
10 January 2023

Meetings of Council Committees are broadcast live through the [Mid Sussex District Council's YouTube channel](#). Limited space is available to observe proceedings in-person. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the working day prior to the meeting.

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 19TH JANUARY, 2023 at 2.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

1. To receive apologies for absence.
 2. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
 3. To confirm Minutes of the previous meeting of the District Planning Committee held on 15 December 2023. **3 - 6**
 4. To consider any items that the Chairman agrees to take as urgent business.
- Recommended for Approval.**
5. DM/22/2012 - Land to West of Goldcrest Drive, Sayers Meadow, Sayers Common, West Sussex - land adjacent to BN6 9EH. **7 - 58**

Recommended for Refusal.

None.

Other Matters

None.

6. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

NOTE: All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

To: **Members of District Planning Committee:** Councillors D Sweatman, B Forbes, R Bates, P Coote, A Eves, S Hatton, R Jackson, C Laband, G Marsh, A Peacock, C Trumble and R Whittaker

**Minutes of a meeting of District Planning Committee
held on Thursday, 15th December, 2022
from 2.00 pm**

Present: D Sweatman (Chairman)
B Forbes (Vice-Chair)

R Bates
P Coote
A Eves

R Jackson
C Laband
C Trumble

R Whittaker

Absent: Councillors S Hatton, G Marsh and A Peacock

1. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Hatton, Marsh and Peacock

2. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

No declarations were received.

3. TO CONFIRM MINUTES OF THE PREVIOUS MEETING OF THE DISTRICT PLANNING COMMITTEE HELD ON 20 OCTOBER 2022.

The minutes of the meeting of the committee held on 20 October 2022 were agreed as a correct record and signed by the Chairman.

4. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.

The Chairman confirmed he had no urgent business.

5. DM/22/2553 - BURGESS HILL NORTHERN ARC, LAND NORTH AND NORTH WEST OF BURGESS HILL, BETWEEN BEDELANDS NATURE RESERVE IN THE EAST AND GODDARD'S GREEN WASTE WATER TREATMENT WORKS IN THE WEST - LAND ADJACENT TO RH15 8RA.

Louise Yandell, Northern Arc Strategic Development Delivery Manager introduced the application for reserved matters, pursuant to outline application DM18/5114 for the erection of a secondary school, including specialist support centre, car parking (including electric vehicle charging), cycle parking, drop off area, access, multi-use games area, all weather pitch, substation, bin storage, means of enclosure and lighting, with associated landscaping and infrastructure. She noted that usually the reserved matters application would be dealt with under delegated authority but as the application has been made by West Sussex County Council the Council's scheme of delegations required the Committee to consider the application. She highlighted that the high sustainability credentials of the site exceed the current requirements of the Council. She drew attention to the Agenda Update Sheet which included an

additional representation from West Sussex County Council, responses from additional consultees and amendments to the conditions.

Lydia Schilbach, Applicant spoke in support of the application.

The Chairman thanked the planning officers for arranging a visit for members to view the site, noted no objections had been received and reiterated the application's passivhaus certification will exceed current sustainability policy requirements.

Members discussed the design of the school as it was not fully compliant with the Northern Arc Design Guide / Master Plan and highlighted the Design Review Panel's (DRP) comments. They also expressed concern on the expected longevity of the building, how the site would be laid out regarding the different stages of education, and the effect of noise and lighting from the play areas on local residents.

The Northern Arc Strategic Development Delivery Manager advised the orientation the school has been amended due to the passivehaus certification and sustainability of the scheme. She confirmed the Urban Designer considered the building to be well designed even though the design did not fully meet the design guide and officers felt the change was justified. With regards to the use of the play areas in the evenings, the applicant is happy with proposed restrictions to protect local residents. The longevity of the building is a construction issue. The application before the Committee is only for the secondary school as the primary school will be located on a separate site but run by the same operator.

Members also discussed artificial surfaces for the sports provision and expressed concern over the temperature of the lighting, biodiversity, drainage and electric vehicle charging points (ECVs).

The Officer confirmed the running track would be on the top of the grass pitches to utilise the available space and be dual purpose. She advised an additional condition could be added to require the full details of the sports pitch lighting so officers can ensure they comply with requirements and condition 6 on biodiversity requires a biodiversity enhancement strategy along with timescales. The Q-bar drainage rate is the rate at which a site drains if it was an existing green field. The full details of the drainage strategy must be provided to meet a condition on the outline planning permission before development can commence on the site. Condition 15 covers ECVs and the Committee recommended more active ECVs should be installed. In response to questions on transport and cycle storage, the Officer confirmed that transport modelling had been completed as part of the outline planning permission which recognised associated vehicular movements for the site and a large number of covered cycle spaces would be provided with extra space allocated to expand the facility. She confirmed some comments of the DRP had not been resolved following further improvements to the application, but the panel had congratulated the applicant on the amendments made since their initial meeting in January. On balance the officers were happy that the majority of the DRP concerns had been addressed.

Nick Rogers, Head of Development Management confirmed the DRP is processed in accordance with a code of practice, Ward Members are involved in the meetings at an early stage and all comments are published on the application file. This provides a local view on applications.

A Member welcomed the application noting the site delivery and infrastructure, they thanked the stakeholders and noted the collaboration process for the application.

The Chairman noted that no Member wished to speak so moved to the recommendation to approve the application with amended conditions, it was proposed by Councillor Coote and seconded by Councillor Forbes, which was unanimously agreed.

RESOLVED

That planning permission be granted subject to the conditions set out in Appendix A, additional conditions, amended conditions in the Agenda Update Sheet and an additional condition securing details of the lighting around the sports pitches.

6. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

The Chairman confirmed that no questions had been received.

The meeting finished at 2.49 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

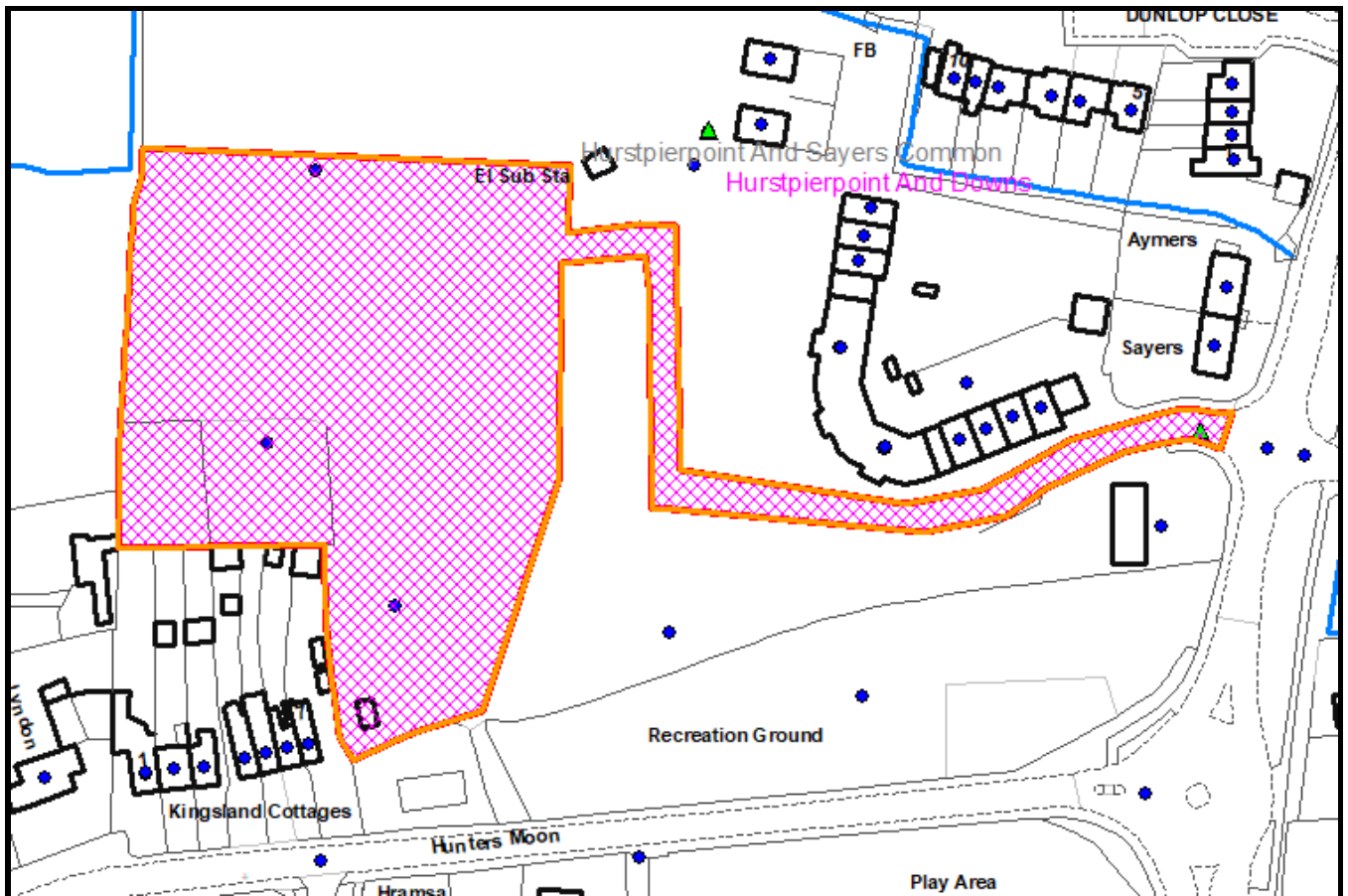
District Wide Committee

19 JAN 2023

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/22/2012



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LAND TO WEST OF GOLDCREST DRIVE SAYERS MEADOW SAYERS COMMON WEST SUSSEX

ERECTION OF A 2 STOREY, 66 BED CARE HOME FOR OLDER PEOPLE WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING. (ADDITIONAL DRAINAGE INFORMATION AND PLANS RECEIVED 2ND SEPTEMBER 2022). (AMENDED PLANS RECEIVED 8TH DECEMBER 2022 SHOWING A REVISED DESIGN AND ELEVATION TREATMENTS AND AMENDMENTS TO PARKING AREA).

