

MID SUSSEX DISTRICT COUNCIL

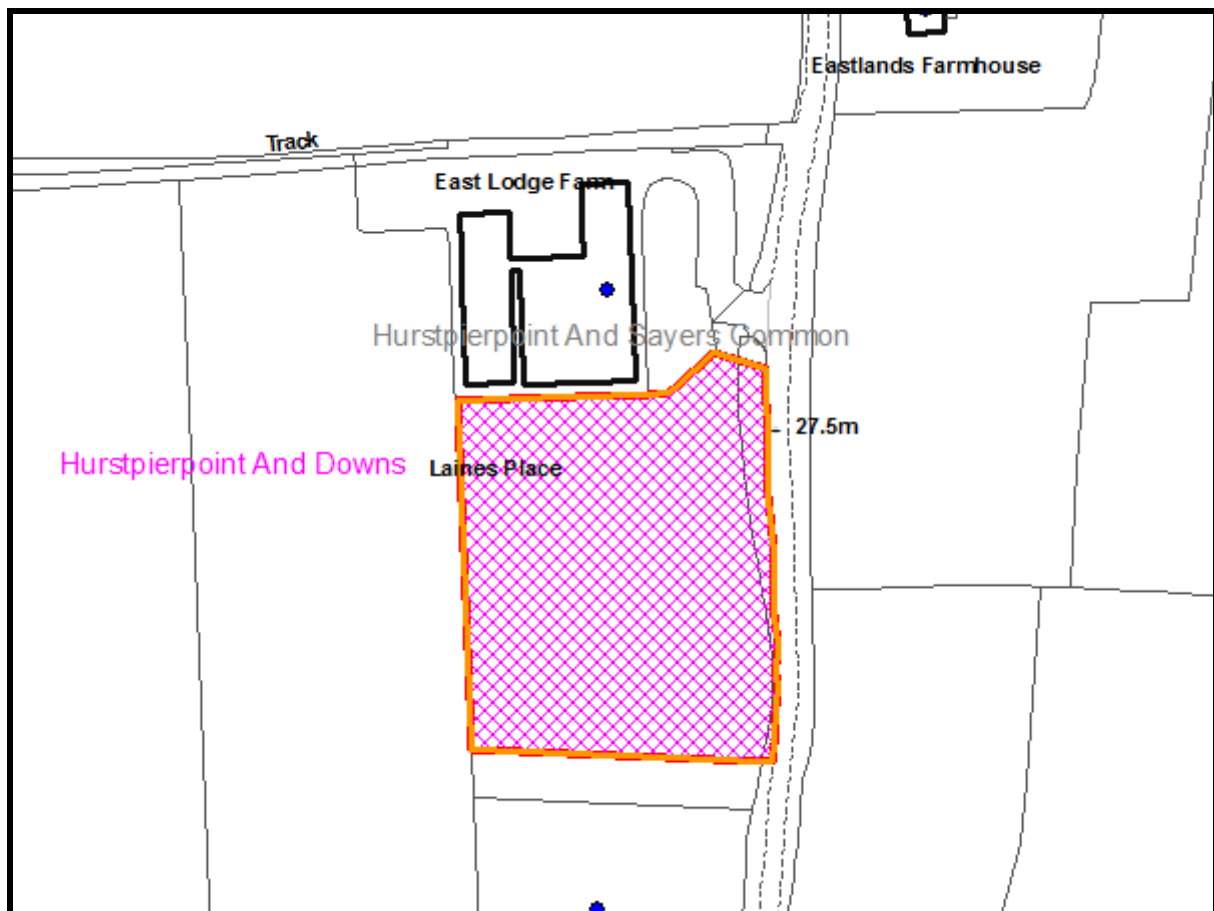
Planning Committee

5 SEP 2019

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/18/4419



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**EAST LODGE FARM MALTHOUSE LANE HURSTPIERPOINT HASSECKS
PROPOSED CONSTRUCTION OF CLASS B1 (BUSINESS) BUILDING
WITH CARPARK, NEW VEHICLE ACCESS AND ASSOCIATED
LANDSCAPING. AMENDED PLANS RECEIVED 30TH JULY SHOWING
REVISED DESIGN FOR THE BUILDING
MR W CHANNON**

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Methane Gas Safeguarding / Aerodrome Safeguarding (CAA) /

ODPM CODE: Smallscale Major Offices

13 WEEK DATE: 30th January 2019

WARD MEMBERS: Cllr Colin Trumble / Cllr Alison Bennett / Cllr Rodney Jackson /

CASE OFFICER: Steven King

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader, Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This application seeks planning permission for the construction of a building to be used for B1 business use together with associated car parking, vehicular access and landscaping at East Lodge Farm, Malthouse Lane, Hurstpierpoint.

