

# MID SUSSEX DISTRICT COUNCIL

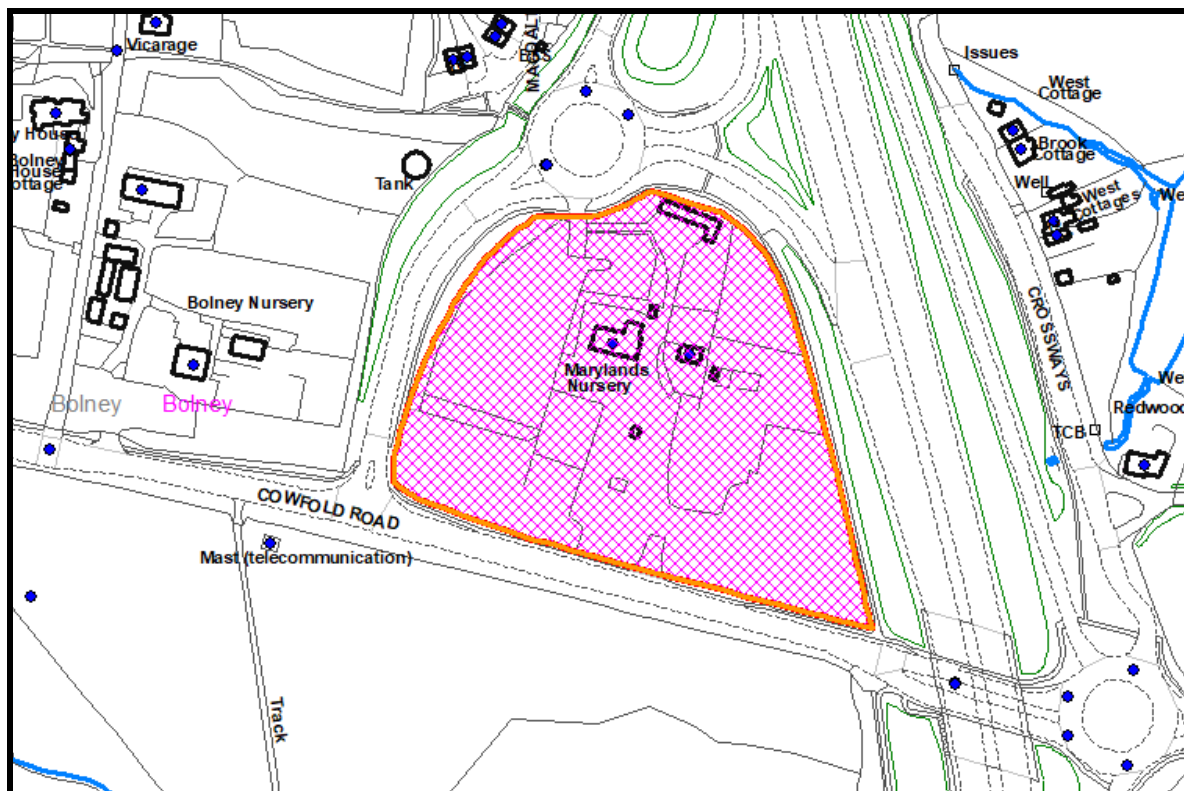
District Wide Committee

15 APR 2021

RECOMMENDED FOR PERMISSION

**Bolney**

**DM/20/2640**



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**MARYLANDS NURSERY SITE COWFOLD ROAD BOLNEY WEST SUSSEX  
DEMOLITION OF SINGLE DWELLING AND OUTBUILDINGS AND  
ERECTION OF B8 FLOORSACE (INCLUDING ANCILLARY OFFICE  
SPACE) ACROSS 3 BUILDINGS, WITH HARD AND SOFT LANDSCAPING,  
PARKING AND SERVICING. ALTERED ACCESS TO BE PROVIDED  
FROM A272/A23 WESTERN ROUNDABOUT WITH EXISTING COWFOLD  
ROAD VEHICULAR ACCESS CLOSED. REVISED PLANS RECEIVED  
16/12/2020 SHOWING REVISED POSITION AND HEIGHT OF UNIT 1,  
JOINING UNITS 2 AND 3 TOGETHER AND ADDITIONAL PLANTING TO  
SOUTHERN BOUNDARY. ADDITIONAL HIGHWAY INFORMATION  
RECEIVED 03/03/2021 INCLUDING UPDATED NOISE ASSESSMENT.  
MR ROBIN BARTON**

POLICY: Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / Minerals Local Plan Safeguarding (WSSC) /

ODPM CODE: Smallscale Major Manufacturing

13 WEEK DATE: 27th January 2021

WARD MEMBERS: Cllr Judy Llewellyn-Burke /

CASE OFFICER: Joanne Fisher

## **PURPOSE OF REPORT**

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

## **EXECUTIVE SUMMARY**

Planning permission is sought for the demolition of a single dwelling, outbuildings and existing yard area and the erection of two commercial buildings providing some 9,894 sqm of B8 floorspace (storage and distribution) including ancillary office space and associated open commercial areas or service yards with hard and soft landscaping and parking; as well as an altered access to be provided from the A272/A23 Western Roundabout with existing Cowfold Road vehicular access closed at Marylands Nursery, Cowfold Road, Bolney.

The proposal would also provide off site highway works including a 1.8 metre footpath, an uncontrolled pedestrian crossing off the site access arm to the existing roundabout with tactile paving and a central refuge island, an enhanced left turn flare on the London Road arm of the junction, re-providing the existing footway adjacent to the highway as well as dropped kerbs and tactile paving to provide a pedestrian crossing at the junction with the A272.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

National planning policy states that planning should be genuinely plan led. The Council has an up to date District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

Although the proposal is in conflict with the Policy DP12 (which seeks to protect and enhance the countryside) as it is neither necessary for the purposes of agriculture

nor is supported by a specific reference elsewhere in the District Plan or a Neighbourhood Plan there are other material considerations which must be taken into account. Of note is that the site is proposed as an employment allocation in the emerging Site Allocations DPD.

Policy DP1 of the District Plan (which relates to sustainable economic development) requires the provision for new employment land and premises to be made through the allocation of further sites with the Site Allocations DPD. Policy SA6 of the Site Allocation DPD proposes the allocation of this site for B8 (Storage and Distribution) employment uses. In line with Paragraph 48 of the NPPF local planning authorities can give weight to policies of emerging plans depending on the stage of preparation of the emerging plan; the extent of unresolved objections; and the degree of consistency of the relevant policies to the NPPF. The Site Allocations DPD is at an advanced stage having been submitted for Examination. In addition, only 2 representations to this site have been received at Regulation 19, and the matters raised by one of these (Bolney Parish Council) have been considered through this planning application. Finally, the emerging allocations have taken into account the NPPF through the site selection approach and the Council is satisfied that this proposed allocation is both justified and consistent with national policy. Therefore, significant weight can be given to the emerging plan as it relates to this site.

Turning to the impact of the proposals, Policy DP12 indicates that development within the countryside must maintain or where possible enhance the quality of the rural landscape character. In this respect regard must be had to both the site's context (which is bounded on all sides by major roads of the A23 and A272) and to its existing character (which is commercial). As such it is considered that this site does not currently enhance the character and beauty of the countryside. However, the proposal is of a high-quality design and layout with comprehensive landscaping which would both create an appropriate setting and landscaped context for the development as well as mitigating the impact on the surrounding area and maintain the character of the countryside.

The redevelopment of the existing commercial site would provide economic and social benefits through the provision of employment during both the construction period and the formation of employment following the construction of the new business units. This would assist in supporting economic growth and proactively supporting sustainable economic development within the District.

There will be a neutral impact in respect of highway safety and parking provision, impact on surrounding residential amenities, drainage, ecology and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

Although the principle of the application does not comply with Policy DP12, there are other material considerations which outweigh this conflict. The application is considered to comply with policies DP1, DP20, DP21, DP26, DP29, DP37, DP38, DP39 and DP41 of the District Plan, the design principles of the adopted Mid Sussex Design Guide, policies BOLE1, BOLE2, BOLD1 and BOLT1 Bolney Neighbourhood Plan, Policy SA6 of the Submission Draft Site Allocation DPD, and the relevant provisions of the NPPF.

Overall, the planning balance is considered to fall significantly in favour of approving the planning application.

## **RECOMMENDATION**

### **Recommendation A**

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

### **Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments by the 15th July 2021, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

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

## **SUMMARY OF REPRESENTATIONS**

1 letter of OBJECTION from Twineham Parish Council concerning the following points:

*'The A272 is the only east/west route in this part of Sussex. Traffic driving north on the A23, wishing to access the A272 to drive to the west have a very difficult turning when they arrive at the bottom of the slip road on to the A272. Because this junction is so appalling, traffic now exits the A23 at Hickstead, making "rat runs" of Hickstead Lane and Bolney Chapel Road, arriving at the A272 by the garage. This causes considerable inconvenience for local residents down narrow lanes. The construction and implementation of the DPD depot at Burgess Hill has seriously exacerbated the situation. The construction of the Northern Arc in Burgess Hill will add to the pressure on this junction.*

*Twineham Parish Council has grave concerns about the proposed development of the site, with over 100 parking spaces. The junction at the A23/A272 is woefully inadequate in its present configuration. Although we understand that traffic signals could be installed as part of the Burgess Hill Northern Arc development, we consider this to be unsatisfactory. Even when temporary lights are installed on the A272, traffic jams frequently occur.*

*It would appear that the only way to resolve this problem is the construction of a roundabout at the bottom of the slip road, with plenty of visibility in all directions for drivers.'*

## **SUMMARY OF CONSULTATIONS**

### **Highways England**

Recommend that conditions should be attached to any planning permission that may be granted.

### **WSCC Highways Authority**

No objection subject to conditions

### **WSCC County Planning Officer**

Summary of contributions:

TAD - £56,320

### **WSCC Flood Risk**

No objection.

### **WSCC Minerals and Waste**

No objection.

### **WSCC Water and Access**

Advice.

### **MSDC Planning Policy**

No objection.

### **MSDC Landscape Consultant**

No objection subject to conditions.

### **MSDC Urban Designer**

Comments.

### **MSDC Drainage Engineer**

No objection subject to conditions

### **Ecologist**

No objection. Condition.

## **MSDC Environmental Protection**

Comments - suggested conditions.

## **MSDC Contaminated Land Officer**

Approve with conditions.

## **MSDC Street Name and Numbering Officer**

Informative.

## **Southern Water**

Comments and suggested informative.

## **Environment Agency**

No comments.

## **Bolney Parish Council**

### Amended

The Parish Council objects to the revised plans as they represent over-development of the site and do not allow sufficient space for landscape mitigation to both the A272 and the London Road. The revised drawings do not show how the buildings will fit into the contours of the land so further elevation drawings that take into account the topography of the site should be provided. We are very concerned that the slope of the land will increase the bulk and height of the development. We would like to see a condition limiting the hours of use of the site. A noise and light management plan should also be made a condition to protect the setting of the Grade 1 listed Church and the nearby residential properties.

The Parish Council continues to be concerned about traffic management at the A272/London Road junction. Although we note that an extra lane has now been included on the London Road, we stand by our view that a roundabout is the best solution for this junction.

### Original

Bolney Parish Council is supportive of the development at the Marylands site, but does have reservations about the impact the increased traffic associated with this development will have on the London Road/A272 junction which is already operating over capacity. In addition, we have concerns about visibility at the entrance to the site with regard to vehicles exiting the A23 northbound on to the roundabout and potential accidents with traffic having just pulled out of the site.

