660/W/15/3131662). Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

This further information is therefore required to provide the LPA with certainty of impacts on legally protected species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.

We also note that reptile surveys may be required to inform the Reptile Mitigation Strategy (Preliminary Ecological Appraisal (Tim Moya Associates, December 2022)).

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.

### **Street Naming and Numbering Officer**

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 advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.

### **Hassocks Parish Council**

#### Comments dated 15/06/2023

Hassocks Parish Council Planning Committee considered the updated Flood Risk Assessment and Drainage Strategy and after a lengthy discussion was in full agreement that this did not alter any of the previous concerns raised by the Parish Council. Therefore in addition to the comments already submitted, Hassocks Parish Council RECOMMENDS REFUSAL for the following reasons:

#### 1 SUMMARY

1.1. Hassocks Parish Council has given the most careful consideration to this proposal and has held a number of meetings with the applicant. The Parish Council considers the proposal to be un-neighbourly overdevelopment, very detrimental to the amenities and environment of the area. The access to the building from the A273 Brighton Road is completely unsuitable for a development of this size and type. The proposal is contrary to the policies of the District Plan and the Hassocks Neighbourhood Plan for the reasons set out below.

#### 2 THE SITE

2.1. The site has an area of approximately 0.4 ha and is on the edge, but outside of the built up area of Hassocks. The southern boundary of the South Downs National Park lies approximately 300m to the south west.

2.2. There are two dwellings on the site, Byanda and a bungalow in the north western corner of the site. The site is surrounded by mature trees, It is approximately 4m lower than the two detached houses, Dean House and South Dean House, on its western boundary.

2.3. Access to the site is from the A273 Brighton Road via a narrow - 4m wide private drive which serves Byanda, Faerie Glen and two detached houses to the east of the site. The access on to the A273 is very narrow - 4m wide – which is 100m south of the busy Stonepound Crossroads, which are also the subject of an AQMA.

2.4. The site and surroundings form a verdant and attractive low density transition between the village and the countryside to the west.

### 3 THE PROPOSAL

3.1. It is proposed to replace the existing buildings on the site with a four storey residential care facility containing 60 bedrooms, associated facilities and 20 parking spaces. A total of 35 staff would be employed in the nursing home.

3.2. The parking would be located on the western side of the site. Vehicular access would be from the access road in the north western corner of the site.

### 4 PLANNING POLICY

4.1. The Parish Council contends that this proposal clearly conflicts with key policies of both the Mid Sussex District Plan and the Hassocks Neighbourhood Plan. The District Plan was approved in March 2018 and the Hassocks Neighbourhood Plan was “made” in July 2020.

4.2. In particular the proposal is contrary to the following District Plan Policies:-

DP18 Setting of the South Downs National Park

DP26 Character and Design

DP29 Noise Air and Light Pollution

DP39 Sustainable Design and Construction

4.3. It is also contrary to the following Neighbourhood Plan Policies:-

HNP5 Enabling Zero Carbon

HNP 8 Air Quality Management

HNP9 Character and Design

These Policies are set out in detail below.

4.4. District Plan Policy DP18: Setting of the South Downs National Park

This Policy reads as follows:-

Development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, and in particular should not adversely affect transitional open green spaces between the site and the boundary of the South Downs National Park, and the views, outlook and aspect, into and out of the National Park by virtue of its location, scale, form or design.

Development should be consistent with National Park purposes and must not significantly harm the National Park or its setting. Assessment of such development proposals will also have regard to the South Downs Partnership Management Plan and emerging National Park Local Plan and other adopted planning documents and strategies.

#### 4.5. District Plan Policy DP26: Character and Design

This Policy sets the following criteria against which all development must be evaluated and states:-

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

- is of high quality design and layout and includes appropriate landscaping and greenspace;
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;
- protects open spaces, trees and gardens that contribute to the character of the area;
- protects valued townscapes and the separate identity and character of towns and villages;
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;

- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;
- positively addresses sustainability considerations in the layout and the building design;
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;
- optimises the potential of the site to accommodate development.