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 District Plan (DP) and the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP).

The site lies in the countryside as defined in the District Plan (DP) and so that 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 Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP) has similar aims. Policy DP14 in the DP allows for new small scale economic development in the countryside.

It is a material planning consideration that there is an extant planning permission on this site for a redevelopment to provide a building containing B1 business floor space. The fact that this consent could be implemented is a fall-back position for the applicants.

It is considered that whilst the proposal would change the character of this part of the countryside compared to the current situation, given the fact that there is an extant planning permission on the site, that the building would be well designed and landscaped, it is not felt that there would be harm to the countryside from this development. As such there is support for the principle of the development in policies

DP12 and DP14 of the DP and policy Hurst C1 in the HSCNP.

The building would impact upon the setting of a listed building at Kents Farmhouse. By virtue of developing a site that is currently open it is considered that the proposal would have an adverse impact on the setting of this listed building, but this would be less than substantial as defined in the National Planning Policy Framework (NPPF). As such there would be a conflict with policy DP34 of the DP. It is the case that within the bracket of 'less than substantial harm, there is range of impacts. In this case it is considered that the harm to the setting of the listed building lies at the lower end of the 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. However, that does not mean that any harm, however minor, necessarily requires planning permission to be refused. As set out in paragraph 196 of the NPPF, the considerable weight attached to the less than substantial harm needs to be weighed against the public benefits of the proposal.

It is considered that there would be significant public benefits from the proposal. The scheme would provide high quality business floor space for hi-tech firms that will benefit the local economy. The scheme will result in a well designed and landscaped building on a site that has the benefit of an extant planning permission. It is therefore considered that in this case the less than substantial harm that has been identified above is outweighed by the public benefits of the proposal.

It is considered that the building is of a suitable design to now comply with policy DP26 of the DP. Whilst the proposal will result in the loss of some hedgerow and a tree to create the new access, it is proposed to have a comprehensive landscaping scheme containing new planting. Overall it is felt that policy DP37 of the DP is met.

The access to the site is satisfactory and the proposal will not result in a severe impact on the highway network. Whilst most trips to the site are likely to be made by car, this would also be the case with the extant permission on the site. Overall it is not felt that there is conflict with policy DP21.

To conclude, whilst there would be conflict with policy DP34, it is felt that given the compliance with other policies identified in this report it is considered that the proposal complies with the development plan when read as a whole, which is the proper basis for decision making. In light of the above the application is recommended for approval.

Recommendation

It is recommended that planning permission be approved subject to the conditions outlined at appendix A.

SUMMARY OF REPRESENTATIONS

1 letter of support:

- shows remarkable alignment to the "pro-business" strategy adopted by MSDC.
- The intelligent attention to the sympathetic building design along with careful consideration to the landscaping is very suited to the environment.
- It is a very good use of a parcel of land which has laid waste for many years, is adjacent to another business location and the proposed battery storage facility.

SUMMARY OF CONSULTEES (full comments in appendices)

Highway Authority

To be reported.

Conservation Officer

The proposal has been amended in terms of the detailed design and elevational treatment of the proposed new building. This however does not address the concerns previously raised in relation to the principle of development of this nature on this site, and the impact that this will have on the character of the wider setting of an approach to the listed building at Kent's Farm and the associated historic farmstead.

For the reasons previously given, I consider that the proposal will be harmful to the setting of Kent's Farm and the manner in which its special interest is appreciated. This would fail to meet the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to be less than substantial, such that the criteria set out in paragraph 196 would apply.

Urban Designer

I raise no objections. To secure the quality of the design, I would recommend conditions requiring the submission of the following drawings / material to be subject to further approval.

Tree Officer

The method statement, AIA and landscape plans all appear satisfactory, apart from the area of wildflower meadow which is unlikely to succeed in this area on a very heavy clay soil. Future problems often occur with establishment, maintenance and complaints arise for the area looking overgrown and neglected.

If permission is granted, please condition adherence with all the attached documents, but you may wish to attach a condition requiring additional details/alternatives for this area.

While the loss of a mature oak is regretted, it appears that sufficient mitigation planting will take place, in some cases using heavy standards.

Drainage Engineer

No objection subject to conditions.

Contaminated Land Officer

No objection subject to conditions.

Environmental Health Officer

No objection subject to conditions.

HURSTPIERPOINT AND SAYERS COMMON PARISH COUNCIL

Recommendation: Permission is granted - subject to no further development of the site and no illuminated signs on the road. Oak trees subject to TPO's.

INTRODUCTION

This application seeks planning permission for the construction of a building to be used for B1 business use together with associated car parking, vehicular access and landscaping at East Lodge Farm, Malthouse Lane, Hurstpierpoint.