We met virtually with the developers to discuss these concerns and our preference to have a roundabout at the London Road/A272 junction which was in the original

plan by the developer. We feel that this is the ONLY acceptable solution, however this idea has now been replaced with signalisation of the junction which has been put forward as part of the Northern Arc Development proposals. The Parish Council was never consulted on this and if we had been would have expressed our preference for a roundabout which, in our view, would keep the traffic flowing better at peak times and would avoid the queuing traffic adversely impacting on the Air Quality in the area. A roundabout would have the added advantage of being cheaper to operate without the need for electricity or maintenance. Signalising the junction will increase queuing in every direction, resulting in drivers taking alternative routes through the village to avoid the resultant queues. The village roads are residential and there are no pedestrian pavements. The rural roads surrounding the village are narrow and unsuitable for heavy traffic. Residents have already reported an increase in traffic on Bolney Chapel Road by delivery drivers from the new development at Goddard Green using Bolney Chapel Road as a 'rat run' from the A2300 to avoid the junction of the A23 and A272. Our concern is for the safety of pedestrians, particularly school children walking to the village school or to a school bus stop in peak hours, competing for road space with commuter traffic cutting through the back roads in and around the village to avoid the queues at the traffic lights.

We understand that Highways England rejected the roundabout suggestion so we have asked to meet with them to discuss it further and would request that this suggestion is re-considered based on the comments above.

The developer has agreed to donate land at this junction and carry out road improvements and as something the Parish Council has been campaigning for over many years this is the ideal time to make improvements before the capacity at that junction worsens. The reports from Highways England already show that the junction operates over its' capacity and we understand from the Northern Arc documentation that the signalisation is only due to be completed 'prior to the occupation of the 400th dwelling'. It could easily be a few years before this is delivered if this option is chosen which is completely unacceptable.

With regard to our concern about visibility from the site entrance the developer has confirmed that they have engaged an arboricultural consultant and are proposing to remove some trees to improve visibility of the site access from the northbound off slip road. We request that this is made a condition.

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## **INTRODUCTION**

This application seeks planning permission for the demolition of a single dwelling and outbuildings and the erection of B8 floorspace (including ancillary office space), with hard and soft landscaping, parking and servicing; an altered access is to be provided from A272/A23 Western Roundabout with the existing Cowfold Road vehicular access closed at Marylands Nursery, Cowfold Road, Bolney.

## **RELEVANT PLANNING HISTORY**

The site has a detailed history. The most recent history is set out below:

11/01156/FUL - Nursery with ancillary facilities and retail sales; agricultural workers bungalow; six stables, hay barn and tack room; horse paddocks. APPROVED.

13/01257/COU - Use of land as a woodyard; including storage, processing, drying and sale of logs. APPROVED.

DM/15/1968 - Provision of a welfare facility, hardstanding and turning area for use by drivers for duration of the works at Rampion 'offshore' windfarm, to be removed on completion of works. APPROVED.

## **SITE AND SURROUNDINGS**

The site is currently used as a horticultural nursery and woodyard with access from the A272 Cowfold Road. There is a single dwelling set within the site with various horticultural structures and sheds. To the west and north of the site is a former paddock area with stable buildings. There is dense vegetation on the southern boundary of the site with trees and vegetation on the northern, eastern and western boundaries.

The site is bordered on three sides by the A272 and slip road servicing the main A23 trunk road. To the north of the site is an existing access off a roundabout. The land is surrounded by post and rail timber fencing and vegetation and trees.

The site is located within the countryside as defined in the Mid Sussex District Plan and the Bolney Neighbourhood Plan. The built up area boundary of Bolney does, however, lie to the north-west of the site on the opposite side of the roundabout and London Road.

## **APPLICATION DETAILS**

The application was originally submitted for three separate buildings within the site. However, during the course of the development, and to address concerns raised by your Officers as well as that of the Councils Landscape Consultant and Highway England, revised plans have been received amending the position and height of Unit 1, joining Units 2 and 3 together and providing enhanced planting to the southern boundary. Additional highway mitigation works are proposed of an enhanced left turn flare on the London Road arm of the A272 junction as well as the re-provision of the existing footpath and new dropped kerbs and tactile paving on the London Road junction. Access to the site would be taken from the A23 Western Roundabout to the north of the site with the existing Cowfold Road vehicular access closed.

The proposal is to comprise of two large buildings forming 3no commercial B8 buildings with ancillary office accommodation.

Building 1 is to be situated to the west of the site and measure some 51.8 metres in width, some 72.6 metres length. The building would have a double barrelled roof with



an eaves height of some 10 metres and an overall ridge height of some 12.2 metres. In addition to this to the northern end elevation the building would have a two storey glazed and clad flat roofed element providing a reception, office area and toilets. This is to measure some 41.8 metres in width (with a roof overhang either end of approximately 1 metre), 8.1 metres in depth (with a roof overhang of approximately an additional 1 metre) and an overall height of some 8.4 metres. The building would have a total floor area of 4,319 sqm. On the eastern side elevation would be 3 service doors and 2 dock leveller doors with roller shutters. The building would be set a minimum of some 5.8 metres and a maximum of some 10.5 metres with the eastern boundary and a minimum of some 8 metres and a maximum of some 31 metres from the southern boundary.

Units 2 and 3 are to form a single building which is to be situated to the east of the site and measure some 37 metres in width, some 134.3 metres in length. The building is to have an eaves height of some 10.4 metres and an overall ridge height of some 13.1 metres. On the northern end of the building, there would be a two storey glazed and clad flat roofed element providing a reception, office area and toilets to Unit 2. A similar two storey glazed, clad and flat roofed element is also proposed to the western end of the building to serve Unit 3 with similar accommodation. These two storey elements are measure some 25.4 metres in width (with a roof overhang either end of approximately 1 metre), 7.9 metres in depth (with a roof overhang of approximately an additional 1 metre) and an overall height of some 8.4 metres. Each of these two units are to have a total floor area of some 2,787 sqm. On the western side elevation would be 6 service doors with roller shutters (3 serving each unit). The building would be set a minimum of some 3.8 metres and a maximum of some 12.7 metres with the western boundary and a minimum of some 11 metres and a maximum of some 15 metres from the southern boundary.

The buildings will feature a barrel vault roof design with full height steel cladding panels installed horizontally and vertically. The colour of the panels will comprise juniper and olive greens, and grey. The roof will be coloured a moorland green. Entrance areas will be glazed with feature aluminium flashing and flat roofs.

To the north and centre of the site is to be areas of hardstanding comprising of car parking and the service yard. The proposal is to provide 103 car parking spaces within the site which includes 12 electric charging vehicle points (4 per unit), 7 mobility impaired bays and 9 car sharing bays. There would be 32 cycle parking spaces provided. In addition, each unit is to have its own service yard to accommodate HGVs. Within the car parking area are to be trees and vegetation to soften the hardsurfacing.

As part of the application, the existing vehicular access onto Cowfold Road would be closed off and the access for the site would be from the A23 / London Road roundabout from the north of the site. The proposal would also provide off site highway works including a 1.8 metre footpath, an uncontrolled pedestrian crossing off the site access arm to the existing roundabout with tactile paving and a central refuge island, an enhanced left turn flare on the London Road arm of the junction, re-providing the existing footway adjacent to the highway as well as dropped kerbs and tactile paving to provide a pedestrian crossing at the junction with the A272.

A landscape masterplan has been submitted which shows that the existing boundary vegetation is to be enhanced with additional tree planting, hedging and understorey planting mitigate the impact of the development from the highway.

The application has been accompanied by a number of supporting statements for consideration consisting of:

- A Design and Access Statement;
- A Planning Statement;
- A Sustainability Statement;
- A Transport Assessment;
- A draft Travel Plan;
- A Stage 1 Road Safety Audit;
- A Transport Modelling Note;
- A Transport Technical Note;
- A Flood Risk Assessment and Conceptual; Drainage Strategy;
- An Ecological Impact Assessment;
- A Tree Survey;
- A Landscape and Visual Impact Assessment;
- An Environmental Noise Impact Assessment Report;
- A Phase 1 Desk Study Risk Assessment and Geotechnical Assessment; and
- A Statement of Community Involvement.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

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.'*

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.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and Bolney Neighbourhood Plan.

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

### **Mid Sussex District Plan**

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

Relevant policies include:

DP1: Sustainable Economic Development  
DP12: Protection and Enhancement of Countryside  
DP20 Securing Infrastructure  
DP21: Transport  
DP26: Character and Design  
DP28: Accessibility  
DP29: Noise, Air and Light Pollution  
DP37: Trees, Woodland and Hedgerows  
DP38: Biodiversity  
DP39: Sustainable Design and Construction  
DP41: Flood Risk and Drainage

### **Bolney Neighbourhood Plan**

The Neighbourhood Plan was made in September 2016. It forms part of the Development Plan for the District and can be given full weight.

The following policies are considered to be relevant:

BOLE1 - Protect and Enhance Biodiversity  
BOLE2 - Protect and Enhance the Countryside  
BOLD1 - Design of New Development and Conservation  
BOLT1 - Transport Impact of Development

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

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

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.

### *Sites Allocations DPD*

The Council has published a draft site allocations document for consultation which identifies sufficient housing sites to provide a five year housing land supply to 2031; and also makes sure that enough land is allocated to meet identified employment needs.

The District Plan policies are to be complemented by five additional strategic policies set out in the Site Allocations DPD. In addition, Policy SA6 seeks to allocate this site (Marylands Nursery, Cowfold Road) for storage and distribution employment uses.

The Site Allocations DPD is at an advanced stage having been submitted for Examination. This document currently has some weight in the determination of planning applications, although further consideration is given below to the weight to be assigned to policy SA6 in particular. Once adopted this document will form part of the Development Plan in the assessment of all future planning schemes.

*West Sussex County Council Guidance on Parking at New Development, September 2020*

### National Planning Policy Framework (NPPF)

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. An overall aim of national policy is '*significantly boosting the supply of homes.*'

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.'*

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.'*

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.

*National Planning Policy Guidance*

*National Design Guide*

*Ministerial Statement and Design Guide*

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

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

## **Assessment**

The main issues for consideration are:

- Principle of development;
- Impact on the character of the area and design;
- Access, parking and highway safety;
- Residential Amenity;
- Sustainability;
- Drainage
- Ecology
- Trees;
- Infrastructure
- Ashdown Forest; and
- Planning Balance and Conclusion.

## **Principle of development**

Policy DP12 relates to the protection and enhancement of the countryside. In part it 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.'*

The proposal conflicts with the Policy DP12 as it is neither necessary for the purposes of agriculture nor is it supported by a specific reference elsewhere in the District Plan or a Neighbourhood Plan. However, there are other material considerations which must be taken into account. Of note is that the site is proposed as an employment allocation in the emerging Site Allocations DPD.

Policy DP1 of the District Plan relates to Sustainable Economic Development and 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*
- *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).'*

In addition it states:

*'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).'*

Policy DP1 states that there is a requirement for 543 jobs per annum. The District Plan evidence base (EP36 (Burgess Hill Employments Site Study Update) and EP37 (Science & Technology Park: Potential Locations Assessment) of the District Plan examination library) equated this to 25ha of employment land. Policy DP1 states that this will be met through the allocation of 25 hectares of land at The Hub in Burgess Hill as well as allocating further sites through a Sites Allocations DPD.

Updated employment forecast prepared to inform the Sites DPD indicates an increased employment requirement of around 35 to 40 hectares up to 2031. The Submission Draft Sites DPD therefore seeks to allocate 8 employment sites as well as land for a Science and Technology Park. The District Plan together with the Sites DPD makes sufficient allocations to meet the identified employment need to 2031.