MRS JO KEMP

POLICY: Area of Special Control of Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Highways Agreement (WSCC) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 20th January 2023

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

CASE OFFICER: Steven King

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks full planning permission for the erection of a 2 storey, 66 bed care home for older people with associated access, car parking and landscaping on land to west of Goldcrest Drive, Sayers Meadow, Sayers Common.

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development 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 (DP), Site Allocations Development Plan Document (DPD) and the Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

It is an important material planning consideration that planning permission has been granted for the development of this site to provide 120 dwellings and a care home by the Secretary of State (SoS). A reserved matters consent for the residential dwellings has been approved and these are being built out, with a substantial number of which have been completed and occupied. A subsequent reserved matters consent for a 70 bed care home was approved by the Local Planning Authority (LPA) in December 2021. As such, the fact that there is an extant scheme in place for a 70 bed care home that could be built on the site is an important material planning consideration. A number of matters have therefore been accepted in principle: that a care home is appropriate for the site (and by definition, that a building of this scale is appropriate for the site), that the access and impact on the highway network is acceptable, that the site can be satisfactorily drained and that the impact on ecology is acceptable. .

It is considered that the design and layout of the proposed care home is satisfactory. The building will fit appropriately onto the site and will have sufficient space around it to provide landscaped amenity areas for future residents. The development will not result in a significant loss of amenity to the occupiers of adjoining properties around the site.

The access to the site is acceptable, as is the impact of the proposal on the highway network. The level of car parking is considered to be adequate and there would be no highway safety issues arising from the level of car parking that is proposed.

There are no air quality concerns with the application.

Whilst there would be some harm to the setting of the listed buildings to the east from the development of the site, this would be classified as less than substantial under the NPPF. Whilst this less than substantial harm should be given significant weight, in this case it is outweighed by the public benefits of the scheme of delivering specialist accommodation for elderly people and the economic benefits from future employment and during the construction phase. It is also a material consideration that consent already exists for a care home on this site.

It is considered that the site can be satisfactorily drained and the details of this can be controlled by a planning condition.

There are no ecological grounds to resist the application. Additional planting and ecological enhancements can be secured by a planning condition.

To conclude, the principle of a care home development on this site is established. The site is within the built up area of Sayers Common. The development would provide specialist accommodation for elderly people, which is a type of accommodation where there is a recognised need (national Guidance in the PPG states that the need to provide housing for older people is critical). The consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy, which was published on 22nd December 2022 states that *'This government is committed to further improving the diversity of housing options available to older people and boosting the supply of specialist elderly accommodation'*, thereby making it clear that

the intention is to carry forward this commitment to improve the delivery of housing for elderly people when the NPPF is updated.

It would also provide economic benefits from the employment during the operation of the care home and during the construction phase.

It is considered that the current scheme complies with policies DP6, DP17, DP21, DP26, DP28, DP29, DP37, DP38 and DP41 in the DP, policy SA39 in the Sites Allocations DPD and policies Hurst1, HurstH5 and HurstH6 in the Neighbourhood Plan and the application can be approved.

RECOMMENDATION

It is recommended that planning permission be granted subject to the conditions listed at appendix A and the completion of a Unilateral Undertaking to secure an appropriate Travel Plan.

SUMMARY OF REPRESENTATIONS

Original plans

No letters received.

Amended plans received 2nd September 2022

2 letters of objection:

- parking provision is woefully inadequate
- no provision for EV charging points
- public transport is not suited to an employer of this nature
- plans are incorrect as there is no access through to Reeds Lane
- Sayers Common is not suitable for a care home
- concerned about light pollution and impact on wildlife
- can't understand why a care home is being proposed when a care home has been granted planning permission in Albourne

SUMMARY OF CONSULTEES

County Planning Officer

We wouldn't seek contributions for this application as the site is covered by the Legal Agreement under the outline application.

Highway Authority

Final comments to be reported.

WSCC Lead Local Flood Authority

We have no comments to submit with regards to this matter.

WSCC Water and Access Manager

Requests conditions regarding fire hydrant provision.

Southern Water

Southern Water can facilitate foul sewerage disposal to service the proposed development. Request and informative regarding foul and surface water disposal.

Sussex Police

Sussex Police would have no objection to the proposed application as submitted from a crime prevention perspective subject to my observations, concerns and recommendations having been given due consideration.

Environmental Protection Officer

No objection subject to conditions

Contaminated Land Officer

No objection subject to conditions

Drainage Engineer

No objection subject to conditions

Community Facilities Officer

There is no requirement for financial contributions toward off site leisure provision

Waste Contracts Monitoring Officer

There seems to be space to get the refuse freighter in and out of the development (turning space). As well as ample space in the bin store for large 1100L bins.

Urban Designer

The scheme sufficiently addresses the principles set out in the Council's Design Guides and accords with policy DP26 of the District Plan, I therefore raise no objection to this planning application. To secure the quality of the design, I would nevertheless recommend conditions

PARISH COUNCIL OBSERVATIONSOriginal Plan

Our recommendation is that MSDC should refuse the application. We reiterate our previous comments - In line with the concerns previously raised by the Parish Council: We believe that the parking provision remains inadequate, given the number of Care workers and other Staff that are required and for whom transport other than by private car will be difficult. The public transport provision to/from Sayers Common is not equipped to cater for the needs of this type of employer. Whilst acknowledging the Plan for the dispersal of Rainwater, this will add to the burden on the Public Sewer Network. Rather than 'one in a hundred year' occurrences, flooding in Sayers Common happens frequently. Our Neighbourhood Plan H1 requires that any development must enhance the flood and drainage management in the village. We do not consider that this development meets that requirement.

Amended plans

The Parish Council does not wish to recommend permission or refusal.

We note the MSDC Drainage Engineer has looked at the drainage arrangements for the site, to ensure surface water from the car parks drain to the north and not south into Reeds Lane Recreation Ground. Any additional hard landscaping on the site must also drain to the north. The outdated plans still incorrectly show a pedestrian access into Reeds Lane over Parish Council land. This access does not exist and may be being used to mislead the Planning Authority. The Parish Council feels there is completely insufficient car parking provision for the site.

INTRODUCTION

This application seeks full planning permission for the erection of a 2 storey, 66 bed care home for older people with associated access, car parking and landscaping on land to west of Goldcrest Drive, Sayers Meadow, Sayers Common.

RELEVANT PLANNING HISTORY

There is an extensive planning history attached to this site. An outline planning application was submitted under reference 12/01540/OUT that sought consent for 120 dwellings (including 30 percent affordable housing), community facility, office space, care home, retail units with primary access off the B2118 (London Road) with some matters reserved. This planning application was refused by the Local Planning Authority (LPA) on 9th October 2012.

An appeal against this decision was made to the Planning Inspectorate and this was considered at a Public Inquiry that sat between 8th and 11th October 2013.

Following the close of the Inquiry, the appeal was recovered for determination by the Secretary of State (SoS). In her recommendation letter of 6th January 2014, the appointed Inspector recommended that the appeal should be allowed and that planning permission be granted for the development. In his decision letter of 4th September 2014, the SoS disagreed with the Inspectors recommendation and dismissed the appeal.

Following this decision, the applicants challenged the decision of the SoS in the High Court. This challenge was allowed and the SoS decision was quashed by the Court on 1st May 2015. The decision was remitted back to the SoS to be re-determined afresh. On 10th February 2016 the SoS issued a new decision letter, again dismissing the appeal. This decision was challenged by the appellants by way of a judicial review. The SoS did not contest the claim and the decision to dismiss the appeal was quashed by the Courts on 10th June 2016.

Following on from this decision, the SoS advised that the Public Inquiry would be reopened to consider matters relating to the consent order quashing the previous SoS decision, the development plans and any material changes in circumstances that are relevant to the determination of the appeal. The Public Inquiry took place on 11th May 2017 and sat for two days. The Inspector recommended that planning permission should be granted and the SoS agreed with this recommendation.

Planning permission for the development was granted by the SoS on 7th December 2017.

A separate outline planning permission for 40 houses, extra care facility with access from London Road/B2118 was approved by the District Council on 18th January 2017 under reference DM/15/1467.

A subsequent outline planning permission was approved on 28th March 2019 under reference DM/18/4331 which varied condition 6 and removed condition 17 that were attached to planning permission reference 12/01540/OUT. Condition 6 listed the approved plans and condition 17 required a pedestrian link from the development into Dunlop Close. The reason for this application was that this pedestrian link could not be delivered by the applicants because of land ownership issues.

Reserved matters consent for the erection of 120 dwellings at the site was approved at the District Planning Committee meeting on 17th December 2019 (reference DM/19/1148). Works are well underway on site to implement this consent.

Following on from this, a reserved matters consent for a 70-bedroom care home and associated car parking, waste and recycling store, cycle store, foul and surface water drainage, landscaping and tree works, boundary treatments, garden structures, greenhouse and garden shed was approved under delegated powers on 23rd December 2021 (reference DM/21/1062). No works have taken place on site to implement this consent.

SITE AND SURROUNDINGS

The site of the application is an irregularly shaped parcel of land on the southwest side of the Kingsland Laines development. To the east is the central area of landscaping that has been approved under the reserved matters consent for the housing that is being constructed. To the north, the approved plans for the reserved matters consent show that there will be a line of detached houses.

