

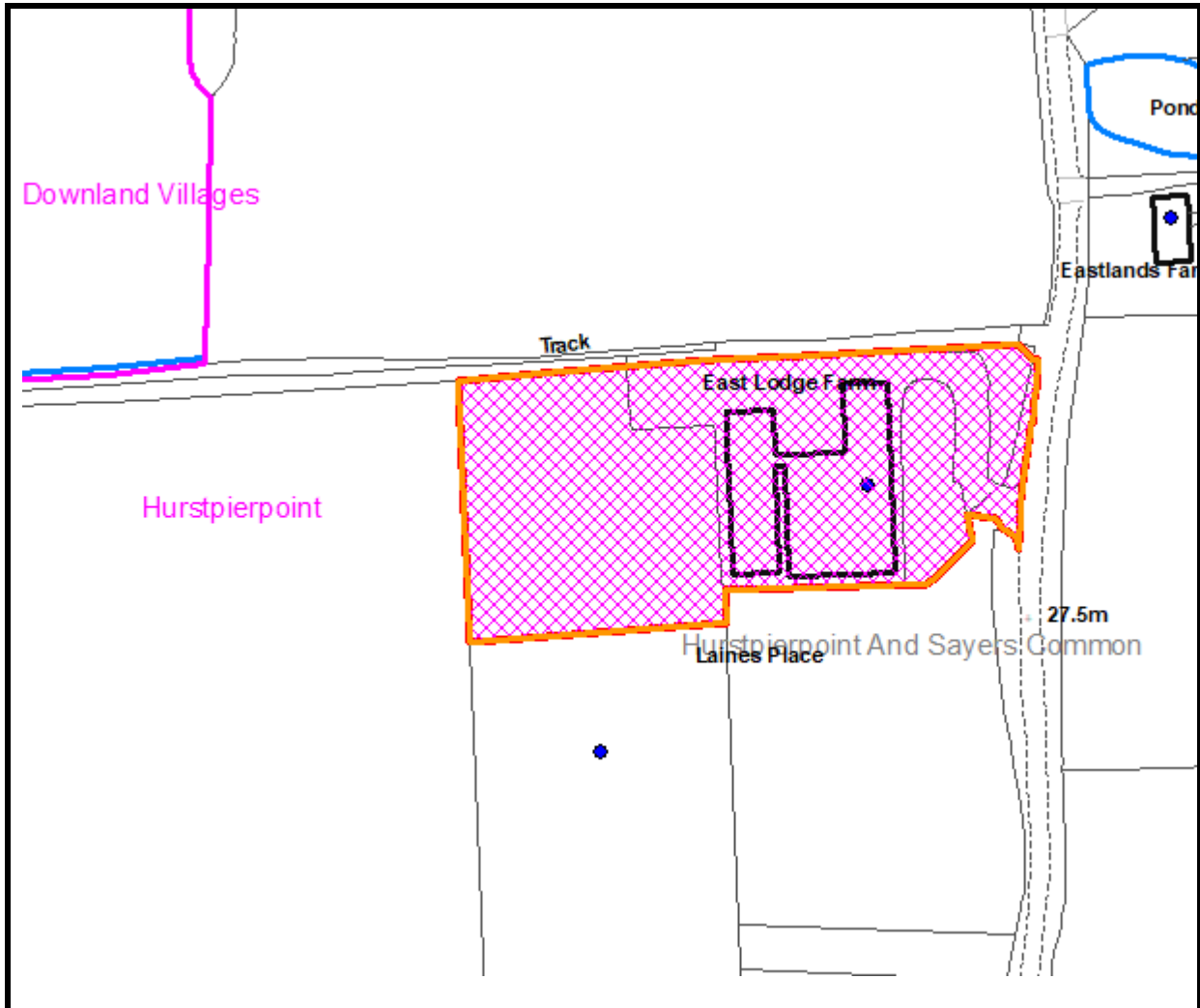
District Planning Committee



Recommended for Refusal

18th January 2024

DM/23/1160



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Site:	Contego Safety Wearmaster House Malthouse Lane Hurstpierpoint Hassocks
Proposal:	Adaptation of existing building and construction of warehouse building with office and associated facilities, car parking, cycle parking and landscaping
Applicant:	Mr J Lewis
Category:	Minor Other
Target Date:	10th November 2023

Parish:	Hurstpierpoint And Sayers Common
Ward Members:	Cllr Alison Bennett / Cllr Rodney Jackson /
Case Officer:	Steven King

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RTTY3HKT04L00>

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 amendments to an existing building and the construction of a warehouse building with office and associated facilities, car parking, cycle parking and landscaping at Contego Safety, Wearmaster House, Malthouse Lane, Hurstpierpoint. The application is to support the expansion of the existing firm on the site.

2.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

2.3 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

2.4 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP), Site Allocations Development Plan Document (SADPD) and the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP). National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

2.5 The site lies in the countryside as defined in the DP and so the starting point for assessing the application is policy DP12 of the DP. This seeks to protect the character of the countryside by ensuring that proposals maintain or enhance the quality of the rural character of the District and, they are supported by a specific policy reference elsewhere in the DP or a neighbourhood Plan. Policy Hurst C1 in the HSCNP has similar aims. Policy DP14 in the DP allows for new small scale economic development in the countryside.

2.6 The proposed development would clearly change the appearance of the site by introducing a large modern business building where there is currently no

development. Whilst the building would be to the west of the existing buildings at the site, because of its elevated ground level and the greater scale of the building, it would be visible from Malthouse Lane and would be clearly visible from the public right of way to the north.

- 2.7 It is considered that the proposal would result in some harm to the setting of Kent's Farm House. In terms of the NPPF this is felt to fall in the category of being less than substantial, and at the mid to low point of less than substantial harm. In accordance with section 66 Planning (Listed Buildings and Conservation Areas) Act (PLBCAA) 1990, significant weight should be attached to that less than substantial harm that arises from this impact. As set out in paragraph 208 of the NPPF, the considerable weight attached to the less than substantial harm needs to be weighed against the public benefits of the proposal.
- 2.8 It is considered that there are important public benefits that need to be weighed in the planning balance required under paragraph 208 of the NPPF. The scheme would result in economic benefits to the local economy, with the applicants indicating that 23 additional people would be employed at the site. It is your Planning Officers view that these public economic benefits should be afforded significant weight. However, it is not considered that there is full compliance with policies DP1 and DP14 in the DP because the scale of the proposed development takes it beyond the small scale development referred to in policy DP14.
- 2.9 The site is not defined in the Site Allocations DPD as an existing employment site. As such policy SA34, which allows for the expansion of existing employment sites outside the built up area (subject to various criteria), does not apply. As such it is the general countryside policy DP12 that applies, together with policies DP1 and DP14.
- 2.10 It is considered that the proposed access to the site is satisfactory and that there will not be a severe impact on the local highway network, which is the test in policy DP21 and the NPPF. There are no objections from the Local Highway Authority (LHA) to the proposal. As such there are no grounds to resist the application based on highway safety matters. However, without the infrastructure contribution towards the Green Circle route there would be some conflict with policy DP21 in the DP in respect of facilitating increased use of alternatives to the private car.
- 2.11 The site can be satisfactorily drained and there are no objections from your Drainage Engineers. There are no objections to the scheme in relation to ecological matters. As such these matters are neutral in the planning balance.
- 2.12 To conclude, it is considered that there would be no conflict with policies DP13, DP17, DP22, DP28, DP29, DP37, DP38 and DP41 in the DP or policy HurstC3 in the HSCNP. However, it is felt that on balance, there would be some harm to the character of the countryside arising from the development. It is not felt that the proposal could be described as small scale economic development. There would also be some harm (less than substantial) to the setting of Kents Farm House. As such there would be conflict with policies DP12, DP14, DP26 and DP34 in the DP and policy HurstC1 in the HSCNP. There would also not be full compliance with policy DP1 as the proposal is not a small scale development, although it would comply with the aims of this policy in respect of providing economic benefits.
- 2.13 Therefore, on balance, it is felt that whilst there is compliance with a number of policies in the development plan, there is conflict with key policies in relation to new commercial development in the countryside. In light of the above, it is felt that on

balance, the scheme does not comply with the development plan when this is read as a whole. Therefore, on balance, the scheme is recommended for refusal.

3.0 Recommendation

3.1 It is recommended that the application is refused for the following reasons:

1. The proposal is not considered to be a small scale development and would be of a greater scale than the neighbouring buildings. The proposal would not maintain or enhance the quality of the rural and landscape character of the District and would result in less than substantial harm to the setting of Kents Farm House. The public benefits of the proposal are not considered to outweigh this harm. The proposal therefore conflicts with policies DP12, DP14, DP26 and DP34 of the Mid Sussex District Plan 2014-2031 and policy HurstC1 in the Hurstpierpoint and Sayers Common Neighbourhood Plan.

