

MID SUSSEX DISTRICT COUNCIL

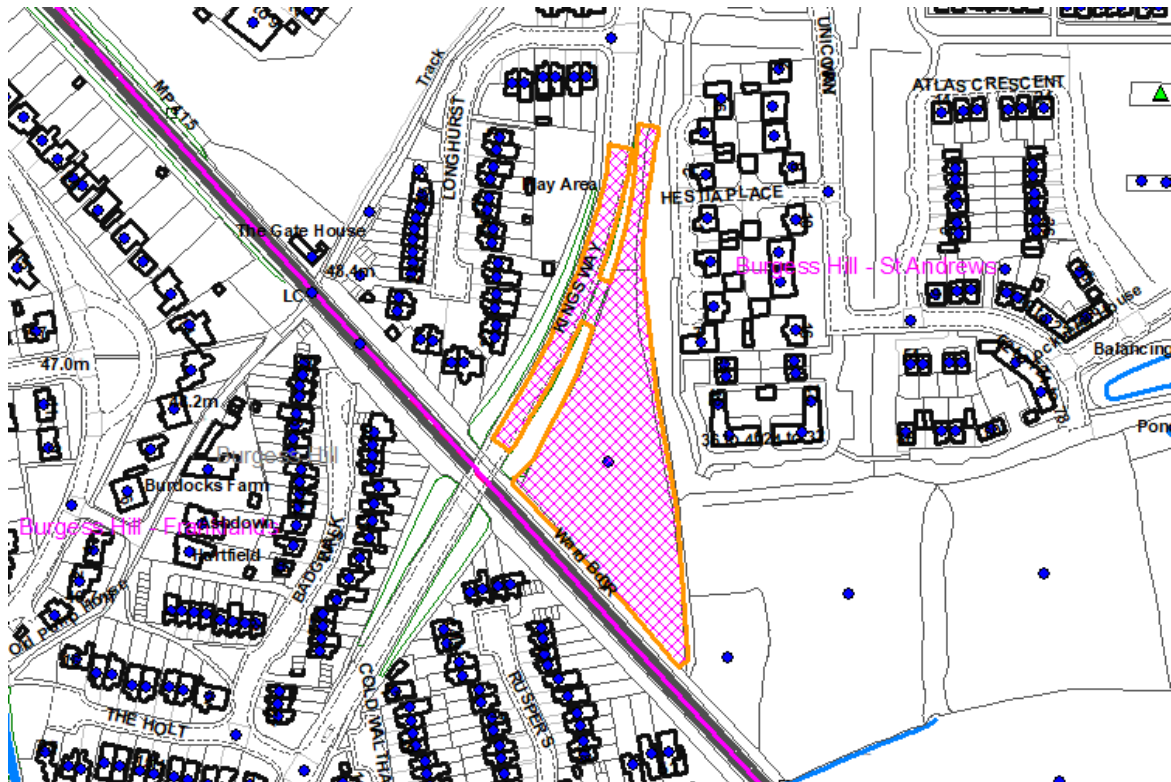
District Wide Committee

19 MAY 2022

RECOMMENDED FOR PERMISSION

**Burgess Hill**

DM/21/3385



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**LAND TO THE SOUTH OF KINGS WAY BURGESS HILL WEST SUSSEX  
RH15 0XP**

**ERECTION OF A 68 BEDROOM RESIDENTIAL CARE FACILITY, WITH  
ASSOCIATED ACCESS WORKS, CAR PARKING, SERVICING, PRIVATE  
AMENITY SPACE, LANDSCAPING AND BOUNDARY TREATMENT.  
(AMENDED PLANS 14.03.2022)**

**FRONTIER ESTATES LIMITED**

POLICY: Ancient Woodland / Area of Special Control of Adverts / Built Up  
Areas / Countryside Gap / Classified Roads - 20m buffer / Planning  
Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) /

Sewer Line (Southern Water) / Sewer Line (Southern Water) / SWT  
Bat Survey / Highways Agreement (WSSC) / Minerals Local Plan  
Safeguarding (WSSC) /

ODPM CODE: Largescale Major Other

13 WEEK DATE: 25th February 2022

WARD MEMBERS: Cllr Roger Cartwright / Cllr Matthew Cornish /

CASE OFFICER: Joseph Swift

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

This application seeks planning permission for the erection of a 68 bedroom residential care facility, with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise.

National planning policy states that planning should be genuinely plan led. The Council has an up to date District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

This application seeks planning permission for the erection of a 68 bedroom residential care facility, with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment.

The application site is located within the built up area boundaries and is located within a sustainable location with access to a number of sustainable transport options. In addition Policies DP25 and DP30 of the Mid Sussex District Plan, together with Policy S3 of the Burgess Hill Neighbourhood Plan provide clear support for specialist accommodation which is further supported by the emerging Site Allocations DPD. As such the proposal is considered acceptable in principle and the proposal should be afforded substantial weight to the benefits of adding to the local supply with the provision of the proposed care home in light of the significant unmet need within Mid Sussex.

The proposed design, layout and scale of the development is considered acceptable and it would not cause harm to the character and appearance of the area. It is not

considered to cause significant harm to the neighbouring amenities.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF and in the short term the proposal would also deliver a number of construction jobs.

There will be a neutral impact in respect of highway safety, drainage, ecology, trees, contamination and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

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

The application is thereby considered to comply with policies DP1, DP6, DP17, DP20, DP21, DP25, DP26, DP29, DP30, DP37, DP38, DP39 and DP41 of the District Plan, policies S3 and S4 of the Burgess Hill Neighbourhood Plan, The Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

### **Recommendation A**

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

### **Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments by the 21st July 2022, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

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

## **SUMMARY OF REPRESENTATIONS**

12 Third party letters of representation have been received in regards to this application, objecting to the proposal for the following reasons:

- Overdevelopment of the site
- Lack of parking
- Highway safety/access
- Inadequate outdoor space
- Light pollution
- Loss of trees
- Conflict with the adopted development plan

- Unsustainable
- Poor design
- Sound Pollution
- Impact on wildlife
- Impact on character
- Need
- Ancient woodland
- Flooding/drainage
- Infrastructure already overwhelmed
- Land should be for benefit of young families
- Construction traffic/noise and disturbance

While 1 third party letters of representation has been received neither objecting or supporting the proposal but raising the following points:

- Sufficient screening along boundary with Kings Way
- Existing mature trees retained
- Junction needs to be carefully designed with signage
- Junction safety

## **SUMMARY OF CONSULTATIONS**

**WSSC Waste and Minerals:** No comment

**Southern Water:** Our initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

**MSDC Housing Officer:** C2 facility would not give rise to an affordable housing requirement.

**WSSC Highways:** No objection subject to conditions

**WSSC Flood Risk:**No objection.

**WSSC Infrastructure Contributions:** £12,093 Library contribution £68,860 TAD

**WSSC Fire and Rescue:** Hydrant Condition

**Burgess Hill Town Council:** Recommend Refusal

**MSDC Drainage Engineer:** No Objections subject to condition

**Aboriculturist:** No objections subject to conditions

**Consultant Ecologist:** no biodiversity policy reasons for refusal or amendment of the proposals, subject to conditions.

**MSDC Environmental Health- Protection:** No objection subject to conditions.

**MSDC Environmental Health -Contaminated Land:** Approve with conditions

**Design Panel:** Support the scheme subject to changes to address issues.

**MSDC Street Naming:** Informative 29

**MSDC Urban Designer:** No objections subject to conditions and confirmation that the downpipe design can be achieved.

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## **INTRODUCTION**

This application seeks planning permission for the erection of a 68 bedroom residential care facility, with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment.

## **RELEVANT PLANNING HISTORY**

BH/190/80: Outline application for one house or bungalow for agricultural worker or farm manager. REFUSED

## **SITE AND ITS SURROUNDINGS**

The application site is a triangled piece of land located to the south/south east of Kings Ways, with the railway line running along the south western boundary, with a mixture of Ancient Woodland, open land and housing development of Unicorn Way and Hestia Place along the eastern boundary. Kings Was is located at a higher level than the application site, with the road rising at a higher level at the south western part of the site, with the change in level reduced at the northern part of the site.