Policy SA6 of the Submission Draft Sites DPD seeks to allocate Marylands Nursery for B8 (Storage and Distribution) employment uses. The site is considered suitable for allocation having been through the site selection process and Sustainability Appraisal. The Sites DPD was submitted for examination in December 2020, with hearing anticipated in Spring 2021. During the Regulation 19 consultation two representations were received in relation to this site. One from a developer promoting an alternative site and the other from Bolney Parish Council raising matters relating to light pollution and to highway matters.

In relation to the weight to emerging plans, para 48 of the NPPF states:

*'Local planning authorities may give weight to relevant policies in emerging plans according to:*

*a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'*

The Site Allocations DPD is at an advanced stage having been submitted for Examination to the Secretary of State for Housing, Communities and Local Government. The Site Allocations DPD will be subject to an independent public examination by a planning inspector. In addition only 2 representations to this site have been received at Regulation 19, and the matters raised by one of these (Bolney Parish Council) have been considered through this planning application as discussed elsewhere in this report. In addition, the emerging allocations have taken into account the NPPF through the site selection approach and the Council is satisfied that this proposed allocation is both justified and consistent with national policy. It is

therefore, considered that this application is consistent with the policy criteria set out in Policy SA6 as set out further in this report. Therefore it is considered that significant weight can be given to Policy SA6 of the emerging plan as it relates to this site.

Policy SA6 of the emerging Site Allocations DPD sets out the following site specific requirements:

- *'Access should only be achieved using the existing access from the northern roundabout. Proposals should ensure no adverse impact on the junction with Cowfold Road, any adverse impacts must be mitigated.'*
- *'Proposals that include enabling non-business use classes in addition to business use will only be permitted where it has been clearly demonstrated with substantiated evidence, which may include a sequential test, impact assessment and viability assessment, that proposals for only business uses (B8) are not economically viable.'*
- *'Development must be of high-quality design and layout, in accordance with DP26: Design. Building height should be limited to respect Bolney's rural character. Provide a comprehensive landscaping scheme for the site in order to create an appropriate setting and landscaped context for the new development.'*
- *'A site-specific Flood Risk Assessment will be undertaken to inform the site layout and any appropriate mitigation measures that may be necessary.'*

As set out further below it is your Officers opinion that the proposal complies with the above site specific requirements.

It is considered that in this instance, for the reasons given above, due to the emerging policy support, the current commercial nature of the site and the location being close to the main highway network, the principle of the re-development of the site in accordance with SA6 is considered acceptable

### **Impact on the character of the area and design**

The site falls within the countryside. It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area.

Policy DP12 of the District Plan relates to the protection and enhancement of the countryside. In part it 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.'*



Policy BOLE2 of the Neighbourhood Plan seeks to protect and enhance the countryside. It states:

*'Outside the Built-up Area Boundary, development must demonstrate that it does not have an unacceptable impact on the landscape. In particular, development proposals must demonstrate how they have addressed the requirements of BOLD1 of the Neighbourhood Plan.'*

*Major development which has an unacceptable impact on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty shall be refused, unless it can be demonstrated that there are exceptional circumstances and that it is in the public interest.'*

There is thus an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. The aim of protecting the character of an area is also found in the NPPF at para 170 which requires the protection and enhancement of valued landscapes as well as the recognition of the intrinsic character and beauty of the countryside.

As part of Policy SA6 of the Draft Site Allocations DPD, there is a requirement for the:

*'development to be of high-quality design and layout, in accordance with DP26: Design. Building height should be limited to respect Bolney's rural character. Provide a comprehensive landscaping scheme for the site in order to create an appropriate setting and landscaped context for the new development.'*

Policy DP26 of the District Plan relates to character and design considerations and states:

*'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and 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.*

- *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 plus unit) scheme will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Policy BOLD1 of the Neighbourhood Plan relates to the design of new development and conservation. It states:

*'Planning permission for new development will ordinarily be permitted subject to the following criteria:*

*It is designed to a high quality which reflects Bolney's rural nature and responds to the heritage and distinctive character by way of;*

- *height, scale, spacing, layout, orientation, design and materials of buildings, and*
- *the scale, design and materials of the public realm (highways, footways, open space and landscape); and*
- *It does not have an unacceptable impact on the setting of any heritage asset; and*
- *It respects the natural contours of a site and protects and sensitively incorporates well-established natural features of the landscape including trees, species-rich hedgerows and ponds within the site; and*
- *It creates a safe, accessible and well-connected environment that meets the needs of its users; and*
- *It will not result in unacceptable levels of light, noise, air or water pollution, and*
- *Where possible, it provides lock-up facilities for storage of bicycles, children's pushchairs and mobility vehicles to encourage walking and cycling and to assist accessibility.'*

Para 127 of the NPPF relates to design and states:

*'Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

On the 1st October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1st October 2019 stating that *'the National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed.'*

Within the Mid Sussex Design Guide chapter 7 relates to business parks and employment areas. Design Principle DG43 seeks to deliver attractive and clearly laid out employment areas that are sensitive to their surrounds. It states that:

*'because of their size and scale, care needs to be taken to ensure that new commercial buildings do not adversely impose upon their surrounds.'*

It requires that new buildings should be set within appropriate landscaping with native trees and shrubs defining the street environment and pedestrian realm. In addition, it requires parking and servicing to be softened / screened with vegetation and located where it has less impact on the public realm.

Principle DG44 of the Design Guide relates to the design of commercial buildings. This requires buildings to *'respond positively to the character and architectural traditions of the District in terms of scale, mass, form, materials and detailing'*. It states that *'the landscape and public realm should form the dominant feature within employment areas with the buildings forming a more neutral background. As such, the design of simple, rectilinear buildings within the landscape is promoted.'*

Whilst such a scale of the development would normally conflict with the Policy DP12, regard is made to the sites context. The site sits within a hard edged plot as it is surrounded by the highway network of the A23 and the A272 on all sides. Due to the existing commercial nature of the site and the proximity of the site with the surrounding highway network, it is considered that the character of the countryside in this location is not of a high value. As such the proposal would maintain the quality of the rural and landscape character in this part of Mid Sussex.

The site would provide a comprehensive redevelopment seeking to improve the character of the area. The buildings have been laid out to make an effective use of the topography and landscaping to mitigate the impact of the development, with the main built form at the lower end of the site or against existing dense vegetation, and hardsurfacing to the north and centre of the site. The longer building to the east of the site would be seen in context with the A23 which sits at a higher level than the site with dense tree screening between the site and the highway. Due to the intended use of the buildings these are to be large in scale, however, through the palette of materials and the barrelled roofs the appearance of the buildings would be minimised. The chosen colours of the elevations and roof seek to blend in with the surrounding trees and vegetation. In addition, it is considered that the design of the buildings seek to provide articulation and subdivision of the façade through the use of different materials to break up their mass and scale. The buildings would also provide reception and office space which would contribute positively to the surveillance of entrance areas and forecourts. As such it is considered that the proposal provides a high quality design and layout within the site appropriate to its context.

The proposal would provide enhanced planting of trees and vegetation particularly on the western and southern boundaries to soften the development further and reduce its visual impact along the Cowfold Road. In addition to tree planting to the site boundaries, areas of tree planting within the site will be provided to break up the hard surfacing. The landscaping within the site would also seek to further soften the development. As such it is considered that whilst within the countryside that the proposal would maintain the character of the rural and landscape character in the locality.

The Council's Landscape Consultant has considered the proposal and supports the scheme. She considers that:

*'proposal to plant the landscape buffers with mixed native understorey shrubs and trees is supported. This and the proposed hedge would ensure that views into the site from Cowfold Road would be adequately mitigated.'*

In addition she states that the:

*'Landscape Strategy includes proposals for hard landscape materials and boundary fencing. The selected materials are of a high quality and should help to ensure successful integration of the proposed development into the local landscape.'*

Concerns have been raised by the Parish Council who consider that the proposal would form an overdevelopment of the site and does not allow sufficient space for landscape mitigation to both the A272 and the London Road. Whilst these concerns are noted, as set out above, it is considered that the proposal sits well within the site providing suitable separation between the buildings and boundaries with appropriate landscape buffers on the boundaries of the site.

In light of the above, the proposal is considered to comply with Policy DP26 of the District Plan, the design principles of the Mid Sussex Design Guide, the site specific requirements of emerging Policy SA6 of the Submission Draft Site Allocation DPD,

policies BOLE1 and BOLD1 of the Neighbourhood Plan and para's 8, 127 and 170 of the NPPF.

### **Access, parking and highway safety**

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking. It 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.'*

Policy BOLT1 of the Neighbourhood Plan states:

*'Planning permission will be granted for development proposals where they meet the following criteria, subject to compliance with the other policies:*

- a) That any additional traffic generated by the proposal has an acceptable impact on the Parish's pedestrians, cyclists, road safety and will not lead to increased congestion; and*
- b) Vehicular, cyclist and pedestrian access into, within and exiting any development is safe and has adequate visibility; and*
- c) Any available opportunities are taken to provide safe pedestrian or cycle routes from the development to key facilities in Bolney village.'*

Paragraph 108 of the NPPF is relevant in respect of transport matters and states that:

*'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition, para 109 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.'*

As part of Policy SA6 of the Draft Site Allocations DPD, there is a requirement for the development on the site to have access from the northern roundabout and also to ensure that the proposal would result in no adverse impact on the junction with Cowfold Road, any adverse impacts must be mitigated.

As part of the application, the existing vehicular access onto Cowfold Road would be closed off and the access for the site would be from the A23 / London Road roundabout from the north of the site. Following consultation with Highways England, the proposal would also provide an enhanced left turn flare on the London Road arm of the A272 / London Road junction, pending the full signalisation of the junction in association with the Northern Arc development in Burgess Hill. This would also include re-providing the existing footway adjacent to the highway as well as dropped kerbs and tactile paving to provide a pedestrian crossing at the junction.

The proposal is to provide 103 car parking spaces within the site which includes 12 electric charging vehicle points (4 per unit), 7 mobility impaired bays and 9 car sharing bays. There would be 32 cycle parking spaces provided. In addition, each unit is to have its own service yard to accommodate HGVs.

A Transport Assessment has been submitted with the application. It states that a *'junction capacity assessment exercise has been carried out for the A23 northbound / London Road / Site Access roundabout, the A23 southbound / A272 Bolney Road / A272 Cowfold Road / Crossways roundabout and the A272 Cowfold Road / London Road priority junction in accordance with the Planning Practice Guidance (2014) to assess the development impact on the local highway network. This has concluded that the proposed development would result in no 'severe' capacity impacts'*.

In addition, a draft Travel Plan accompanies the application to incentivise and promote the use of sustainable transport modes amongst employees and visitors. It indicates that *'staff will be made aware of all travel choices and will be provided with accurate and up-to-date information as soon as they commence occupation to encourage a culture of sustainable travel.'* It also set out that measures to encourage car sharing would be instigated with dedicated car parking spaces for those who do undertake car sharing.

The proposal meets the parking standards as set out in the West Sussex County Council Guidance on Parking at New Developments (September 2020). It is to provide a suitable level of parking within the site as well as provide alternative options for travel.