#### 4.6. District Plan Policy DP29: Noise Air and Light Pollution

This Policy states, in relation to Air Pollution, that a development will only be permitted where:-

- It does not cause unacceptable levels of air pollution;
- Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;
- Development proposals (where appropriate) are consistent with Air Quality Management Plans.

#### 4.7. District Plan Policy DP39 Sustainable Design and Construction

This Policy states that:-

All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;
- Use renewable sources of energy;
- Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation;

- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;
- Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.

#### 4.8. Neighbourhood Plan Policy NP6: Development Proposals Affecting the South Downs National Park

This Policy reads, inter alia:-

Development proposals on land outside of, but contributing to, the setting of the South Downs National Park will be supported where proposals:

- Do not detract from, or cause detriment to, the special qualities and tranquillity of the South Downs National Park; and
- Do not unacceptably harm the South Downs National Park or its setting. 22 Paragraph 184 of the NPPF

#### 4.9. Neighbourhood Plan Policy NP9: Character and Design

This Policy was formulated after a detailed appraisal of the urban characteristics of the village. The preamble reads as follows:-

• 4.59 The Appraisal concludes the overall finding is that the village of Hassocks has a particular character derived from its location, views, topography, spatial qualities and historical development which makes it distinctive. The Appraisal confirms it does not have the homogeneous character of its medieval neighbours due to its continuous development in the 19th, 20th and 21st century. The Appraisal confirms this variety enlivens the village and give a spacious village centre, compared with the villages either side of Hassocks.

• 4.60. The Appraisal confirms the use of local materials, especially local soft-coloured red brick with plain, soft brown, clay roof and red wall tiles give the built form cohesion and local distinctiveness. Furthermore, it confirms small-scale housing with generous front gardens and wide grass verges give a spacious feel that is typical across the major part of the village.

Hassocks Neighbourhood Plan - Made Version

- 4.61. It is considered that the spatial and architectural character of the Parish contributes to its sense of place and quality. These merit protection in conjunction with future development proposals.

- 4.62. The Village Design Statement supports Policy 9 and provides guidance on local design and characteristics.

## Policy 9: Character and Design

Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:

1. Is of high quality design and layout;
2. Contributes positively to the private and public realm to create a sense of place;
3. Respects the character and scale of the surrounding buildings and landscape;
4. Protects open spaces and gardens that contribute to the character of the area;
5. Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;
6. Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;
7. Creates safe, accessible and well connected environments;
8. Protects existing landscape features and contributes to the village's Green Infrastructure network;
9. Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and
10. Positively responds to the local vernacular character of the defined Local Townscape Character Area.



#### 4.10. Neighbourhood Plan Policy NP5: Enabling Zero Carbon.

This Policy reads as follows:-

Development proposals will be supported that maximise the opportunity to include sustainable design features, providing any adverse local impacts can be made acceptable.

Residential development proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation.

Proposals which make provision for charging electric vehicles at each dwelling (where feasible) and on-street; and making parking areas charging ready will be supported.

#### 4.11. Neighbourhood Plan Policy NP8: Air Quality Management,

The preamble to this Policy reads as follows:-

- 4.47. The Parish contains a designated Air Quality Management Area located at the Stonepound Crossroads. The AQMA was designated in March 2012 as a result of the high levels of nitrogen dioxide being likely to breach the Air Quality (England) Regulations 2000 (as amended). This area includes a number of residential properties that are immediately to the south-east of the crossroads (1-6 Overcourt; The Coach House; and Shooldarry).

- 4.48. The main reasons for the crossroads being affected by air pollution is the volume of road traffic and the stop-start routine of driving conditions at peak times, caused by the queuing traffic at the traffic lights.

- 4.49. In 2013 MSDC approved an Action Plan, noting that a 'do-nothing' option would fail to bring about improvements in nitrogen dioxide levels. The Action Plan includes three main measures to (i) change light sequencing to reduce stationary times; (ii) minimise HGV movements through advisory alternative route signage; and (iii) reduce pollution from queuing vehicles by encouraging drivers through signage to turn-off engines when stationary. There were also a series of other measures proposed that were noted to be less likely to have a significant impact.