The application site is designated within the Mid Sussex District plan as being within the built up area boundaries of Burgess Hill. An area of land to the south east is designated as Ancient Woodland, with the trees along the north/north west boundary and the trees along the eastern boundary being subject to a TPO (TP/19/0002).

## **APPLICATION DETAILS**

This application seeks planning permission for the erection of a 68 bedroom residential care facility, with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment.

The proposed residential care facility will be three storeys in height measuring a maximum of 61 metres in width, by 42 metres in depth, with an eaves height of 9.6 metres and an overall height of some 12.6 metres. Plans show that the proposal is to be constructed of a mixture of facing brickwork, tile hanging and cladding walls, with a tiled roof and a metal colonnade.

Access is to be gained off Kings Way towards the north of the site, with 19 car parking spaces and 2 disabled spaces located to the north (front) of the proposed residential care facility together with a bin store measuring some 4.5 metres in depth, by 4.5 metres in width, with an overall height of some 2.8 metres.

In addition to the 68 bedrooms with ensuite bathrooms, the proposal would provide communal lounges, quiet spaces, dining areas, assisted bathrooms, hair salon and café, together with associated facilities for residents. The proposal will also include staff offices, laundry, kitchen, plant area and cycle parking. Furthermore, the proposal has been designed with several outdoor areas for seating and a path which goes around the majority of the building.

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

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

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

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

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

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

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

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

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and the Burgess Hill 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 and forms part of the development plan. Relevant policies include:

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

## **Burgess Hill Neighbourhood Plan**

The Burgess Hill Neighbourhood Plan was made January 2016 and so forms part of the development plan. The most relevant policies are:

Policy S3 Protect and Enhance existing community and medical/health facilities  
Policy S4 Parking Standards for New Developments

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

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

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

## 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**

### **Principle of development**

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



Using this as the starting point the development plan in Mid Sussex consists of the District Plan (2018) and the Burgess Hill Neighbourhood Plan.

The District Plan is up to date and the Council can demonstrate a 5 year supply of deliverable housing land.

The site lies within the built-up boundary of Burgess Hill where development is generally acceptable in principle and is supported by policy DP6 which states:

*Development will be permitted within towns and villages with defined built-up area boundaries.*

The principle of the development is also supported by DP25 which states that:

*The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.*

The preamble to this policy in the District Plan sets out a list of community facilities and local services and the list includes 'specialist accommodation and care homes'.

Furthermore, The District Plan also makes it clear in the supporting text to policy DP30 that the Council's policy approach is to look positively on the provision of C2 uses on potential housing sites. Specifically, Policy DP30 says:

*'Whilst more attention may need to be paid towards matters of design, neighbouring land uses and security, schemes falling within Use Class C2 are considered to usually have a lesser impact on existing communities, for instance through lower vehicle usage levels and reduced parking requirements. For this reason, provided the scheme makes efficient use of land, any site considered appropriate for housing development would be positively considered for such older person accommodation through the decision-making process.'*

At local level Policy S3 of the Burgess Hill Neighbourhood Plan relates to community, health and medical facilities and in part states:

*'Support will be given to allocating new facilities or improving existing ones.'*

Although, the Neighbourhood Plan does not define community facilities, the definition within the District Plan has been used which includes care homes.

In addition, as set out within a recent appeal for a 64 bed care home at Land East of Turners Hill Road, Felbridge (APP/D3830/W/21/3281350) paragraph 62 of the Framework and the Planning Practice Guidance stresses the need to provide housing for older people is critical in view of the rising numbers in the overall population, while also identifying that there is a significant unmet need for registered care homes within Mid Sussex which is afforded substantial weight to the benefit of adding to the local supply with the provision of a care home.

In view of the above it is considered that the development is acceptable in principle and substantial weight should be afforded to the benefits of adding to the local supply with the provision of a proposed care home.

It is also relevant that the emerging Site Allocations Document Plan Document (DPD) which following consultation at Regulation 18 stage and Regulation 19 consultation, was formally submitted to the Secretary of State for Housing, Communities and Local Government. Hearing sessions were held in June 2021 and the Inspector has issued the Main Modifications and consultation on these modification commenced on 29th November 2021 and closed on 24th January 2022. One of the modifications (MM3) suggested by the Inspector is the inclusion of a policy relating to accommodation for Older People and Care Homes, which states:

*There is an identified need for specialist accommodation for older people comprising at least 665 additional extra care units (Use Class C2) by 2030, of which at least 570 should be leasehold. The Housing and Economic Needs Assessment Addendum (August 2016) identified forecast demand for care homes (Use Class C2) at 2031 as 2,442 bedspaces. The Council will support proposals that will contribute to meeting these types of specialist accommodation. Proposals for specialist accommodation for older people and care homes will be supported where:*

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

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

In a recent planning decision regarding a proposed C2 care home in countryside at Turners Hill Road, Crawley Down (DM/20/3081) the Inspector confirmed at para. 4 of his decision letter that:

'Given the advanced stage towards adoption of the SADPD, and the relevance of that emerging policy SA39 to this appeal, that policy attracts a significant degree of weight for the purposes of this appeal.'

Significant weight can therefore be given to this policy in this case.

## Design and Character

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

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

The application went to the design panel at the pre-application stage, where the following comments were made:

*'Overall, the panel agreed this was a well thought through scheme that had addressed most of the concerns raised at the previous DRP and it especially benefitted from the attractive design of the proposed care-home.*

*The changes to the building entrance were an improvement including the colonnade (which also featured around the patio area) providing it is the bolder design as represented in the 3D images (rather than the elevations).*

*The internal layout works well especially the relationship of the communal spaces and outdoor areas. The corridors also benefit from being terminated by windows that bring in natural light.*

*The panel particularly liked the relationship of the tiling and brickwork and the sage green metalwork/windows. However, the quality of the design is dependent on the materials specification and the detailing of the junctions for it to appear as good as it does in the 3D visuals and avoid it looking hard-edged. Further consideration therefore needs to be given to the following:*

- Use of natural/clay tiles rather than machine-cut tiles.*
- Avoiding an interlocking block tile system for the corners as this is unlikely to result in the elegant appearance shown in the 3D visuals. Another approach will therefore need to be considered for the corners; for instance, a metal trim finish may be better especially around the windows.*
- The junction of the tiles with the roof coping will need to be carefully handled.*
- The concealed gutter is an important detail, however there were concerns about cold bridging and its structural robustness that will need further reviewing. It was also unclear how the rainwater downpipes will be recessed within the façade.*

*It was agreed that 1:5 scale details are therefore needed to demonstrate the key junctions, and preferably submitted as part of the application rather than left to condition.*

*The panel also had the following other concerns:*

- There is a possible conflict between natural ventilation and infection control. Unless this is resolved, then the building would need a mechanical ventilation system which would have a significant implication upon the design as there would be a requirement for extra plant (such as air handling equipment) and service zones and possibly no need for chimneys.*
- The needs of dementia-related occupants require special consideration as balconies will not be suitable and the perimeter will need to be secure as well as soft-edged.*
- The site entrance / access and the area around the car park risks appearing engineered / hard-edged. Consideration needs to be given to addressing the*

*level differences in a more organic way. For instance, the right-angle junction on to the road appears to be causing a problem as it is generating a 90-degree bend and steep slope which risks having an engineered appearance especially if a barrier is needed to safeguard the drop in levels on the bend. This might be addressed with a shallower angled junction on to Kings Way enabling a gentler bend that would have a more organic appearance and allow the soft landscaping to be better integrated.*

- The high-level footpath access from the entrance was also questioned as it generates a retaining wall and fence that rises high above the car park and consequently risks looking like a hard-edged security feature. To reduce this height disparity, consideration could be given to sloping the car park which should also reduce the steepness of the site access.*
- There were concerns about the impact of level changes upon the trees and ancient woodland particularly along the eastern boundary where grade level differences are proposed. To properly assess the change in depth and impact over the RPA's, it will be necessary to illustrate the before and after dimensions. The proximity of construction to existing trees also needs to be considered to ensure they are protected.*
- The bin store occupies a prominent location near to the entrance but is not shown on the 3D visuals. It will need the same care and attention as the rest of the building design.*
- The relationship of the building and landscape appears acceptable, but the scheme still suffers from a large building envelope (and car park) on a constrained site that provides limited outside space for residents and limited opportunity for an expansive landscape. Nevertheless, there are various seating areas providing space for residents to sit outside and socialise and the fringes of the site benefit from being softened by woodland fringe planting and new trees which could work well if planted with appropriate species. The opportunity should also be taken to create more biodiversity with bat / bird / bee habitats.*

#### *Overall Assessment*

*The panel support the scheme subject to changes that address the above issues.'*

Since the draft proposal was reviewed at pre-application stage by the Design Panel, the applicants amended their drawings for submission with this planning application. These have been reviewed by the Councils Urban Designer, full details of these comments are set out within the appendix B. The majority of these issues have been addressed. The Urban Designer concern to ensure that the drain pipes can be accommodated internally is being addressed by the applicant and will be controlled by condition should planning permission be granted.