RELEVANT PLANNING HISTORY

Planning permission was granted in December 2007 under reference 07/03319/FUL for the demolition of existing disused chicken coop, removal of existing portacabin construction of new building to create new B1 floorspace, new carpark and associated landscaping. The buildings that used to occupy the site were subsequently demolished and the site was cleared.

A subsequent application for a lawful development certificate (LDC), reference DM/17/4445 was approved in January 2018. This LDC established that the 2007 planning consent was still extant and could be implemented as works had commenced to implement it within the time limit of that permission. As such the fact that the 2007 consent could still be implemented is a fall-back position and is a material planning consideration.

SITE AND SURROUNDINGS

The site of the application lies to the west of Malthouse Lane. The site has been cleared of all buildings.

To the north of the site is Contego Workwear, a former poultry shed building that has been converted to a storage use. To the south of the building there is a rise in levels and then open fields. To the east there is a hedge around 1.6m in height along the roadside. To the west behind the main building there is a rise in levels and then fields. The site is within the countryside as defined in the District Plan.

APPLICATION DETAILS

This application seeks planning permission for the construction of a building to be used for B1 business use together with associated car parking, vehicular access and landscaping at East Lodge Farm, Malthouse Lane, Hurstpierpoint.

The plans show that a new access would be formed at the southern end of the site onto Malthouse Lane. The site layout would provide for car parking to the front (east) and to the rear (west) of the proposed building. There would be 82 car parking spaces provided.

The proposed building would be two storeys in height with a footprint measuring 18m by 64m and a flat roof 9m in height. Internally the building would provide offices, research areas, laboratories, storage areas.

The applicants have provided a supporting statement with their application that explains the reasoning for the proposal. In summary they state:

- The proposed building is to be the new group headquarters for Cells4Life Group LLP, Stabilitech Biopharma Ltd, both based within the Burgess Hill area, and CyteTech, currently based in Uckfield. All three companies require new premises to meet their expansion objectives.
- The Applicant, Cells4Life Group LLP ("Cells4Life") provides a private umbilical cord blood stem cell collection and storage service. Cord blood storage involves collecting blood from a newborn's umbilical cord and placenta following birth and storing it for future medical use.
- Stabilitech Biopharma Ltd and CyteTech are sister companies to Cells4Life. Stabilitech is a biotechnology company which aims to change the way vaccines are made and taken.
- All three are experiencing significant growth and as a result, their existing premises cannot now accommodate the need for additional floor space and administrative support facilities. The application site at East Lodge Farm provides an ideal opportunity for the construction of a building of the right size and location (close to Burgess Hill) that will allow both businesses to grow.
- Cells4Life and Stabilitech Ltd are both already located within Burgess Hill and employ local people. The proposed building will allow the expansion of both companies and will enable them to remain in the local area. This in turn will benefit the local economy whilst at the same time ensuring that the character of the countryside is protected with an appropriately designed building. The proposal will therefore support the sustainable growth and vitality of the local economy and local area. CyteTech Ltd is based in Uckfield and would benefit from being located alongside Cells4Life as the companies share management and resources.

LIST OF POLICIES

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

DP1 Sustainable economic development
DP12 Protection and enhancement of countryside
DP14 Sustainable rural development and the rural economy
DP21 Transport
DP26 Character and design
DP29 Noise, air and light pollution
DP34 Listed buildings and other heritage assets
DP37 Trees, woodlands and hedgerows
DP39 Sustainable design and construction
DP41 Flood risk and drainage

Neighbourhood Plan

Hurstpierpoint and Sayers Common Neighbourhood Plan

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

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
- Access and Transport
- Drainage
- Neighbour amenity
- Ashdown Forest
- Planning Balance and Conclusion

Principle of Development

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

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.'*

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.'

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.

In this part of Mid Sussex the development plan comprises the District Plan (DP) and the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP).

As the site lies within the countryside, the starting point for an assessment of the application is policy DP12 of the DP. This 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.'

The aim of the policy is to protect the character of the countryside. The policy allows for development in the countryside where it maintains or where possible enhances the quality of the rural landscape and is supported by a specific policy reference in the DP or Neighbourhood Plan.

In this case 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. However the proposal would retain the majority of screening along the road frontage and the proposal includes a landscaping scheme for the whole site. It is also the case that there is an existing commercial business to the north of the site so the proposed building would not be seen in isolation. It is therefore felt that the overall character of the wider area in which this site lies would still be retained. It is also a material consideration that the 2007 consent is extant and that development could be completed. As such the principle of a redevelopment of the site has been accepted in the past and therefore the principle of a change to the character of the immediate site has been accepted.