- 4.50. HPC supports proposals which will reduce nitrogen dioxide levels within its area, and reduce the harmful impacts on its residents.
  
- 4.51. The District Council note that for the AQMA to be revoked, annual air quality monitoring data will need to show levels of air pollution at consistently below the target level.
  
- 4.52. HPC consider that development should not be supported where it has an unacceptable adverse effect on the AQMA, or where a proposed use or users within the AQMA would be unacceptably adversely effected by the air quality.
  
- 4.53. HPC do not wish to support proposals which could lead to unacceptable adverse effect upon air quality within the AQMA, in line with European Union air quality standards.
  
- 4.54. HPC consider this position should be maintained unless, and until, the levels of air pollution are demonstrably below the target level in the Regulations, sufficient to enable the AQMA to be revoked.

#### Policy 8: Air Quality Management

Development will be supported where it would not have an unacceptable adverse effect upon air quality within the Air Quality Management Area.

#### 5 ASSESSMENT AGAINST POLICY

The proposal conflicts with Statutory Policies of the District and Neighbourhood Plan set out above for the following reasons:-

#### Character and Design

1. It is an overdevelopment of this site and completely out of character with this edge of village area. The site lies outside the built up area of Hassocks surrounded by low density development which helps the village to merge in with the adjoining countryside. It does not respect the character and scale of the surrounding buildings and landscape. This is contrary to Policies HNP9.3 and DP26

2. It will be noted that the South Downs National Park Authority have objected to this proposal on the grounds that this large building will be clearly visible both from the area of the Park adjoining the village and also from the Downs, particularly Wolstonbury Hill. The Park Authority also expressed concern over the lighting of the building. These are shared by the Parish Council. This development would have a most adverse effect on the setting of the National Park and is therefore contrary to Policies HNP6, DP18 and 26.

3. The contrast with the adjoining development could not be more stark. It fails to respect the character and scale of the surrounding buildings and landscape This is contrary to HNP9.3.and DP26

4. It would involve the felling of all the trees within the site and, by virtue of its large footprint (over 50% of the area of the site), leave little space for planting to soften the impact of the building. This is contrary to HNP9.4 and DP26.

5. It would cause very unacceptable harm to the amenities of existing residents by bulk of building – it would dominate the area – by overlooking and overshadowing. The building would be 11.1m in height. Although it would be set at a lower level, approximately 4m, than the two detached houses, Dean House and South Dean House on the western side of the site and be approximately 20m from the boundary it would dominate and overlook them to an entirely unacceptable degree, this is contrary to HNP9.6 and DP26.

6. It would also overlook and adversely affect the amenities of Faerie Glen and the two adjoining detached houses on the east of the site. The eastern boundary is defined by a tall hedge, approximately 6m high, of cupressus leylandi. The 11m high block would approx. be but 4m from this hedge, would tower over it and overlook Faerie Glen and the adjoining properties. As the building would be less than 4m from this hedge it is most unlikely that this valuable screen would survive. This is contrary to DP9.6 and DP26.

#### Access and Traffic

7. As stressed by local residents in their letters of objection, access to the site is extremely difficult and dangerous, particularly at peak times. There was a fatal motorcycle accident next to the access in 2021. The proposal will generate a significant amount of additional traffic on an already dangerous access which by virtue of its narrow width and poor visibility will create a danger to road users. This is contrary to HNP9.7

8. The access to the proposed development site joins the A273, 200m south of the busy Stonepound Crossroads, which is the only Air Quality Management Area in Mid Sussex due to the high levels of air pollution. The proposal will generate a significant level of additional traffic. This will adversely impact on the levels of pollution at Stonepound Crossroads. This is contrary to DP29 and HNP8.