The application site is set at a lower level than Kings Way, with significant screening along the boundary which is to remain. Due to this significant change in levels, combined with the screening and the design of the proposal, with a mixture of materials and hipped and gabled roof it breaks up the overall appearance and bulk of

the proposal and as such the proposed scheme is considered to be of an appropriate size and scale.

It is noted that the building footprint and car parking take up a large proportion of the site, however, in this particular case within the built up area, the proposal is considered to provide sufficient outdoor space, while also benefitting from established screening which will soften its overall impact. In addition the proposed mixture of materials and finishes is considered appropriate, details of which can be secured by a suitably worded condition. The proposal is considered to be of an appropriate design, size and scale that is in-keeping with the character of the wider locality.

Officers would agree with the assessment of both the DRP and Urban Designer and subject to appropriate conditions it is considered that the application would comply with Policy DP26 of the District Plan, the design principles DG37, DG38 and DG39 set out in the Design Guide SPD and the relevant provisions of the NPPF.

### **Access and Transport**

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

The application has been submitted with a Transport Statement and a Travel Plan. The application is seeking to provide a total of 21 car parking spaces (2 of which area accessible spaces) an additional space is also provided for an ambulance. It is set out within the Transport Statement that 5 will have EV charging points, together with 10 cycle parking spaces.

Although there are concerns raised by third parties in relation to the access, highway safety and parking, these views are not shared by the Highway Authority. WSCC Highways have been consulted on this application and have raised no objections to the proposal subject to conditions on access and a construction management plan.

In view of the above it is considered that from a highway safety perspective the application complies with Policy DP21 of the Mid Sussex District Plan.

### **Sustainable Design and Construction**

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

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

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

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

A sustainability statement submitted with the application sets out various measures to ensure that the building design and construction is sustainable, these include:

- Proposed energy strategy will comply with the related Building regulations Part L2A.
- Fabric first and energy demand reduction approach
- Building U-values exceed building regulations
- High efficient LED lighting with automatic control strategy for energy saving
- Sanitary wares high-efficiency
- Low water flow rates
- High efficiency ventilation system that recovers heat loss in winter and cooling in summer
- - Centralised, high efficiency gas condensing boiler plant for heating and hot water (system to be integrated with renewable technologies such as solar panels)
- Central heating integrated with renewable technologies
- Energy strategy is adaptable and can be connected to a future low/zero carbon district heating network

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

## **The accessibility of the site**

The accessibility of the site, or the sustainable location of it is also a key consideration. Para 112 of the NPPF states that:

*"applications for development should:*

*a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;"*

Policy DP21 requires development to be sustainably located to minimise the need for travel.

In this case the application is located within the built up area boundaries of Burgess Hill which is defined within the Mid Sussex District Plan as a category 1 settlement and as such is a settlement with a comprehensive range of employment, retail, health, education and leisure services and facilities. These settlements benefit from good public transport provision and will act as a main service centre for smaller settlements. As set out within WSCC Highways comments the well located to encourage travel by sustainable modes including the use of walking, cycling and public transport.

It is therefore considered that this site is sustainably located and would comply with Policy DP21 of the Mid Sussex District Plan and the provisions of the NPPF.

## **Impact on neighbouring amenity**

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do *'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*.

A similar ethos is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.

The application site is well screened on the western and eastern/north eastern side and is set approximately 23 metres from the closest residential dwellings. Due to these distances combined with the level of screening it can be reasonably concluded that the proposal would not cause significant harm in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook.

Policy DP29 states:

*'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife*



*habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

*Noise pollution:*

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

*Noise sensitive development, such as residential, will not be permitted near existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*

*In appropriate circumstances, the applicant will be required to provide:*

- *an assessment of the impact of noise generated by a proposed development;*  
*or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development;'*

A Noise and Vibration Management Plan has been submitted as part of this application, the Councils Environmental Protection Officer has been consulted and has not raised any objections to the proposal, however, conditions are recommended on air quality, odour, soundproofing, hours of deliveries and plant and machinery. Subject to these recommended conditions the proposal is not considered to cause significant harm to neighbouring amenities and is considered to comply with Policies DP26 and DP29 of the Mid Sussex District Plan and Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.

## **Drainage**

Policy DP41 of the District Plan relates to flood risk and drainage seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. It requires *'For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.'*

The Drainage Officer has been consulted on this application, they have raised no objections to the proposal subject to condition. As such subject to this condition the proposal is considered to comply with Policy DP41 of the Mid Sussex District Plan.

## **Trees**

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

An Arboricultural Report has been submitted as part of this application, The Councils Tree Officer has made the following comments:

*' I have reviewed the amended document and I am happy that it shows the rises in soil levels can be managed to have minimal impact on the health of these important trees on the eastern boundary.*

*It is noted within the report full details on spot levels as they rise between the retained trees and finished level for the surfacing around the building will be confirmed in further detailed design, and should be conditioned along with how the French drain system will be incorporated and installed.*

*As per my previous comments a detailed AMS is requested which should incorporate the amended details in the updated AIA.'*

Subject to the above recommended conditions the proposal is considered to have an acceptable impact upon the surrounding trees in accordance with the above mentioned conditions.

## **Ecology**

Policy DP38 of the District Plan relates to biodiversity and states in part that biodiversity will be protected and enhanced by ensuring development avoids damage to, protects and enhances the special characteristics of locally designated sites such as ancient woodland.

The application has been submitted with an Preliminary Ecological Appraisal, Reptile Survey, Invertebrate Report, Great Crested Newt Survey and a Botanical Report. The Councils Ecology Consultant has confirmed that adequate surveys have been undertaken and significant impacts can be avoided, adequately mitigated or as a last resort compensated for, in addition to achieving the 15 metre buffer zone.

The Ecology consultant has raised no biodiversity policy reasons for refusal subject to conditions of a wildlife mitigation and habitat protection plan, habitat enhancement and management plan and external lighting. Subject to these conditions it is considered that the proposal would comply with policy DP38 of the District Plan and 180 of the NPPF

## **Ashdown Forest**

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

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

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

### **Recreational disturbance**

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

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

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

### **Atmospheric pollution**

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Site Allocations DPD, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

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

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

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

### **Infrastructure**

Policy DP20 requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. This includes securing affordable housing which is dealt with under Policy DP31 of the District

Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

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

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

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

and:

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

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

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

#### West Sussex County Council Contributions:

Libraries £12,093  
TAD £68,860

#### District Council Contributions:

Leisure and Housing have been consulted on this application. Housing have confirmed that the C2 use would not give rise to affordable housing requirements and Leisure have not made any financial contribution requests, which is normal for care homes providing nursing support for residents, there is no requirement for contributions toward outdoor play space, formal sport or community buildings.

The WSCC contributions would need to be secured through an appropriately worded Section 106 planning obligation. The S106 Agreement is currently being progressed and subject to the completion of this the proposal is considered to comply with Policy DP20 of The Mid Sussex District Plan.

## **Planning Balance and Conclusion**

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the proposed scheme does not comply with certain aspects of the Development Plan, other material considerations need to be considered in determining the application, including the NPPF.

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

This application seeks planning permission for the erection of a 68 bedroom residential care facility, with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment.