A significant proportion of the approved housing development to the northeast of the site has been constructed and is now occupied.

To the west there is a drainage ditch that runs parallel with the site boundary. Beyond this this is tree screening with open field further to the west. To the south, the site backs on to existing houses on Reeds Lane.

In terms of planning policy the site lies within the built up area as defined in the District Plan (DP).

APPLICATION DETAILS

This application seeks full planning permission for the erection of a 2 storey, 66 bed care home for older people with associated access, car parking and landscaping.

The plans show that the proposed care home would be a pitched roof two storey building, which would have a H shaped footprint. The front (east) and rear (west) elevations of the building would measure some 53m in length and some 15m in

width. There would be a central area of amenity space at the southern and northern sides of the building that would be enclosed on three sides by the building.

The external materials of the building would feature brick, black cladding and a tiled roof.

Internally, the entrance and reception area would be located in the eastern wing of the building and would be positioned centrally within the building. The northern end of the ground floor eastern wing of the building would contain 9 bedrooms. The ground floor of this wing of the building would contain offices, kitchen facilities, laundry and plant room.

The central part of the building would contain a lounge and dining room at both ground and first floor levels.

The ground floor of the western wing of the building would contain 18 bedrooms and ancillary facilities. The first floor wings of the building would contain the remaining bedrooms (66 in total) together with ancillary facilities, including a library, salon, assisted bathrooms, clinic and lift.

Access to the site would be from the northeast to link up with the existing road within the development. Car parking for 25 cars would be provided to the east and southeast of the building together with a turning area. The Parish Council have referred to a pedestrian access from the site onto Reeds Lane but there is no such access proposed with this application.

Around the building, there would be external amenity space to the north, west and south, with the largest amenity space being to the south. The bin store and PV battery store would be located to the south of the building.

The applicants supporting statement describes the application as comprising:

- *Single-room accommodation with en-suite wetroom facilities.*
- *High quality internal and external amenity spaces.*
- *Level and amenable access throughout.*
- *Totalling 3,178 sqm (Gross Internal Area) spread over two-storeys.*
- *25 no. parking spaces (including 2 accessible, 3 EVCP and 8 cycle spaces).*
- *In terms of operational employment generation, between 50-60 jobs (full-time equivalent) will be created and offered to suitable candidates from the local area. These jobs would range from Home Manager and Care Worker, through to Catering and Domestic Assistants.*
- *Only 24 members of staff are likely to be present on-site at any one time, due to the shift patterns and staggered shift changes that would occur. Staffing levels are based on dependency needs and generally homes are run at a dependence level of 8 to 10 care staff per shift.*

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, Site Allocations Development Plan Document (DPD) and the Hurstpierpoint and Sayers Common 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:

DP6 Settlement Hierarchy

DP21 Transport

DP26 Character and Design

DP28 Accessibility

DP29 Noise, Air and Light Pollution

DP38 Biodiversity
DP39 Sustainable Design and Construction
DP40 Renewable Energy Schemes
DP41 Flood Risk and Drainage

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

Policy SA39: Specialist Accommodation for Older People and Care Homes

Neighbourhood Plan

The Hurstpierpoint and Sayers Common Neighbourhood Plan was made on 19th March 2015.

Relevant policies:

Policy HurstH1: Housing Development

Policy HurstH3: Sayers Common Allocated Sites

Policy HurstH5: Development Principles

Policy HurstH6: Housing Sites Infrastructure and Environmental Impact Assessment

Mid Sussex District Plan 2021-2039 Consultation Draft

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

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing 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.

National Planning Policy Framework (NPPF) (July 2021)

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

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

- The principle of development,
- The design and layout of the proposal,
- Impact on residential amenity,
- Transport matters,
- Air quality
- Impact on setting of Listed Building,
- Drainage,
- Biodiversity and trees,
- Infrastructure contributions
- Ashdown Forest,
- Other matters,
- Planning Balance and Conclusion

Principle of Development

Following the adoption of the Site Allocations DPD, the site now falls within the built up area of Sayers Common. Sayers Common is identified in this policy as a Category 3 settlement, defined as medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities. Whilst more limited, these can include key services such as primary schools, shops, recreation and community facilities, often shared with neighbouring settlements.

Policy DP6 states (in part):

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'

'The growth of settlements will be supported where this meets identified local housing, employment and community needs.'

Policy SA39 in the Site Allocations DPD states:

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

'The Housing and Economic Development Needs Assessment Addendum (August 2016) identified forecast demand for care homes (Use Class C2) at 2031 as 2,442 bedspaces.'

'The Council will support proposals that will contribute to meeting these types of specialist accommodation.'

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

- a) It is allocated for such use within the District Plan, Site Allocations DPD or Neighbourhood Plan, or*
- b) It forms part of a strategic allocation, or*
- c) It is located within the Built-Up Area Boundary as defined on the Policies Map, or*
- d) Where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area*

Boundary as defined on the Policies Map and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy (policy DP4).

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

As the site is within the built up area of Sayers Common, the development accords with part c) of policy SA39. It is also an important material planning consideration that an outline planning permission and subsequent reserved matters consent have been granted for the development of this site to provide a care home. As such the principle of a care home on this site is established.

The development would provide specialist accommodation for elderly people, which is a type of accommodation where there is a recognised need. National Guidance in the PPG states that the need to provide housing for older people is critical. The consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy, which was published on 22nd December 2022 states that *'This government is committed to further improving the diversity of housing options available to older people and boosting the supply of specialist elderly accommodation.'* It is clear therefore that national planning policy attaches significant importance to the need to provide accommodation for elderly persons and that the intention is to carry forward this commitment when the NPPF is updated.

Policy HurstH3 in the Neighbourhood Plan states *'Subject to existing water drainage issues being resolved, to remove the incidence of localised flooding, new housing will be permitted at Sayers Common. It is anticipated that the village will accommodate around 30-40 dwellings during the Plan period. A review and appraisal of deliverable housing sites will be undertaken at an early stage in the Plan period.'*

The principle of a care home development on this site is established. As such there are no grounds to resist the development on the basis of this Neighbourhood Plan policy.

Policy HurstH6 of the Neighbourhood Plan states:

'New housing developments which meet the policies of this plan and meet the criteria below will be supported:

- a) the provision of a satisfactory access point or points to the site for motor vehicles, cyclists and pedestrians,*
- b) the preparation and submission of an up to date Transport Assessment and Travel Plan to include the consideration of the cumulative impact of traffic and the provision of any necessary off-site transport improvements,*
- c) the provision of a comprehensive package of highway and footpath improvements, for vehicular, pedestrian and cycling uses, serving the local area,*
- d) the retention and protection of significant landscape features within the site and along the site's boundaries,*
- e) an ecological survey to be carried out and appropriate mitigation and enhancement measures to be undertaken,*
- f) the provision of adequate surface water and foul water drainage capacity,*
- g) the provision of, or financial contributions towards, community facilities and the provision of public open space,*
- h) the provision of parkland areas, to be owned and managed by the local community.'*

Parts a, b, d, e, f and g are addressed in separate sections of this report. With regards to part c, it is not considered that there is a requirement arising from this development for a package of highway and footpath improvements, beyond which was already secured under the outline planning permission for the development of the wider site. With regards to part h), it is not considered that there is a requirement arising from this application for an area of parkland to be managed by the local community. There is no such requirement under the previously approved care home on the site.

Design and layout

Policy DP26 in the DP seeks a high standard of design in new development. It states:

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

- is of high quality design and layout and includes appropriate landscaping and greenspace,*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance, creates a sense of place while addressing the character and scale of the surrounding buildings and landscape,*
- protects open spaces, trees and gardens that contribute to the character of the area,*
- protects valued townscapes and the separate identity and character of towns and villages,*

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29),*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible,*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed,*
- *positively addresses sustainability considerations in the layout and the building design,*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre, larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element,*
- *optimises the potential of the site to accommodate development.'*

The NNPF has similar aims in relation to securing good design, with paragraph 126 stating in part *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'* Paragraph 130 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 users⁴⁹, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

Whilst the footprint of the building is significantly larger than the houses around, this is a function of the type of building that is required for this use. It should be noted that this use has been approved under the outline planning permission granted by the SoS and that a reserved matters consent has been granted for a 70 bed care home.

The comments of the Councils Urban Designer are set out in full in the appendix. He raises no objection to the application, subject to the imposition of planning conditions

to control the detail of landscaping, materials and solar panels. Your Planning Officer agrees with the assessment of the Urban Designer.

It is considered that the proposed layout, which derives from the intended use of the building, is satisfactory. There will be sufficient space around the building for landscaping to help both soften the building and to provide useable external space for the residents of the care home. The amendments to the external elevations have improved the external appearance of the building. The use of the cladding helps to group the windows together and organise the elevations. This accords with the Principles DG38 and DG39 in the Design Guide SPD.

Policy H1 in the Neighbourhood Plan refers to development enhancing the existing settlement pattern of the village and to enhancing the flood and drainage management of the village. The development would be within the confines of the built up area of the village and would utilise an area of land that has planning permission for development. As such there is no conflict with this element of the policy. Matters related to drainage will be addressed later in this report.

Policy Housing HurstH5 in the Neighbourhood Plan refers to house designs and layouts and densities responding to the village character of the area. As this proposal is for a care home, this policy is not directly applicable. Nonetheless, the traditional design approach that has been adopted is felt to be appropriate and will fit in suitably with the approved housing that is being built to the north and east.

The building would have two lifts and provide high standards of accessibility, thereby complying with policy DP28 in the DP.