The Highways Authority has considered the proposal and raise no objection subject to conditions. They advise that the *'developer has also made reference to the proposed signalisation of the A272/London Road junction that would come forward as part of the permitted 'Northern Arc' development. WSCC have considered the proposed development and associated London Road widening against the committed signalisation works; a combination of these works is understood to be incorporated within the 2031 Do Something scenario that includes the Northern Arc. WSCC are satisfied that the widening works proposed as part of the current development would not compromise the operation or delivery of the 'Northern Arc' traffic signals.'* As such they consider that the proposal would not result in *'a 'Severe' impact on the A272 junction.'*

Following additional highway information in relation to the creation of the left turn flare on the London Road arm of the junction, Highways England has raised no objection to the proposal subject to conditions. They consider that the *'the proposed development will not materially impact the reliability, operation or safety of the Strategic Road Network'*.

Both Bolney and Twineham Parish Councils raise concerns in relation to the future traffic signalisation of the A272 / A23 junction. They consider that a roundabout at this junction is the best solution to alleviate traffic queuing. Whilst this is noted, this solution does not form part of the current planning application and is not for consideration. As part of the highway modelling for the Northern Arc development,

traffic signalisation was put forward and agreed to come forward to address highway capacity issues.

Both the Highways Authority and Highways England are satisfied with the future proposed traffic signalisation of this junction which is due to come forward as part of the permitted 'Northern Arc' development.

In addition, it should be noted that in the preparation of the Site Allocations DPD the Council commissioned transport consultants Systra to undertake highways modelling of the proposed allocations. It is important to note that the Systra work took into account the mitigation measures which had been approved as part of the Northern Arc planning permission and therefore would have taken into account the proposed traffic lights at the A272/Cowfold Road junction. The Systra work was validated by Highways England (HE). As this site is a proposed allocation in the Sites DPD, the highways implications arising from this allocation were also considered by Systra in their modelling work. No strategic highways implications were identified at the plan making stage of the impact of this proposed development on the highway network.

In light of the above it is considered that from a highway safety perspective the application complies with Policy DP21 of the District Plan, Policy BOLT1 of the Neighbourhood Plan, the site specific requirements of Policy SA6 of the Submission Draft Site Allocation DPD, para 108 of the NPPF.

### **Residential Amenity**

Policy DP26 of the District Plan requires developments to demonstrate that it does not cause significant harm to amenities of existing nearby residents (or future occupiers), taking into account matters such as impact on light, privacy and outlook.

Policy DP29 of the District Plan relates to noise, air and light pollution which is considered pertinent. In part this 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;'*

The site is set some distance away from residential properties. The nearest properties are at Magdalene Rise which is set some 70 metres to the north-west and Bolney Nursery Bungalow which is set some 127 metres to the west. These properties are separated from the site through the A272 and A23 link arm and dense tree and vegetation screening. In addition there are properties to the east of the site however they are separated from the site by the A23.

An Environmental Noise Impact Assessment Report has been submitted with the application. It indicates that the scheme will incorporate 3 metre high acoustic barriers along the northern perimeter of the loading and unloading areas to provide noise attenuation. It concludes that the proposed use of the site will not generate high noise levels and will not attract a significant number of vehicle movements to and from the Site. The proximity of the A23 Trunk Road results in predicted noise levels being lower than existing background noise levels.

The Councils Environmental Protection Officer has considered the proposal and raises no objection subject to conditions. He considers that subject to the mitigation measures of acoustic barriers and a condition *'prohibiting any deliveries or collections between midnight and 5am on any day (this is the quietest part of the night when traffic noise from the A23 will not provide as much "masking" so site noise will be more intrusive) except for Sundays where it will be 7am. The noise assessment demonstrates that these measures are suitable to avoid any significant adverse impact upon residential amenity.'*

In light of the proposed mitigation acoustic barriers, the distance of the residential properties and the existing background noise levels of the surrounding highway network, it is considered that the proposed development would not result in significant detriment to the amenities of nearby residential properties.

In respect of lighting, no details have been provided in respect of the type of lighting to be installed as part of the development. This can be controlled by a condition requiring such details. However, due to the context of the site with lighting on the adjacent highways networks, and the proposed enhanced screening on the boundaries of the site, it is not considered that there would be significant detriment to the amenities of nearby residential properties.

The proposal is thereby considered to comply with Policies DP26 and DP29 of the District Plan.

## Sustainability

Policy DP21 of the District Plan relates to transport. The full policy is set out above. In part it requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition, it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

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

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

Paragraph 148 of the NPPF states:

*'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'*

Paragraph 153 states:

*'In determining planning applications, local planning authorities should expect new development to:*

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*

- b) *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The application has been accompanied with a Sustainability Statement. This sets out a range of sustainability measures to be incorporated into the design of the development to improve the overall environmental performance. It sets out that this will be sought through building fabric improving on the minimum requirements of Part L of the Building Regulations as well as on the windows. It is submitted that air source heat pumps will be used to provide efficient and cost effective heating. In addition, energy efficient lighting is proposed and water use is to be limited through water efficient fittings and using suitable planting which does not require irrigation systems.

In addition, the accessibility of the site, or the sustainable location of it, is a key consideration.

The site is situated close to the A23. Near to the site is a bus stop as well as a cycle route (National Cycle Route 20). There is a continuous footway which is lit outside of the site and to the north along the Old London Road as well as to the south and west along Cowfold Road to the village of Bolney. A draft Travel Plan has been submitted with the application which would be made available to staff on the site. The draft Travel Plan sets out a number of measures will be implemented to encourage sustainable means of travel. The site would provide 37 covered cycle parking spaces. In addition car sharing would be encouraged with 9 priority spaces allocated for those who car share to the site. The proposal would also provide 12 active ultra low emission vehicle charging bays throughout the site (4 per unit).

Therefore, it is considered that the proposal complies with the relevant criteria policies DP21 and DP39 of the District Plan. The proposal is considered to be acceptable in sustainability terms.

## **Drainage**

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk.

A Flood Risk Assessment (FRA) has been submitted with the application which states that there is surface water flood risk on surrounding public highways, however it concludes that water depths are a maximum of 300mm and the overall surface water flood risk is low. The submitted FRA considers that the completion of the development will not increase flood risk on or off the site.

A surface water drainage piped system, with petrol interceptors, permeable paving and storage tanks is proposed to manage drainage on site. In addition, it is proposed

that the development will discharge foul water sewage to an existing public foul sewer located beneath Cowfold Road.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to a condition concerning details of the proposed foul and surface water drainage and means of disposal. In addition the WSCC Lead Local Flood Authority has considered the application and raised no objection.

The proposal is thereby considered to comply with policy DP41 of the District Plan and the site specific requirements of Policy SA6 of the Submission Draft Site Allocation DPD.

## **Ecology**

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the District Plan relates to Biodiversity and seeks proposals to protect and enhance biodiversity.

Policy BOLE1 of the Neighbourhood Plan has a similar ethos to the above.

Para's 174 - 177 of the NPPF relate to habitats and biodiversity. Para 175 states *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>58</sup> and a suitable compensation strategy exists'*. In addition it considers that *"development whose primary objective is to conserve or enhance biodiversity should be supported"*.

An Ecological Impact Assessment has been submitted with the application. This concludes that the *'existing buildings/structures and trees within the site are deemed to have 'negligible' potential for roosting bats due to poor suitability and lack of roosting features for bats.'* In addition it considers that the *'site was found to be of 'negligible' value to amphibians and reptiles.'* The assessment acknowledges that areas *'of grassland and hedgerow will be lost through the proposals; these areas shall be replaced through the new planting of boundary vegetation. Once avoidance, mitigation and compensation measures have been taken into account, the impact of the proposed development upon protected species will be negligible.'*

The Council's Ecology Consultant has commented on the proposal and advises that *'there are no biodiversity policy reasons for refusal or amendment of the proposals'*. He recommends that if permission is granted that a condition is attached to the permission to ensure that the recommendations for mitigation and enhancement set

out in the Ecological Impact Assessment Report by Lizard Landscapes, dated June 2020 shall be implemented in full.

Overall it is considered that the scheme would not adversely affect any protected species and that conditions could be used to ensure wildlife mitigation and enhancements. The proposal is thereby considered to comply with Policy DP38 of the District Plan, Policy BOLE1 of the Neighbourhood Plan and para 175 of the NPPF.

## **Trees**

Policy DP37 of the Mid Sussex District Plan states that the *'District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'*

A Tree Survey has been submitted as part of the application. This relates to the trees on the boundaries of the site. It identifies that there are no trees of particular merit on the site including Leyland Cypress, Ash, Sycamore, Hawthorn and mixed tree groups. Whilst there are trees and shrubs within the site which would be removed, these are identified in the tree constraints plan as saplings.

A Landscape Design Strategy has been submitted with the application. This identifies that the existing established trees along the boundaries of the site would be retained and protected with suitable provision for the Root Protection Areas (RPA's). Additional tree planting is proposed along the boundaries with native tree planting and hedgerows to soften the development and improve ecological connectivity. A Landscape Masterplan has been included which shows the location of the additional planting along the boundaries which shows enhancements on the southern and western boundaries with the Cowfold Road and link road to the A23.

The landscape strategy aims to maintain and reinforce the soft edges of the site and provide visual separation between the site and the adjacent roads. Plans show that Unit 1 is to be set off the western and southern boundaries to allow for a suitable landscape buffer. In addition, Unit 3 is to be set off the southern boundary with replacement of the existing poor quality trees with mixed native species and understorey planting. The proposed landscaping and planting will enhance the site and provide improvements on the existing vegetation with native trees and shrubs.

Policy SA6 of the Submission Draft Site Allocation DPD has a requirement that any development should provide *'a comprehensive landscaping scheme for the site in order to create an appropriate setting and landscaped context for the new development.'* It is considered that the landscape strategy and masterplan submitted as part of the application shows that the development would be set within a landscaped setting to minimise the impact of the development on the immediate area and surrounding highway network.

In light of the above, it is considered that the proposal would thereby comply with Policy DP37 of the District Plan and the site specific requirements of Policy SA6 of the Submission Draft Site Allocation DPD.

## Infrastructure contributions

Policy DP20 of the District Plan relates to infrastructure. It states:

*'The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:*

- *appropriate on-site mitigation and infrastructure provision;*
- *the use of planning obligations (s106 legal agreements and unilateral undertakings);*
- *the Community Infrastructure Levy, when it is in place.*

*A planning obligation can be used where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal.*

*Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).*

*The Community Infrastructure Levy Charging Schedule will set out how development will fund the infrastructure needed to support it. The Levy will normally be spent on infrastructure needs in the locality of the scheme.*

*Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.*

*Affordable housing is dealt with separately, under Policy DP31: Affordable Housing.'*

Within the above policy, the pooling restrictions on 5 or more obligations is no longer relevant and has been removed under the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. Notwithstanding this, the above policy is relevant in respect of requiring applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact.

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

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

*'54 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:

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

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

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

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework the infrastructure set out below is to be secured via a planning obligation.

#### County Council Contributions

TAD: £56,320

It is considered that the above infrastructure obligation would meet policy requirements and statutory tests contained in the CIL Regulations.

The above contribution is required to mitigate the impacts of the proposal in terms of demand on Highways and Sustainable Transport that would arise in relation to the proposed development. Developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan.

#### **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 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 proposed development is identified as an employment allocation in the Submission Draft Site Allocations DPD (Policy SA6). The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Site Allocations DPD, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.



## Conclusion of the Habitats Regulations Assessment screening report

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 considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

Although the proposal is in conflict with the Policy DP12 (which seeks to protect and enhance the countryside) as it is neither necessary for the purposes of agriculture nor is supported by a specific reference elsewhere in the District Plan or a Neighbourhood Plan there are other material considerations which must be taken into account. Of note is that the site is proposed as an employment allocation in the emerging Site Allocations DPD.