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. 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.'*

Overall it is considered that there is support in the DP for the principle of the development.

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.'*

This policy has similar aims to policy DP12 in the DP and for the same reasons as outlined above, it is not considered that the proposal would conflict with this Neighbourhood Plan policy.

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.'*

It is not considered that the proposal will result in coalescence and therefore there is no conflict with this policy.

Impact on heritage assets

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.

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. Policy DP34 of the DP states that development will be required to protect listed buildings and their settings and special regard will be given to protecting the setting of a listed building.

The Council's Conservation Officer considers that the application site lies within the setting of this building. In her comments on the revised proposal she states '*The proposal has been amended in terms of the detailed design and elevational treatment of the proposed new building. This however does not address the concerns previously raised in relation to the principle of development of this nature on this site, and the impact that this will have on the character of the wider setting of an approach to the listed building at Kent's Farm and the associated historic farmstead.*

For the reasons previously given, I consider that the proposal will be harmful to the setting of Kent's Farm and the manner in which its special interest is appreciated. This would fail to meet the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to be less than substantial, such that the criteria set out in paragraph 196 would apply.'

The applicants have provided a Heritage Report that is available on file for inspection. This report concludes that the proposal will not be harmful to the setting of Kents Farm House. The applicants report states *'The heritage report has carefully considered the importance of the listed building of Kent's Farm within setting. Although the proposed development would be situated within the setting of this listed building, as examined in this report, the proposed design is proportionate and will work with the existing topography of the area. The design will remain subservient to the listed building and not be harmful to its significance. The significance of the Grade 2 listed building will arguably be enhanced through the improvement of the existing site which is currently of poor quality in the rural landscape.'*

The applicant's heritage report notes that the topography of the site means that it is not highly visible from Malthouse Lane and that Kents Farm enjoys limited views of the site as a result of the vegetation between the site and the listed building.

It is considered that the proposed development does lie within the setting of the listed Kents Farm. Whilst the comments of the applicant's heritage report in relation to the existing vegetation screen are noted, it is not felt that undue reliance should be placed on this point since this vegetation screen could change over time.

It is considered that the proposal would impact on the setting of the heritage asset and that this would result in some harm as a result of the change from a currently undeveloped site to a site with a modern two storey commercial building. It is considered that this harm would be 'less than substantial' as defined in the NPPF. It is the case that within the bracket of 'less than substantial harm, there is range of impacts. In this case it is considered that the harm to the setting of the listed building lies at the lower end of the 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. However, that does not mean that any harm, however minor, necessarily requires planning permission to be refused. As set out in paragraph 196 of the NPPF, the considerable weight attached to the less than substantial harm needs to be weighed against the public benefits of the proposal. An assessment of both the benefits of the proposal and other material planning considerations will be set out later in this report.

Design/layout

Policy DP26 seeks a high standard of design in new development and this is also reflected in the NPPF's support for good design. The design has evolved through negotiation with officers during the course of the application. The Councils Urban Designer has stated *'The revised drawings are nevertheless an improvement upon the originally submitted drawings which had unfortunately monotonous facades. In particular the main elevations are better modelled with the addition of unusual scissor-profiled columns that vertically articulate and give the façade some depth*

and individuality. They have also been improved with the adoption of a glass curtain-wall type system that avoids the overt horizontal banding and should give the building a lighter feel. The flat-roofed canopy in place of the previous curved roof also coordinates more successfully with the proposal's rectilinear geometry.

More comprehensive landscape proposals have also been submitted that show the impact of the development from the road has been minimised with much of the existing hedgerow retained to maintain the rural character of Malthouse Lane.

The landscape plans and section drawings also show a modest mound and tree planting on the western boundary which will help screen the scheme and car parking from the wider countryside.'

It is undoubtedly the case that the proposed building will make a significant change to this site compared to its current state. However whilst the site is currently cleared, there is an extant planning permission that could come forward on the site. In your officers view it is considered that the proposed building is now of a suitable design quality. It is therefore felt that policy DP26 of the DP is met.

Policy DP39 in the DP relates to sustainable design and construction. It seeks to improve the sustainability of development through, amongst other things, minimising energy use and using renewable sources of energy.

The applicants have submitted a sustainability statement with their application. They state that they will be seeking to reduce energy use from the building by exceeding the minimum requirements of the building regulations in relation to floors, roofs, walls and glazing. The sustainability statement also refers to how the applicants are considering minimising energy use in the heating and water system within the building through heat pump technology and smart control systems.

Overall it is considered that the applicants have sought to improve the sustainability of the building as required by policy DP39.

Impact on Trees and Ecology

Policy DP38 in the DP seeks to protect and enhance biodiversity.