The application is accompanied by a Climate Based Daylight Modelling Report. This indicates that of the 66 bedrooms, there are three (numbers 9, 10 and 37) which would not achieve the Building Research Establishment (BRE) 209 standard for internal light. These rooms are on the northern side of the building and face inwards to the internal courtyard area. The BRE acknowledge that daylight is less important for bedrooms in comparison with living spaces and kitchens. The BRE document is not Council policy but is a material planning consideration as it is a nationally recognised document dealing with this issue. Policy DP26 in the DP refers to development not causing 'significant harm' taking into account daylight and sunlight.

It is acknowledged that it would have been preferable for all of the bedrooms to meet the BRE standard for internal daylight levels. However, it does need to be recognised that the three rooms in question are the closest to the communal lounge/dining areas within the building and they also face into the communal internal courtyard. As such they have good access to the communal facilities within the development. Given this fact, it is not felt that the future environment for prospective occupants of these rooms would be so harmful as to conflict with policy DP26 in relation to this issue. The development is a care home rather than individual dwelling houses so future occupants will have access to the communal facilities at the site, as well as their individual bedroom.

With regards to crime prevention, Sussex Police have no objections to the application. Sussex Police have advised that it will be imperative that access control

is implemented into the design and layout to ensure control of entry is for authorised persons only. This will be a matter for the operators of the care home in the day to day operation of the facility and the comments of Sussex Police have been brought to the attention of the applicants.

Sustainable Design

The applicants have provided a Sustainability Statement with their application. It advises that the fabric of the building will be designed to ensure good levels of insulation and air tight construction. Low energy luminaires and occupancy sensors are used within the communal areas, corridors, bathrooms, toilets and en-suites to control and minimise the energy used. There will also be a control centre which will enable specific areas within the building to be isolated at night to minimise energy use. This involves shutting off lighting within communal and corridor areas, which will then operate on a Passive Infrared (PIR) system (turning on when people enter these areas during the night).

In relation to renewable energy, the applicants state that they intend to use Ground Source Heat Pumps. The bore holes for the Ground Source Heat Pump will be located underneath the proposed garden areas and/or beneath the proposed parking area. Photovoltaic panels on the roof of the home will provide most of the home's electricity, and it is the intention to implement renewable energy technologies which will deliver in excess of 60 percent of the care homes predicted energy requirements.

It is considered that the applicants have had regard to the issue of sustainable design and that policy DP39 in the DP is met.

Impact on residential amenity

Policy DP26 of the DP seeks to resist developments that would cause significant harm to the amenities of neighbours, taking account of the impact on privacy, outlook, daylight and sunlight and noise, air and light pollution.

At its closest point, the end elevation of the proposed care home would be some 20m from the rear elevations of the new houses that will be built to the north of the site. There would be one first floor window in the end elevation of the two wings of the care home facing northwards towards the new houses. These windows serve the first floor corridor. Given the distance between the building and the new houses and the absence of habitable windows facing the new houses, there would be no loss of amenity to the future occupiers of these houses from the development.

The existing houses to the south on Reeds Lane have long narrow gardens. At its closest point the care home would be some 48m to the northeast of 7 Kingsland Cottages. The rear of the western wing of the care home would be inset 12m from the rear gardens of the cottages on Reeds Lane, with a distance of some 43m between the rear of the western wing of the care home and the rear elevations of the cottages to the south. Whilst the care home would be visible from the rear gardens of the cottages to the south, given the height of the proposed building (two storey) and the intervening distance it is not considered that it would cause a significant loss of residential amenity to the occupiers of these houses.

It is also a material planning consideration that there is an extant consent for a care home on the site. Whilst this was a different design to the current proposal, it does establish the principle of a building of this scale on the site which would be clearly visible to the occupiers of the properties to the south and north of the site.

Transport matters

Policy DP21 in the DP 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.'

Paragraph 111 of the NPPF 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.'*

It is important to note that there is an extant reserved matters consent for a 70 bed care home at this site, which could be built. As such there is a fallback position in relation to all matters concerning transport (car parking, trip generation) which is relevant to the determination of this planning application. On the original outline planning application for the development of the site for 120 dwellings and the care home, the means of access into the whole site from the London Road was approved. Therefore this access point has been found to be acceptable, together with both the impact of this level of development on the highway network and the sustainability of the site in relation to access to shops, services and facilities. It is therefore not necessary to reassess all these matters as they have already been approved on the original outline consent and there is an extant reserved matters approval for a 70 bed care home on the site.

The access point to the site would be from a spur off the internal estate road. This is the same access point as the extant care home. There are no objections to the proposed access point or the layout of the proposed car parking and servicing area.

The car parking guidance that used to be in the District Councils Development and Infrastructure Supplementary Planning Document (SPD) has been replaced by guidance from West Sussex County Council, entitled Guidance on Parking at New Developments, dated September 2020. For care homes this guidance refers to a site specific assessment based on travel plan and specific operational needs.

The scheme proposes 25 car parking spaces for this 66 bed care home. This compares with 28 care parking spaces for the previously approved 70 bed care home, which could be built on the site.

The applicants advise that due to the shift patterns operated in the home, the maximum number of staff on site at any one time would be 24 and state as the main shift starts at 08:00, the majority of the staff will have arrived at the home before peak hours traffic movements commence. They advise that generally, residents do not have a car due to their age and abilities. The applicants state that their experience with and knowledge of care home operations ensures that the proposed parking provision is sufficient to accommodate residents and staffing needs, whilst ensuring there is no material impact on the local highways network. They advise that the home would operate a policy of unrestricted visiting times. Friends and family of the residents are permitted to visit at any time on any day, which reduces the probability of significant peaks, not only in traffic flow but also parking demand.

Concerns have been raised by third parties about whether the proposed level of car parking provision is sufficient. Even if there was some displaced car parking from the site into the surrounding roads, there is no evidence that this would result in a highway safety hazard. As such there would be no conflict with policy DP21 in the DP or the aims of the NPPF.

Cycle parking provisions within the site would be in the form of a covered store for 8 bicycles. The Highway Authority have advised that they are content with these details.

The Highway Authority requested an updated Travel Plan and a revised document has been provided by the applicants. Further comments on this document are awaited from the Highway Authority and an update will be provided for Members at the committee. The requirements of the Travel Plan can be secured by way of a legal agreement with the applicants. The Highway Authority now charge a fee for the monitoring of Travel Plans so it would be more efficient for this to be secured by way of a legal agreement with the Highway Authority rather than through a planning condition.

In conclusion on transport matters, the access to the site and the impact on the highway network from the proposal is acceptable. The principle of this point of access and a care home are established. It is considered that the proposed layout is acceptable in highway terms. Subject to satisfactory comments relating to the Travel Plan, the application will comply with policy DP21 in the DP.

Air Quality

Policy SA38 in the Site Allocations DPD relates to air quality and supersedes this element of policy DP29 in the DP. The policy states in part that *'The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.*

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

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

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

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

In this case the site is not within an air quality management area (AQMA). The Councils Environmental Health Officer (EHO) has advised that an air quality impact assessment is not necessary but has recommended a condition is included to carry out an emissions mitigation assessment in accordance with the guidance in the Sussex AQ Guidance 2021.

In your officers view, the circumstances applying to this particular case mean that such a condition is not necessary to make the development acceptable in planning terms, and would therefore fail to accord with the requirements for imposing conditions on planning conditions that are set out in the PPG. This is for the following reasons. Firstly, the site is not in an AQMA or an area with known air quality issues. Secondly, there is an extant consent for a 70 bed care home that does not have such a condition. Details of EV charging points, the sustainability measures that the applicants propose to incorporate into the building and a Travel Plan can be secured by a planning condition or legal agreement.

Impact on setting of Listed Building

The entrance to the wider residential development lies immediately to the south and west of Sayers and Aymers which is a grade II listed building. It is timber framed construction, possibly 17th Century, refaced with brick and tile hanging and was originally 4 rural workers cottages.

The site of the application is now separated from the listed buildings by the new residential housing on the eastern side of Goldcrest Drive. This is a two and a half storey terrace that follows the curve of the road. As such, the site is now physically separated from the listed buildings by this new terrace of housing.

On the previously approved reserved matters consent for the 70 bed care home, the report stated:

'As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (s66, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. Policy DP34 of the DP seeks to protect listed buildings and their settings.

Paragraph 202 of the NPPF states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.' It is therefore necessary to consider whether according to Para 202 of the NPPF sufficient public benefits would offset the

less than substantial harm which must be given significant importance and weight in accordance with S66(1) of the Listed Buildings Act.

In granting outline planning permission for the development, the SoS stated 'The Secretary of State agrees with the Inspector at IR15.13 that there would be 'less than substantial' harm to the setting of Aymers and Sayers and that this harm carries considerable weight. In accordance with paragraph 134 of the Framework, he has weighed that harm against the public benefits of the proposal at paragraphs 45-46 below.' He went on to conclude 'the Secretary of State agrees with the Inspector at IR15.13 that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of Aymers and Sayers. He considers that the balancing exercise under paragraph 134 of the Framework is therefore favourable to the proposal.'

It should be noted that the first Inspector who reported on the outline application identified that the elements of setting that contribute to the setting of the listed building, Aymers and Sayers, comprise its roadside location and domestic plot, rather than the surrounding fields. She opined that the contribution that the appeal site makes to setting of this listed building is negligible.

The previously approved outline application and subsequent reserved matters consent for the housing at the site has resulted in some harm to the setting of these listed buildings, which is 'less than substantial' as defined in the NPPF. It is considered that the same conclusion can be reached in this case. There would be some harm to the setting of the listed buildings from this proposal, but this would be classed as less than substantial and would, in your Planning Officers view, be at the very lower end of less than substantial because of the intervening new dwellings between the site and the listed buildings.