Policy DP1 of the District Plan (which relates to sustainable economic development) requires the provision for new employment land and premises to be made through the allocation of further sites with the Site Allocations DPD. Policy SA6 of the Site Allocation DPD proposes the allocation of this site for B8 (Storage and Distribution) employment uses. In line with Paragraph 48 of the NPPF local planning authorities can give weight to policies of emerging plans depending on the stage of preparation of the emerging plan; the extent of unresolved objections; and the degree of consistency of the relevant policies to the NPPF. The Site Allocations DPD is at an advanced stage having been submitted for Examination. In addition, only 2 representations to this site have been received at Regulation 19, and the matters raised by one of these (Bolney Parish Council) have been considered through this planning application. Finally, the emerging allocations have taken into account the NPPF through the site selection approach and the Council is satisfied that this proposed allocation is both justified and consistent with national policy. Therefore, significant weight can be given to the emerging plan as it relates to this site.

Turning to the impact of the proposals, Policy DP12 indicates that development within the countryside must maintain or where possible enhance the quality of the rural landscape character. In this respect regard must be had to both the site's context (which is bounded on all sides by major roads of the A23 and A272) and to its existing character (which is commercial). As such it is argued that this site does not currently enhance the character and beauty of the countryside. However, the proposal is of a high-quality design and layout with comprehensive landscaping which would both create an appropriate setting and landscaped context for the

development as well as mitigating the impact on the surrounding area and maintain the character of the countryside.

The redevelopment of the existing commercial site would provide economic and social benefits through the provision of employment during both the construction period and the formation of employment following the construction of the new business units. This would assist in supporting economic growth and proactively supporting sustainable economic development within the District.

There will be a neutral impact in respect of highway safety and parking provision, impact on surrounding residential amenities, drainage, ecology and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

Although the principle of the application does not comply with Policy DP12, there are other material considerations which outweigh this conflict. The application is considered to comply with policies DP1, DP20, DP21, DP26, DP29, DP37, DP38, DP39 and DP41 of the District Plan, the design principles of the adopted Mid Sussex Design Guide, policies BOLE1, BOLE2, BOLD1 and BOLT1 Bolney Neighbourhood Plan, Policy SA6 of the Submission Draft Site Allocation DPD, and the relevant provisions of the NPPF.

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the proposed re-development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it. Accordingly the application is recommended for approval.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

### **Approved Plans**

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

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

### **Pre-Commencement conditions**

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 in consultation with Southern Water. The development shall not 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 DP41 of the Mid Sussex District Plan.

4. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of the hard and soft landscaping on the A23 and London Road facing sides of the site have been submitted to and approved in writing by the Local Planning Authority (who shall consult with Highways England). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

5. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a scheme to safeguard and maintain the geotechnical stability of the A23 during construction and occupation of the site have been submitted to and approved in writing by the local planning authority (who shall consult with Highways England). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A23 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

6. No part of the development hereby permitted (including site preparation or clearance) shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority (who shall consult Highways England). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
  - the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and routing of vehicles during construction,
  - the parking of vehicles by site operatives and visitors,
  - the loading and unloading of plant, materials and waste,
  - the storage of plant and materials used in construction of the development,
  - the erection and maintenance of security hoarding,
  - the provision of wheel washing / chassis cleaning facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - the method of controlling surface water during construction;

- details of public engagement both prior to and during construction works including site contact details in case of complaints;
- hours of construction working;
- measures to control noise affecting nearby residents;
- dust control measures; and
- pollution incident control.

Reason: To ensure that the A23 continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and the interests of highway safety and to protect the amenity of local residents from noise and dust emissions during construction, and to accord with Policies DP21 and DP29 of the Mid Sussex District Plan 2014 - 2031.

7. No storm water run-off that may arise due to the development hereby permitted will be accepted into the highway or highway drainage systems, and there shall be no connections into those highways drainage systems from the development and its drainage systems.

Reason: To ensure that the A23 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

8. No part of the development site shall be accessed (either temporary or permanently) to or from the A23.

Reason: To ensure the A23 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

9. Prior to the commencement of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP29 of the Mid Sussex 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 accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

11. The works shall be carried out in accordance with the Tree Survey and Tree Constraints Plan (1416-KC-XX-YTREE-TCP01Rev0) received 22nd July 2020.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan.

12. The recommendations for mitigation and enhancement set out in the Ecological Impact Assessment Report by Lizard Landscapes, dated June 2020 shall be implemented in full unless otherwise agreed in writing by the local planning authority and a statement of compliance signed by the appointed ecologist / wildlife consultant shall be submitted to, and approved by, the local planning authority prior to use of the completed development.

Reason: To protect the ecological value of the site and to accord with policy DP38 of the Mid Sussex District Plan and policy 175 of the NPPF.

13. No external materials shall be used other than those specified on the approved drawings P110 rev H and P141 (received 16th December 2020) without the prior written approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy BOLD1 of the Neighbourhood Plan

#### **Pre-occupation conditions**

14. Prior to the development hereby permitted being brought into use, the scheme of highway improvement works, as shown on the DHA drawing number 14202-H-03 P3. 'PROPOSED JUNCTION ADJUSTMENTS' (or such other scheme of works substantially to the same effect), including any necessary transfer of lands to enable the construction and maintenance of the scheme, shall be constructed and opened for use to the general public.

Reason: This is to ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

15. Prior to the development hereby permitted being brought into use, the scheme of highway improvement works, as shown on the DHA drawing number 14202-H-02 P2. 'PROPOSED ACCESS ROUNDABOUT' (or such other scheme of works substantially to the same effect), including any necessary transfer of lands to enable the construction and maintenance of the scheme, shall be constructed and opened for use to the general public.

Reason: This is to ensure that the A23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

16. 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 and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

18. No part of the development shall be first occupied until details of electric vehicle charging vehicle points have been submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for its designated use.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

19. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority. The Travel Plan shall include matters relating to the routing of HGV traffic operated by the occupier.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

20. Prior to the occupation of the development, hard and soft landscaping shall be carried out in accordance with the details set out in the Landscape Masterplan (drwg ref LLD1912-LAN-DWG-010 Rev 04 - received 16th December 2020) and the Landscape Design Strategy (rev 03 - received 16th December 2020). 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 Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

### **Post construction / Management**

21. No deliveries or collections shall take place until details/specification of the acoustic barriers have been submitted to, and approved in writing by, the LPA, and the barriers are in place. The barriers shall be suitably maintained thereafter.

Reason: In the interest to protect residential amenities from noise and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

22. Deliveries and Collections Deliveries and collections of goods, materials or waste shall not be permitted Between midnight and 05:00 Monday to Saturday and midnight to 7am Sundays

Reason: In the interest to protect residential amenities from noise and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

23. Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery 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.

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

24. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Details of lux levels and times of use together with a report to demonstrate its effect on nearby residential properties shall be supplied. It is recommended that the information be provided in a format that demonstrates compliance on the ILP Guidance Notes for the Reduction of Obtrusive Light. The information shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be carried out in accordance with the approved details.

Reason: To protect the character of the area and amenity of local residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

25. The development hereby permitted, shall be used for storage and distribution purposes only falling within Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), as shown on the approved plans, and for no other purpose (except for any other purpose in the same Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable suitable employment use for which the site is allocated for and to accord with Policies DP1 and DP12 of the Mid Sussex District Plan 2014 - 2031 and Policy SA6 of the Mid Sussex Submission Draft Sites DPD.

## INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. In relation to condition 5 in respect of a scheme to safeguard and maintain the geotechnical stability of the A23 during construction and occupation of the site, the scheme shall include such assessment, drawings and mitigation as is necessary to comply with the requirements and standards set out in the Design Manual for Roads and Bridges.
3. In relation to condition 9 regarding air quality, in order to ensure approval, we strongly recommend that the above mitigation scheme is agreed in advance with the Council's Air Quality Officer.
4. Section 175(b) of the Highways Act 1980 (as inserted via The Infrastructure Act 2015) requires those proposing works affecting the public highway to enter into an agreement with the Strategic Highway Authority (Highways England).

This development involves work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and Highways England. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, Highways England, Bridge House, 1 Walnut Tree Close Guildford, Surrey GU1 4LZ. Highways England switchboard Tel 0300 470 1370 Email [planningse@highwaysengland.co.uk](mailto:planningse@highwaysengland.co.uk)

5. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
6. A formal application for connection to the public sewerage system is required in order to service this Development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: [www.southernwater.co.uk/developing-building/connection-charging-arrangements](http://www.southernwater.co.uk/developing-building/connection-charging-arrangements)
7. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
8. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition



being discharged, then a lawful start will not have been made and you will be liable to enforcement action.

9. 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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Location Plan	P400	B	22.03.2021
Existing Site Plan	P401	B	22.03.2021
Proposed Site Plan	P402	L	22.03.2021
Proposed Floor Plans	P110	H	16.12.2020
Proposed Elevations	P110	H	16.12.2020
Proposed Roof Plan	P112	A	22.07.2020
Existing Floor and Elevations Plan	190:02	A	22.07.2020
Existing Elevations	190927 ELE		22.07.2020
Planning Layout	P405	H	22.03.2021
Planning Layout	P404	J	22.03.2021
Landscaping Details	P403	J	22.03.2021
Tree Survey	1416-KC-XX-YTREE-TCP01	0	22.07.2020
Landscaping Details	LLD1912-LAN-DWG-010	04	16.12.2020
Access Plan	14202-H-02	P2	28.07.2020
Access Plan	P406	B	22.03.2021
Sections	P407	B	22.03.2021
Levels	P408		22.03.2021
Highways Plans	H-03	P3	03.03.2021
Proposed Floor Plans	P140		16.12.2020
Proposed Elevations	P141		16.12.2020
Proposed Roof Plan	P142		16.12.2020

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

The Parish Council objects to the revised plans as they represent over-development of the site and do not allow sufficient space for landscape mitigation to both the A272 and the London Road. The revised drawings do not show how the buildings will fit into the contours of the land so further elevation drawings that take into account the topography of the site should be provided. We are very concerned that the slope of the land will increase the bulk and height of the development. We would like to see a condition limiting the hours of use of the site. A noise and light management plan should also be made a condition to protect the setting of the Grade 1 listed Church and the nearby residential properties.

The Parish Council continues to be concerned about traffic management at the A272/London Road junction. Although we note that an extra lane has now been included on the London Road, we stand by our view that a roundabout is the best solution for this junction.

### **Highways England**

#### *Amended*

Referring to the planning application referenced above received by Highways England on 31st July 2020, in the vicinity of the A23 at Bolney, West Sussex that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we:

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

Highways Act Section 175B (covering new access to the SRN) is relevant to this application.

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

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

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

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

#### Annex A - Highways England recommended Planning Conditions

Having assessed application DM/20/2640, Highways England recommends that the following conditions be attached to any planning permission granted:

#### Pre-Commencement Condition: Landscaping on A23 and London Road Facing Boundaries

1. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of the hard and soft landscaping on the A23 and London Road facing sides of the site have been submitted to and approved in writing by the local planning authority (who shall consult with Highways England). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

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

#### Pre-Commencement Condition: Geotech

2. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a scheme to safeguard and maintain the geotechnical stability of the A23 during construction and occupation of the site have been submitted to and approved in writing by the local planning authority (who shall consult with Highways England). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

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

Informative: The scheme shall include such assessment, drawings and mitigation as is necessary to comply with the requirements and standards set out in the Design Manual for Roads and Bridges.

#### Pre-Commencement Condition: Construction Management Plan

3. No part of the development hereby permitted (including site preparation or clearance) shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A23 continues to an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Action 1980.