The application is accompanied by a Preliminary Ecological Assessment (PEA). The habitat present as recorded in the site plan are improved grassland and scattered scrub with a hedgerow and mature oak along the eastern boundary and mature trees along the southern boundary. There are previously cleared areas and piles of rubble. The development site has areas that could offer refuge for GCN and other amphibians and reptiles, but no significant water features that could provide breeding habitat. No protected species were found at the site.

The proposal would require the removal of two category C trees and one category A tree. The category A tree is an Oak located on the eastern boundary within the hedgerow, which is required to be removed to accommodate the car park. Policy DP37 in the DP states in part '*Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a*

group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.' The loss of the category A tree on the road frontage is regretted. However the scheme is accompanied by a proposed landscaping scheme that includes planting of 4 extra heavy standard nursery stock trees along the eastern boundary to the road frontage and further heavy standard tree planting on the western boundary. As such, in the longer term it is not considered there would be a conflict with policy DP37 since the additional tree planting that is proposed will enhance the character of the area.

The new access point on the eastern boundary would require the removal of a section of hedgerow some 28m in length. The plans also show the replanting of some 30m of hedgerow at the north eastern side of the site where the existing access point would be closed up and elsewhere around the boundary of the site.

Overall it is considered that there would be an improvement in relation to trees and landscaping around the boundaries of the site as a result of the proposal. As the such the proposal would comply with policy DP37 of the DP.

As the proposal would involve the removal of a section of hedgerow and a mature Oak it is considered to be necessary to impose a planning condition that will set out the practical steps to be taken to avoid impacts on wildlife during site preparation and construction. With such a safeguarding condition in place it is considered that policies DP37 and DP38 of the DP are complied with.

Access and Transport

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.'

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 109 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.*'

The proposed new access is of sufficient width to allow 2 cars to pass clear of the public highway and to allow for a large articulated vehicle to enter the site and turn in order to leave the site in a forward gear.

Visibility from the access is 90m in both directions which is in accordance with the measured 85thile speeds along Malthouse Lane and therefore acceptable to the Highway Authority.

With regards to vehicular movements, the TRICS database has identified the development will result in 42 two-way vehicle trips in the morning peak hour and 38 two-way trips in the evening peak hour. The Highway Authority have estimated that of the traffic distribution onto Malthouse Lane 75% is from A273 and 25% from B2116 which would result in 29-32 additional movement using the junction onto A273. The applicants have carried out further modelling work in relation to the capacity of this junction and state '*sensitivity analysis shows that even with an additional 50% of traffic on Jane Murray way, the Malthouse Lane-Jane Murray Way junction will still operate satisfactorily.*' The Highway Authority have assessed this

further modelling and have advised that they do not raise any objections based on the capacity of the junction.

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. However it should be recognised that there is an extant scheme on the site for a commercial development to which this point would also have applied. In light of this it is not felt the fact that most trips to the site are likely to be made by car would warrant a refusal of the scheme.

At the time of writing this report further comments from the Highway Authority were awaited. However it is not anticipated that they will raise an objection to the scheme

Drainage

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

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk.

The proposed development is not within an area identified as having possible pluvial flood risk.

It is proposed that the development will attenuate surface water on site and will pump surface water up to a new outfall to the adjacent watercourse. This approach would not normally be acceptable for habitable dwellings. In this case, the Councils Drainage Engineer has advised that there is no other way of draining this site, they consider this to be acceptable. There will be a requirement for the Council to approve a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded. This can be secured by a planning condition.

Foul water will utilise a foul water treatment system. Again the details of this can be controlled by a planning condition.

The Councils Drainage Engineer has no objection to the proposal and the application therefore complies with policy DP41 of the DP.

Neighbour amenity

Policy DP26 seeks to avoid development that cause significant harm to neighbouring amenity. In this case the nearest neighbouring properties are Eastlands Farmhouse, some 105m to the northeast and 2 Kents Farm Cottages, some 140m to the south.

It is not considered that the proposed development would cause any loss of amenity to Eastlands Farmhouse due the distances between the properties. Likewise, it is

considered that the distance between the properties and the intervening screening will prevent any loss of amenity to the occupiers of 2 Kents Farm Cottages.

The Councils EHO has recommended conditions to control the hours of use of the building. It is considered that given the rural location of the site this would be reasonable.

Land contamination

The Councils Contaminate land Officer has recommended that a contaminated land condition be imposed to ensure that this is investigated and if any contamination is found, it is dealt with appropriately. With such a condition in place this issue will be properly addressed.

Ashdown Forest

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).

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

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance

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.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the 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.

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

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.

The potential effects of the proposed development are incorporated into the overall results of the transport model (Mid Sussex Transport Study (Updated Transport Analysis)), which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

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.