2. In the absence of a completed legal agreement, the proposal does not provide for the required Total Access Demined payment of £30,902 to go towards cycling and walking improvements to the Burgess Hill Green Circle route. The proposal therefore fails to provide the required infrastructure contributions and therefore conflicts with policies DP20 and DP21 in the Mid Sussex District Plan 2014-2031.

4.0 Summary of Representations

4.1 13 letters of objection

proposal is contrary to policy DP12 in the District Plan as it will not main or enhance the rural and landscape character of the District

- is a major development that would double the footprint of the site
- will significantly increase traffic on an unsuitable narrow road
- could result in drainage problems
- will have a harmful visual impact on our property so would request that a bund is installed on the western boundary to screen the site
- development will be seen from the public bridleway
- is unnecessary development in the countryside
- there are plenty of business parks and industrial estates for this type of development
- if the applicants have outgrown their site, they should move to an existing business park as there would be no economic benefits from this proposal
- will harm the countryside and wildlife
- there are three liverys within 1km of the site and the horses use and riders move between bridleways along Malthouse Lane and would be adversely affected by additional traffic from this development
- current building on the site should never have been allowed
- there are no pavements and no public transport to the site
- Malthouse Lane suffers from potholes and frequent flooding
- if approved a financial contribution should be made to be spent on Malthouse Lane and other roads across Hurstpierpoint

5.0 Summary of Consultees

WSCC Planning (Infrastructure)

No objection subject to TAD payment of £30,902

WSCC Minerals and Waste

No comment

WSCC Fire and Rescue Service

Request conditions regarding fire hydrant provision

Highway Authority

Following assessment of the Transport Statement the Local Highway Authority does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 111), and that there are no transport grounds to resist the proposal.

Ecological Consultant

No objection subject to conditions

Environmental Protection Officer

No objection subject to conditions

Conservation Officer

I consider that the proposal will be harmful, through impact on setting, to the special interest of Kent's Farm House and the associated historic farmstead and the manner in which this is appreciated.

This would be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to the heritage assets to be less than substantial, at the low-midpoint of that scale, such that the criteria set out in paragraph 202 of that document would apply.

Drainage Engineer

No objection subject to condition

6.0 Parish Council Observations

6.1 The committee don't wish to make a recommendation for permission or refusal. We request that the application goes before the Planning Committee for a decision. If MSDC are minded to approve the application we request the following conditions are applied:

- Traffic Management plan is in place to control the number of HGV's using Malthouse Lane, due to the nature and condition of the road surface.

- There is a planting scheme in place to screen the building from the road to protect the rural nature of the immediate area.

7.0 Introduction

7.1 This application seeks planning permission for amendments to an existing building and the construction of a warehouse building with office and associated facilities, car parking, cycle parking and landscaping at Contego Safety, Wearmaster House, Malthouse Lane, Hurstpierpoint. The application is to support the expansion of the existing firm on the site.

8.0 Relevant Planning History

- 8.1 There are a number of planning permissions on and around the site of this application. Planning permission was granted on the 9th May 2012 for the erection of a single storey extension to the rear (reference 12/00928/FUL). This has been implemented.
- 8.2 Retrospective change of use was granted in 2000 for the use of the building to the south of the site at Laines Place for storage use (reference 00/02257/COU). This building has now been demolished.
- 8.3 Planning permission was granted in 2007 for the demolition of chicken coop (at Laines Place) construction of new building to create B1 floor space (reference 07/03319/FUL) This building has now been demolished.
- 8.4 A Lawful Development Certificate for the permission granted under planning reference 07/03319/FUL to remain extant and the continued development of the site as a lawful existing operation was approved on 29th January 2018 (reference DM/17/4445).
- 8.5 Planning permission was granted on 12th August 2015 for the extension of the existing warehouse to provide additional storage space (reference DM/15/2731). This consent has been implemented.
- 8.6 To the rear (west) of the site, planning permission was granted on 21st March 2017 for a proposed energy storage facility to provide energy balancing services to the National Grid (reference DM/17/0572). A number of amendments to this planning permission were subsequently approved under references DM/17/4462, DM/19/5177 and DM/20/3137. This consent has been implemented.
- 8.7 Most recently, planning permission was granted on 26th October 2021 for the erection of Class E(g) building to include a mix of office, research and development and industrial processes with carpark, new vehicle access onto Malthouse Lane and associated landscaping (reference DM/21/1118) on land to the south of the site of the current planning application. This consent has not been implemented but remains extant.

9.0 Site and Surroundings

9.1 The site of the application is an existing commercial development located on the western side of Malthouse Lane. The site comprises 3 rectangular shaped buildings, which are set back some 31m from the road. The existing buildings are single storey with pitched roofs.

- 9.2 Car parking is located to the east and north and northwest of the buildings.
- 9.3 To the north there is hedging along the boundary and then open fields beyond. The northern boundary is also a public right of way (bridleway) that runs east/west. To the east there is hedging along the boundary, and then Malthouse Lane. On the opposite side of the road to the east is a wooded area.
- 9.4 To the southwest of the site there is a battery storage facility. To the west are open fields. To the south there is a cleared site where a former poultry shed used to be located. This is the area where there is an extant consent for a commercial building referred to in paragraph 8.7 of this report.
- 9.5 The site lies within the countryside as defined in the District Plan. As the crow flies, the site is some 270m to the west of the built up area boundary of Burgess Hill.

10.0 Application Details

- 10.1 The plans show that a new building would be erected to the west of the existing buildings on the site. It would have an irregular shaped footprint with a maximum width of 46m and a maximum depth of 47m. The building would be two storeys in height with a shallow pitched roof, some 8m in height. Externally, the building would feature a composite cladding system. The front entrance to the building would be on the west side and this is the elevation that has the greatest amount of glazing. The main access doors for the warehouse area would be on the east elevation of the building.
- 10.2 The majority of the ground floor of the building would comprise the warehouse. The warehouse would be a full two storeys in height. The remainder of the ground floor would comprise meeting rooms, staff rooms, circulation space and a LOGO (logistics operation) room. The first floor of the building would comprise an office space, conference room and staff facilities. The applicants state that the building would provide 2,382sqm of floorspace, made up of 1,850sqm on the ground floor and 532sqm at the first floor.
- 10.3 The plans show a total 31 of car parking spaces located to the west side of the building. This would include 2 disabled bays and 2 EV charging points. The applicants propose 9 cycle parking spaces.
- 10.4 The plans also show that a section of the building to the east of the site measuring 105sqm would be removed to provide the access into the loading area for the warehouse building.
- 10.5 The application is to support the expansion of the existing firm on the site, Contego Safety Solutions. The applicants have provided a supporting statement that sets out the reason for the application. In summary it makes the following points:
- *What was initially a piece of unused farmland now houses our Head Office and three Warehouses.*
 - *We have worked with Fotowatio Renewable Ventures to enable the installation of 28 Tesla Megapacks on our land.*
 - *We hope to repurpose our land and build a larger office building to support our growing team as well as to create more warehouse capacity.*

- *We're continuously working with an increasing number of customers, and that naturally means there will be new industries that bring new product requirements with them, in order to safely protect all of their staff roles.*
- *New customers not only means new products, but a larger volume of products that we need to store at our warehouse.*
- *We are fast outgrowing our space and already need to stock some items off-site, therefore deeming this expansion a fundamental part of our growth goals.*
- *With our goal being to grow to a 20-million-pound company in the next 7 years, we need to hire experienced, skilled staff to look after our growing customer base, in order to serve them effectively.*
- *We currently have 13,500 SQ. FT. floor space, 39 permanent employees, over 50,000 product lines*
- *The expansion will help us to provide a better environment to store our products ensuring they reach our customers in the best possible condition, provide a safe and pleasant working environment for our valued team, grow our team by adding a minimum of 2 further employees every year and achieve our goals for a market leading customer experience*
- *Additional roof space will give us the opportunity to install even more solar panels, with the goal to become completely self-sufficient at peak times and, additionally, supply power back to the UK National Grid to help the government with their 2030 net-zero goal.*
- *To expand our customer base and turnover £20 million pounds by 2030*
- *To employ at least 23 more staff by 2030 to fulfil our new and existing contracts*
- *To grow our range of sustainable workwear, use solar panels to become more self-sufficient, and encourage more of our customers to use our PPE recycling service, contributing to our net-zero journey*