9. The vehicular access to the site is substandard for a development of this size. It is 5m wide and waiting vehicles will force pedestrians either to wait or to walk out into the carriageway. This is contrary to HNP9.7

10. Furthermore the gradient of the access road is steep. Elderly people will find it very difficult to walk up it and it would be very difficult indeed to push a wheelchair up it. This point is important because in the supporting documents the applicants stress that residents would be able to live independently if they wish. This also conflicts with NP9.7

11. The Parish Council would challenge the applicant's assertion that only 15 members of staff will be on site at any given time. The proposal is for a 60 bedroomed care home, including provision for high dependency clients, therefore it is considered highly unlikely that the ratio of care staff to clients could be approximately 1:4. It is also assumed that in addition to care staff, there would be a need for domestic staff such as cleaners, cooks, and maintenance persons. The proposed parking space provision for all visitors and staff would therefore appear to be wholly inadequate. This conflicts with DP29 and HNP9.7

#### Flooding and Drainage.

12. Concerns over flooding and drainage have been raised by residents who live in the immediate vicinity of the development site and are familiar with issues around flooding in the area. The District Council, in recommending this application be permitted, stated that the currently unresolved flooding and drainage problems could be dealt with by way of condition. This abrogation of responsibility is, in the submission of the Parish Council, completely unsatisfactory. It basically puts the ball back into the residents' court and abandons them to the vicissitudes of the legal system. The Parish Council accepts that technical issues such as this can be resolved. But this must be done fairly and by agreement. As it stands the proposal should be rejected because no solution has been found to the surface water drainage problem of the site. The proposal is therefore contrary to HNP6 on these grounds also.

13. It should also be noted that in the Draft West Sussex Local Flood Risk Management Strategy 2021-26 (LFRMS), Hassocks is one of the first five areas of focus within the LFRMS having been identified as being within the areas most risk of surface water flooding in West Sussex. Hassocks Parish Council has grave concerns over any additional

development which potentially further increases this risk of surface water flooding either at that site or elsewhere within the village.

#### Sustainable Design.

14. The application provides insufficient information to be certain of compliance with HNP Policy 5 – Enabling Zero Carbon; It is also not compliant with Policy DP39 of the District Plan – Sustainable Design and Construction and Policy 5 of the Hassocks Neighbourhood Plan. A design which only complies with Approved Document L2A of the building regulations (2013 edition with 2016 amendments) is not sustainable, contrary to the assertion made by the applicants. The Sustainability Statement is a generic document which claims compliance with Policies HNP 5 and DP 39. It is full of very laudable aims but this does not amount to compliance with these policies. The building has not been designed to meet these standards and for this reason the proposal is contrary to Policies HNP5 and DP39.

#### The Question of Need

15. The Parish Council is not satisfied that the case for additional C2 provision has been made in the context of this site. Careful consideration has been given to the Mid Sussex District Plan 2021 – 2039 Review Consultation Draft (Regulation 18) DPH27. This consultation document states that the type and yield from the site will be confirmed following Regulation 18 consultation and that the objectives are:-

- Suitable vehicular, pedestrian and cycle access from Brighton Road
- Retain existing mature trees and hedgerows along site boundaries
- Mitigate risk from surface water flooding

There is no need to repeat the Parish Councils views on the suitability of the site again here but it is absolutely vital to stress that, contrary to the view put forward in the applicants Statement of Appeal, there is no presumption in this document that this site is suitable for a development of this nature, The purpose of consultation is to listen, learn and take informed decisions, No reliance whatsoever can be placed on the inclusion of Byanda in this document.

This proposal, which attempts to circumvent the rigorous statutory process, is premature and should be rejected on these grounds as well.

#### Impact on Hassocks Health Centre.

16. The population of Hassocks has increased very rapidly over the past 10 or so years and the provision of health services of all types is now overstretched. A study of waiting times and also the number of patients per GP in Mid Sussex published by Sussex World in October 2022 states that Mid Sussex Healthcare, the Hassocks NHS provider, had 20,278 patients and 12.7 full time equivalent doctors equalling 1633 patients per doctor.

Another study published by the same author stated that waiting times in the Mid Sussex Healthcare area are the 6th longest in Mid Sussex.

The Parish Council has tried to research these claims in more detail on the NHS Website but was unable to do so.