It is considered that the significant benefits of the scheme (provision of a care home on a site that has outline planning permission for residential development, economic benefits including construction jobs, additional spending in the locality) do clearly outweigh the less than substantial harm to the setting of the listed building which has been given 'considerable importance and weight' in accordance with the relevant provisions of the 1990 Act.

Drainage

Surface water

Policy DP41 of the DP seeks to ensure that sites can be satisfactorily drained and do not cause drainage problems off site. It is relevant to note that by definition, the SoS has concluded that as a matter of principle it is possible for this site to be satisfactorily drained, if this were not the case then the SoS would not have granted planning permission for the development of the site.

The site of the original outline consent is located wholly in Flood Zone 1 based on the EA Flood Map for Planning. However, numerous ordinary watercourses and ditches dissect the site. The Dunlop Close Ditch flows from the east side of the B2118 and is culverted under the road, emerging once more in the southeast corner of the site boundary. It then flows east to west along the south side of the properties

on the south side of Dunlop Close, then sharply flowing north before flowing west again once more. The Dunlop Close Ditch then divides the site of the outline consent roughly into two parts, flowing from the east boundary to the west boundary. The Dunlop Close Ditch then flows into the Reeds Lane Ditch which flows from south to north along the western boundary. The Reeds Lane Ditch then flows north into an existing pond area prior to leaving the site in the northwest corner, flowing west along the north of Furze Field.

A third ordinary watercourse, considered the Northern Ditch in this report, forms the northern boundary of the site of the outline consent. The Northern Ditch begins on the west side of the B2118 then shortly enters the site boundary. It then forms the northern boundary of the site until it leaves the northwest corner of the site, eventually joining the unnamed ordinary watercourse north of Furze Field.

The site of this planning application has no water courses running through it.

The applicant has stated that due to the limited space on the site that flood compensation shall be provided in a sub-surface storage tank (volume consideration only). It is also proposed that the compensation storage is included within the site's surface water drainage system, with outfall back into the watercourse via the drainage system's flow control.

For surface water drainage, it is proposed that the development will attenuate surface water drainage within sub-surface tanks before discharging at 1.7l/s into the adjacent watercourse. The Councils Drainage Engineer has advised that alternations to the drainage design will be required at detailed design stage but the applicant has shown that, in principle, drainage can be provided for the site.

The full comments of the Councils Drainage Engineer are in the appendix to this report. In relation flood risk management, they advise that they do not object to the principle of providing compensation below ground level. The final details of this will need to be controlled by a planning condition. With this in place there is no reason in principle why the site cannot be satisfactorily drained and comply with policy DP41 in the DP.

The Drainage Engineer has advised that the latest site plan shows the use of close board fencing around much of the development and has said that this would be unacceptable in terms of flood risk as it has the potential to block existing flood flow pathways and the flood flow pathways proposed as part of the flood risk management. The Drainage Engineer has advised that she will require the boundary treatments to be altered in design to allow flood waters to flow through them and her preference is for this not be conditioned to help reduce any conflicts at discharge of condition stage. In your Planning Officers view it would be appropriate to deal with this matter by way of a planning condition. This is a matter that can be made acceptable through the use of a planning condition, in line with the guidance in the PPG.

Foul drainage

It is proposed that the development will connect to a private foul pumping station located within the wider Kingsland Laines development site (Phase 1). This wider

foul system ultimately discharges to the public foul sewer system in the area. Neither Southern Water nor the Councils Drainage Engineer object to this approach. The details of the foul drainage can be controlled by a planning condition, thereby complying with policy DP41 in the DP.

Biodiversity and trees

Biodiversity

Policy DP38 in the DP states:

'Biodiversity will be protected and enhanced by ensuring development:

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

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

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

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

The application is accompanied by an Ecological Impact Assessment. It notes that a previous Ecological Assessment that was carried out in 2012 found that:

- Great crested newts were absent from ponds and ditches in 2020 surveys
- No badger setts were present but badgers may occasionally commute and forage within the outline site
- The application site was unsuitable for reptiles. There were no areas from which reptiles could readily colonise and the likelihood of reptiles being present was very low.
- No other protected species were considered to be present.

The current report comprised a desk study, Phase 1 Habitat Survey, eDNA survey for great crested newts, and an assessment of the potential of site features to support bats, together with an assessment of the impacts of the proposed development. The current report concludes that the habitats were similar to the findings of the previous report, with the ecological value of the site being low. The trees that are present on site did not provide any potential roosting potential for bats. The report advises that the current impact of the development upon foraging/commuting bats within the site is neutral. There is no direct impact on bat foraging areas. The report recommends that a planning condition is used to control a lighting scheme to avoid light spill.

The report sets out a number of enhancement opportunities for the site. These include habitat enhancement (relating to planting within the site and on its boundaries) and small scale species enhancement (including bat boxes, bird boxes and habitat piles). These measures can be secured by a planning condition.

In light of the contents of the PEA and the applicants proposals for enhancements, it is considered that the proposal would comply with policy DP38 in the DP. It is also a material planning consideration that this is the same conclusion that was reached on the extant reserved matters consent for a 70 bedroom care home on this site.

Trees

With regards to trees, the application is accompanied by a Tree Survey Report, Arboricultural Impact Assessment and Arboricultural Method Statement. The report notes that majority of trees surveyed are outside of the application site, such as those on the western boundary, and would be unaffected by the development.

At the southern end of the site there is a group of poor quality Leyland conifers which have developed from an unmanaged hedge into a substantial, though poor quality, row of trees. These trees would be removed and replaced with new landscaping.

It is not considered that the removal of these trees is contentious. They are not of high quality, are not protected and their removal offers an opportunity for improvements to the landscaping within the site. The scheme also proposes additional tree planting within the site to enhance the setting of the building and the landscaped areas around it. The details of this can be controlled by a landscaping condition. With such a condition in place the application complies with policy DP37 in the DP.

Infrastructure contributions

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is

dealt with under Policy 31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

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

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

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

- a) necessary to make the development acceptable in planning terms,*
- b) directly related to the development, and*
- c) fairly and reasonably related in scale and kind to the development.'*

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

The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know 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 necessary infrastructure contributions for this development are secured by the section 106 legal agreement that was attached to the original planning permission granted under reference 12/001540/OUT and a deed of variation that was attached to the subsequent planning permission reference DM/18/4331.

The County Council initially requested infrastructure payments for this development but withdraw this request once they had been advised about the outline planning permission.

As the original outline planning permission included a care home, it would not be appropriate to seek infrastructure contributions from this full planning application because this would, in effect, be double counting.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

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

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

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

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

The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in 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 has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as development allocated through the outline planning permission reference 12/01540/OUT, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. 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.

CONCLUSION

To summarise, planning permission has been granted for the development of this site to provide 120 dwellings and a care home by the SoS. A reserved matters consent for the residential dwellings has been approved and these are being built out, with a substantial number completed and occupied. A subsequent reserved matters consent for a 70 bed care home was approved by the LPA in December 2021. As such the fact that there is an extant scheme in place for a 70 bed care home that could be built on the site is an important material planning consideration. A number of matters have therefore been accepted in principle: that a care home is appropriate for the site (and by definition, that a building of this scale is appropriate for the site), that the access and impact on the highway network is acceptable, that the site can be satisfactorily drained and that the impact on ecology is acceptable.

It is considered that the design and layout of the proposed care home are satisfactory. The building will fit appropriately onto the site and will have sufficient space around it to provide landscaped amenity areas for future residents. The development will not result in a significant loss of amenity to the occupiers of adjoining properties around the site.

The access to the site is acceptable, as is the impact of the proposal on the highway network. The level of car parking is considered to be adequate and there would be no highway safety issues arising from the level of car parking that is proposed.

There are no air quality concerns with the application.

Whilst there would be some harm to the setting of the listed buildings to the east from the development of the site, this would be classified as less than substantial under the NPPF. Whilst this less than substantial harm should be given significant weight, in this case it is outweighed by the public benefits of the scheme of delivering specialist accommodation for elderly people and the economic benefits from future employment and during the construction phase. It is also a material consideration that consent already exists for a care home on this site.

It is considered that the site can be satisfactorily drained and the details of this can be controlled by a planning condition.

There are no ecological grounds to resist the application. Additional planting and ecological enhancements can be secured by a planning condition.

To conclude, the principle of a care home development on this site is established. The site is within the built up area of Sayers Common.

The development would provide specialist accommodation for elderly people, which is a type of accommodation where there is a recognised need. National Guidance in the PPG states that the need to provide housing for older people is 'critical'. The consultation on the Levelling-up and Regeneration Bill: reforms to national planning policy, makes it clear that the intention is to carry forward this commitment to improve the delivery of housing for elderly people when the NPPF is updated.

It is considered that the current scheme complies with policies DP6, DP17, DP21, DP26, DP28, DP29, DP37, DP38 and DP41 in the DP, policy SA39 in the Site Allocations DPD and policies Hurst1, HurstH5 and HurstH6 in the Neighbourhood Plan and the application can be approved.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Pre commencement

2. 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. The care home 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 and Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

3. No development shall commence unless and until details of the proposed flood risk management methods, including flood compensation, have been submitted to and approved in writing by the local planning authority.

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

4. No development shall take place until details of proposed screen walls/fences have been submitted to and approved by the Local Planning Authority and the care home shall not be occupied until such screen walls/fences associated with them have been erected.

Reason: In order to protect the appearance of the area, to ensure that the site is satisfactorily drained and to accord with and Policies DP26 and DP41 of the Mid Sussex District Plan 2014 - 2031.