11.0 Legal Framework and List of Policies

11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

11.2 Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

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

11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

- 11.5 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.
- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP), Sites Allocations Development Plan Document (SADPD) and the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP).
- 11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.
- 11.8 The following list of policies are relevant in the determination of this application;
- 11.9 **Mid Sussex District Plan 2014-2031**
The District Plan was adopted at Full Council on 28th March 2018.
Relevant policies:
- DP1 Sustainable economic development
 - DP12 Protection and Enhancement of Countryside
 - DP13 Preventing coalescence
 - DP14 Sustainable Rural Development and the Rural Economy
 - DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
 - DP20 Securing Infrastructure
 - DP21 Transport
 - DP22 Rights of Way and other Recreational Routes
 - DP26 Character and Design
 - DP28 Accessibility
 - DP29 Noise, Air and Light Pollution
 - DP34 Listed Buildings and other Heritage Assets
 - DP37 Trees, Woodland and Hedgerows
 - DP38 Biodiversity
 - DP39 Sustainable Design and Construction
 - DP41 Flood Risk and Drainage
- 11.10 **Mid Sussex Site Allocations Development Plan Document (SADPD)**
The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.
- SA34 Existing Employment Sites
 - SA38 Air Quality
- 11.11 **Hurstpierpoint and Sayers Common Neighbourhood Plan**
- 11.12 The HSCNP was made in 2016 and forms part of the development plan for this part of Mid Sussex.
- Policy Countryside Hurst C1 Conserving and Enhancing Character
 - Policy Countryside Hurst C3 - Local Gaps and Preventing Coalescence

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

DPS2: Sustainable Design and Construction

DPN7: Noise Impacts

DPC1: Protection and Enhancement of the Countryside

DPC2: Preventing Coalescence

DPC6: Ashdown Forest SPA and SAC

DPB1: Character and Design

DPB2: Listed Buildings and Other Heritage Assets

11.14 The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current adopted District Plan 2014-2031 and its policies will have full weight.

11.15 In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

11.16 As the submission draft District Plan 2021-2039 (Regulation 19) will be published for public consultation on 12th January 2024 for six weeks, and therefore at this stage the Local Planning Authority does not know which Policies will be the subject of unresolved objections, only minimal weight can be given to the Plan at this stage.

11.17 As such, this planning application has been assessed against the policies of the adopted District Plan.

11.18 **Development Infrastructure and Contributions Supplementary Planning Document (SPD)**

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

11.20 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.

11.21 National Planning Policy Framework (NPPF) (December 2023)

11.22 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently.

11.23 Paragraph 12 of the NPPF states:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

11.24 Paragraph 38 of the NPPF states:

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

11.25 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.

11.26 National Planning Policy Guidance

12.0 Assessment

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- The principle of development;
- Impact on heritage assets
- Design/layout
- Trees and Ecology
- Access and Transport
- Drainage
- Neighbour amenity
- Ashdown Forest
- Planning Balance and Conclusion

12.1 Principle of development

12.2 As the site lies within the countryside, the starting point for an assessment of the application is policy DP12 of the DP. The supporting text to policy DP12 states in part:

'The countryside is a working environment that needs to be managed in a way that enhances the attractiveness of the rural environment whilst enabling traditional rural activities to continue. The rural economy will be supported by other policies within this Plan that permit small-scale development and changes of use that will further economic activities that are compatible with the District's rural character.'

12.3 The policy itself 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.'

12.4 The above policy is a key part of the overall spatial strategy of the DP, which seeks to protect the countryside and to focus development on the higher category settlements which have a wider range of services, facilities, and better accessibility.

12.5 A fundamental principle of this policy 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.

12.6 Policy DP1 in the DP states in part:

'The total number of additional jobs required within the district over the plan period is estimated to be an average of 543 jobs per year. This will be achieved by:

- Encouraging high quality development of land and premises to meet the needs of 21st century businesses;*

- *Supporting existing businesses, and allowing them room to expand;*
- *Encouraging inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries; and*
- *Seeking the provision of appropriate infrastructure to support business growth - in particular high speed broadband connections.*
- *Provision for new employment land and premises will be made by:*
- *Allocating 25 hectares of land as a high quality business park at Burgess Hill to the east of Cuckfield Road;*
- *Allocating further sites within the Site Allocations DPD;*
- *Incorporating employment provision within large scale housing development as part of a mixed use development where it is appropriate; and*
- *Allowing new small-scale economic development, in the countryside, including tourism (in accordance with Development in the Countryside policies).*

Effective use of employment land and premises will be made by:

- *Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;*
- *Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;*
- *Giving priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies). Neighbourhood Plans should:*
- *Identify the needs of local businesses and their local residents for employment opportunities and any areas requiring economic regeneration, infrastructure provision or environmental enhancement as required by paragraph 21 of the National Planning Policy Framework; and*
- *Allocate sufficient land within their towns and villages to meet these needs.*

If monitoring indicates that there is an insufficient supply of allocated employment sites to meet the District's jobs needs, then the Council will consider allocating sites through a Site Allocations Development Plan Document, produced by the District Council.'

12.7 Policy DP1 in the DP allows for new small scale economic development in the countryside. Policy DP14 in the DP allows for new small scale economic development in the countryside, provided that it is not in conflict with policy DP12.

12.8 Policy DP14 states:

'Provided it is not in conflict with Policy DP12: Protection and Enhancement of Countryside and DP13: Preventing Coalescence:

- *new small-scale economic development, including tourism-related development, within the countryside (defined as the area outside of built up area boundaries as per the Policies Map) will be permitted provided:*
- *it supports sustainable growth and the vitality of the rural economy; and*
- *where possible, utilises previously developed sites.*
- *diversification of activities on existing farm units will be permitted provided:*
- *they are of a scale which is consistent to the location of the farm holding; and*
- *they would not prejudice the agricultural use of a unit.*
- *the re-use and adaptation of rural buildings for business or tourism use in the countryside will be permitted provided:*
- *the building is of permanent construction and capable of re-use without substantial reconstruction or extensive alteration;*
- *the appearance and setting is not materially altered; and*
- *it is not a recently constructed agricultural building which has not been or has been little used for its original purpose.'*

12.9 Policy Countryside HurstC1 in the Neighbourhood Plan states *'Development, including formal sports and recreation areas, will be permitted in the countryside, where:*

- *It comprises an appropriate countryside use;*
- *It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;*
- *In the South Downs National Park, policy HurstC2 will take precedent.'*

12.10 A key consideration therefore in respect of the principle of the development, is the impact of the proposal on the character of the countryside. The proposed new building would clearly change the appearance of the site by introducing a new modern business building where there is currently no development. Despite being cut into the ground, it would be higher than the existing buildings to the east. It would be clearly visible from public vantage points on the bridleway to the north.

12.11 Whilst there is existing development in and around the site, this would be a substantial new building on an undeveloped part of the site. It is considered that there would be some adverse impact on the character of the area from this additional building, because of its scale and increased height in comparison to the existing

buildings on the site. It is therefore not felt that the rural and landscape character of the District would be maintained or enhanced.

- 12.12 Whilst the LPA has granted planning permission for a commercial development to the south of this site (DM/21/1118), it is considered that the circumstances relating to that approval were unique to that site. There was a building on the adjoining site in the past which has now been removed and planning permission was originally granted for the neighbouring sites redevelopment on the basis that this was a site that used to have a redundant rural building on it. The extant consent on the neighbouring site was an important material planning consideration in the granting of the latest planning permission (DM/21/1118) on the neighbouring site.
- 12.13 The circumstances pertaining to the neighbouring site do not apply to this site: there was no building on the site of this planning application. As such, it is not considered that the fact that planning permission has been granted for a commercial development to the south of the site of the current planning application, provides a justification for the current proposal.
- 12.14 A further key consideration in relation to the principle of the development is whether the proposal is a 'small scale' development as set out in policy DP14 in the DP. There is no definition of small scale in the DP. In this case, the proposed development is more than 1,000sqm and is therefore classified as a 'major development' in the General Management Procedure Order. However, this definition of a 'major development' relates to the procedural requirements for dealing with planning applications and in itself does not automatically mean that a proposal is a major development for the purposes of development plan policy in Mid Sussex.
- 12.15 In this case, the proposed building would have a larger footprint than the existing buildings to the east of the site and would be of a greater scale. In light of these facts, it is not considered that the proposal could reasonably be considered to be a 'small scale' economic development as set out in policy DP14.
- 12.16 The proposal would support economic development and would provide a benefit to the existing company on the site. This weighs in favour of the proposal. However, as the site is in the countryside, the starting point is policy DP12 and then DP14. For the reasons outlined above, it is considered that there is a conflict with these policies in respect of the proposals impact on the character of the countryside and secondly, that it is not, in your Planning Officers view, a 'small scale' development. Therefore, whilst there is support for economic development in the countryside, for this to be compliant with the development plan it would need to meet the criteria set out in policies DP12 and DP14.
- 12.17 The site is not defined as an Existing Employment Site in the Site Allocations DPD. Policy SA34 in the Site Allocations DPD allows for the expansion of Existing Employment Sites outside of the built up area, subject to various criteria being met. As this site is not defined as an Existing Employment Site, policy SA34 does not apply. It is the policies that have been referred to above that are relevant to the determination of this application.