Whilst it could therefore be asserted that Hassocks is in a better position than some of its neighbours it should also be noted that the population served by this GP practice is still rising rapidly and will increase by at least 3000 in the next 5 years.

The Parish Council is therefore very concerned that the proposed development could lead to the current health care facilities in Hassocks being further overstretched and create a need which cannot be met.

## 6 CONCLUSION

The assessment of this proposal against the Policies of the Development Plan clearly demonstrates that the proper planning of Hassocks can only be served by refusing permission for this development.

It is also premature pending an evaluation of other sites put forward for C2 development in the District Plan Review and this reason alone should be sufficient to reject it.

### Comments dated 24/01/2023

RECOMMEND REFUSAL. Members were in agreement that despite the revisions to the original application for this site, DM/21/1653, the previously submitted reasons for refusal by Hassocks PC remain unchanged and therefore the Parish Council continues to RECOMMEND REFUSAL for the following reasons:

1. Scale and Character of Design. The scale and design of the proposed development is too large for the site and thus represents significant overdevelopment and as such will impact negatively on the amenities of neighbouring properties. The application is therefore considered to be contrary to Policy DP26: Character and Design of the District Plan and Policy 9: Character and Design of the Hassocks Neighbourhood Plan.

Hassocks Parish Council would request that the concerns raised by neighbouring residents about the impact on their properties are considered very carefully by the Planning Officer.

Furthermore, this site is outside the Built Up Boundary of Hassocks as defined in the Hassocks Neighbourhood Plan where development should be restricted; District Plan Policy 12, Protection and Enhancement of Countryside.

2. Traffic and Access. The access to the proposed development site joins the busy A273, very close to Stonepound Crossroads, which is already the only Air Quality Management Area in Mid Sussex due to the high levels of air pollution. It is already notably challenging for vehicles trying to exit the B2112, New Road, and Underhill Lane in Clayton safely; the additional traffic generated by the proposed Care Home will most likely negatively impact further on the traffic safety in this area. In addition to the safety concerns, Hassocks Parish Council considers that the proposed Care Home will generate a significant level of additional traffic and it is likely that this will adversely impact on the levels of pollution at Stonepound. Therefore the proposed application cannot be supported on the basis that it is contrary to Policy 8, Air Quality Management, of the Hassocks Neighbourhood Plan and DP29, Noise, Air and Light Pollution, of the District Plan. Furthermore, it is requested that the issues raised by local residents regarding traffic and access to the site are carefully considered, including concerns regarding the gradient of the access road.

Driveway Access. The gradient of the driveway is too steep to safely allow wheelchair access; therefore it is likely that this is in conflict with the 2010 Equality Act. The steepness will not allow access to or from the care home by wheelchair users, other than in vehicles.

3. Lack of Parking Provision. Hassocks Parish Council would challenge the applicant's assertion that only 15 members of staff will be on site at any given time. The proposal is for a 60 bedrooled care home, including provision for high dependency clients, therefore it is considered highly unlikely that the ratio of care staff to clients could be approximately 1:4. It is also assumed that in addition to care staff, there would be a need for domestic staff such cleaners, cooks, maintenance and so on. The proposed parking space provision for all visitors and staff would therefore appear to be wholly inadequate.

4. Flooding and Drainage. Concerns over flooding and drainage have been raised by residents who live in the immediate vicinity of the development site and are familiar with issues around flooding in the area. It is requested that all concerns raised are reviewed in detail.

5. Impact on the South Downs National Park. Hassocks Parish Council is not satisfied that the impact of the proposed development on the South Downs National Park has been adequately addressed, including the impact of lighting. The location of the site is very close to the SDNP and will be clearly visible from the South Downs and it is considered that the development would have an adverse impact on the South Downs National Park, thus contrary to Policy 6 of the Hassocks Neighbourhood Plan; Development Proposals Affecting the South Downs National Park and Policy DP18 of the District Plan; Setting of the South Downs National Park.

6. Impact on Hassocks Health Centre. There is a concern that the proposed development could lead to the current health care facilities in Hassocks being significantly overstretched and create a need which cannot be met.