#### Pre-Commencement Condition: Surface Water drainage

4. No storm water run-off that may arise due to the development hereby permitted will be accepted into the highway or highway drainage systems, and there shall be no connections into those highways drainage systems from the development and its drainage systems.

Reason: To ensure that the A23 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage.

#### Access

5. Prior to the development hereby permitted being brought into use, the scheme of highway improvement works, as shown on the DHA drawing number 14202-H-02 P2. 'PROPOSED

ACCESS ROUNDABOUT' (or such other scheme of works substantially to the same effect), including any necessary transfer of lands to enable the construction and maintenance of the scheme, shall be constructed and opened for use to the general public.

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

6. Prior to the development hereby permitted being brought into use, the scheme of highway improvement works, as shown on the DHA drawing number 14202-H-03 P3. 'PROPOSED JUNCTION ADJUSTMENTS' (or such other scheme of works substantially to the same effect), including any necessary transfer of lands to enable the construction and maintenance of the scheme, shall be constructed and opened for use to the general public.

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

7. No part of the development site shall be accessed (either temporary or permanently) to or from the A23.

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

#### Informative: Works affecting the Public Highway

Section 175(b) of the Highways Act 1980 (as inserted via The Infrastructure Act 2015) requires those proposing works affecting the public highway to enter into an agreement with the Strategic Highway Authority (Highways England).

This development involves work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and Highways England. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, Highways England, Bridge House, 1 Walnut Tree Close Guildford, Surrey GU1 4LZ. Highways England switchboard Tel 0300 470 1370 Email [planningse@highwaysengland.co.uk](mailto:planningse@highwaysengland.co.uk)

#### *Original*

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly the A23.

Having reviewed the documentation online supporting this application we consider that we require further information in order for us to make an informed decision in relation to the

potential impacts of the development on the Strategic Road Network. The following comments/requests should be considered by the applicant for response:

#### Traffic Impact

Highways England's consultant has undertaken a review of the junction modelling as attached, which raises a number of issues to be resolved for consideration and response by the applicant. It should also be noted in particular that Highways England's records show the north arm of the A272 Cowfold Road / London Road junction to be within Highways England's ownership as attached. As it stands, the modelling for this junction predicts that the junction will operate overcapacity in the 2031 AM peak and the development is adding additional trips resulting in an increase in delay of 22 seconds per vehicle. Therefore, further mitigation should be considered to mitigate this impact to 'nil detriment'.

#### Access

The access design has been subject to a design check and Stage 1 Road Safety Audit and is therefore in principle acceptable to Highways England. However, as outlined above, there are a number of queries raised in relation to the junction modelling, including for the roundabout junction from which the access is taken, and therefore the modelling still needs to demonstrate that the access and the development are acceptable.

#### Drainage Strategy

In relation to the drainage strategy, we note that the development proposes a foul water connection to the Cowfold Road sewer, while surface water runoff is proposed via infiltration if viable, with offsite discharge if not. With regard to the latter, the applicant should consider the requirements set out in DfT Circular 02/13 whereby Highways England does not permit stormwater runoff into its highway boundary or its drainage network, while if there is an existing storm water connection from the development site into Highways England's drainage network, Highways England may not allow continued discharge into its network following change of use of the site. As such, Highways England strongly advises that the ground infiltration/soakaway option is pursued, but if this is not practicable, and discharge into Highways England's drainage network is required, then the applicant will need to robustly demonstrate to Highways England that this is absolutely necessary, and even if this is acceptable, Highways England would seek to reduce the stormwater outflow into HE's network.

#### Landscape Masterplan/Boundary Treatment

We note that the landscape Masterplan and Boundary Treatments mainly involve planting and a perimeter fence. As shown on the attached plan, our records indicate Highways England owns the visibility splays for the northern arm of the A272 Cowfold Road / London Road junction. Therefore, the applicant should be mindful of the prescribed DMRB requirements in terms of these visibility splays and that they will need to be kept clear.

#### Construction Management Plan

We note that the Transport Assessment proposes that a Construction Traffic Management Plan is conditioned. As such, once Highways England is in a position to send a final response on this application, we will be recommending that a Construction Management Plan is conditioned. This will need to include details on construction mitigation measures to prevent the construction activity, materials, and vehicles from impacting the SRN. Measures include but are not limited to, wheel washing facilities, dust management, where contractors vehicles will be parked within site, pre-arranged site deliveries to avoid queuing, avoidance

of movements to and from the site during peak network hours where practicable, loading and unloading points (which shall not be on the SRN), storage of materials etc.

Until all the requested information is received, assessed and agreed, we are not in a position to confirm that the proposed development would not materially impact the reliability, operation or safety of the Strategic Road Network (the tests set out in DfT C2/13 para's 9 & 10 and MHCLG NPPF para 109). Accordingly, we formally request that your authority refrains from determining this application, (other than refusal) until such time as we have received and considered all the requested information. If, in the meantime, your authority wishes to determine the application, please let us know and we will provide you with a formal response based on the information available at that time.

## **WSSC Highways Authority**

*Amended*

### Background

The Local Highway Authority (LHA) has been consulted on the above application by Mid-Sussex District Council (MSDC) to assess the highway safety and capacity implications of the development. The site accesses the A23/A272 Brighton Road slip road which is maintained at this point by Highways England (HE). The LHA has previously assessed this application on its potential impact on the A272 junction only. Our comments on this were submitted to MSDC in August 2020. The capacity impact on the A23 and surrounding roads has also been assessed by HE.

### Latest Proposals

As part of this consultation we are now commenting on the principle of the developer enhancing the left hand turn lane on to the London Road junction with the A272, pending the full signalisation of the junction in association with the 'Northern Arc' development in Burgess Hill. The developer agreed on HE's request that a mitigation scheme will be required to satisfactorily accommodate the proposed development. The revisions have been submitted with a revised Technical Note (TN) dated December 2020.

The applicants proposed works are shown on drawing H-03 Rev 02 contained within the appendices of the TN. It should be noted that the area in which the enhancements are proposed are within WSSC's area of maintenance therefore consultation with WSSC's Highway Agreements Team will need to take place as part of an S278 works.

### Comments and Conclusion

With regard to vehicular movements calculations are taken from Figures 0-2 and 0-3 in the appendices of the original Transport Assessment (TA) would still stand as no further adjustments are made to the site that would warrant a change in vehicular movements. A forecast total of 42 trips in the AM peak and 32 in the PM peak. Of these trips only 26 in the AM peak (14 arrivals and 12 departures) and 24 in the PM peak (4 arrivals and 20 departures) shall use the A272 Cowfold Road/London Road junction. Based on these increased traffic flows, formal modelling using industry accepted software has been undertaken for a future year scenario of 2031.

The future year modelling clearly demonstrates that the A272/London Road junction will operate above theoretical capacity in the future year scenario. The additional development proposed will consequently worsen performance. It is important to note that the

development is not the cause of the capacity issues, and that these are forecast to occur regardless of the development.

The developer has nevertheless proposed a scheme of improvements. This scheme widens the approach to the junction allowing for separate lanes for traffic turning left and right onto the A272. The modelling with the scheme of improvements (referred to as the Do Something scenario) demonstrates that the proposed improvements adequately mitigate the impact of the proposed development and that with the improvement there are no residual capacity impacts.

The proposed improvements have been the subject of a Stage 1 Road Safety Audit (RSA) has been carried out by the developer and signed by HE with all 3 problems addressed. It would have been advisable for WSCC to have countersigned the designers responses to those problems affecting the WSCC maintained highway network. Nevertheless, the LHA note the content of the Audit and are happy to accept things as they stand.

The developer has also made reference to the proposed signalisation of the A272/London Road junction that would come forward as part of the permitted 'Northern Arc' development. WSCC have considered the proposed development and associated London Road widening against the committed signalisation works; a combination of these works is understood to be incorporated within the 2031 Do Something scenario that includes the Northern Arc. WSCC are satisfied that the widening works proposed as part of the current development would not compromise the operation or delivery of the 'Northern Arc' traffic signals.

### Conclusion

No objection to the proposals subject to the following Condition and Informative:

#### *Access (Access to be provided prior to first occupation)*

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing.

Reason: In the interests of road safety.

### INFORMATIVE

#### *Works within the Highway - Implementation Team*

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

## WSCC County Planning Officer

*Amended*

### Summary of Contributions:

Net Population Increase	0.0
Net Parking Spaces	80
Net Commercial Floor Space sqm	0
Total Access (commercial only)	0.0000
Number of fire hydrants	To be secured under Condition

### Total TAD Contribution due

**£56,320**

*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 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

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 additional 80 net 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 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 2021. 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 safety improvements on roads and lanes within the Parish and the Strategic routes and junctions of the A272 and A23, as identified in the Bolney Neighbourhood Plan.

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 the need for appropriate indexation arrangements in relation to financial contributions.

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 2020/2021 is £1,450 per parking space.

Infrastructure contributions = Car parking spaces x £1,450

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 (£724).

Sustainable transport contribution = (net car parking - occupancy) x 724

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

*Original*

Summary of Contributions:

Net Population Increase	-1.9
Net Parking Spaces	93
Net Commercial Floor Space sqm	9894
Total Access (commercial only)	210.5106
Number of fire hydrants	To be secured under Condition

**Total TAD Contribution due**

**£211,865**

*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 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600

per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

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 a decrease in 1 dwelling, and an increase in 9894sqm of Class B8 floor area, and an additional 93 net 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 Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

#### Deed of Planning Obligations

b) 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.

e) The deed would provide for payment of the financial contribution upon commencement of the development.

f) 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 2021. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.

g) 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 safety improvements on roads and lanes within the Parish and the Strategic routes and junctions of the A272 and A23, as identified in the Bolney Neighbourhood Plan.

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 the need for appropriate indexation arrangements in relation to financial contributions.

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.

$TAD = \text{Infrastructure contribution} + \text{Sustainable Transport contribution}$

#### c) 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 2020/2021 is £1,450 per parking space.

$\text{Infrastructure contributions} = \text{Car parking spaces} \times £1,450$

#### d) 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 (£724).

$\text{Sustainable transport contribution} = (\text{net car parking} - \text{occupancy}) \times 724$

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

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

Advice - No Objection

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

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

## Flood Risk Summary

Current surface water flood risk based on 30year and 100year events - Low risk

Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding although higher risk does exist on the Cowfold Road to the south of the site.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

Reason: NPPF paragraph 163 states - 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

Modelled groundwater flood hazard classification - Low risk

Comments: The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Ordinary Watercourses nearby? Yes

Comments: Current Ordnance Survey mapping shows ordinary watercourses running near to the south east corner of the site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any flooding within the site? No

Comments: We do not have any records of surface flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

## Future development - Sustainable Drainage Systems (SuDS)

The FRA and Drainage Strategy for this application propose that permeable paving and below ground attenuation with a restricted discharge to the main sewer would be used to control the surface water from this development.

In the spirit of SuDS implementation, betterment for surface water systems on developments could be sought. This could include retention at source through green/blue roofs, rain gardens, swales, bioretention systems or tree pits prior to disposal to reduce peak flows.

SuDS landscaping also significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

The District Council Drainage Engineer may want to review this application to identify if there are any site specific land use considerations that may affect surface water management and for a technical review of any drainage systems proposed.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

### **WSCC Minerals and Waste**

Please be advised that the Minerals and Waste Planning Authority would offer No Objection to the proposed developments as per the subject line of this email.

Both applications are within the curtilage of an existing dwellings and would therefore meet consultation exemption criteria as per 2.4 of the Minerals and Waste Safeguarding Guidance (found here).