The application site is located within the built up area boundaries and is located within a sustainable location with access to a number of sustainable transport options. In addition Policies DP25 and DP30 of the Mid Sussex District Plan, together with Policy S3 of the Burgess Hill Neighbourhood Plan provide clear support for specialist accommodation which is further supported by the emerging Site Allocations DPD. As such the proposal is considered acceptable in Principle and the proposal should be afforded substantial weight to the benefits of adding to the local supply with the provision of the proposed care home in light of the significant unmet need within Mid Sussex.

The proposed design, layout and scale of the development is considered acceptable and it would not cause harm to the character and appearance of the area. It is not considered to cause significant harm to the neighbouring amenities.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF and in the short term the proposal would also deliver a number of construction jobs. The Council would also receive a new homes bonus.

There will be a neutral impact in respect of highway safety, drainage, ecology, trees, contamination and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

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

The application is thereby considered to comply with policies DP1, DP6, DP17, DP20, DP21, DP25, DP26, DP29, DP30, DP37, DP38, DP39 and DP41 of the

## **APPENDIX A – RECOMMENDED CONDITIONS**

### **1. Approved Plans**

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

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

### **2. 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.

### **3. No development above ground slab level shall be carried out unless and until a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed dwellings and bin store have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.**

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

### **4. No development above ground slab level shall be carried out unless and until detailed drawings (at an appropriate scale) showing how the internal rainwater downpipes are to be constructed have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.**

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

### **5. No development shall commence until details have been submitted and approved by the Local Planning Authority to show the location of the solar PV and air-source heat pumps. The works shall be carried out in accordance with the approved details prior to occupation unless otherwise agreed with the Local Planning Authority in writing.**

Reason: In the interests of achieving an energy efficient, sustainable development and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.

6. No development above ground slab level shall be carried out unless and until detailed drawings (at an appropriate scale) showing depth of the reveal, balustrading, colonnade, front entrance and extruded glazing and cladding system have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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

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

the anticipated number, frequency and types of vehicles used during construction, the method of access and routing of vehicles during construction, the parking of vehicles by site operatives and visitors, the loading and unloading of plant, materials and waste, the storage of plant and materials used in construction of the development, the erection and maintenance of security hoarding, the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), details of public engagement both prior to and during construction works.

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

8. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing ITB16520-GA-002.

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

9. Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours  
Saturday 09:00 - 13:00 Hours  
Sundays and Bank/Public Holidays no work permitted

Reason: To protect the amenities of the surrounding residential dwelling and to accord with MSDC Policy DP29: Noise, Air and Light Pollution.

10. Soundproofing: Prior to the commencement of the development hereby permitted, a scheme for protecting the proposed development from noise, that implements the glazing and background ventilation measures described in the Noise & Vibration Impact Assessment reference RUK2021N00244-RAM-RP-XX-XX-AC-0001 (Ramboll, dated October 2021), as well as an overheating assessment with

appropriate mitigation, shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme shall be maintained in accordance with the approved details.

Reason - To protect the amenities of future occupiers and to accord with MSDC Policy DP29: Noise, Air and Light Pollution

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

Reason: To protect the surrounding residential dwellings and to accord with MSDC Policy DP29: Noise, Air and Light Pollution.

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

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

13. Fixed Plant and Machinery (operational): The use hereby permitted shall not come into use until scheme has been submitted to the LPA demonstrating that the noise rating level (LAr,Tr) of on-site plant and machinery 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 neighbouring amenities and to accord with MSDC Policy DP29: Noise, Air and Light Pollution.

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



Reason: In the interests of health of future occupiers and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

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

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

16. Prior to the commencement of construction of any building or the car park subject of this permission, including construction of foundations, 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, information shall also be provided on the rise in levels between the retained trees and the finished levels around the building, together with details of how the french drain system will be incorporated and installed. These and these works shall be carried out as approved. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

17. No development above slab level shall be carried out unless and until details showing the proposed location of the required fire hydrants or stored water supply 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.

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

18. Prior to the first occupation of any building forming part of the proposed development 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.

19. A minimum of 20% of the units hereby permitted shall be part M4(2) (Adaptable and Accessible) compliant, and shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

20. The development shall not be occupied until the sustainability measures set out in the accompanying Sustainability Assessment have been implemented.

Reason: In the interests of achieving an energy efficient, sustainable development and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.

21. The development hereby permitted shall be carried out in accordance with the recommendations set out within the Preliminary Ecological Appraisal, Great Crested Newt eDNA Survey Report, Reptile Survey Report, Report of a scoping assessment of invertebrate habitat and botanical Report unless otherwise approved in writing by the Local Planning Authority.

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

## INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.

- No burning of materials shall take place on site at any time.

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

3. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
4. In order to ensure approval of the Air Quality condition, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.
5. exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 150 mm public surface water sewers requires a clearance of 3 metres on either side of the public surface water sewers to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public surface waters sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public surface water sewer .
- All existing infrastructure should be protected during the course of construction works.

Please refer to: [southernwater.co.uk/media/3011/stand-off-distances.pdf](https://southernwater.co.uk/media/3011/stand-off-distances.pdf)

6. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

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

## 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
Proposed Sections	A-DT-102	P2	01.04.2022
Proposed Sections	A-DT-101	P3	01.04.2022
Proposed Sections	A-DT-103	P1	01.04.2022
Proposed Sections	201224-LS-1006	P2	14.03.2022
Landscaping Details	201224-LP-1001	B	04.10.2021
Landscaping Details	201224-LS-1002	A	21.09.2021
Landscaping Details	201224-LS-1001	P4	14.03.2022
Landscaping Details	201224-LS-1007	3	14.03.2022
Location Plan	A-01-100	A	21.09.2021
Existing Block Plan	A-01-101	P1	21.09.2021
Proposed Block Plan	A-01-102	P1	21.09.2021
Proposed Floor Plans	A-03-301	P1	21.09.2021
Proposed Floor Plans	A-03-302	P1	21.09.2021
Proposed Floor Plans	A-03-303	P1	21.09.2021
Existing Sections	A-04-101	P1	21.09.2021
Proposed Sections	A-04-102	P1	21.09.2021
Proposed Elevations	A-05-101	P4	14.03.2022
Proposed Elevations	A-05-102	P2	04.10.2021
Site Plan	A-90-100	P1	21.09.2021
Proposed Sections	A-DT-100	P1	21.09.2021
Proposed Floor Plans	DR-03-001	P1	21.09.2021
Proposed Roof Plan	DR-03-005	P1	21.09.2021

## APPENDIX B – CONSULTATIONS

### Parish Consultation

OBSERVATIONS: RECOMMEND REFUSAL

The following points were raised:

' DP21 ' the scheme does not provide adequate parking There were limited disabled parking spaces for residents and staff. The scheme doesn't support MSDC's sustainable modes of travel scheme for transport

' DP40 ' no sustainable energy scheme was proposed. 4.3 of the Design and Access Statement suggested panels could be put in, the Town Council requests these.

' Highways Safety ' The Committee expressed concern on the distance between the bridge and the entrance point to the site and requested Highways comments.

' Environmental ' The Committee expressed concerns over the loss of five ponds citing DP38 which protects valued landscapes.

### WSCC Waste and Minerals:

Thank you for consulting West Sussex County Council, Waste and Minerals on the above application.

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

consulted is available by clicking this link:

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

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23 of the West Sussex Waste Local Plan, 2014).

### **Southern Water:**

Thank you for your letter dated 29/09/2021.

Please see the attached extract from Southern Water records showing the approximate position of our public surface water sewers in the vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 150 mm public surface water sewers requires a clearance of 3 metres on either side of the public surface water sewers to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public surface waters sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public surface water sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: [southernwater.co.uk/media/3011/stand-off-distances.pdf](http://southernwater.co.uk/media/3011/stand-off-distances.pdf)

The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to [Developer.Services@southernwater.co.uk](mailto:Developer.Services@southernwater.co.uk)

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

Our initial investigations indicate that Southern Water can provide foul and surface water sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://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](http://southernwater.co.uk/developing-building/connection-charging-arrangements)

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm sewer
- Combined Sewer

Guidance on Building Regulations is here:

[gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h](http://gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h)

The planning application form makes 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](http://water.org.uk/sewerage-sector-guidance-approved-documents)

[ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](http://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 submitted drawing (92001 Rev-P02) shows permeable pavement used for surface water drainage which is not acceptable to Southern Water. The drainage design should ensure that no groundwater or land drainage will enter the public sewerage network.