5. No development above slab level shall take place until details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of the care home the developer will at their own expense install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting. The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

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

6. No development above slab level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
- 1:20 scale elevation and section (shown in context) of the gabled entrance bay.
 - 1:20 scale section showing the solar panels within the roof slope.
 - Details of the facing materials.

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

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

7. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to throughout the construction period. The Construction Management Plan shall provide and give details for:

- a timetable for the commencement, construction, occupation and completion of the development
- the anticipated number, frequency and types of vehicles used during construction
- the method of access and routing of vehicles during construction and directional signage for the purposes of such
- the siting and layout of site compounds and welfare facilities for construction workers

- the provision of parking of vehicles by site operatives and visitors
- the provision for the loading and unloading of plant, materials and removal of waste
- the provision for the storage of plant and materials used in construction of the development
- the design, erection and maintenance of security hoardings and other measures related to site health and safety
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders
- a scheme to protect existing neighbouring properties from dust and noise emissions
- a noise management plan, to include consideration of vibration from construction work including the compacting of ground
- measures to deal with surface water run-off from the site during construction
- a scheme for community liaison and public engagement during construction, including the provision of information to occupiers moving onto the site before the development is complete
- contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies DP21 and DP29 of the Mid Sussex District Plan 2014 - 2031.

8. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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, shall each be submitted to and approved, in writing, by the local planning authority:

b) Based on the Geo-environmental appraisal report by Calabrian, refence:7189/1, dated June 2022, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 183 of the National Planning Policy Framework.

9. The development shall be implemented in accordance with the sustainability measures set out in the Sustainability Statement that accompanies the planning application. Prior to any development about slab level, details of the proposed Ground Source Heat Pumps and PV panels shall be submitted to the Local planning Authority for its written approval. The development shall be implemented in accordance with the approved details.

Reason: To ensure that this is a sustainable development and to accord with policy DP39 of the District Plan 2014-2031.

Construction phase

10. No work for the implementation of the development hereby permitted shall be undertaken on the site on Bank or Public Holidays or at any time other than between the hours 8 a m and 6 pm on Mondays to Fridays and between 9 am and 1 pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

11. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To safeguard the ecology of the area and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 183 of the National Planning Policy Framework.

Pre Occupation

13. 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: 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 and to

accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 183 of the National Planning Policy Framework.

14. Prior to occupation, a 'lighting design strategy for biodiversity' to safeguard the woodland edge beyond the western boundary shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species and other nocturnal wildlife using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To safeguard the ecology of the area and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

15. The use hereby permitted shall not come into use until a scheme has been submitted to the LPA demonstrating that the noise rating level (LAr,Tr) of plant and machinery within the build shall be at least 5dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenities of adjoining occupiers and to comply with policy DP29 of the District Plan 2014-2031.

16. The building shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority for the parking of bicycles clear of the public highway, to be both secure and safe, and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy DP21 of the District Plan 2014 - 2031.

17. Prior to the occupation of the care home, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These 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 DP37 of the Mid Sussex District Plan 2014-2031.

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

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

19. The care home shall not be occupied until details of Electric Vehicle Charging Points have been provided and approved in writing by the Local Planning Authority and the approved EV points have been installed in accordance with the approved details.

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

20. The care home shall not be occupied until details of the ecological enhancements referred to in the Ecological Impact Assessment submitted with the application have been submitted and approved by the Local Planning Authority. The submitted details shall include the timetable for the delivery of the ecological enhancements.

Reason: To safeguard the ecology of the area and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031

Post Occupation

21. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

22. No deliveries or collections in relation to the use hereby permitted shall take place other than between the following hours:

0700-1900 Monday to Saturday

0900-1300 on Sundays

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

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

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Landscaping Details	401		26.07.2022
Landscaping Details	402		26.07.2022
Landscaping Details	403		26.07.2022

Landscaping Details	404		26.07.2022
Landscaping Details	405		26.07.2022
Landscaping Details	406		26.07.2022
Landscaping Details	407		26.07.2022
Location Plan	BN6 9SL A01		27.06.2022
Topographical Survey	BN6 9SL A02		24.06.2022
Site Plan	BN6 9SL A03	C	08.12.2022
Proposed Floor Plans	BN6 9SL A04		24.06.2022
Proposed Elevations	BN6 9SL-A-05.A		08.12.2022
Proposed Elevations	BN6 9SL A05.1A	INTERNAL	08.12.2022
Drainage Details	DR-C-SK240-P01		24.06.2022
Proposed Floor and Elevations Plan		GARDEN STORE	24.06.2022
Proposed Floor and Elevations Plan		OV BATTERY	24.06.2022
Proposed Floor and Elevations Plan	SDL-092.2	TIMBER GAZEBO	24.06.2022
Highways Plans	BN6 9SL-A-07A		08.12.2022
Illustration	BN6 9SL-A-06A		08.12.2022
Proposed Floor and Elevations Plan	CYSH-PREM-2250 X 3000 X 2100		08.12.2022

APPENDIX B – CONSULTATIONS

County Planning Officer

Thanks for your email below explaining the background to this one. I hadn't realised that it was the same site as the previous application under DM/21/1062 where we subsequently withdrew our contributions due to it being part of the larger development under outline application 12/01540/OUT which already has a S106 Agreement attached to it. So in that case then yes we wouldn't seek contributions for this application either as the site is covered by the Legal Agreement under the outline app so please accept this email as formal notice that we will be withdrawing our contributions request here.

Highway Authority

Comments received 25th November 2022

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been consulted on proposals for 66-bed care home on land at Sayers Common. The LHA previously provided comment for a 70-bed care home at the site (DM/21/1062 - reserved matters, phase 2 of wider Kingsland Laines site approved under appeal 12/01540/OUT). The site therefore has a consented C2 use.

The site is accessed via Linden Homes Kingsland Laines development (originally 120 dwellings, community facility, office space, care home, retail units with primary access off the B2118 London Road) . The residential development is currently under construction with the care home proposed to be accessed via Goldcrest Drive.

The B2118 links Sayers Common village with the A23 to the north (which provides a strategic route onwards to Crawley) and Albourne to the south. Hurstpierpoint and Burgess Hill can also be reached to the east.

Access Arrangements

It is understood that the residential development access road Goldcrest Drive is to remain privately maintained and therefore any access to this/ modifications would not require a licence from WSCC Highways. The applicant should confirm.

Swept path tracking plans should be provided showing cars, refuse and fire appliance can manoeuvre the new access, turn within the site and exit in a forward gear. It would also be useful for an internal visibility assessment from the access on to Goldcrest Drive to be undertaken to ensure this meets with the design speed of the estate road. Visibility on to the public highway at London Road B2118 would have been assessed as suitable as part of the wider site under 12/01540/OUT.

The Transport Statement sets out that independent pedestrian access will be provided following the public access and separate footpath into the site. Footway along Goldcrest Drive is on the eastern side - the applicant should indicate the location of dropped kerbs to facilitate movement to footway on the western side and in to the site.

Internal Layout & Car Parking

Where are the dropped kerbs within site to facilitate pedestrian and cycle movements from proposed linking footway to carriageway/ other areas such as the cycle store and parking spaces and bin store.

Under the original outline application 12/01540/OUT an indicative footpath link from car park to Reeds Lane was shown ('footpath in place of existing vehicular driveway'). Applicant should explore whether such a link could be provided.

Tracking for the servicing bay, which is presumed to be the hatched area opposite the entrance to the care home, should be shown for ambulance etc.

25 x car parking spaces are proposed, 2 of these being marked up for disabled bays. WSCC Guidance advises C2 development parking should be assessed on site specific basis. The applicant has stated that the level of parking is evidenced by demand from their other care homes whereby staff/visitors generally arrive from a three mile catchment area. Along with the proposed Travel Plan measures it is considered that some staff/visitors may arrive by modes other than the car. The 27 x car parking spaces proposed with the 70-bed scheme raised no objection from the LHA and thus the parking proposed with this scheme is not objected to.

It is advised that additional hatching rear access is included for the disabled spaces, in line with DfT Inclusive Mobility. The applicant may also wish to consider clearly marking staff/visitor parking.

Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore, the LHA have no comment to make upon the EV charging provision. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

Traffic Generation

No objections were previously raised to the trip generation from a 70-bed care home where the assessment used data from TRICs and estimated 11 trips in AM and 10 in PM peak. Using the trip rate per resident from this assessment the revised scheme could see a similar number of trips as the number of residents proposed is reduced. Applicant is advised to set this out including peak hours and 12-hour assessment.

The applicant has provided a detailed assessment based on the anticipated jobs and shift patterns. With up to 58 jobs being provided and the shift patterns anticipated, up to 24 staff on site at any one time are expected. Majority of staff will start shift before 8.00AM thus travel anticipated outside of the peak hour. Similarly, majority of staff will leave outside of evening peak hour. Visitor vehicle movements are expected throughout the day with most of these concentrated to weekend/ evening outside of peak times.

Sustainable Transport

As per comments in the Internal Layout section, there are footways in the Linden Homes development but it is unclear where dropped kerb crossing will be/ are located to facilitate movement from the site to Goldcrest Drive and the wider area.

There is a bus stop approx. 400m from the site (on London Rd - north of Goldcrest Drive). The stop features a shelter with services to locations such as Crawley and Burgess Hill. Further north, on the eastern side of London Road, a further stop with shelter is served by routes including Brighton and Washington/Pulborough.

Confident cyclists could utilise on-carriageway signed route on London Road and bridleway 86Hu to cross A23 eastwards toward Hassocks via Hurstpierpoint. It is acknowledged that the majority of this route is on carriageway with no dedicated cycle infrastructure/ off-road route. Hassocks Train Station is approx. 3.6 mile cycle distant along this route.