Planning Balance and Conclusion

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 District Plan (DP) and the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP).

The site lies in the countryside as defined in the District Plan (DP) and so that 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 Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP) has similar aims. Policy DP14 in the DP allows for new small scale economic development in the countryside.

It is a material planning consideration that there is an extant planning permission on this site for a redevelopment to provide a building containing B1 business floor space. The fact that this consent could be implemented is a fall-back position for the applicants.

It is considered that whilst the proposal would change the character of this part of the countryside compared to the current situation, given the fact that there is an extant planning permission on the site, that the building would be well designed and landscaped, it is not felt that there would be harm to the countryside from this

development. As such there is support for the principle of the development in policies DP12 and DP14 of the DP and policy Hurst C1 in the HSCNP.

The building would impact upon the setting of a listed building at Kents Farmhouse. By virtue of developing a site that is currently open it is considered that the proposal would have an adverse impact on the setting of this listed building, but this would be less than substantial as defined in the National Planning Policy Framework (NPPF). As such there would be a conflict with policy DP34 of the DP. It is the case that within the bracket of 'less than substantial harm, there is range of impacts. In this case it is considered that the harm to the setting of the listed building lies at the lower end of the 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. However, that does not mean that any harm, however minor, necessarily requires planning permission to be refused. As set out in paragraph 196 of the NPPF, the considerable weight attached to the less than substantial harm needs to be weighed against the public benefits of the proposal.

It is considered that there would be significant public benefits from the proposal. The scheme would provide high quality business floor space for hi-tech firms that will benefit the local economy. The scheme will result in a well designed and landscaped building on a site that has the benefit of an extant planning permission. It is therefore considered that in this case the less than substantial harm that has been identified above is outweighed by the public benefits of the proposal.

It is considered that the building is of a suitable design to now comply with policy DP26 of the DP. Whilst the proposal will result in the loss of some hedgerow and a tree to create the new access, it is proposed to have a comprehensive landscaping scheme containing new planting. Overall it is felt that policy DP37 of the DP is met.

The access to the site is satisfactory and the proposal will not result in a severe impact on the highway network. Whilst most trips to the site are likely to be made by car, this would also be the case with the extant permission on the site. Overall it is not felt that there is conflict with policy DP21.

To conclude, whilst there would be conflict with policy DP34, it is felt that given the compliance with other policies identified in this report it is considered that the proposal complies with the development plan when read as a whole, which is the proper basis for decision making. In light of the above the application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Pre commencement

2. Prior to the construction of any development above slab level the following details shall be submitted to the Local Planning Authority for approval.
 - 1:20 scale elevational vignette and section drawing of the central bay that also shows the front entrance and canopy.
 - A revised site section drawing (no.233) particularly showing the relationship of the building and car parking and embankment along the western boundary of the site.
 - Facing materials including the fenestration.

The development shall be implemented in accordance with these approved details.

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

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

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

Pre occupation

4. Prior to the occupation of the building subject of this permission full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These and these works shall be carried out as approved. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031

Post occupation

5. The building shall not be occupied until the parking spaces/turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the District Plan 2014 - 2031

6. Hours of use of the units shall be limited to the following times:

Monday to Friday: 07:00 - 19:00 hrs

Weekends and Public Holidays: 08:00 - 18:00 hrs

Reason: To protect the amenity of local residents and to comply with policy DP26 of the District Plan 2014-2031.

7. Deliveries or collection of goods, equipment or waste shall be limited to the following times:

Monday to Friday: 07:00 - 19:00 hrs

Saturday: 08:00 - 18:00 hrs

Sunday and Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents and to comply with policy DP26 of the District Plan 2014-2031.

8. Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (air conditioning, condensers etc.) shall be no higher than background noise levels when measured at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. Details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the commencement of the use applied for and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents and to comply with policy DP29 of the District Plan 2014-2031.

9. External lighting shall only be installed in accordance with the details specified in the submitted Lighting Strategy documents (designs for Lighting Ltd. Ref 0697-DFL-LS-001 and Lighting Plan rev B) and thereafter shall be maintained in accordance with the approved details unless otherwise agreed in writing.

Reason: To protect the character of the area and to comply with policy DP29 of the District Plan 2014-2031.

Construction phase

10. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents and to comply with policy DP26 of the District Plan 2014-2031.