7. Insufficient Evidence of Need For C2 Provision. Based on pre-application advice provided by MSDC a need for C2 provision in the area has not been proven. Therefore Hassocks Parish Council is not satisfied that such a need exists.

8. Sustainable Design. The application provides insufficient information to be certain of compliance with HNP Policy 5 – Enabling Zero Carbon; therefore Hassocks PC would also recommend refusal on the basis that the application is currently not compliant with Policy DP39 of the District Plan – Sustainable Design and Construction and Policy 5 of the Hassocks Neighbourhood Plan. A design which only complies with Approved Document L2A of the building regulations (2013 edition with 2016 amendments) is not sustainable, contrary to the assertion made by the developer.

### **WSSC Fire and Rescue Service**

This proposal has been considered by means of desktop study, using the information and plans submitted with this application, in conjunction with other available WSSC mapping and Fire and Rescue Service information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments:

- 1) Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
- 2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

*Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 – 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.*



## **Southern Water**

Comments date 05/06/2023

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. All other comments in our response dated 27/01/2023 remain unchanged and valid for the amended details.

Comments date 27/02/2023

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](https://developerservices.southernwater.co.uk) and please read our New Connections Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](https://southernwater.co.uk/developing-building/connection-charging-arrangements)  
Please note: The drainage strategy shows foul sewerage being connected to manhole reference TQ29158400. If connection is to be made through land which is under the ownership of other parties, then you are advised to obtain the Landowners consent before carrying out any works.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

[water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](https://water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers 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 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.

The design of the proposed basements and on site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection to basements from the risk of flooding.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

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

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

## **MSDC Flood Risk and Drainage Team**

Comments dated 20/06/2023

The Flood Risk and Drainage Team are aware that multiple iterations of flood risk and drainage information have been submitted as part of this application. The FRA & Outline Drainage Strategy, Rev P12, dated April 2021 has now been submitted to support the application. It is understood that all previous flood risk and drainage information has been superseded by this document. For the avoidance of doubt this consultation response is based solely on this latest document (P12).

### **FLOOD RISK AND MITIGATION**

The application is supported by an FRA & Outline Drainage Strategy, Rev P12, dated April 2021. This report identifies an increased risk of flooding from surface water sources along the northern boundary and in the south-west area of the site.

The report states that the south-west area is currently a low spot where water can accumulate, and this shall be addressed post development via land raising. To mitigate against the loss of floodplain flood compensation is proposed.

A flood compensation note (Appendix E, pg 141/145) provides details of the compensation required to address the loss of floodplain on site, up to the 1:1,000 flood extent. It is proposed that a separate flood storage (attenuation) tank is located within the area of land being raised (the existing location of the floodplain). This flood compensation storage is designed to cater for surface water flood volumes entering the site from elsewhere, all water landing on the development itself would be managed via the drainage system.

The principle of the flood compensation approach is considered appropriate for this application. The flood risk and drainage team recommend the finalised details are conditioned to ensure all landscaping, levels and boundary treatments can be incorporated and considered as part of the design.

## **SURFACE WATER DRAINAGE**

It is proposed to manage surface water drainage for the development via infiltration. This approach is supported by the infiltration rates obtained via two sets of onsite infiltration testing. The latest testing, undertaken in March 2023, followed the BRE 365 method and undertook testing in three locations on site. One of these locations (TP103) is located at the proposed soakaway/ infiltration tank location and the infiltration rate from this test has been utilised within the drainage calculations.

The report reviews the requirement to account for climate change within the drainage calculations and states that the system is designed to cater for the 1:100-year event plus a 40% allowance for climate change.

The report includes information in relation to potential discharge rates and storage volume requirements should an alternative drainage scheme to the proposed infiltration system be required.

The principle of surface water drainage is considered to have been met for this application. Significant details, including infiltration rates at the proposed soakaway/ infiltration tank location, have been provided to show the viability of using infiltration as a means of drainage. The flood risk and drainage team recommend the finalised details are conditioned to ensure drainage is based on finalised development details and the latest design guidance.