12.18 Coalescence

12.19 Policy DP13 in the DP states:

'The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next.'

Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements.

Local Gaps can be identified in Neighbourhood Plans or a Site Allocations Development Plan Document, produced by the District Council, where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements. Evidence must demonstrate that existing local and national policies cannot provide the necessary protection.'

Policy Hurst C3 states 'Development will be permitted in the countryside provided that it does not individually or cumulatively result in coalescence and loss of separate identity of neighbouring settlements, and provided that it does not conflict with other Countryside policies in this Plan. Local Gaps between the following settlements define those areas covered by this policy:

Hurstpierpoint and Hassocks;

Sayers Common and Albourne;

Hurstpierpoint and Albourne;

Hurstpierpoint and Burgess Hill.'

12.20 As the crow flies there is a gap of some 1.6km between the defined built up area boundaries of Burgess Hill and Hurstpierpoint at their closest points. It is not considered that the proposal would erode the sense of leaving one settlement before arriving at another. As the crow flies the site is some 270m to the west of the built up area of Burgess Hill. The built up area boundary runs alongside the Jane Murray Way and provides a strong and defined boundary to the settlement of the town. It is not felt that the proposal would have unacceptably urbanising effect on the area between settlements. It is not considered that the proposal will result in coalescence and therefore there is no conflict with this policy.

12.21 Impact on heritage assets

12.22 To the south of the site along Malthouse Lane and also to the west of the road is Kent's Farm House, which is a Grade II listed building. Associated with it are Kent's Farm Cottages and a group of agricultural buildings at Kent's Farm.

12.23 Section 66 of the Planning (Listed Buildings and Conservation Areas) (PLBCAA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

12.24 Case law has stated that:

*'As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.'*

12.25 The Courts further stated on this point:

*'This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'*

12.26 Policy DP34 of the DP states in part:

'Listed Buildings

Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of*

a listed building retain its significance and character whilst ensuring that the building remains in a viable use;

- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

12.27 Paragraph 205 of the NPPF states:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

12.28 Paragraph 208 of the NPPF states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

12.29 Kent's Farm House, which is a Grade II listed building, is located some 200m to the southwest of the application site. Kent's Farm including the former farmhouse is recognised in the West Sussex Historic Farmstead and Landscape Character assessment as a Historic Farmstead dating to the 17th century.

12.30 The full comments of the Councils Conservation Officer are set out in the appendix and summarised at the start of this report. The Councils Conservation Officer states:

'The surviving rural setting of the farm house and farmstead, including the application site, which was once part of the farmlands to Kent's Farm, would be regarded as making a positive contribution to the special interest of the listed building and any associated curtilage listed buildings or NDHAs within the historic farmstead, in particular those parts of that interest which are drawn from illustrative or aesthetic values.

The current proposal is for adaptation of the existing building on the site and construction to the rear (west) of this of a substantial warehouse building with office and associated facilities, car parking, cycle parking and landscaping.

Development of this nature would have a fundamental impact on the site's currently open and rural nature, and would remove the positive contribution which it currently makes to the wider setting of Kent's Farm. Due partly to its scale and the proposed

facing and roofing materials, it is likely to detract from the surviving rural character of views looking northwards from the farmstead and its garden immediate setting, as well as from the rural nature of the context within which the farmstead is appreciated in views and vistas looking southwards from the adjacent PROW – this is not withstanding the presence of the battery storage unit which sits at significantly lower level than the proposed new building and will not screen it entirely in views looking north from the farmstead.

In addition, although the new building is set behind the existing buildings at East Lodge Farm, its substantial scale (in particular its height) will be likely to mean that it is still relatively prominent in views from Malthouse Lane. This will have some impact on the largely rural character of the approach to the historic farmstead travelling south along the lane.

The impact of the proposed development would be exacerbated by its scale, bulk, design and materials, which are unsympathetic to the rural location - despite assertions within the submitted DAS that the building has 'modern agricultural' appearance, its size, form elevational treatment (including fenestration) and the use of coloured composite cladding panels to the elevations will give it an industrial or commercial character out of keeping with the wider rural context.

Furthermore, the impact of the proposal will be cumulative with the Class E(g) building recently approved to the south of East Lodge Farm.

For these reasons I consider that the proposal will be harmful, through impact on setting, to the special interest of Kent's Farm House and the associated historic farmstead and the manner in which this is appreciated.

This would be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to the heritage assets to be less than substantial, at the low-mid point of that scale, such that the criteria set out in paragraph 202 of that document would apply.' (Note: Paragraph 202 is now paragraph 208 in the new NPPF).

- 12.31 Your Planning Officer agrees that there would be an impact on the setting of the heritage asset as a result of the change from a currently undeveloped site to a site with a large commercial building on it. It is your Planning Officer's view that the extent of this impact is tempered by the fact that there is further development adjacent to the application site (the existing commercial buildings to the east and the battery storage facility to the south). As such the proposal is not introducing new development into a completely undeveloped area in the setting of the heritage asset.
- 12.32 Nonetheless, your Planning Officer agrees with the Councils Conservation Officer that there would be some harm and that in terms of the NPPF, this would be classed as less than substantial. It is the case that within the bracket of 'less than substantial harm', there is range of impacts. In this case your Planning Officer agrees with the Conservation Officer that the harm lies at the mid-low point of that scale. In accordance with section 66 PLBCAA Act 1990, significant weight should be attached to that less than substantial harm that arises from this impact.

12.33 In this case, the main public benefits of the scheme are economic benefits arising from the provision of additional employment floorspace. The scheme would provide modern floorspace to allow the expansion of an existing firm. It is your Planning Officers view that significant weight should be afforded to the economic benefits of the proposal. It is a clear aim of Government policy in the NPPF to support sustainable economic growth and to support the rural economy. However, it is not considered that there is full compliance with policy DP14 in the DP as this is not felt to be a small scale economic development. Therefore, whilst there is support for economic development in the countryside, for this to be compliant with the development plan it would need to meet the criteria set out in policies DP1, DP12 and DP14.

12.34 Design/layout

12.35 Policy DP26 in the DP seeks a high standard of design in new development. 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.'*

12.36 The proposed building is considered to be an acceptable design in its own right as a large commercial building. It would be a functional design, whose form is dictated by the uses that would take place within the building. However, the building would be significantly larger than the existing buildings on the site. The plans show that the elevations of the proposed building would be some 4.7m higher than the neighbouring buildings. This is due to the larger scale of the proposed new building and also because the adjoining site to the west is on a higher ground level.

12.37 Part of policy DP26 requires development to be sensitive to the countryside. It is your Planning Officers view that the scale of the proposed building will mean that it will be prominent within the locality and the fact that there is a public right of way to the north of the site will mean that it will be clearly visible from public vantage points.

12.38 Overall, is your Planning Officers view that whilst the design of the building is not objectionable per se as a piece of architecture, in this location it would not be sensitive to the character of the countryside because of its prominence and scale and the fact that it would be significantly larger than the neighbouring buildings to the east. In light of this it is not felt that there is full compliance with policy DP26 of the DP.

12.39 With regards to accessibility, policy DP28 in the DP requires all development to meet and maintain high standards of accessibility so that all users can use them safely and easily. The building would have a passenger lift and disabled car parking spaces in front of the building. It would also need to meet the Building Regulations in respect of accessibility. It is therefore considered that policy DP28 in the DP is met.

12.40 Sustainable Design

12.41 The applicants have provided a Sustainability Statement with their application. This advises that an improvement over the minimum Building Regulations requirements for air permeability will be sought. The application also proposes PV panels on the building with the aim being for the building to be completely self-sufficient at peak times and additionally, that power can be supplied back to the UK National Grid. The applicants state that *'The use of energy conscious design principles and a fabric first approach means that the building should remain energy efficient for the entirety of its lifetime.'*

In light of the above it is considered that the application complies with policy DP39 in the DP and the aims of Principle DG37 in the Design Guide SPD.