8 x cycle parking spaces are proposed, full detail of the cycle parking facility, which should be secure and covered, should be provided, unless the LPA is amenable to securing this via condition.

Travel Plan

The TP will aim to minimise single occupancy car trips, promote active travel and public transport use and achieve a modal shift to sustainable transport modes for staff.

Full comments on the TP will be sent in due course after consultation with the Local Transport Improvements officer.

Conclusion

In summary the following is required:

- Confirm Goldcrest Drive to remain private and thus no highways licence for access works required.
- Swept path tracking plans for cars passing, refuse collection, fire appliance and ambulance into and turning within the site to exit in forward gear.
- Internal visibility assessment.
- Indication of pedestrian route including dropped kerbs and clarification whether previously proposed footpath link to Reeds Lane included.
- Additional hatching on disabled bays.
- Cycle store details.
- May be useful to provide TRICs details (peak hours and 12-hour trips). Trip rate from 70-bed scheme could be used.

Travel Plan comments to follow.

Comments received 21st December 2022

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been re-consulted on proposals for 66-bed care home on land west of Goldcrest Drive.

In comments dated 25/11/22 and 06/12/22 the LHA requested further information. The following has been provided:

- Swept path tracking plans showing two cars passing along the access road and fire appliance and ambulance accessing and turning within the site have been provided.
- Amended Site Plan shows location of dropped kerbs and additional hatching on disabled bays.
- The cycle store details are accepted.
- Further detail is still required on the following:
- Confirm Goldcrest Drive to remain private and thus no highways licence for access works required.
- Internal visibility assessment - from access on to Goldcrest Drive. Whilst this would be useful to be provided with this application, the LHA is mindful that the access point is as per original consented outline application 12/01540/OUT which was accepted at appeal.
- Clarification whether previously proposed footpath link to Reeds Lane included.
- TRICs details (peak hours and 12-hour trips). Trip rate from 70-bed scheme could be used - this is required to enable the targets within the Travel Plan to be set.
- An updated Travel Plan has not been provided, please see comments dated 06/12/22.
- Please ask the applicant for these details and re-consult.

Comments received 6th December 2022 on Travel Plan

Please find below comments on the Travel Plan (TP) provided with the application.

Modification to the TP are required as set out below,

- Information about the Cycle to Work salary sacrifice scheme and any local bike shops that may offer discounts to employees working for companies operating Travel Plans. Further information about the Cycle to Work scheme can be found at
- <https://www.westsussex.gov.uk/roads-and-travel/travel-and-public-transport/travelwise-sustainabletransport/cycle-to-work-scheme/>
- Information about adult cycle training courses that can be provided by the County Council's Road Safety team. Further details and course costs are available at www.westsussex.gov.uk/cycletraining.
- The employer should consider funding, or part-funding cycle training for employees that wish to cycle to work.
- Information about the West Sussex car sharing scheme. The County Council has produced a leaflet about the scheme, which is available on our web site and can be downloaded for inclusion in employee induction packs and on company web sites and Intranets. The url is:
- http://www.westsussex.gov.uk/leisure/getting_around_west_sussex/travelwise/west_sussex_car_sharing_scheme.aspx
- Information about the West Sussex cycle journey planner which provides turn-by-turn route information for quiet, fast, and balanced routes, is <http://cyclejourneyplanner.westsussex.gov.uk/>
- The County Council has commissioned Pindar Creative's Travel Plan Mapping Solution. The service enables developers, employers, and other organisations to purchase site-specific multi-modal travel maps, notice boards, and interactive PDFs. The applicant may wish to consider using this service to produce the local travel information for employee induction pack, noticeboards and websites etc.

- Further details can be found on our website:
- http://www.westsussex.gov.uk/living/roads_and_transport/travelwise/travelwise_in_west_sussex_and/travel_plan_resources.aspx
- The applicant provided a Transport Statement however the LHA requires that a Transport Assessment is provided for care homes over 50-beds along with a full Travel Plan. Considering the rural context of the site it is advised that the 15percent reduction aim is reduced to 10percent . The Travel Plan should be monitored in accordance with the TRICS UK Standard Assessment Methodology (aka TRICS SAM). This involves 3 multi-modal surveys over a 5-year period whereupon the 10percent trip rate reduction target should be achieved or further TP measures implemented. The previous 70 bed scheme did include TRICs data so this could be used to calculate the trips for this scheme and thus provide baseline targets and reduction targets (10percent) over the 5 years.

Full guidance on workplace TP monitoring methodology can be provided to the applicant on request.

WSCC Lead Local Flood Authority

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 flood risk.

We have no comments to submit with regards to this matter. Please consult the District Drainage Engineer.

WSCC Water and Access Manager

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] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
- 2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (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.

Southern Water

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

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

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

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here: water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

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

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

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

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

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

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

It should be noted that under the Water Industry Act 1991 it is an offence to 'throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer any matter likely to injure the sewer or drain or to interfere with the free flow of its contents.

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

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

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

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Further comments received 2nd January 2023

The comments in our response dated 03/08/2022 remain unchanged and valid for the additional details.

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

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Sussex Police

Thank you for your correspondence of 30th June 2022, advising me of a full planning application for the erection of a 2 storey, 66 bed care home for older people with associated access, car parking and landscaping at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the

Home Office and Building Control Departments in England (Part Q Security - Dwellings), that recommends a minimum standard of security using proven, tested, and accredited products. Further details can be found at www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

With the level of crime and anti-social behaviour in the Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered and I would like to raise the following observations.

I was pleased to note within the Design and Access Statement (DAS) submitted in support of this application a chapter pertaining to Crime Prevention and the implementation of SBD principles. The applicant has implemented into the design and layout the following.

- Good siting of reception.
- The orientation and the configuration of the building has been designed to provide natural surveillance from all areas, but notably the street-scene and car park.
- Secure controlled access to resident's rear garden.,
- Close board fencing to boundary perimeter of 1.8 metres high.
- Bow topped railings have created good demarcations lines to the building frontage whilst keeping good arcs of surveillance through them.
- Good observation over cycle store from main office.

The proposed care home is a purpose-built three-storey 66-bedroom residential care facility for older people.

The DAS describes the proposal as having high quality amenity spaces, including cafes/bars/dining rooms, quiet lounges/family rooms, a library, garden room, cinema, and hair dressers. I strongly advise the applicant to consult directly with Sussex Police Licensing at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site.

From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. SBD recommends specific requirements for access control and door entry systems depending on the quantity of dwellings within each block. Please see SBD Homes 2019 V2 chapter 27 respectively. Tradesperson buttons are not recommended as they have been proven to be the cause of anti- social behaviour and unlawful access to communal development.

Where there is a requirement for a door-set to be both fire and security rated, e.g., main entrance, flat or apartment entrance door-sets, and some door-sets aiding security compartmentation, the manufacturer or fabricator supplying the finished product to site is required to present independent third-party dual certification from a single UKAS accredited certification body for both elements. This is in order to minimise the likelihood of a door-set being presented in two differing configurations for separate fire and security tests and then

later being misrepresented as one product meeting both requirements. This would apply to windows as well.

For the majority of care homes, it is expected that mail delivery will take place during working-day hours and that the mail will be handed in at reception. There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms. Therefore, mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence is not recommended. Facilities should be provided that enable mail to be delivered to safe and secure areas.

For cycle security advice I would like to direct the applicant to SBD Homes 2019 V2 document chapter 56.

I was pleased to note the inclusion of a lighting assessment within the documents submitted in support of this application. Lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

Sussex Police would have no objection to the proposed application as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations having been given due consideration.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Environmental Protection Officer

Comments: I have no objection to this proposal. However, there are some potential environmental impacts that will need to be addressed to ensure that no loss of amenity results from the development.

Implementation phase

During demolition, site clearance and construction works, it will be necessary to control emissions of noise and dust to protect local amenity. I therefore recommend a construction environmental management plan is required by a suitable condition. It would be expected that within such a plan there is a commitment to restrict hours of work activities, including demolition, site clearance, construction, deliveries, loading and unloading, to the following:
0800-1800 Monday to Friday
0900-1300 Saturdays
No work on Sundays and Bank Holidays

It would also be expected that there is a prohibition on burning of demolition and other waste on site.

Recommended condition:

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

Operational phase

Noise

The plans have not identified the location of plant rooms/areas or the location of extraction plant serving the catering areas. In order to protect local amenity from noise from any plant that will be installed, a noise assessment will be required to demonstrate that the impact on nearby local residents is not significant.

Recommended condition:

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

Deliveries

Noise from delivery vehicles can cause disturbance particularly if they occur outside normal working hours. In order to protect local amenity I recommend that hours for deliveries, loading and unloading are restricted to the following:

0700-1900 Monday to Saturday

0900-1300 on Sundays

These restrictions would not relate to emergency situations.

Air quality

The applicant has not made reference to the 'Air quality and emissions mitigation guidance for Sussex (2019)' and no damage cost calculation has been completed to quantify the mitigation measures appropriate for the development. I am satisfied that an air quality impact assessment is not necessary. However, I recommend that a condition is included in the approval to carry out an emissions mitigation assessment in accordance with the above guidance (Sussex AQ Guidance 2021 ([midsussex.gov.uk](https://www.midsussex.gov.uk))) that is referred to in the supporting documents to the Council's local plan.

Contaminated land Officer

I have read the Geo-environmental appraisal report by Calabrian, refence:7189/1, dated June 2022,

In terms of soil contamination, the reports show that testing found made ground to contain trace amounts of asbestos (TP104 and TP106), and elevated concentration of benzo(a)pyrene and petroleum hydrocarbons (TP106).

The report notes that some made ground (TP106) will likely need to be removed from site, but that other material (TP104) could either be removed or isolated beneath the building foot print.