Should the applicant wish to offer the sewers for adoption under section 104 of the Water Industry Act, the drainage design should comply with the Sewerage Sector Guidance ([water.org.uk/sewerage-sector-guidance-approved-documents/](http://water.org.uk/sewerage-sector-guidance-approved-documents/)) standards and Southern Water's requirements. Please note that non-compliance with the Sewerage Sector Guidance 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. Applications for adoption of sewers by Southern Water can be made via the online service, Get Connected: [developerservices.southernwater.co.uk](https://developerservices.southernwater.co.uk)

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.

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

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

#### **MSDC Housing Officer:**

The planning statement and plans submitted indicate that this is to be brought forward as a C2 facility and as such would not give rise to an affordable housing requirement. Should any plans be submitted which change the use to C3, please ensure that Housing Enabling are consulted.

#### **WSCC Highways:**

##### **Background**

The proposed development is for the provision of a care home (under land use class C2) with 68 bedrooms, car parking and landscaping. The proposals would be accessed from Kings Way which has a 30mph speed limit. To the south Kings Way connects to the B2113 Folders Lane at a mini-roundabout. To the north Kings Way becomes Cants Lane.

The highway aspect of the proposals are supported by way of a Transport Statement (TS) which includes Trip Rate Information System (TRICS) data and a Stage 1 Road Safety Audit (RSA). The LHA undertook pre-application discussions with the applicant on the proposals in February 2021.

##### **Access and Visibility**

It is proposed to provide access to the site via a new priority junction onto Kings Way. The form and location of the access was discussed and agreed as part of pre-application engagement with the LHA at the pre-application stage.

As per the LHA advice speed surveys were undertaken on Kings Way on 1 March 2021, which recorded 85th percentile speeds of 37.1mph northbound and 37.9mph, southbound. With the adjustment for gradient (1 in 30 northbound and 1 in 45 southbound) visibility splays of 61m are required. This was agreed as part of pre-application discussions within the applicant's TS drawing ITB16520-GA-002 demonstrates that these can be achieved.

The access works will be subject to a Section 278 Agreement and technical check with the LHA's Highway Agreements Team.

### **Stage 1 Road Safety Audit (RSA)**

A Stage 1 Road Safety Audit (RSA) has been carried out on the site access onto Kings Way. The content of the RSA including the Designers Response has been commented on by the Auditor. The Auditor has agreed the elements of the Designer's Response and considers the mitigation on each point as sufficient evidence.

### **Capacity**

A trip generation analysis for the maximum number of proposed usage at the site has been undertaken using the industry standard TRICS software. The development proposals are predicted to generate 11 and 10 vehicular trips in the AM and PM peak hours respectively. The LHA would not consider the proposals would have a 'unacceptable' impact on the network.

### **Parking and Layout**

Car and cycle parking provision will be in line with current WSCC guidelines. The applicant has stated 25 parking spaces within their supporting SN. The LHA would be satisfied with this amount of parking and given the sites layout this is likely to be the maximum that could realistically be provided. Parking for staff will be confirmed later. However, it is envisaged that given the sites location, some staff could travel to the site via more sustainable modes of transport.

In terms of site layout, the proposals will be supported by swept path diagrams which will demonstrate the likely types of larger vehicles entering the site. It was confirmed during our meeting that this is likely to be an infrequent occurrence.

### **Accessibility**

The site is well located to encourage travel by sustainable modes including the use of walking, cycling and public transport. These will provide opportunities for staff and visitors to travel to the site. The attached Travel Plan within the supporting information would be accepted and provide visitors and staff workable means to access the site using more sustainable modes.

### **Conclusion**

Having assessed the contents of the TS and mindful of our pre-application discussion the LHA would be satisfied that the proposals are sufficient in regards of Highway Safety. The LHA would advise the following conditions be attached to any planning consent:

Access (Access to be provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing ITB16520-GA-002.

Reason: In the interests of road safety.

Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,



- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

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

### **INFORMATIVE**

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

### **WSSC Flood Risk:**

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

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

### **Flood Risk Summary**

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

Comments:

Current surface water mapping shows that the proposed site is at low risk from surface water flooding.

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

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

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

Modelled groundwater flood hazard classification: Moderate risk

Comments:

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

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

Watercourses nearby?: No

Comments:

Current Ordnance Survey mapping shows no watercourses running adjacent or across the site. The nearest watercourse appears to be approximately 60m south east of the site.

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

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

Records of any surface water flooding within the site?: No

Comments:

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

Future development - Sustainable Drainage Systems (SuDS)

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

As per the District Drainage Engineer's comments, further information is required to ensure any potential development can drain sustainably.

The FRA states 'The site offers limited opportunity to deliver a natural SuDS solution to enhance the amenity of a development of this nature in this setting'. SuDS design should be fully integrated into a master plan as an essential part of land use and development planning and considered in conjunction with other aspects of the design.

In the spirit of SuDS implementation, and in line with many of the policies within the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. This could include retention at source through rain gardens, swales or bioretention systems prior to disposal to reduce peak flows. SuDS landscaping significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

SuDS Policy 3 within the West Sussex LLFA Policy for the Management of Surface Water also states that 'Drainage schemes should be designed to match greenfield discharge rates and follow natural drainage routes as far as possible; pumps should therefore not form part of drainage schemes' Surface water pumping stations are not considered sustainable and should only be used where there is no other practicable method of surface water drainage.

It is unlikely that West Sussex Highways will allow a surface water connection to the Highway system unless it can be proved that a historic connection already exists.

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

## WSCC Infrastructure Contributions:

02.11.2021

Planning Application details - Erection of a 68 bedroom residential care facility, with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment.

### Summary of Contributions

<b>Education</b>			
School Planning Area	N/A		
Population Adjustment	68.0		
	Primary	Secondary	6th Form
Child Product	0.0000	0.0000	0.0000
Total Places Required	0.0000	0.0000	0.0000
<b>Library</b>			
Locality	Burgess Hill		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£11,320		
Contribution towards East Grinstead/Haywards Heath	£0		
Population Adjustment	68.0		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	68		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	68.0		
Net Parking Spaces	21		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

### Summary of Contributions

S106 type	Monies Due
<b>Education - Primary</b>	No contribution
<b>Education - Secondary</b>	No contribution
<b>Education - 6<sup>th</sup> Form</b>	No contribution
<b>Libraries</b>	£11,320
<b>Waste</b>	No contribution
<b>Fire &amp; Rescue</b>	No contribution
<b>No. of Hydrants</b>	secured under Condition
<b>TAD</b>	£64,478
<b>Total Contribution</b>	<b>£75,798</b>

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the

Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition ( Appendix 5)

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

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

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

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

The calculations have been derived on the basis of an increase in 68 net bedrooms, and an additional 21 car parking spaces.

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

#### 5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2022. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-in TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be spent on providing additional facilities at Burgess Hill Library.

The contributions generated by this proposal shall be spent on public realm and connectivity improvements programme in Burgess Hill

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

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

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

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

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

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

### **Breakdown of Contribution Calculation Formulas:**

#### **1. Library Infrastructure**

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

**Contributions = SQ M Demand x Cost Multiplier**

#### a) **Square Metre Demand**

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The local floorspace demand (LFD) figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

**Square Metre Demand = (Adjusted Population x LFD) / 1000**

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,549 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2021/2022 period.

2. TAD- Total Access Demand

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

**TAD = Infrastructure contribution + Sustainable Transport contribution**

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2021/2022 is £1,450 per parking space.

**Infrastructure contributions = Car parking spaces x Cost multiplier**

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£724).

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

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

**07.04.2022**

The Provision of Service Infrastructure Related to Land to the South of Kings Way, Burgess Hill, West Sussex, RH15 0XP

Planning Application details - Erection of a 68 bedroom residential care facility, with associated access works, car parking, servicing, private amenity space, landscaping and boundary treatment.