12.42 **Ecology**

12.43 Policy DP38 in the DP seeks to protect and enhance biodiversity. It states:

'Biodiversity will be protected and enhanced by ensuring development:

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

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

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

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

12.44 The application is accompanied by an Ecological Appraisal Report. In relation to impacts, the Executive Summary in the applicants report notes that:

- *The proposed development has low potential to impact foraging and commuting bats.*
- *The proposed development has the potential to impact nesting birds.*
- *The proposed development has very low potential to impact common reptiles and amphibians.*
- *The site supports habitats associated with disturbed ground and the site supports habitats of low ecological value.*

- 12.45 There are no statutory designated sites within 2km of the application site and no non-statutory sites for nature conservation within 1km of the site. The applicants report recommends that lighting is controlled so that it does not impact upon foraging bats. The scheme does not propose the removal of the scattered trees on the northern boundary, which may be used by bats. The report also recommends that existing log stacks and pallet piles are removed by hand under ecological supervision to ensure that any reptiles or amphibians that are present are not impacted and that the log stack is relocated to somewhere else on site or an alternative log pile created post development.
- 12.46 Following a request from the Councils Ecological Consultant, a Precautionary Mitigation report for Great Crested Newts was provided by the applicants. This was because there is a pond within 250m of the site that could contain Great Crested Newts (there are no ponds on the site itself). The majority of the habitats on site are sub-optimal and unlikely to be used by Great Crested Newts as terrestrial habitat. The only suitable habitat on site which could be used by Great Crested Newts as refuges and foraging habitat were the hedgerows and associated ditch on the northern boundary of the site which will remain intact and protected throughout the works.
- 12.47 This report concluded that *'The provision of mitigation makes it unlikely that development proposals would result in a significant impact to great crested newts and the proposals will not have a significant impact on the favourable conservation status to great crested newts if they are present in the local ponds.'*
- 12.48 All of the supporting information has been assessed by the Councils Ecological Consultant, who has raised no objection to the application, subject to conditions. These conditions would relate to the construction stage and to the post construction stage, to secure an acceptable lighting scheme, biodiversity enhancement including shrub and tree planting. With such conditions in place the application would comply with policy DP38 of the DP.

12.49 Access and Transport

- 12.50 Policy DP21 in the 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.'

12.51 The reference to development not causing a severe cumulative impact reflects the advice in paragraph 115 of the NPPF, which states:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

12.52 The proposal would utilise the exiting access that serves the site. The Local Highway Authority (LHA) considers that this is of sufficient geometry to accommodate the anticipated level of vehicular activity and sightlines along Malthouse Lane from the existing point are also considered acceptable. Your Planning Officer has no reason to disagree with this assessment.

- 12.53 In relation to vehicular movements the application is accompanied by a Transport Statement (TS) that utilises the TRICS database to calculate the likely number of vehicular movements from the development. The TRICS database is a nationally recognised source for calculating vehicular movements. The TS has demonstrated that the warehouse would generate up to 16 two-way trips in any one hour, with a maximum of 15 two-way trips in the standard weekday peak periods (08:00am-09:00am and 17:00pm-18:00pm). The LHA state they would not raise a capacity concern with the anticipated amount of additional vehicular movements onto the local network.
- 12.54 With regards to the accessibility of the site, whilst close to Burgess Hill, there is no footway alongside the road and the road is not street lit. Accordingly it is likely that the majority of trips to the site would be made by car. This would not fully accord with the Principle DG9 in the Mid Sussex Design Guide SPD which seeks to reduce reliance on the private car. However, Government advice in the NPPF is supportive of sustainable economic growth and the rural economy. Paragraph 88 states in part that *'Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.'* It is felt this provides some support in relation to the principle of the development.
- 12.55 Overall, it is considered that prospective employees on this site are likely to use the private car to access the site rather than walking/cycling. Policy DP21 seeks to sustainably located development to minimise the need for travel but does recognise that there may be circumstances where development needs to be located in the countryside, such as rural economic uses. This is reflected in the advice paragraph 109 of the NPPF, which states in part:
- 'However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'*
- This point is also recognised in paragraph 89 of the NPPF which states:
- 'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'*
- 12.56 In relation to this matter the LHA state *'The submitted TS does suggest that persons using the site could arrive on foot, cycle, bus, train or by car. Realistically given the type of use, the majority of visits would be via the car. However as previously stated the proposal is not anticipated to result in a material increase in traffic movements over the permitted and historic uses.'*
- 12.57 Overall, the LHA state that they do *'...not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 111), and that there are no transport grounds to resist the proposal.'*

12.58 Concerns have been raised about the impact of the development on horse riders who may be using Malthouse Lane. There are bridleways to the north, south and east of the site. Whilst the proposal would result in more vehicular movements on Malthouse Lane, as has been set out above, this would not result in a severe impact on the highway network. It is therefore felt it would be difficult to substantiate a case that the impact on horse riders from the development would be so severe as to warrant refusal of the scheme. Rule 215 of the Highway Code states *'Horse riders and horse-drawn vehicles. Be particularly careful of horse riders and horse-drawn vehicles especially when approaching, overtaking, passing or moving away. Always pass wide and slowly. When you see a horse on a road, you should slow down to a maximum of 10 mph. Be patient, do not sound your horn or rev your engine. When safe to do so, pass wide and slow, allowing at least 2 metres of space.'*

Feral or semi feral ponies found in areas such as the New Forest, Exmoor and Dartmoor require the same consideration as ridden horses when approaching or passing.

Horse riders are often children, so take extra care and remember riders may ride in double file when escorting a young or inexperienced horse or rider. Look out for horse riders' and horse drivers' signals and heed a request to slow down or stop. Take great care and treat all horses as a potential hazard; they can be unpredictable, despite the efforts of their rider/driver. Remember there are three brains at work when you pass a horse; the rider's, the driver's and the horse's. Do not forget horses are flight animals and can move incredibly quickly if startled.' It is the responsibility of all users of the highway to adhere to the rules of the Highway Code.

12.59 Concerns have also been raised about the condition of Malthouse Lane in respect of potholes and flooding. The responsibility for the maintenance of the public highway rests with the County Council as the LHA and the current physical condition of Malthouse Lane would not be a reason to refuse this planning application.

12.60 In light of all the above, whilst users of the site are likely to access it by vehicles rather than public transport or walking/cycling, it is not felt that the application should be resisted on sustainability grounds alone. Whilst most employees are likely to arrive by the private car, the site is in relatively close proximity to Burgess Hill so there is the potential for such journeys to be short for employees living in and around Burgess Hill. The LHA do not consider the proposal would have a severe impact on the local highway network and your Planning Officer has no reason to disagree with this assessment. However, without the infrastructure contribution towards the Green Circle route there would be some conflict with policy DP21 in the DP in respect of facilitating increased use of alternatives to the private car.

12.61 With regards to the public right of way to the north of the site, policy DP22 in the DP seeks to ensure that *'development does not result in the loss of or does not adversely affect a right of way or other recreational routes unless a new route is provided which is of at least an equivalent value and which does not sever important routes.'* Whilst the proposed development would be clearly visible from the public right of way, the proposal would have no direct impact on the route of the public right of way. As such it is not considered that there would be a conflict with policy DP22 in the DP.

12.62 **Infrastructure**

12.63 Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations

b) An Affordable Housing SPD

c) A Development Viability SPD

12.64 The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 55 and 57 which state:

'55 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:

'57 Planning obligations must only be sought where they meet all of the following tests:

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

b) directly related to the development; and

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

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

12.66 The LHA has requested a sum of £30,902 to go towards cycling and walking improvements to the Burgess Hill Green Circle route, which the LHA states will improve sustainable links to Burgess Hill town centre and nearby bus stops.

12.67 It is considered that this request is reasonable and would meet the test identified above.

12.68 Drainage

12.69 Policy DP41 in the DP seeks to ensure that sites can be satisfactorily drained without causing a risk of flooding off site.

12.70 The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is shown to be at very low and low surface water flood risk (comparable to flood zone 1 and 2). The proposed development is in an area at very low flood risk.

12.71 The applicants supporting drainage information states that it is proposed that the development will discharge surface water drainage into an existing ditch located

along the northern boundary of the site. The applicant has provided evidence that this ditch exists and is connected to the wider watercourse network within the area. It is proposed that the development will utilise a private package treatment plant, with treated foul effluent discharging into the existing ditch located on the northern boundary of the site.

- 12.72 The Councils Drainage Engineer has no objection to the proposal and has recommended that a condition be imposed to require further details of the proposed drainage works. There is no reason in principle why this site cannot be satisfactorily drained and with such a condition in place the application complies with policy DP41 of the DP.