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

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 170 of the National Planning Policy Framework.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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
Location Plan	233-L	D	31.10.2018
Proposed Floor Plans	233-P1	I	31.10.2018
Proposed Elevations	233-PE	J	31.10.2018
Proposed Floor Plans	233-PG	I	31.10.2018
Block Plan	233-PL	E	31.10.2018
Proposed Sections	233-PSA	F	31.10.2018
Lighting Layout/Light Pollution	0697	B	31.10.2018
Proposed Elevations	233 PAE	A	30.07.2019
Proposed Elevations	233 PE	R	30.07.2019
Proposed Floor Plans	233 P1	J	30.07.2019
Proposed Floor Plans	233 PG	J	30.07.2019
Block Plan	233 PL	H	30.07.2019
Location Plan	233 L	E	30.07.2019
Landscaping Details	LLD1685-ARB-DWG-001	01	01.05.2019
Landscaping Details	LLD1685-LAN-DWG-200	01	01.05.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

Recommendation: Permission is granted - subject to no further development of the site and no illuminated signs on the road. Oak trees subject to TPO's.

Highway Authority

To be reported

Conservation Officer - Emily Wade

The application site is an open field to the south of East Lodge Farm, to the west of Malthouse Lane. East Lodge Farm now appears to be in use as a light industrial site or similar, although the buildings retain an agricultural character. Further south 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. 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. The farmstead including any surviving earlier farm buildings would be regarded as a non-designated heritage asset. 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.

The current proposal is for the erection of a two storey B1 building with associated car parking, access and landscaping. The building has a functional contemporary appearance and is shown with an insulated cladding system and central doorway with portico.

In my opinion, development on this site is likely to be contentious in principle. As a former farmhouse and historic farmstead, the rural setting of the group of heritage assets at Kent's Farm makes a strong positive contribution to their special interest and the manner in which this is appreciated. Development on the site in question would have a fundamental impact on its open and rural nature, and would detract from the currently largely rural character of the approach to the historic farmstead travelling south along Malthouse Lane. The impact of the currently proposed development would be exacerbated by its scale, bulk, design and materials, which are completely unsympathetic to the rural location.

In my opinion therefore the proposal fails to meet the requirements of District Plan Policy DP35. In terms of the NPPF I would consider the harm caused to the heritage assets to be less than substantial, such that the criteria set out in paragraph 196 of that document would apply.

Additional comments

Having read and considered the submitted Heritage Statement I have nothing to add to my previous comments on this scheme, other than that I consider that the Statement places undue emphasis on intervisibility between the site and the farmstead at Kent's Farm, and does not properly consider the impact on the broader setting of the farm and in particular the approach along Malthouse Lane. I also do not agree with the assessment at 5.1 of the limited visibility from Malthouse Lane of the proposed substantial two storey building, or of the contribution made by the site to the setting of the listed building and historic farmstead.

I remain of the opinion that the proposal is harmful to the setting of the listed building and historic farmstead, contrary to Policy DP34 of the District Plan.

Urban Designer – Will Dorman

The overall shape and size of the building is the same as the original submission, and its overtly commercial appearance has a less sympathetic and more imposing relationship with the countryside than the 2007 consented scheme (07/03319/FUL) which was limited to a single storey and reduced its impact upon the landscape by employing timber facing and traditional pitched roof and a lower eaves.

The revised drawings are nevertheless an improvement upon the originally submitted drawings which had unfortunately monotonous facades. In particular the main elevations are better modelled with the addition of unusual scissor-profiled columns that vertically articulate and give the façade some depth and individuality. They have also been improved with the adoption of a glass curtain-wall type system that avoids the overt horizontal banding and should give the building a lighter feel. The flat-roofed canopy in place of the previous curved roof also coordinates more successfully with the proposal's rectilinear geometry.

More comprehensive landscape proposals have also been submitted that show the impact of the development from the road has been minimised with much of the existing hedgerow retained to maintain the rural character of Malthouse Lane.

The landscape plans and section drawings also show a modest mound and tree planting on the western boundary which will help screen the scheme and car parking from the wider countryside.

In conclusion I raise no objections. However, to secure the quality of the design, I would recommend conditions requiring the submission of the following drawings / material to be subject to further approval:

- 1:20 scale elevational vignette and section drawing of the central bay that also shows the front entrance and canopy.
- A revised site section drawing (no.233) particularly showing the relationship of the building and car parking and embankment along the western boundary of the site.
- Facing materials including the fenestration.

Tree Officer

The method statement, AIA and landscape plans all appear satisfactory, apart from the area of wildflower meadow which is unlikely to succeed in this area on a very heavy clay soil. Future problems often occur with establishment, maintenance and complaints arise for the area looking overgrown and neglected.

If permission is granted, please condition adherence with all the attached documents, but you may wish to attach a condition requiring additional details/alternatives for this area.

While the loss of a mature oak is regretted, it appears that sufficient mitigation planting will take place, in some cases using heavy standards.