### **WSCC Water and Access**

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

Fire and Rescue Services Act 2004  
Part 5, 38: Duty to secure water supply etc.

1) A fire and rescue authority must take all reasonable measures for securing that an adequate supply of water will be available for the authority's use in the event of fire.'

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 [1] fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (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.

### **MSDC Planning Policy**

The Mid Sussex District Plan was adopted in March 2018 and the Bolney Neighbourhood Plan was made in September 2016.

The site is outside the built-up area boundary and falls within the defined countryside area as shown on the adopted Policies Map.

District Plan Policy DP1: Sustainable Economic Development sets out a commitment to allocate further employment sites within the Site Allocations DPD.

A material planning consideration to note is that the site is within the submission draft Site Allocations DPD. The National Planning Policy Framework (NPPF) (paragraph 48) allows for Local Planning Authorities to give weight to policies in emerging plans, according to (a) the stage of preparation of the emerging plan; (b) the extent to which there are unresolved objections to the relevant policies; and (c) the degree of consistency between the relevant emerging policies and the Framework. Mid Sussex District Council published its Site Allocations DPD for Regulation 18 consultation in October-November 2019. The Site Allocations DPD has therefore completed the first formal stage of preparation and carries weight, albeit limited. The Site Allocations DPD is now at the Regulation 19 stage and submission for Examination is anticipated in Winter 2020.

The submission draft Site Allocations DPD (Regulation 19) includes this site as a proposed employment allocation to meet residual Employment needs - SA6: Marylands Nursery, Cowfold Road, Bolney. There is also an emerging policy within the submission draft Site Allocations DPD, Policy SA GEN, which sets out the general principles for the site allocations. This includes principles for urban design; air quality, light, noise and amenity; biodiversity and green infrastructure; access and highways; flood risk and drainage; and sustainability.

The proposed site allocation is for 2.4Ha of employment land for use class B8 (Storage and Distribution) and emerging Policy SA6 supports proposals for this use. The proposed development comprises this use.

Emerging Policy SA6 sets out several site-specific requirements:

- Access should only be achieved using the existing access from the northern roundabout. Proposals should ensure no adverse impact on the junction with Cowfold Road, any adverse impacts must be mitigated.
- Proposals that include enabling non-business use classes in addition to business use will only be permitted where it has been clearly demonstrated with substantiated evidence, which may include a sequential test, impact assessment and viability assessment, that proposals for only business uses (B8) are not economically viable.
- Development must be of high-quality design and layout, in accordance with DP26: Design. Building height should be limited to respect Bolney's rural character. Provide a comprehensive landscaping scheme for the site in order to create an appropriate setting and landscaped context for the new development.
- A site-specific Flood Risk Assessment will be undertaken to inform the site layout and any appropriate mitigation measures that may be necessary.

There are other District Plan and Neighbourhood Plan policies relevant to this planning application including District Plan Policy DP21: Transport and Neighbourhood Plan Policy BOLT1: Transport Impact of Development.

## **MSDC Landscape Consultant**

*Amended*

### 1) Summary Recommendation

Recommend for approval

It is recommended that the proposed development can be supported subject to the imposition of conditions to ensure the full implementation of the proposed landscape masterplan and the long term management of the existing trees and landscaped areas.

### 2) Reasons for Recommendation

1. The NPPF Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 170 states that:  
'Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

2. A revised Landscape Design Strategy and Masterplan (Lizard Landscapes Dec. 2020) have been submitted to support the application.

3. The Landscape Strategy aims, amongst other things, to:



- Maintain and reinforce the soft edges of the site
- Provide visual separation between the site and adjacent roads

4. The revised site layout locates Unit 1 further into the site such that the landscape buffer in the south west corner of the site can be extended to a consistent width along the southern boundary. The gap between units 2 and 3 has been removed and this allows more space for the buffer planting on the southern boundary of these units.

5. The proposal to plant the landscape buffers with mixed native understorey shrubs and trees is supported. This and the proposed hedge would ensure that views into the site from Cowfold Road would be adequately mitigated.

6. The landscape masterplan proposes to retain existing native trees and shrubs around the boundaries of the site. It also proposes to replace inappropriate vegetation, such as conifers and laurel with native trees and shrubs. This is supported; however, it should be noted that there are quantities of ash trees on the boundaries which are affected by ash dieback. These would need to be removed and replaced with more suitable native species of tree.

7. The Landscape Strategy includes proposals for hard landscape materials and boundary fencing. The selected materials are of a high quality and should help to ensure successful integration of the proposed development into the local landscape.

8. The external building finishes and paint colours have been selected using the High Weald Colour Study and this is welcomed.

9. It is recommended that the proposed development can be supported subject to the imposition of conditions to ensure the full implementation of the proposed landscape masterplan and the long-term management of the existing trees and landscaped areas.

*Original*

### 1) Summary Recommendation

Recommend for refusal.

The principle of developing this site for business use is established in the Local Plan and a high quality development within a robust landscape masterplan could provide an opportunity to enhance landscape and visual amenity of this site.

The proposal would not comply with NPPF Section 15 policies for conserving and enhancing the natural environment. This is with particular reference to Paragraph 170 which requires planning policies and decisions to contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

## 2) Reasons for Recommendation

1. The NPPF Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 170 states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The NPPF Section 12, Paragraph 130 requires that:

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

2. The Landscape and Visual Impact Assessment (LVIA), Lizard Landscapes July 2020, provides an accurate assessment of the baseline landscape and visual context of the site and surrounding area.

3. The conclusions of the LVIA are that the proposed development would have a negligible effect on local landscape character and views and in the longer term, as the proposed landscape mitigation matures, this would result in overall beneficial effects.

4. A Landscape Design Strategy and masterplan have been submitted to support the application. This aims amongst other things to :

- Maintain and reinforce the soft edges of the site
- Provide visual separation between the site and adjacent roads

5. The proposed boundary treatment is, at the widest point, 10m in depth on the western boundary of the proposed development. On the southern and eastern boundaries it is 5m or less in depth. The proposal to plant these areas with mixed native understorey shrubs and

trees is supported, however to provide an effective screen of large species trees, such as English oak, a wider landscape buffer would be required. At maturity oak has a canopy spread of over 8m and other suitable native trees such as field maple spread 4-8m. An effective planted buffer would need to be a minimum of 10m in depth to allow sufficient room for trees to spread and to provide an adequate depth of understorey planting.

6. The LVIA assessment concludes that the visual impacts from Cowfold Road and the NCN, which runs along the eastern boundary of the site, would be negligible and in the long term enhanced. This is considered to be an underestimate of the potential visual impacts. Unit 1 will be very prominent in views from Cowfold Road and Units 2 and 3 very dominant when viewed from the NCN. The parking area in the north east corner of the site will also encroach very close to the boundary and could compromise the roots of the trees to be retained.

7. The landscape masterplan proposes to retain existing native trees and shrubs around the boundaries of the site. It also proposes to replace inappropriate vegetation, such as conifers and laurel with native trees and shrubs. This is supported, however it should be noted that there are quantities of ash trees on the boundaries which are affected by ash dieback. These would need to be removed and replaced with more suitable native species of tree.

8. The principle of developing this site for business use is established in the Local Plan and a high quality development within a robust landscape masterplan could provide an opportunity to enhance landscape and visual amenity of this site.

9. It is recommended that the proposed development is not supported as it would represent over development of the site and would not allow sufficient space for effective landscape mitigation.

## **MSDC Urban Designer**

### *Amended*

The deeper buffer strip and additional planting along the Cowfold Road boundary is welcomed. However, it involves pushing unit 1 closer to the existing tree belt on the north west boundary that could undermine / require the loss of some of these trees and provide limited space for replacement planting. While I am also glad to see the reduction in the height of units 2+3, little else appears to have been done to give these very large buildings a more human scale which is not helped by conjoining them.

The drawings also need to demonstrate how the buildings deal with the topography as the 4m differential between the north and south boundary is not represented in the elevations which are all drawn as if they will be on flat land. The conjoining of units 2 and 3 also inhibits the scope to step down the slope. Contextual section drawings (north/south and east/west) are needed to show how the buildings will in fact sit on the site and their relationship with existing and proposed trees / buffers and in respect of the adjacent surrounding roads (with levels accurately plotted). This should show where there needs to be embanking and cuttings, which should also be represented on the site plan together with the contours.

The soft landscaping in the middle of the site is little changed; however as it appears to be principally a storage use (rather than office), and providing there is adequate tree screening around the site, this is not a significant issue.

### *Original*

The main design issue is its impact upon the AONB. As such it is chiefly one for Virginia Pullen; and I note that she does not support it as it would represent overdevelopment of the

site and would not allow sufficient space for effective landscape mitigation. I would agree with her assessment as I believe the blocks are too large and imposing upon the surrounds. The draft Mid Sussex Design Guide may be adopted (anticipated adoption date 30/9/20) before this application is determined, and at the moment this scheme does not follow the draft guidance. In particular, I believe consideration needs to be given to: (a) incorporating a deeper soft landscaping buffer as per DG43; (b) more soft landscaping within the site to break-up the car parking as per DG43; (c) improvements to the building design to give them a more human scale as per DG44.

## **MSDC Drainage**

Recommendation: No objection subject to conditions.

### Flood risk

Due to the size of the site the applicant is supported by a Flood Risk Assessment and Conceptual Drainage Strategy (RGPL/19/D1826/FRA2.1, 12 May 2020).

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is not within an area identified as having possible surface water (pluvial) flood risk. The Flood Risk Assessment states that there is surface water flood risk on surrounding public highways, however it concludes that water depths are a maximum of 300mm and the overall surface water flood risk is low.

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

A surface water drainage piped system, with petrol interceptors, permeable paving and storage tanks is proposed to manage drainage on site.

However, the Flood Risk Assessment and Conceptual Drainage Strategy report also states that should infiltration not be possible then surface water shall discharge to the adjacent watercourse. Runoff rates from the site would be limited to 13.6l/s, and the report states this would result in no increase in runoff from the site.

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be to be possible on site.

We would advise the applicant that this development would be considered 'new build' in terms of drainage potential. Therefore, surface water drainage should be designed to manage the 1 in 100-year storm event, with an additional 30% allowance for climate change. We would also advise that any discharge from the site should be limited to the Greenfield QBar rate for the positively drained area.

We would also advise the applicant that potential contamination on site should be considered when undertaking the detailed drainage design.

Further information into our general requirements for surface water drainage is included within the 'General Drainage Requirement Guidance' section.

### Foul water drainage

It is proposed that the development will discharge foul water sewage to an existing public foul sewer located beneath Cowfold Road.

Further information into our general requirements for foul water drainage is included within the 'General Drainage Requirement Guidance' section.

### SUGGESTED CONDITIONS

#### C18F - Multiple Dwellings/units

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.

### **General drainage requirement guidance**

#### **SURFACE WATER DRAINAGE**

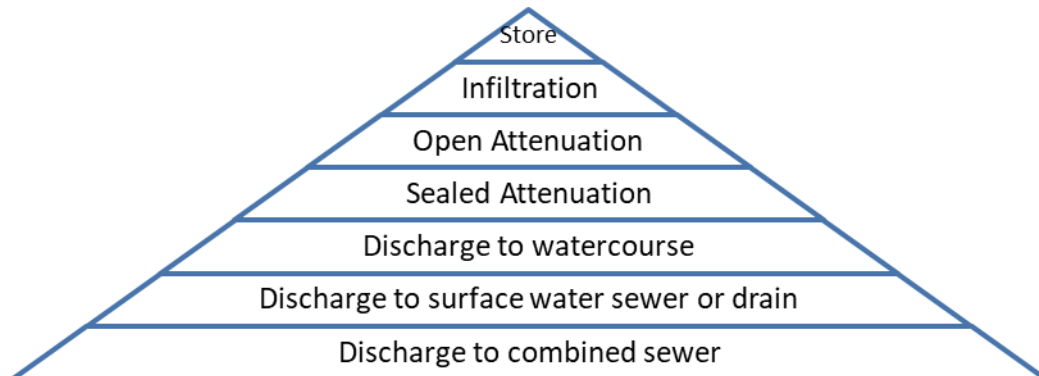
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change. Climate change allowances should be in line with the Environment Agency's climate change allowance recommendations.