Additionally, the report outlines that gas monitoring undertaken by RSK on behalf of Linden Homes in 2018 (Geo-environmental Site Assessment, reference 1920049-R01 (00)) concluded that the site would likely be characterised as CS2.

As such, it is recommended that the application be approved with a condition requiring a remediation plan be submitted prior to development, and a verification plan be submitted prior to occupation.

Additionally, as site testing will invariably have gaps, a discovery strategy should also be attached in case any additional contamination is uncovered during ground works.

Recommendation: Approve with the following Conditions:

- 1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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, shall each be submitted to and approved, in writing, by the local planning authority:
- b) Based on the Geo-environmental appraisal report by Calabrian, reference:7189/1, dated June 2022, 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

In addition, the following precautionary condition should be applied separately:

- 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.

Drainage Engineer

Recommendation No objection subject to conditions

FLOOD RISK AND MANAGEMENT

The application is supported by a Flood Risk Assessment, dated September 2022 (SMSC-BSP-ZZ-XX-RP-C-0001-P02_Flood_Risk_Assessment). This report acknowledges the increased flood risk from pluvial sources, including ordinary watercourses and overland surface water flow pathways, at the site.

The report is partially based on flood risk assessment and flood modelling undertaken as part of other planning applications on the wider Kingsland Laines development site (outline planning for entire site and reserve matters application for Phase 1). It states that the northern area of the site (Phase 2) is at increased flood risk during the 1 in 1,000-year event.

FLOOD FLOW ROUTES

The Flood Risk Assessment states a French drain shall be installed along the northern boundary of the site to ensure any pluvial water is captured as part of the development and flow routes are maintained.

It is unclear whether the existing flow routes are envisioned to flow across the site at surface or within the French drain. The flood risk and drainage team would advise the applicant that this French drain should not discharge into the adjacent watercourse via a flow control but drain freely. This is to ensure any overland flow routes on the site remain unobstructed (or restricted).

FLOOD COMPENSATION

Based on the proposed development layout and previous flood modelling undertaken for the wider site the report concludes the development shall displace up to 32.8m³ of flood water during the 1 in 1,000-year event.

Flood compensation is usually required to be provided on a level for level, volume for volume basis. Flood compensation areas should also be designed to allow free flow of flood waters both in and out of the compensation area.

The applicant has stated that due to the limited space on the site that flood compensation shall be provided in a sub-surface storage tank (volume consideration only). It is also proposed that the compensation storage is included within the site's surface water drainage system, with outfall back into the watercourse via the drainage system's flow control.

We would advise the applicant that the flood risk and drainage team acknowledge the challenges of providing traditional level for level compensation on the site. Therefore, in this instance we will accept the principle of providing compensation below ground. The flood risk and drainage team would not usually allow compensation volumes to be included within the surface water drainage design.

To address the recommended flood risk management condition full detailed design will be required for the flood compensation area. We would advise that this full design considers the below points.

- Provide a separate flood compensation storage area.
- This area will need to have no flow control devices on it to allow free flow of flood waters. As part of the detailed design the applicant will also need to provide evidence to how flood waters would enter the compensation area.

OR

- Provide evidence that flood waters could enter the drainage system without causing exceedance or system failure. In addition, evidence that the access point(s) into the drainage system for the flood waters are sufficient to ensure flood risk is not increased on or offsite.

SEWERS ON SITE

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

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

SURFACE WATER DRAINAGE

It is proposed that the development will attenuate surface water drainage within sub-surface tanks before discharging at 1.7l/s into the adjacent watercourse.

It is unclear from the information submitted to this application what return period, or for what area, the proposed 1.7l/s runoff rate equates too.

The flood risk and drainage team advise the applicant that the discharge rate from the surface water drainage system should be restricted to the Greenfield QBar runoff rate for the areas being actively drained by the system (not the entire site).

Alternations to the drainage design will be required at detailed design stage. However, the flood risk and drainage team acknowledge that the applicant has shown that, in principle, drainage can be provided for the site. A drainage condition has therefore been recommended as part of this consultation response.

Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section.

FOUL WATER DRAINAGE

It is proposed that the development will connect to a private foul pumping station located within the wider Kingsland Laines development site (Phase 1). This wider foul system ultimately discharges to the public foul sewer system in the area.

The principle of foul drainage is considered acceptable at this stage. Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section.

CONDITION RECOMMENDATION

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.

FLOOD RISK MANAGEMENT

The development hereby permitted shall not commence unless and until details of the proposed flood risk management methods, including flood compensation, have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that flood risk is satisfactorily managed and to accord with the NPPF requirements. ...

GENERAL DRAINAGE REQUIREMENT GUIDANCE

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

SURFACE WATER DRAINAGE

Finalised detailed surface water drainage design is required to be submitted and approved prior to construction starting on site. The design should be based on the Environment Agency's latest climate change allowances and follow the latest West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/flood-reports-projects-and-policies/>).

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

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable.

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

FOUL WATER DRAINAGE

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

The use of non-mains foul drainage should consider the latest Environment Agency's General Binding Rules (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>).

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

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

Table 1: Detailed drainage design requirements - surface water

Requirement	Location of information within submitted design
For all designs	
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)	
On-site infiltration test results	
Plans / details of areas to be drained based on finalised development plans	
Calculations showing the system has been designed to cater for the 1 in 100-year storm event, plus appropriate allowance for climate change	
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system	
Maintenance and management plan ¹	
For soakaways	
Sizing calculations (to cater for 1 in 100-year plus climate change event)	
Half drain time (<24 hours)	
Construction details	
For discharge to watercourse	
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) ²	
Outfall location and construction details	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	
For discharge to sewer	
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)	
Discharge location and manhole number	
Outline approval from sewerage provider in relation to connection, discharge rate and connection location ³	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	

¹ The scale of this document should reflect the scale of the development and the complexity of the drainage system.

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

¹ Formal approval via S106 etc is not required.

Table 2: Detailed drainage design requirements - foul water

Requirement	Location of information within submitted design
<i>For all designs</i>	
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location	
Foul flow calculations and confirmation proposed system is sized appropriately	
<i>For connection to main foul sewer</i>	
Discharge location and manhole number	
Evidence of communication with Water Authority regarding connection ⁴	
<i>For non-mains system with drainage field</i>	
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields	
Evidence that either: <ul style="list-style-type: none"> a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted 	
<i>For non-mains system with discharge to open water</i>	
Evidence that either: <ul style="list-style-type: none"> a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted 	
Outfall location and construction details	

Further comments received 28th December 2022

The flood risk and drainage team have reviewed the updated information related to this application and can provide the following comment.

The site plan (Rev C) includes details of boundary treatments. This shows a proposed close board fence located around much of the development (southern, western and northern boundaries). This would be unacceptable in terms of flood risk as it has the potential to block existing flood flow pathways and the flood flow pathways proposed as part of the flood risk management.

We will require the boundary treatments to be altered in design allow flood waters to flow through them. It is our preference for these boundary treatments not be conditioned to help reduce any conflicts at discharge of condition stage.

Community Facilities Officer

The proposed development is described as a residential care home so on this occasion there is no requirement for financial contributions toward off site leisure provision in respect of equipped play, formal sports or community buildings.

Waste Contracts Monitoring Officer

There seems to be space to get the refuse freighter in and out of the development (turning space).

As well as ample space in the bin store for large 1100L bins.

We can supply the bins or the development can supply them alternatively (1100L bins standard).

I do believe we would charge for a waste collection service under schedule two. Each 1100L bin serviced is £150.00 for a year's collections.

Alternatively they could procure an external waste contractor. However these details we would confirm nearer to completion.

Urban Designer

Layout

This application follows a previous recent planning consent (DM/21/1062) for a 70-bedroom care home with a similar scaled frontage that also faces phase 1's main open space. However, the building line of the current proposal is approximately 6m further forward/eastwards which has been achieved by locating most of the parking to the south. This has the benefit of reducing the hardstanding in the most prominent part of the development and it allows the building to have a more direct relationship with the main open space which it now defines better, the forward position also screens more of the houses and rear gardens that back on to its northern boundary. The disadvantage is that the proposed building has a slightly larger footprint, and the overall amount of useable outside space is also marginally less than the consented scheme (I understand that the drainage/flood attenuation requirements will be provided below ground ensuring that the available open space is not further reduced). The H-shaped plan also results in a more constrained courtyard arrangement and outlook between the residential wings.

I note that detailed planting plan has been provided but this does not include the hard landscaping, so I feel a condition to cover both is appropriate so we can see them together.

Elevations

The symmetrical design of the elevations generates a more formal appearance than the irregularly subdivided elevations of the approved scheme. The revised drawings show an improved front elevation that addresses the concerns I had in respect of the original submission:

- The end bays now feature gable frontages (in place of weak/shallow hips) that provide stronger punctuation of the corners, harmonise with the gabled central bay and dormers and, together with the extended roofline of the main roof, generates a more vertically proportioned frontage that better responds to the residential frontage on the east side of the main open space.
- The array of solar PVs will be discreetly inset and have been reduced from three to two rows of panels that avoids a cluttered appearance.

The rear elevation has also been improved by employing a consistent run of gabled dormers and the consistent use of black cladding as a vertical grouping material.

Overall Assessment

The scheme sufficiently addresses the principles set out in the Council's Design Guides and accords with policy DP26 of the District Plan, I therefore raise no objection to this planning application. To secure the quality of the design, I would nevertheless recommend conditions requiring the approval of the following details/information:

- 1:20 scale elevation and section (shown in context) of the gabled entrance bay.

- 1:20 scale section showing the solar panels within the roof slope.
- Hard and soft landscaping details including boundary treatments.
- Details of the facing materials.