We advise the applicant that climate change allowance will need to be based on the latest guidance, which at the time of writing would require a +45% allowance for climate change. (Set out in the [Environment Agency's online guidance](#).)

Use of an alternative drainage scheme would require significant evidence to be provided as part of any design to ensure it was fully viable. We would advise that infiltration drainage should be prioritised over all other means of surface water drainage.

## **FOUL WATER DRAINAGE**

It is proposed to discharge foul water drainage into the public foul sewer located on Brighton Road. Due to levels a foul pumping station is required to allow for this proposed connection.

The outline drainage strategy plan (074414-CUR-00-XX-DR-D-75001-P10, 04/04/23) shows a foul pumping station located in the south-west corner of the site with a foul rising main located along the western boundary of the site, turning west onto the access road, and then turning north under Brighton Road.

Consultation response from Southern Water confirms they can facilitate the foul water drainage connection. No objection has been raised by them in relation to the proposed approach to foul drainage.

The principle of foul water drainage is considered to have been met for this application. The flood risk and drainage team, in line with Southern Water, recommend the finalised details are conditioned to ensure drainage is based on finalised development details.

## **CONDITION RECOMMENDATION**

### ***FOUL AND SURFACE WATER DRAINAGE DESIGN***

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.

### ***FLOOD RISK MANAGEMENT***

The development hereby permitted shall not commence unless and until details of the flood risk management measures, including the flood compensation, on site have been submitted to and approved in writing by the local planning authority. No building shall be occupied, or brought into use, until all the approved flood risk management 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:** In the interests of protecting the natural environment and ensuring flood risk is not increased on or off site.

### ***SURFACE WATER DRAINAGE VERIFICATION REPORT***

No building is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system, carried out by a competent Engineer, has been submitted to the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

**Reason:** To ensure that the constructed surface water drainage system complies with the approved drainage design and is maintainable.

## Comments dated 8/02/2023

The Flood Risk and Drainage Team are aware of previous planning applications for similar development have been submitted previously for this site. The following consultation response is based on the information submitted for this application only and current guidance and policies in relation to flood risk and drainage. Any comments and/or recommendations provided by the team on previous applications hold no bearing on this application.

### **FLOOD RISK**

#### **INFORMATION**

[The Planning Practice Guidance for Flood Risk and Coastal Change](#) requires all sources of flood risk to be considered consistently with how fluvial and tidal flood risk is considered within the [National Planning Policy Framework](#). This means that surface water flood risk extents should be considered comparable to flood zones when assessing a development's vulnerability to flooding and the need for a site-specific flood risk assessment.

For clarity Mid Sussex District Council's Flood Risk and Drainage Team (in line with advice from West Sussex Lead Local Flood Authority) utilise the below table when considering flood risk.

<b>Annual exceedance</b>	<b>Flood Zone</b>	<b>Surface Water Flood Risk</b>
Greater than 3.3% (>1:30-year)	3b	High
Between 1% and 3.3% (1:100-year and 1:30-year)	3a	Medium
Between 0.1% and 1% (1:1,000-year and 1:100-year)	2	Low
Less than 0.1% (<1:1,000-year)	1	Very Low

#### **APPLICATION SPECIFIC COMMENT**

The application is supported by an "FRA & Outline Drainage Strategy" report (Rev P10) dated December 2022. This report is an update to the same submitted under a previous planning application and contains an addendum note which was the result of communication under the previous application. The report also appears to refer to superseded policy and guidance, specifically in relation to climate change allowances and the Planning Practice Guidance for Flood Risk and Coastal Change (PPG).

This application should be considered separate to any previous applications and therefore a flood risk assessment, specific for this application, utilising current policy and guidance and containing all relevant information within the main body of the report should be submitted.

We would advise the applicant that following an update to the PPG all sources of flooding should be investigated in line with the fluvial flood risk approach. Where the 1:100+CC design flood extent has not been modelled then the present day 1:1,000 extent should be utilised.