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.

Multiple dwellings / multiple unit development will need to provide 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, as set out below.



- 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 FEH 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.

## FOUL WATER DRAINAGE

This proposed development will need to fully consider how it will manage foul water drainage. The preference will always be to connect to a public foul sewer. However, where a foul sewer is not available then the use of a package treatment plant or septic tank should be investigated.

The use of non-mains foul drainage should consider the Environment Agency's General Binding Rules. We would advise applicants that 'General Binding Rules 2020' came into force as of 1st January 2020.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

## 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 and is taken from the Practice Guidance for the English non-statutory SuDS Standards. Additional information may be required under specific site conditions or development proposals.

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)
		✓		✓	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

## 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

West Sussex Lead Local Flood Authority Policy for the Management of Surface Water

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

## Information Requirements

The following provides a guideline into the specific information required based on the type of development, location and type of surface water drainage management proposed. Multiple lists may be relevant to a single application.

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
Located in Flood Zone 2 or 3.  Located in Flood Zone 1 and greater than 1 hectare in area.  Located in an area where a significant flood risk has been identified (including increased surface water flood risk)	<ul style="list-style-type: none"><li>• Flood Risk Assessment which identified 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.</li></ul>
Multiple plot development	<ul style="list-style-type: none"><li>• A Maintenance and Management Plan that shows how all drainage 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.</li></ul>
Public sewer under or adjacent to site	<ul style="list-style-type: none"><li>• Evidence of approvals to build over or within proximity to public sewers will need to be submitted.</li></ul> <p><u>Advice</u> Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development.</p> <p>Building any structure over or within proximity to such sewers will require prior permission from the sewerage undertaker. Any development within 8m of a sewer will require consultation.</p>



DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
MSDC culvert under or adjacent to site	<ul style="list-style-type: none"> <li>• Evidence of approvals to build over or within proximity to MSDC assets will need to be submitted.</li> </ul> <p><u>Advice</u>  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. Consultation should be made where such an asset is within 8m of any development.</p> <p>Building any structure over or within 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.</p> <p>This matter can be discussed with Mid Sussex District Council Flood Risk and Drainage Team via <a href="mailto:drainage@midsussex.gov.uk">drainage@midsussex.gov.uk</a>.</p>
Watercourse on or adjacent to site	<ul style="list-style-type: none"> <li>• Plan showing watercourse maintenance strip</li> </ul> <p><u>Advice</u>  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.</p>

## Information Requirements - Surface Water Drainage

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
Infiltration  e.g. Soakaways	<ul style="list-style-type: none"> <li>• Percolation test results</li> <li>• Sizing calculations, details and plans 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. Climate change allowances for residential development is 40% and for commercial development is 30%.</li> <li>• Calculations which show the proposed soakaway will have a half drain time of 24 hours or less.</li> </ul>
Outfall to watercourse	<ul style="list-style-type: none"> <li>• Evidence discharge rate will be restricted in accordance with <a href="#">West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</a></li> </ul> <p><u>Advice</u> You cannot discharge surface water unrestricted to a watercourse.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change.</p> <p>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 <i>Ordinary Watercourse Consent (OWC)</i> may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at</p> <p><a href="https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/">https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</a></p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via <a href="mailto:drainage@midsussex.gov.uk">drainage@midsussex.gov.uk</a>.</p>

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
Outfall to public sewer	<ul style="list-style-type: none"> <li>• Evidence discharge rate will be restricted in accordance with <a href="#">West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</a></li> <li>• Evidence connection and discharge rate has been approved with responsible sewerage undertaker.</li> </ul> <p><u>Advice</u> You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change. Unless agreed otherwise with the sewerage provider.</p>
SuDS and attenuation	<ul style="list-style-type: none"> <li>• Evidence any discharge rates will be restricted in accordance with <a href="#">West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</a></li> <li>• Percolation test results</li> <li>• Sizing calculations, details and plans to demonstrate that any infiltration / attenuation will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%.</li> <li>• Calculations which show the proposed soakaway will have a half drain time of 24 hours or less.</li> </ul> <p><u>Advice</u> 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.</p> <p>You cannot discharge surface water unrestricted to a watercourse or sewer.</p>

## Ecologist

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

The recommendations for mitigation and enhancement set out in the Ecological Impact Assessment Report by Lizard Landscapes, dated June 2020 shall be implemented in full unless otherwise agreed in writing by the local planning authority and a statement of

compliance signed by the appointed ecologist / wildlife consultant shall be submitted to, and approved by, the local planning authority prior to use of the completed development.

Reason: To protect the ecological value of the site and to accord with policy DP38 of the Mid Sussex District Plan and policy 175 of the NPPF.

## **MSDC Environmental Health**

### *Amended*

The application is 3 no. B8 (storage, distribution etc) units along with parking and access for HGV's. There are residential premises around 70m from the site entrance so there is potential for residential amenity to be affected due to noise, particularly at night. The main noise sources will be goods vehicles arriving and departing with associated delivery noise, and plant noise (e.g. condenser units, boilers etc).

An updated environmental noise assessment has been submitted, which concludes that due to the distance from the residential premises and the already existing high background noise levels (from traffic on the A23, A272 and the slip road and roundabout) the operational activity on the application site will be low impact or barely audible during daytime hours.

However as 24 hour use is sought, some additional measures are proposed in order to avoid potential sleep disturbance to the properties NW of the entrance. Acoustic barriers will be installed along the northern boundary of the delivery areas and a condition has been agreed with the applicant prohibiting any deliveries or collections between midnight and 5am on any day (this is the quietest part of the night when traffic noise from the A23 will not provide as much "masking" so site noise will be more intrusive) except for Sundays where it will be 7am. The noise assessment demonstrates that these measures are suitable to avoid any significant adverse impact upon residential amenity.

Other issues I recommend conditions for include construction hours, lighting and air quality.

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.

- Plant & Machinery (operational): Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery 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. Reason: To protect the amenity of local residents

- Operational Deliveries and Collections Deliveries and collections of goods, materials or waste shall not be permitted Between midnight and 05:00 Monday to Saturday and midnight to 7am Sundays
- Lighting: Prior to the installation of any external lighting on the site details of lux levels and times of use together with a report to demonstrate its effect on nearby residential properties shall be supplied. It is recommended that the information be provided in a format that demonstrates compliance on the ILP Guidance Notes for the Reduction of Obtrusive Light. The information shall be submitted to and approved in writing by the Local Planning Authority.
- Air Quality: Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Informative - In order to ensure approval, we strongly recommend that the above mitigation scheme is agreed in advance with the Council's Air Quality Officer.

Reason: to preserve the amenity of local residents regarding air quality and emissions.

- Acoustic Barriers - No deliveries or collections shall take place until details/specification of the acoustic barriers have been submitted to, and approved in writing by, the LPA, and the barriers are in place. The barriers shall be suitably maintained thereafter.

### *Original*

The application is for 3 no. B8 (storage, distribution etc) units along with parking and access for HGV's. There are residential premises around 70m from the site entrance so there is potential for residential amenity to be affected due to noise, particularly at night.

An environmental noise assessment has been submitted, which concludes that due to the distance from the residential premises and the already existing high background noise levels (from traffic on the A23, A272 and the slip road and roundabout) the operational activity on the application site will be low impact or barely audible.

For daytime use, I am minded to agree with this conclusion, however the acoustic report leaves some questions unanswered which could have an impact upon its conclusions for night-time disturbance:

- Hours of use - these are stated as unknown on the application form. On page 17 of the noise assessment vehicle trip rates are listed from 0500 hrs to 2100 hrs so it appears that only the impact of these hours has been assessed.
- Vehicle idling - Section 5.2 assumes no HGV idling during the night-time assessment. There is no explanation of this or how it can be ensured.
- Other noise sources - Noise from vehicle refrigeration units, reversing alarms, fork lift truck movements, vehicle door impacts, tailgate noise, scissor lifts etc does not seem to have been included in the assessment.
- BS4142 - "on-time" corrections have not been quantified or justified.

- BS4142 - rating corrections/penalties for tone, impulsivity and intermittency do not appear to have been considered.
- BS4142 - sources of uncertainty have not been commented on as required by the standard.
- Noise data - the noise source data (Table 3) does not make clear at what distance the measurements were made and what speed the HGV vehicle was travelling.

These issues may or may not make a significant difference to the outcome of the assessment. If the applicant would be willing to accept an hours of use condition say from 0700 to 2200 hrs Mon to Sat and 0800 hours to 200 hrs on Sundays then, in my view, these issues, which could affect the sleep of residents during the night, would not be significant. However, if the applicant seeks longer hours then I recommend that clarification on these points is sought.

Other issues I recommend conditions for, include construction hours, lighting and air quality.

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 Saturday: 07:00 - 22:00 hrs

Sunday: 08:00 - 22:00 hrs

Sunday & Public/Bank holidays: None permitted

- Plant & Machinery (operational): Unless otherwise agreed in writing, the noise rating level of any operational plant or machinery 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 - Prior to the installation of any external lighting on the site details of lux levels and times of use together with a report to demonstrate its effect on nearby residential properties shall be supplied. It is recommended that the information be provided in a format that demonstrates compliance on the ILP Guidance Notes for the Reduction of Obtrusive Light. The information shall be submitted to and approved in writing by the Local Planning Authority.

- **Air Quality:** Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Informative - In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.

Reason: to preserve the amenity of local residents regarding air quality and emissions.

### **MSDC Environmental Health - Contaminated Land**

I have read the Phase 1 Desktop Study by Compass Geotechnical, reference 19-2845e, dated March 2020.

I agree that based on the findings further investigation of the site is required in order to ensure that the site is safe or made safe for its intended end use. This should therefore be conditioned.

Further, it is suggested that a discovery strategy also be conditioned, so that in the event unplanned for contamination is discovered during ground works, works stop until further assessment has taken place and the LPA informed.

Recommendation: Approve with the following conditions.

1) The development hereby permitted shall not be occupied/brought into use until the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, have each been submitted to and approved, in writing, by the local planning authority:

a) A site investigation scheme, based on the Phase 1 Desktop Study by Compass Geotechnical, reference 19-2845e, dated March 2020 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

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

3) 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.

### **MSDC Street Name and Numbering Officer**

Informative.

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175

### **Southern Water**

The exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- The 225mm diameter gravity foul sewers requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and Sewers for Adoption with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers and rising mains and water mains.

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

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our



website via the following link: [www.southernwater.co.uk/developing-building/connection-charging-arrangements](http://www.southernwater.co.uk/developing-building/connection-charging-arrangements)

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

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

[www.water.org.uk/sewerage-sector-guidance-approved-documents/](http://www.water.org.uk/sewerage-sector-guidance-approved-documents/)

[www.ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](http://www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

Where SUDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

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

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptor.

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

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

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

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

### **Environment Agency**

We do not have any comments to make on this application as it falls outside our External Consultation Checklist.