12.73 Neighbour amenity

- 12.74 Policy DP26 in the DP seeks to avoid development that cause significant harm to neighbouring amenity. In respect of noise, air and light pollution, policy DP29 in the DP states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*
- *Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*
- *In appropriate circumstances, the applicant will be required to provide:*
- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development;*
- *Light pollution:*
- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*
- *Air Pollution:*
- *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.*
- *The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'*

12.75 In this case the nearest neighbouring property is Eastlands Farmhouse, which is some 115m to the northeast of the site. 2 Kents Farm Cottages is some 230m to the south of the site. The Council's Environmental Health Officer (EHO) has recommended conditions to control the hours of operation at the site (7am to 5pm Monday to Friday and 8am to 1pm Saturday) and has advised that with these in place there would be no significant impact on neighbours in respect of noise. The EHO has also recommended conditions to control the noise level from any external plant that is sited outside of the building. With such conditions in place the EHO has no objection to the application.

12.76 Ashdown Forest

12.77 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).

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

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

Recreational disturbance

12.80 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.

12.81 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

- 12.82 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

- 12.83 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.
- 12.84 The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Mid Sussex Transport Study, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.
- 12.85 Conclusion of the Habitats Regulations Assessment
- 12.86 The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.
- 12.87 No mitigation is required in relation to the Ashdown Forest SPA or SAC.
- 12.88 A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

13.0 Planning Balance and Conclusion

- 13.1 Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the DP, SADPD and the HSCNP.
- 13.2 The site lies in the countryside as defined in the DP and so the starting point for assessing the application is policy DP12 of the DP. This seeks to protect the character of the countryside by ensuring that proposals maintain or enhance the quality of the rural character of the District, and they are supported by a specific policy reference elsewhere in the DP or a neighbourhood Plan. Policy Hurst C1 in the HSCNP has similar aims. Policy DP14 in the DP allows for new small scale economic development in the countryside.
- 13.3 The proposal would support economic development and would provide a benefit to the existing company on the site. This weighs in favour of the proposal. However, as the site is in the countryside, the starting point is policy DP12 and then DP14. For the reasons outlined above, it is considered that there is a conflict with these policies in respect of the proposals impact on the character of the countryside and secondly, that it is not, in your Planning Officers view, a 'small scale' development.
- 13.4 Therefore, whilst there is support for economic development in the countryside, for this to be compliant with the development plan it would need to meet the criteria set out in policies DP12 and DP14.
- 13.5 The proposed development would clearly change the appearance of the site by introducing a large modern business building where there is currently no development. Whilst the building would be to the west of the existing buildings at

the site, because of its elevated ground level and the greater scale of the building, it would be visible from Malthouse Lane and would be clearly visible from the public right of way to the north.

- 13.6 It is also considered that the proposal would result in some harm to the setting of Kent's Farm House. In terms of the NPPF this is felt to fall in the category of being less than substantial, and at the mid to low point of less than substantial harm. In accordance with section 66 PLBCAA 1990 - significant weight should be attached to that less than substantial harm that arises from this impact. As set out in paragraph 208 of the NPPF, the considerable weight attached to the less than substantial harm needs to be weighed against the public benefits of the proposal.
- 13.7 It is considered that there are important public benefits that need to be weighed in the planning balance required under paragraph 208 of the NPPF. The scheme would result in economic benefits to the local economy, with the applicants indicating that 23 additional people would be employed at the site. It is your Planning Officers view that these economic benefits should be afforded significant weight. However, whilst there is support for economic development in the countryside, for this to be compliant with the development plan it would need to meet the criteria set out in policies DP12 and DP14.
- 13.8 It is considered that the proposed access to the site is satisfactory and that there will not be a severe impact on the local highway network, which is the test in policy DP21 and the NPPF. There are no objections from the LHA to the proposal. As such there are no grounds to resist the application based on highway safety matters.
- 13.9 The site can be satisfactorily drained and there are no objections from your Drainage Engineers. There are no objections to the scheme in relation to ecological matters. As such these matters are neutral in the planning balance.
- 13.10 To conclude, it is considered that there would be no conflict with policies DP13, DP17, DP20, DP22, DP28, DP29, DP37, DP38 and DP41 in the DP or policy HurstC3 in the HSCNP. However, it is felt that on balance, there would be some harm to the character of the countryside arising from the development. It is not felt that the proposal could be described as small scale economic development. There would also be some harm (less than substantial) to the setting of Kents Farm House. As such there would be conflict with policies DP12, DP14 and DP34 in the DP and policy HurstC1 in the HSCNP. There would also not be full compliance with policy DP1 as the proposal is not a small scale development, although it would comply with the aims of this policy in respect of providing economic benefits. There would also be some conflict with policy DP26 in the DP as the proposal would be of a greater scale than the neighbouring building and will not fully address the scale of the surrounding buildings. Without the infrastructure contribution towards the Green Circle route there would also be some conflict with policy DP21 in the DP in respect of facilitating increased use of alternatives to the private car.
- 13.11 Therefore, on balance, it is felt that whilst there is compliance with a number of policies in the development plan, there is conflict with key policies in relation to new commercial development in the countryside. In light of the above, it is felt that on balance, the scheme does not comply with the development plan when this is read as a whole. Therefore, very much on balance, the scheme is recommended for refusal:
-

APPENDIX A – REASONS FOR REFUSAL

1. The proposal is not considered to be a small scale development and would be of a greater scale than the neighbouring buildings. The proposal would not maintain or enhance the quality of the rural and landscape character of the District and would result in less than substantial harm to the setting of Kents Farm House. The public benefits of the proposal are not considered to outweigh this harm. The proposal therefore conflicts with policies DP1, DP12, DP14, DP26 and DP34 of the Mid Sussex District Plan 2014-2031 and policy HurstC1 in the Hurstpierpoint and Sayers Common Neighbourhood Plan.
2. In the absence of a completed legal agreement, the proposal does not provide for the required Total Access Demined payment of £30,902 to go towards cycling and walking improvements to the Burgess Hill Green Circle route. The proposal therefore fails to provide the required infrastructure contributions and therefore conflicts with policies DP20 and DP21 in the Mid Sussex District Plan 2014-2031.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (General Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advise on the best course of action in respect of any future application for a revised development.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Drainage Details	100	P1	28.04.2023
Proposed Sections	200	P1	28.04.2023
Proposed Sections	201	P1	28.04.2023
Existing Sections	P-EX1	A	28.04.2023
Existing Floor and Elevations Plan	P-EX2	-	28.04.2023
Location and Block Plan	P-LC1	A	28.04.2023
Proposed Sections	P-PR1	B	28.04.2023
Proposed Floor Plans	P-PR2	A	28.04.2023
Proposed Floor Plans	P-PR3	-	28.04.2023
Proposed Roof Plan	P-PR4	-	28.04.2023
Proposed Elevations	P-PR5	A	28.04.2023
Proposed Floor and Elevations Plan	P-PR6	-	28.04.2023

APPENDIX B – CONSULTATIONS

County Planning Officer

Summary of Contributions:

Net Population Increase	0.0
Net Parking Spaces	16
Net Commercial Floor Space sqm	1124
Total Access (commercial only)	23.9149
Number of fire hydrants	To be secured under Condition

Total TAD Contribution due

£30,902

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal in terms of demand on Highways and Sustainable Transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the *National Planning Policy Framework, 2019*.

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2023 West Sussex County Council will increase the S106 monitoring fee to £240 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £720 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1440.

All TAD (Total Access Demand) contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 1124 sqm of B8 floor area, and an additional 16 car parking spaces.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the West Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2024. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contribution towards the provision of Transport and Sustainable Infrastructure should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

The contribution shall be spent on local cycling and walking improvements to the Burgess Hill Green Circle route which improve sustainable links to Burgess Hill town centre and nearby bus stops.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and include indexation arrangements whereby all financial contributions will be index linked from the date of this consultation response to the date the contributions become due.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, parking spaces, nature or tenure, may generate a different contribution requirement and thus require re-assessment of contributions. Such re-assessment should be sought as soon as the altered figures are known and not be left until signing of the section 106 Agreement is imminent.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

Should you require further information in relation to the calculation of the contributions, please see below:

TAD- Total Access Demand

The methodology is based on total access to and from a development. An **Infrastructure Contribution** is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The **Sustainable Transport Contribution** is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2023/2024 is £1,575 per parking space.

Infrastructure contributions = Car parking spaces x £1,575

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£786).