Development within the modelled design flood extent should be avoided wherever possible. However, this may be considered acceptable subject to suitable flood compensation provision. Flood compensation should be located at surface wherever possible and supporting calculations provided at this stage of planning.

### **SURFACE WATER DRAINAGE**

#### **INFORMATION**

Surface water drainage will ultimately need to be designed to meet the latest national and local drainage policies. The drainage system will need to consider climate change, the allowances for which should be based on the [latest climate change guidance](#) from the Environment Agency.

Detailed drainage design calculations should utilise a CV = 1.0.

#### **APPLICATION SPECIFIC COMMENT**

The application is supported by an “FRA & Outline Drainage Strategy” report (Rev P10) dated December 2022. This report is an update to the same submitted under a previous planning application.

The surface water drainage strategy should be specific for this application and utilise current policy and guidance. The site’s drainage opportunities are impacted by several site constraints, including flood extents, root protection zones and the proposed development footprint.

Due to the update in policy and guidance, and the constraints on site the team consider that an updated surface water drainage strategy is required.

Due to the scale of the development, we would advise the applicant that any proposed surface water drainage strategy should be investigated and designed to a level where the team can determine whether it is, in principle, a viable option.

For **infiltration designs** this should include:

- Outline information into infiltration rates.
  - These can either be published rates for the ground conditions or infiltration test results from site.
  - Infiltration testing at strategic stage does not need to be undertaken to BRE365 standard but should utilise an approved infiltration testing method.
- Sizing calculations based on impermeable areas known at this stage, a CV value of 1.00, a design criterion based on current best practice (1:100+CC) and a half drain time of 24-hours or less.

For **discharge of waters offsite** this should include:

- Outline information into the discharge location (watercourse, pond, sewer etc).
- Proof of connectivity of the discharge location with the wider watercourse/sewer network.
  - Proof should include wherever possible evidence of site investigations.
- Sizing calculations based on impermeable areas known at this stage, a CV value of 1.00, a design criterion based on current best practice (1:100+CC) and a discharge rate set to the Greenfield QBar rate of the impermeable area.

#### **FOUL WATER DRAINAGE**

The application is supported by an “FRA & Outline Drainage Strategy” report (Rev P10) dated December 2022. This report is an update to the same submitted under a previous planning application.

The surface water drainage strategy should be specific for this application and utilise current policy and guidance.

The foul water drainage strategy incorporates a pumped foul system, with discharge connecting to a public foul sewer on London Road. This proposed connection would require drainage to be located beneath third party land and the adopted London Road.

The developer has a right to connect foul water drainage into a public sewer and public sewers can be constructed on behalf or by Water Authorities on third party land. Therefore, the proposed approach is considered acceptable in principle subject to detailed design and appropriate approvals by Southern Water.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section. To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required prior to undertaking detailed design.

## **SUMMARY OF FURTHER INFORMATION REQUIRED**

At this time, we will require the following further information:

- Flood risk assessment, specific to this application and based on current policy and guidance.
- Surface water drainage strategy, specific to this application and based on current policy and guidance.

Receipt of the requested additional information does not mean further information will not be requested, nor does it guarantee that the Flood Risk and Drainage Team will not object to the development. Neither does it prevent the team from recommending a flood risk or drainage condition.

## **CONDITION RECOMMENDATION**

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

The development hereby permitted shall not commence unless and until details of the proposed foul water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The **building** shall not be occupied or brought into use, until all the approved foul water drainage works have been carried out in accordance with the agreed 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.

## **WSCC Flood Risk**

Thank you for consulting West Sussex County Council as the Lead Local Flood Authority on the above Full Planning Application. This applications surface water drainage strategy and Flood Risk Assessment should be assessed against the requirements under NPPF, its accompanying PPG and Technical Standards.

Under local agreements, the statutory consultee role under surface water drainage is dealt with by Mid-Sussex Council's Flood Risk and Drainage Team. This therefore means that our objection is withdrawn as Mid Sussex Drainage are responding.

Should you wish West Sussex County Council as Lead Local Flood Authority to comment further please do not hesitate to contact us