Drainage Engineer

Recommendation: No objection subject to conditions

Summary and overall assessment

It is proposed that the development will attenuate surface water on site and will pump surface water up to a new outfall to the adjacent watercourse. Discharge limited to 3.3ls-1. We would not normally consider this approach. However, as the proposed development is not for habitable dwellings and the fact that there is clearly no other way of drainage this proposed development, we have allowed this approach.

The development is shown to be able to cater for the 1 in 100 year storm event plus 40% for climate change.

Moving forward, this proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

We will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing greenfield rates and follow natural drainage routes as far as possible.
- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk.

There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Surface Water Drainage Proposals

It is proposed that the development will attenuate surface water on site and will pump surface water up to a new outfall to the adjacent watercourse. Discharge limited to 3.3ls-1.

Foul Water Drainage Proposals

It is proposed that the development will utilise a foul water treatment system.

Suggested Conditions

C18F -

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

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

Further Drainage Advice

Applicants and their consultants should familiarise themselves with the following information:

Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide:

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
√	√	√			Flood Risk Assessment / Statement (checklist)
√	√	√			Drainage Strategy / Statement & sketch layout plan (checklist)
	√				Preliminary layout drawings
	√				Preliminary "Outline" hydraulic calculations
	√				Preliminary landscape proposals
	√				Ground investigation report (for infiltration)
	√	√			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

Additional information may be required under specific site conditions or development proposals:

Useful links:

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

Water.People.Places.- A guide for master planning sustainable drainage into developments

Climate change allowances - Detailed guidance - Environment Agency Guidance

Further guidance is available on the Susdrain website at <http://www.susdrain.org/resources/>

1.

For a development located within Flood Zone 2, Flood Zone 3, which is greater than 1 hectare in area, or where a significant flood risk has been identified:

A Flood Risk Assessment will need to be submitted that identifies what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.

2.

For the use of soakaways:

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of at least 24 hours.

3.

For the use of SuDs and Attenuation:

Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken. Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

You cannot discharge surface water unrestricted to a watercourse or sewer.

4.

Outfall to Watercourse:

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

5.

Outfall to Public Sewer:

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining Greenfield area, is not an increase above the pre-developed Greenfield rates.

6.

Public Sewer Under or Adjacent to Site:

Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.

7.

MSDC Culvert Under or Adjacent to Site:

Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055.

8.

Watercourse On or Adjacent to Site:

A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.

Contaminated Land Officer

Main Comments:

The application looks to construct a commercial building with a car park.

A contaminated land risk assessment by Environmental Assessment Services Ltd (Ref: NJA/EastlodgeFrm/CRA), dated October 2018 has been submitted with the application. This report has been assessed and has been found to meet the necessary standards.

While the investigation found a number of contaminants, none of them were above the guidance value for commercial use, and the risk to end users is seen as minimal. However there is some risk to ground workers for the development, future maintenance workers, and supply services.

As identified by Environmental Assessment Services Ltd, the report should be submitted to the local water company to establish what protective piping is required for potable water.

With regards to site works, this is health and safety matter, and while the developer will need to follow the recommendations made, it is not something Environmental Protection would comment on.

While none of the contaminants found exceeded guide line values for commercial use, due to the findings a discovery strategy condition should be applied. This is to ensure that works stop if any further possible contamination is found during ground works, investigated, and remediated if required. The developer will need to confirm prior to occupation whether any further contamination was found, and if so, how it was dealt with.

Recommendation:

Approve with a condition:

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

Environmental Health Officer

The application is in a rural setting, approx. 110m from the nearest residential property.

On this basis, residential amenity is unlikely to be affected by office use, including use of the car park. To keep aligned with the rural setting it is suggested that hours of use be restricted to daytime only. A lighting scheme has been submitted which is sensitive to the rural setting. Accordingly, should planning permission be granted, recommended conditions are as follows:

Conditions:

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

Monday - Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents.

- **Hours of Use (operational):** Hours of use of the units shall be limited to the following times:

Monday to Friday: 07:00 - 19:00 hrs

Weekends and Public Holidays: 08:00 - 18:00 hrs

- **Deliveries (operational):** Deliveries or collection of goods, equipment or waste shall be limited to the following times:

Monday to Friday: 07:00 - 19:00 hrs

Saturday: 08:00 - 18:00 hrs

Sunday and Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents

- **Plant & Machinery (operational):** Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery (air conditioning, condensers etc.) shall be no higher than background noise levels when measured at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. Details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the commencement of the use applied for and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents

- **Lighting:** External lighting shall only be installed in accordance with the details specified in the submitted Lighting Strategy documents (designs for Lighting Ltd. Ref 0697-DFL-LS-001 and Lighting Plan rev B) and thereafter shall be maintained in accordance with the approved details unless otherwise agreed in writing.