Summary of Contributions

<b>Education</b>			
School Planning Area	0		
Population Adjustment	68.0		
	Primary	Secondary	6th Form
Child Product	0.0000	0.0000	0.0000
Total Places Required	0.0000	0.0000	0.0000
<b>Library</b>			
Locality	Burgess Hill		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£12,093		
Contribution towards East Grinstead/Haywards Heath	£0		
Population Adjustment	68.0		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	68		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	68.0		
Net Parking Spaces	21		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

### Summary of Contributions

S106 type	Monies Due
<b>Education - Primary</b>	No contribution
<b>Education - Secondary</b>	No contribution
<b>Education - 6<sup>th</sup> Form</b>	No contribution
<b>Libraries</b>	£12,093
<b>Waste</b>	No contribution
<b>Fire &amp; Rescue</b>	No contribution
<b>No. of Hydrants</b>	secured under Condition
<b>TAD</b>	£68,860
<b>Total Contribution</b>	<b>£80,953</b>

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

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

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

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

The calculations have been derived on the basis of an increase in 68 net bedrooms, and an additional 21 car parking spaces.

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

#### 5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2023. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be spent on providing additional facilities at Burgess Hill Library.

The contributions generated by this proposal shall be spent on public realm and connectivity improvements programme in Burgess Hill

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

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

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for



adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

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

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

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

### **Breakdown of Contribution Calculation Formulas:**

#### **1. School Infrastructure Contributions**

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as **TPR- Total Places Required**). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (**cost multiplier**).

#### **School Contributions = TPR x cost multiplier**

##### **a) TPR- Total Places Required:**

TPR is determined by the number of year groups in each school category multiplied by the child product.

#### **TPR = (No of year groups) x (child product)**

Year groups are as below:

- Primary school- **7** year groups (aged 4 to 11)
- Secondary School- **5** year groups (aged 11 to 16)
- Sixth Form School Places- **2** year groups (aged 16 to 18)

Child Product is the adjusted education population multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

Child Product = Adjusted Population x 14 / 1000

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

##### **b) Cost multiplier- Education Services**

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2022/2023, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- o Primary Schools- **£20,229 per child**
- o Secondary Schools- **£30,480 per child**
- o Sixth Form Schools- **£33,056 per child**

## 2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

**Contributions = SQ M Demand x Cost Multiplier**

### a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The local floorspace demand (LFD) figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

**Square Metre Demand = (Adjusted Population x LFD) / 1000**

### b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,928 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2022/2023 period.

## 3. TAD- Total Access Demand

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

**TAD = Infrastructure contribution + Sustainable Transport contribution**

### a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2022/2023 is £1,549 per parking space.

**Infrastructure contributions = Car parking spaces x Cost multiplier**

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£773).

**Sustainable transport contribution** = (net car parking - occupancy) x 773

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

**WSCC Fire and Rescue:**

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.

**MSDC Drainage Engineer:**

**(25.10.2021)**

We need further information from this proposal to prove that it can drain.

The proposal has not confirmed where it will discharge both foul water and surface water.

The Curtins FRA & Outline Drainage Strategy informs in 3.1 of manholes in Kingsway itself and assumes these are part of a surface water system the site can connect to. These manholes are likely part of the WSCC highway drainage system and do not form part of the Southern Water surface water network. Any connection to this system will require the formal consent from West Sussex County Council.

In addition, the Curtins FRA & Outline Drainage Strategy seems to assume that there will be a foul drainage system within Kingsway. From Southern Water's records there are no foul sewers within Kingsway, and any connection is likely to require a significant length of new sewer to an existing system.

Please can the downstream connections for both foul water and surface water be confirmed. Without this information, the development cannot prove it can discharge surface water and foul water.

**(04.04.2022)**

#### FLOOD RISK

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Most of the site is shown to be at low surface water flood risk.

There are no historic records of flooding occurring on this site or the immediate area surrounding the site. A lack of historic records of flooding does not mean that flooding has never occurred, instead, that flooding has just never been reported.

#### SEWERS ON SITE

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

The Southern Water sewer maps do show a surface water drainage system in Kings Way. It is my current understanding that this may be part of the West Sussex County Council highway drainage system.

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site 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

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

The development proposal has submitted a Flood Risk Assessment & Outline Drainage Strategy. This is the Curtins document 079011 Revision: P02 Issue Date: Dec 2021.

The evaluation of flood risk within the FRA aligns with our understanding of the site.

The development proposes to attenuate surface water run-off within a tank which will discharge surface water via a surface water pump to drainage system with Southern Water identified manhole 6756. Justification for this method is that the hierarchy of surface water disposal has been followed to this method. It has been found that infiltration tests reveal the ground to have insufficient porosity, there are no local watercourses, there is a lack of fall for gravity discharge, and a local drainage system is within useable proximity to the site, namely manhole 6756.

I agree with the percolation testing revealing that there is little to no percolation available with the ground. However, the proposed method of pumping surface water is only acceptable if all other possible methods have been exhausted. In addition, the proposed point of discharge to manhole 6756, is not confirmed to be either a surface water sewer or combined sewer. It is our current understanding that manhole 6756 may be part of the West Sussex County Council's highway drainage system, and not a combined sewer.

This means if the development has no other alternative but to discharge surface water to manhole 6756, then it will have no way of draining the site if permission is not granted for this connection and discharge.

Therefore, to establish that this development can safely dispose of surface water this way, it must identify the owners of this drainage system and manhole 6756 and obtain at least in principle agreement of connection and discharge from those who are responsible for it.

It is my current understanding that manhole 6765 may be a part of the WSCC highway drainage system.

#### FOUL WATER DRAINAGE

It is proposed that the development will pump foul water to manhole 6756. The development has not established the ownership and the type of this drain. Therefore, to establish that this development can safely dispose of foul water this way, it must identify the owners of this system and manhole 6756 and obtain at least in principle agreement of connection and discharge from those who are responsible for it.

It is my current understanding that manhole 6765 may be a part of the WSCC highway drainage system.

#### SUMMARY OF FURTHER INFORMATION REQUIRED

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

- Confirmation of the ownership of the Kings Way drainage system with identified manhole 6756.
- Evidence of communication with owner of Kings Way drainage system with agreement in principle for connection and discharge to it.

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

#### CONDITION RECOMMENDATION

No condition suggested at this time.

## 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
<b><i>For all designs</i></b>	
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 <sup>1</sup>	
<b><i>For soakaways</i></b>	
Sizing calculations (to cater for 1 in 100-year plus climate change event)	
Half drain time (<24 hours)	
Construction details	
<b><i>For discharge to watercourse</i></b>	
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) <sup>2</sup>	
Outfall location and construction details	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	
<b><i>For discharge to sewer</i></b>	
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 <sup>3</sup>	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	

<sup>1</sup> The scale of this document should reflect the scale of the development and the complexity of the drainage system.

<sup>2</sup> 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.

<sup>3</sup> Formal approval via S106 etc is not required.

Table 2: Detailed drainage design requirements – foul water

Requirement	Location of information within submitted design
<b><i>For all designs</i></b>	
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	
<b><i>For connection to main foul sewer</i></b>	
Discharge location and manhole number	
Evidence of communication with Water Authority regarding connection <sup>4</sup>	
<b><i>For non-mains system with drainage field</i></b>	
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields	
Evidence that either: <ul style="list-style-type: none"> <li>a) The system meets latest General Binding Rules</li> <li>b) An Environmental Permit application is to be submitted</li> </ul>	

**(05.04.2022)**

**FLOOD RISK**

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Most of the site is shown to be at low surface water flood risk.

There are no historic records of flooding occurring on this site or the immediate area surrounding the site. A lack of historic records of flooding does not mean that flooding has never occurred, instead, that flooding has just never been reported.

**SEWERS ON SITE**

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

The Southern Water sewer maps do show a surface water drainage system in Kings Way. It is my current understanding that this may be part of the West Sussex County Council highway drainage system.

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site 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**

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<sup>4</sup> Formal approval via S106 etc is not required.



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

The development proposal has submitted a Flood Risk Assessment & Outline Drainage Strategy. This is the Curtins document 079011 Revision: P02 Issue Date: Dec 2021.

The evaluation of flood risk within the FRA aligns with our understanding of the site.