Sustainable transport contribution = (net car parking – occupancy) x 786

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

WSCC Minerals and Waste

The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance therefore, the minerals and waste authority would offer a no comment to the proposed development. A summary of these thresholds is attached to this email and a short video (approx. 20 mins) explaining minerals and waste safeguarding and when the County Council should be consulted is available by clicking this link:

<http://www2.westsussex.gov.uk/ssr/mwsfgrdngrsntn.ppsx>. To hear the audio, view the slides as a 'slide show'.

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary

include waste management facilities of an appropriate type and scale (Policy W23 of the West Sussex Waste Local Plan, 2014).Highway Authority

Background

WSCC in its role of Local Highway Authority (LHA) has been consulted on the proposals for highway safety, capacity and access.

The proposed development forms an extension to the existing site. The proposed development is to construct a 2382m² (GIFA) building, made up of 1850m² at ground floor and 532m² at first floor, comprising predominantly warehouse/storage floorspace (1314m²), plus ancillary use space including logo room, conference room, kitchen, WC, etc (777m²) and offices (291m²). The highway aspects of the proposals are supported by way of a Transport Statement (TS).

Access and Visibility

The site does have an existing vehicular access onto Malthouse Lane, no modifications are proposed to the existing access arrangements. The access is considered to be of sufficient geometry to accommodate the anticipated level of vehicular activity. Sightlines along Malthouse Lane from the existing point are considered acceptable. A review of the access onto Malthouse Lane indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely.

Capacity

Via the Trip Rate Information Computer System (TRICS) the Ts has demonstrated that the warehouse would generate up to 16 two-way trips in any one hour, with a maximum of 15 two-way trips in the standard weekday peak periods (08:00am-09:00am and 17:00pm-18:00pm). The LHA would not raise a capacity concern with the anticipated amount of additional vehicular movements onto the local network.

Parking and Layout

The proposed parking is considered acceptable. The site layout has been tracked via swept path diagrams with an ambulance and delivery van illustrated to demonstrate that each vehicle can adequately manoeuvre at the front of the building. The vehicle tracking is shown within the Ts on Drawing 12344_2200 P2 REV C.

Sustainability

The submitted Ts does suggest that persons using the site could arrive on foot, cycle, bus, train or by car. Realistically given the type of use, the majority of visits would be via the car. However as previously stated the proposal is not anticipated to result in a material increase in traffic movements over the permitted and historic uses.

Conclusion

Following assessment of the TS the LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 111), and that there are no transport grounds to resist the proposal.

Any approval of planning consent would be subject to the following condition:

Car parking space

No part of the development shall be first occupied until the car parking has been

constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Ecological Consultant

Comments received 20th October 2023

Summary

Following our previous comments, we have now reviewed the Great Crested Newt Precautionary Mitigation Report (Wychwood Environmental Ltd., September 2023) and the Ecological Appraisal Report (Wychwood Environmental Ltd., 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 note that the Natural England Risk Assessment Tool indicates that an offence is highly likely without mitigation measures for Great Crested Newt (GCN) (Great Crested Newt Precautionary Mitigation Report (Wychwood Environmental Ltd., September 2023)). However, as the ponds within 500m are all located on third party land so access have not been possible and there are no records for GCN within 250m of the site (Great Crested Newt Precautionary Mitigation Report (Wychwood Environmental Ltd., September 2023)), we support the implementation of the non-licensed GCN Precautionary Method Statement. In the absence of any consultation response from NatureSpace, we recommend that this should be secured by a condition of any consent and implemented in full.

We are now 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 measures identified in the Great Crested Newt Precautionary Mitigation Report (Wychwood Environmental Ltd., September 2023) and the Ecological Appraisal Report (Wychwood Environmental Ltd., December 2022) should be secured 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 2023. 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 biodiversity enhancement measures, including shrub and tree planting, should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife. The specifications and locations of the bird and bat boxes should also be identified in the LEMP. The LEMP should be secured by a condition of any consent.

We also agree with the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Appraisal Report (Wychwood Environmental Ltd., December 2022)) to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. 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 recommended by GN:08/23 (ILP) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- 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.
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

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 Great Crested Newt Precautionary Mitigation Report (Wychwood Environmental Ltd., September 2023) and the Ecological Appraisal Report (Wychwood Environmental Ltd., December 2022), 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 Policy 31 of the Horsham Development Framework.

2. 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).

3. 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 Ecological Appraisal Report (Wychwood Environmental Ltd., 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 and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

4. 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).

5. 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) and Policy 31 of the Horsham Development Framework.

Please contact us with any queries.

Comments received 27th July 2023

Summary

We have reviewed the Ecological Appraisal Report (Wychwood Environmental Ltd., 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 Ecological Appraisal Report (Wychwood Environmental Ltd., December 2022) identifies that there is a pond 110m from the site which may be suitable for breeding Great Crested Newt (GCN). Government Standing Advice indicates that a survey should be undertaken if *'there's a suitable water body such as a pond or ditch up to 500 metres of the development, even if it only holds water for some of the year'*. A further criteria for requesting a survey under the Advice is that *'distribution and historical records suggest GCN may be present.'* As there are four records for European Protected Species Mitigation Licences for GCN within 2km of the site and a pond approximately 470m from the site with positive records of GCN, the development meets this criteria as well.

The results of the surveys, including any mitigation and enhancement measures required to make this proposal acceptable, should be provided to the LPA. Alternatively, as the survey window for GCN has closed for this year, we recommend that the applicant contacts NatureSpace about a GCN district licence as this strategic scheme is now available in Mid Sussex.

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."*

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

Please contact us with any queries.

Environmental Protection Officer

The proposal is to increase the storage capacity at the site significantly. The current permission at the site, DM/15/2731, includes a condition which specifies the hours of operation permitted:

The use hereby permitted shall not be operated on Sundays or Public Holidays or at any time otherwise than between the hours of 0700 and 1700 Monday to Friday and 0800 and 1300 Saturday.

If these hours are maintained for the whole of the site, including the new building, then there will be no significant adverse impact on account of noise. I recommend that these hours are conditioned in the decision notice should you be minded to approve the application.

I also recommend that any plant serving the new building that is sited outside the building or has extract flues terminating outside the building, these should be subject to a noise assessment. The usual standard to apply for such an assessment is BS 4142.

Recommended condition:

The building hereby permitted shall not come into use until a scheme has been submitted to the LPA demonstrating that the noise rating level (L_Ar,Tr) of fixed plant and machinery sited outside the building shall be at least 5dB below the background noise level (L_A90,T) 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.

Implementation phase

During demolition, site clearance and construction works, it will be necessary to control emissions of noise and dust to protect local amenity. I therefore recommend a construction environmental management plan is required by a suitable condition. It would be expected that within such a plan there is a commitment to restrict hours of work activities, including demolition, site clearance, construction, deliveries, loading and unloading, to the following:
0700-1800 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.

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. 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.

Conservation Officer

The application site is an area of land to the west of East Lodge Farm (now known as Wearmaster House), to the west of Malthouse Lane. The former farm is now in commercial use, although the buildings retain to an extent an agricultural character particularly in height, form and materials. The area in question is currently undeveloped and retains some of its historical character as an open field. A public right of way (PROW) runs east-west along the northern edge of the site to join Malthouse Lane adjacent to East Lodge Farm.

Directly to the south of the site permission has recently been granted for the construction of a battery storage unit (DM/17/0572); to the south east permission has been granted for a substantial new Class E(g) building (DM/21/1118).

The site is considered to be within the wider setting of Kent's Farm House, which is a Grade II listed building located further to the south along Malthouse Lane. Associated with it are Kent's Farm Cottages and a group of agricultural buildings at Kent's Farm. Although there appear to be a number of modern agricultural buildings on the site, Kent's Farm including the former farmhouse is recognised in the West Sussex Historic Farmstead and Landscape Character assessment as a Historic Farmstead dating to the 17th century. Depending on their age as well as other factors former farm buildings within the farmstead may be regarded as curtilage listed, or as non-designated heritage assets (NDHAs). The farm is visible from Malthouse Lane; the farmhouse itself is well screened by hedges and trees along the road frontage but may be visible in glimpsed views in winter.

It is likely that Kent's Farm House would be considered to possess architectural interest based on its construction and craftsmanship, as well as aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn, and historical illustrative value as a good example of a 17th century Sussex farmhouse, altered and extended over the years in response to changing socio-economic conditions and the evolving needs and aspirations of successive owners. Any other surviving historic farm buildings within the farmstead might possess similar values.