The development proposes to attenuate surface water run-off within a tank which will discharge surface water via a surface water pump to drainage system with Southern Water identified manhole 6756 or systems within Longhurst. Justification for this method is that the hierarchy of surface water disposal has been followed to this method. It has been found that infiltration tests reveal the ground to have insufficient porosity, there are no local watercourses, there is a lack of fall for gravity discharge, and a local drainage system is within useable proximity to the site, namely manhole 6756 or the systems in Longhurst.

I agree with the percolation testing revealing that there is little to no percolation available with the ground. However, the proposed method of pumping surface water is only acceptable if all other possible methods have been exhausted. In addition, the proposed point of discharge to manhole 6756, is not confirmed to be either a surface water sewer or combined sewer. It is our current understanding that manhole 6756 may be part of the West Sussex County Council's highway drainage system, and not a combined sewer.

The development has received communication with Southern Water that confirm capacity within the local public foul and surface water systems for this development. In addition, the development has identified an alternative point of connection to the public foul drainage system at Longhurst.

This will require the formal approval for connection and an agreed rate of discharge from Southern Water.

## FOUL WATER DRAINAGE

It is proposed that the development will pump foul water to manhole 6756. The development has not established the ownership and the type of this drain. Therefore, to establish that this development can safely dispose of foul water this way, it must identify the owners of this system and manhole 6756 and obtain at least in principle agreement of connection and discharge from those who are responsible for it.

The development has received communication with Southern Water that confirm capacity within the local public foul and surface water systems for this development. In addition, the development has identified an alternative point of connection to the public foul drainage system at Longhurst.

This will require the formal approval for connection and an agreed rate of discharge from Southern Water.

## 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.

## 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 3: Detailed drainage design requirements – surface water

Requirement	Location of information within submitted design
<b><i>For all designs</i></b>	
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 <sup>5</sup>	
<b><i>For soakaways</i></b>	
Sizing calculations (to cater for 1 in 100-year plus climate change event)	
Half drain time (<24 hours)	
Construction details	
<b><i>For discharge to watercourse</i></b>	
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) <sup>6</sup>	
Outfall location and construction details	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	
<b><i>For discharge to sewer</i></b>	
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 <sup>7</sup>	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	

<sup>5</sup> The scale of this document should reflect the scale of the development and the complexity of the drainage system.

<sup>6</sup> 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.

<sup>7</sup> Formal approval via S106 etc is not required.

Table 4: Detailed drainage design requirements – foul water

Requirement	Location of information within submitted design
<b><i>For all designs</i></b>	
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	
<b><i>For connection to main foul sewer</i></b>	
Discharge location and manhole number	
Evidence of communication with Water Authority regarding connection <sup>8</sup>	
<b><i>For non-mains system with drainage field</i></b>	
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields	
Evidence that either: <ul style="list-style-type: none"> <li>a) The system meets latest General Binding Rules</li> <li>b) An Environmental Permit application is to be submitted</li> </ul>	

**Arboriculturist:**

**(31/03/2022)**

I have reviewed the revised arboricultural report and I'm not sure the amendments address my concerns regarding the impact of the raised levels on the RPAs of the high quality trees along the eastern boundary.

I note that that within the AIA there is reference to the retaining wall impacting on the periphery of the RPA of T71 in order to manage the differences in levels. However I cannot see any reference to how the changes in levels will affect the other trees. I have particular concern for T64 -T68. It would be helpful if the details provided from the previously submitted sections are incorporated within the report to assess how this will affect the long term health of these trees.

As previously requested a detailed AMS would be needed which I would think can be conditioned.

**(06.04.2022)**

I have reviewed the amended document and I am happy that it shows the rises in soil levels can be managed to have minimal impact on the health of these important trees on the eastern boundary.

It is noted within the report full details on spot levels as they rise between the retained trees and finished level for the surfacing around the building will be confirmed in further detailed

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<sup>8</sup> Formal approval via S106 etc is not required.

design, and should be conditioned along with how the French drain system will be incorporated and installed.

As per my previous comments a detailed AMS is requested which should incorporate the amended details in the updated AIA.

**Consultant Ecologist:**

**(31.03.2022)**

I am unable to find the results of the recommended botanical survey of the grassland, recommended in para 7.10, page 23 of the preliminary ecological appraisal report by Tim Moya Associates and this document provides confusing information about the grassland describing it as both lowland meadow priority habitat and semi-improved and marshy grassland. The former comprises unimproved neutral grassland which is very scarce and would represent a significant constraint to development. Whilst the latter are more likely, there is limited information on species present or any systematic sampling to determine species richness with this presumably being deferred to the recommended botanical survey. Therefore it is important that the grassland type is correctly classified and that this is evidenced.

There are reports for all other recommended phase 2 surveys so hopefully this is just an omission, but this needs to be clarified to enable proper assessment of the biodiversity impact.

With regard to other matters, I am satisfied that adequate surveys have been undertaken and that significant impacts can be avoided, adequately mitigated or, as a last resort, compensated for in accordance with Policy 180 of the NPPF, subject to suitable conditions.

I note that the layout achieves the minimum 15m buffer required by Policy DP37 between development and the adjacent ancient woodland.

Opportunities for positive wildlife enhancements appear limited due to the amount of development, even assuming that the grassland is confirmed to be of lower value, and so this will need to be weighed against other material considerations.

**(11.04.2022)**

**Recommendations**

Further to submission of the 'National Vegetation Classification Botanical Survey Report' I am satisfied that this provides adequate information to conclude that the grassland is of relatively low conservation interest and not a significant constraint to development. Based on this and previous comments, there are, in my opinion, no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

a wildlife mitigation and habitat protection plan (which may be integrated with tree protection measures);

a habitat enhancement and management plan (which may be integrated into a landscape and ecological enhancement and management plan LEMP); and

an external lighting assessment demonstrating how light pollution of surrounding tree belts will be avoided to prevent impacts on bats and other nocturnal wildlife.

The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: to prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP37, DP38 of the Mid Sussex District Plan and 180 of the NPPF.

**MSDC Environmental Health- Protection:**

This development is directly adjacent to the railway line. The accompanying Noise and Vibration Impact assessment by Ramboll recommends specific glazing types and trickle vents to address the noise levels and includes the following paragraph in Section 5.1:

It should be noted that the requirements are to meet internal levels for background ventilation only. During periods of overheating, the levels may be exceeded in if higher rates of ventilation and thus greater free area on the façade are required. This should be developed during detailed design in conjunction with the design team to minimise risk of occupants having to choose between overheating and noise.

Given that many of the affected rooms are SW facing, the thermal comfort/ventilation aspect should be addressed by way of an overheating assessment. I recommend a condition for this, along with other conditions to address deliveries, plant noise, air quality etc.

- Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

Reason - To accord with MSDC Policy DP29: Noise, Air and Light Pollution

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

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

Reason - To accord with MSDC Policy DP29: Noise, Air and Light Pollution

- Odour: The kitchen facilities of the development hereby permitted shall not be brought into use until a scheme for the installation of equipment to control the emission of fumes and odour from the premises has been submitted to and approved

in writing by the Local Planning Authority, and the scheme as approved has been implemented. The submitted odour control scheme shall be in accordance with current best practice and shall include an odour risk assessment, as well as a maintenance and monitoring schedule for the odour control system, to ensure adequate control of odours, to align with the manufacturer's instructions.

Reason - To accord with MSDC Policy DP29: Noise, Air and Light Pollution

- Soundproofing: Prior to the commencement of the development hereby permitted, a scheme for protecting the proposed development from noise, that implements the glazing and background ventilation measures described in the Noise & Vibration Impact Assessment reference RUK2021N00244-RAM-RP-XX-XX-AC-0001 (Ramboll, dated October 2021), as well as an overheating assessment with appropriate mitigation, shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme shall be maintained in accordance with the approved details.

Reason - To accord with MSDC Policy DP29: Noise, Air and Light Pollution

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

Reason - To accord with MSDC Policy DP29: Noise, Air and Light Pollution

- Fixed Plant and Machinery (operational): The use hereby permitted shall not come into use until scheme has been submitted to the LPA demonstrating that the noise rating level (LAr,Tr) of on-site plant and machinery 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

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

Having looked at historical records I have no particular concerns with regards to this site.