The surviving rural setting of the farm house and farmstead, including the application site, which was once part of the farmlands to Kent's Farm, would be regarded as making a positive contribution to the special interest of the listed building and any associated curtilage listed buildings or NDHAs within the historic farmstead, in particular those parts of that interest which are drawn from illustrative or aesthetic values. The submitted Heritage Statement recognises this positive contribution and also suggests that there will be some limited intervisibility between the site and the house and/or its immediate grounds, although it is noted that the new battery storage site sits between the two. I would also consider it likely on this basis that the site will form part of the vista within which Kent's Farm is appreciated in fairly distant views from the above mentioned PROW.

The current proposal is for adaptation of the existing building on the site and construction to the rear (west) of this of a substantial warehouse building with office and associated facilities, car parking, cycle parking and landscaping.

Development of this nature would have a fundamental impact on the site's currently open and rural nature, and would remove the positive contribution which it currently makes to the wider setting of Kent's Farm. Due partly to its scale and the proposed facing and roofing materials, it is likely to detract from the surviving rural character of views looking northwards from the farmstead and its garden immediate setting, as well as from the rural nature of the context within which the farmstead is appreciated in views and vistas looking southwards from the adjacent PROW – this is notwithstanding the presence of the battery storage unit which sits at significantly lower level than the proposed new building and will not screen it entirely in views looking north from the farmstead.

In addition, although the new building is set behind the existing buildings at East Lodge Farm, its substantial scale (in particular its height) will be likely to mean that it is still relatively prominent in views from Malthouse Lane. This will have some impact on the largely rural character of the approach to the historic farmstead travelling south along the lane.

The impact of the proposed development would be exacerbated by its scale, bulk, design and materials, which are unsympathetic to the rural location - despite assertions within the submitted DAS that the building has 'modern agricultural' appearance, its size, form elevational treatment (including fenestration) and the use of coloured composite cladding panels to the elevations will give it an industrial or commercial character out of keeping with the wider rural context.

Furthermore, the impact of the proposal will be cumulative with the Class E(g) building recently approved to the south of East Lodge Farm.

For these reasons I consider that the proposal will be harmful, through impact on setting, to the special interest of Kent's Farm House and the associated historic farmstead and the manner in which this is appreciated.

This would be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to the heritage assets to be less than substantial, at the low-mid point of that scale, such that the criteria set out in paragraph 202 of that document would apply.

WSCC Fire and Rescue Service

This application has been dealt with in accordance with the statutory obligation placed upon Fire and Rescue Service by the following act;

This proposal has been considered by means of desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC 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 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. These approvals shall not be unreasonably withheld or delayed.

2) Prior to the first occupation of any unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) 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.

West Sussex County Council, Waste and Minerals

The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the [Minerals and Waste Safeguarding Guidance](#) therefore, the minerals and waste authority would offer a no comment to the proposed development. A summary of these thresholds is attached to this email and a short video (approx. 20 mins) explaining minerals and waste safeguarding and when the County Council should be consulted is available by clicking this link:

<http://www2.westsussex.gov.uk/ssr/mwsfgrdngprsntn.ppsx>. To hear the audio, view the slides as a 'slide show'. The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23 of the West Sussex Waste Local Plan, 2014).

Drainage Engineer

APPLICATION DETAILS

Application Number	DM/23/1160
Response Date	2023-10-23
Site Location	Wearmaster House, Malthouse Lane, Hurstpierpoint
Development Description	Adaptation of existing building and construction of warehouse building with office and associated facilities, car parking, cycle parking and landscaping
Recommendation¹	No objection subject to conditions

FLOOD RISK

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is shown to be at very low and low surface water flood risk (comparable to flood zone 1 and 2). The proposed development is in an area at very low flood risk.

Mid Sussex District Council's records do not contain records of the site flooding. Our records also contain no records of flooding within the area immediately surrounding the site.

Mid Sussex District Council's records are not complete, and flooding may have occurred which is not recorded. A site having never flooded in the past does not mean it won't flood in the future.

SEWERS ON SITE

The Southern Water public sewer map does not show any public sewers located within the redline boundary of the site.

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property or crosses into the site from a separate site may be considered a public sewer. Advice in relation to this situation can be found on the relevant water authority's website.

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.

APPLICATION SPECIFIC COMMENT

The BGS infiltration potential map shows the site to be in an area with low infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways is unlikely to be possible on site. To ensure the drainage hierarchy is followed this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

¹ In line with guidance from the Planning Department the Flood Risk and Drainage Team, where considered appropriate, utilise conditions to address detailed drainage design and detailed design of flood mitigation measures.

It is proposed that the development will discharge surface water drainage into an existing ditch located along the northern boundary of the site. The applicant has provided evidence that this ditch exists and is connected to the wider watercourse network within the area.

We would advise the applicant that discharge into the ditch should be restricted to the Greenfield QBar runoff rate for the area being drained and the drainage system designed to cater for the 1:100 plus climate change event.

Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section. This level of information will be required to address the recommended drainage condition.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required in relation to climate change etc prior to undertaking detailed design.

FOUL WATER DRAINAGE

It is proposed that the development will utilise a private package treatment plant, with treated foul effluent discharging into the existing ditch located on the northern boundary of the site.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section. We would advise the applicant that the Environment Agency's General Binding Rules were updated October 2023. New discharges such as the one proposed as part of this application will need to comply with all new rules, which include a separation of foul and surface water outfalls and a limit to the proximity of other foul outfalls.

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.

CONDITION RECOMMENDATION

FOUL AND SURFACE WATER DRAINAGE

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, or brought into any use, 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.

GENERAL DETAILED DRAINAGE DESIGN REQUIREMENT GUIDANCE

Mid Sussex District Council's flood risk and drainage requirements are based on relevant national and local policies and guidance.

SURFACE WATER DRAINAGE

Finalised detailed surface water drainage design is required to be submitted and approved prior to construction starting on site. The design should be based on the [Environment Agency's latest climate change allowances](#) and follow the latest [West Sussex Lead Local Flood Authority Policies and Guidance](#).

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable, this includes areas of increased surface water flood risk.

Drainage calculations should utilise a CV value of 1.

Table 1 overleaf sets out a list of information the detailed surface water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

FOUL WATER DRAINAGE

Finalised detailed foul water drainage design is required to be submitted and approved prior to construction starting on site. The use of public foul sewer connection should always be prioritised over non-mains drainage options.

The use of non-mains foul drainage should consider the latest [Environment Agency's General Binding Rules](#).

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the latest Binding Rules will need to be replaced or upgraded.

Table 2 overleaf sets out a list of information the detailed foul water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Table 1: Detailed **surface water** drainage design requirement summary sheet

Requirement	Information	Location of information / drawing number
<i>For all designs</i>		
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)		
On-site infiltration test results		
Plans / details of areas to be drained based on finalised development plans		
Calculations showing the system has been designed to cater for the 1 in 30 with climate change and 1 in 100 with climate change storm events		
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system		
Maintenance and management plan ²		
<i>For soakaways</i>		
Sizing calculations (to cater for 6-hour, 1 in 100-year plus climate change event)		
Half drain time (<24 hours)		
Construction details		
<i>For discharge to watercourse</i>		
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) ³		

² The scale of this document should reflect the scale of the development and the complexity of the drainage system.

³ If the 1 in 1 or QBar Greenfield runoff rate cannot be achieved, then evidence into why a higher discharge rate has been proposed should be provided as part of the detailed design. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

Outfall location and construction details		
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event ⁴)		
<i>For discharge to sewer</i>		
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)		
Discharge location and manhole number		
Outline approval from sewerage provider in relation to connection, discharge rate and connection location ⁵		
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event ⁶)		

⁴ If system does not attenuate up to the 1 in 100-year with climate change event, then evidence that the system shall not increase flood risk on or off site shall be required.

⁵ Formal approval via S106 etc is not required.

⁶ If system does not attenuate up to the 1 in 100-year with climate change event, then evidence that the system shall not increase flood risk on or off site shall be required.

Table 2: Detailed **foul water** drainage design requirement summary sheet

Requirement	Summary	Location of information / drawing number
<i>For all designs</i>		
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location		
Foul flow calculations and confirmation proposed system is sized appropriately		
<i>For connection to main foul sewer</i>		
Discharge location and manhole number		
Evidence of communication with Water Authority regarding connection ⁷		
<i>For non-mains system with drainage field</i>		
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields		
Evidence that either: a) The system meets latest General Binding Rules, or b) An Environmental Permit application is to be submitted		
<i>For non-mains system with discharge to open water</i>		
Evidence that either: a) The system meets latest General Binding Rules, or b) An Environmental Permit application is to be submitted		
Outfall location and construction details		

¹ Formal approval via S106 etc is not required