However, given the size of the build, and the sensitivity of the end use, a discovery strategy should also be attached, so that in the event that contamination is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions

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

confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

### **Design Panel:**

Overall, the panel agreed this was a well thought through scheme that had addressed most of the concerns raised at the previous DRP and it especially benefitted from the attractive design of the proposed care-home.

The changes to the building entrance were an improvement including the colonnade (which also featured around the patio area) providing it is the bolder design as represented in the 3D images (rather than the elevations).

The internal layout works well especially the relationship of the communal spaces and outdoor areas. The corridors also benefit from being terminated by windows that bring in natural light.

The panel particularly liked the relationship of the tiling and brickwork and the sage green metalwork/windows. However, the quality of the design is dependent on the materials specification and the detailing of the junctions for it to appear as good as it does in the 3D visuals and avoid it looking hard-edged. Further consideration therefore needs to be given to the following:

- Use of natural/clay tiles rather than machine-cut tiles.
- Avoiding an interlocking block tile system for the corners as this is unlikely to result in the elegant appearance shown in the 3D visuals. Another approach will therefore need to be considered for the corners; for instance, a metal trim finish may be better especially around the windows.
- The junction of the tiles with the roof coping will need to be carefully handled.
- The concealed gutter is an important detail, however there were concerns about cold bridging and its structural robustness that will need further reviewing. It was also unclear how the rainwater downpipes will be recessed within the façade.

It was agreed that 1:5 scale details are therefore needed to demonstrate the key junctions, and preferably submitted as part of the application rather than left to condition.

The panel also had the following other concerns:

- There is a possible conflict between natural ventilation and infection control. Unless this is resolved, then the building would need a mechanical ventilation system which would have a significant implication upon the design as there would be a requirement for extra plant (such as air handling equipment) and service zones and possibly no need for chimneys.
- The needs of dementia-related occupants require special consideration as balconies will not be suitable and the perimeter will need to be secure as well as soft-edged.
- The site entrance / access and the area around the car park risks appearing engineered / hard-edged. Consideration needs to be given to addressing the level



differences in a more organic way. For instance, the right-angle junction on to the road appears to be causing a problem as it is generating a 90-degree bend and steep slope which risks having an engineered appearance especially if a barrier is needed to safeguard the drop in levels on the bend. This might be addressed with a shallower angled junction on to Kings Way enabling a gentler bend that would have a more organic appearance and allow the soft landscaping to be better integrated.

- The high-level footpath access from the entrance was also questioned as it generates a retaining wall and fence that rises high above the car park and consequently risks looking like a hard-edged security feature. To reduce this height disparity, consideration could be given to sloping the car park which should also reduce the steepness of the site access.
- There were concerns about the impact of level changes upon the trees and ancient woodland particularly along the eastern boundary where grade level differences are proposed. To properly assess the change in depth and impact over the RPA's, it will be necessary to illustrate the before and after dimensions. The proximity of construction to existing trees also needs to be considered to ensure they are protected.
- The bin store occupies a prominent location near to the entrance but is not shown on the 3D visuals. It will need the same care and attention as the rest of the building design.
- The relationship of the building and landscape appears acceptable, but the scheme still suffers from a large building envelope (and car park) on a constrained site that provides limited outside space for residents and limited opportunity for an expansive landscape. Nevertheless, there are various seating areas providing space for residents to sit outside and socialise and the fringes of the site benefit from being softened by woodland fringe planting and new trees which could work well if planted with appropriate species. The opportunity should also be taken to create more biodiversity with bat / bird / bee habitats.

### Overall Assessment

The panel support the scheme subject to changes that address the above issues.

### **MSDC Street Naming:**

Weekly list date: 27.09.2021 and 01.10.2021

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

Linda Symes  
Street Naming and Numbering Officer

### Informative (Info29)

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

Planning applications requiring SNN informative

DM/21/3385

DM/21/3446

DM/21/2047

**MSDC Urban Designer:**

**15/03/2022**

The 1:5 eaves detail is helpful and appears to demonstrate how the tiles seamlessly extend around the eaves to the vertical face. However, I still have the following concerns/issues:

- The downpipe is shown neatly inset within the building face, but I am not convinced by the drawing as the downpipe appears to sit directly in front/abreast of the insulation with no facing cover in between. The sliver of insulation may need to be removed to rectify this resulting in a cold bridge that may not meet Building Reg requirements.
- A plan section of the inset downpipe (which would help clarify the above detail) that I requested has not been supplied, nor has a section of the brick/tile interface at the eaves been provided.

We need these details, as the quality of the building is dependent on them. I would also be grateful for Neil's thoughts as he is better qualified to advise on these construction details.

As previously advised in my 7/1/22 email please include conditions to cover the other details of the facade.

In respect of Sarah's issues with the boundary trees, I would suggest this specifically needs a condition that requires detailed sections of the eastern boundary that accurately demonstrate the relationship of the existing trees with the proposed changes in the ground level.

**16.02.2022**

I can't find your 24th Jan email but I am assuming they cover the issues that I raised in my attached email. The revised sections of the boundaries and the vehicular access/car park appear to have responded to our requirements but I will defer to Sarah. I am nevertheless sceptical about their assurance that no vehicular barrier is required; it would be helpful if WSCC Highways could be consulted on this.

The other issues that I raised have not been responded to in Peter's email, so it would be helpful to get further clarification. I will await the formal issue of the revised drawings and Sarah's feedback before I draft my obs.

**07.01.2022**

I have the following comments:

Entrance/Car Park

- I am not convinced that that the retaining wall on the outside of the bend does not require a barrier; it may be worth consulting Highways on this. If it does require a

barrier it would be better to design it now rather than wait till it's too late and end up with a bolted-on engineered solution. I had hoped the section would feature the adjacent large tree on the east boundary (which Sarah had some concerns about) to give a better idea of this relationship.

- The trees articulating the parking area would benefit from wider planting bays to provide more generous safeguarding.

#### Boundary Section Drawings

- The sections also need to show the existing ground level on the eastern boundary so Sarah can assess the impact of level changes upon the trees and ancient woodland.
- The following are incorrectly labelled: section BB should be the south west boundary w. the railway; section CC is the eastern boundary with the Persimmon development (not with the railway)
- The boundary railings/treatment that secure the communal garden area will need to be provided or included as part of the condition that covers landscaping.

#### Detailing of the Building

- The details of the rainwater pipe arrangement are sketchy and confusing. More detailing (1:5 scale sections) and clearer labelling is needed (especially in respect of the hidden gutter). I am concerned that both the recessed and hidden downpipes will be undermined by the insulation requirements (as both cut across the insulation), and it would be helpful to get Building Control's advice on this, and because it would be better to avoid the additional downpipe. A section is needed that shows the recessed downpipe (both in plan and elevation). The eaves needs greater detail and a section of the brick/tile interface at the eaves is also required.
- The details of the corners and window returns are acceptable.
- The brick-faced blind windows look acceptable; I would nevertheless like a section to demonstrate the depth of the reveal. These and other details such as the balustrading, colonnade, front entrance and extruded glazing and cladding system should also be subject to a condition.
- The elevation of the café on the NE elevation needs to be clearer - the dotted outline of the bin store obscures it and would be better omitted on this particular elevation.

#### Sustainability

- The addition of the solar PV's and air-source heat pumps are welcomed; but this needs to be clearly annotated and secured through condition.

#### Layout of the Patio Areas

- The patio areas on the SE side are now acceptable, but the shared patio area on the SW side (in the recessed corner) is not ideal - as it is a residential amenity issue, I will defer this to you.

### **15.10.2022**

The panel's comments are fairly comprehensive, so except for agreeing with them I don't have much to add.

The height of the building is acceptable as the site is well screened/set down from Kings Way; also the nearby Keymer Tiles site and adjacent Persimmon site both feature 3 storey buildings. The well-articulated elevations also help to reduce the building's scale.

The large footprint is nevertheless a concern as the space around the boundary edges are constrained resulting in the trees being rather close to the building and there being limited outdoor space for the residents. Also some of the residents rooms in the ground floor in

particular have a poor/restricted outlook especially where the façade is recessed and there are a couple of rooms that share a patio, which is not desirable. Two of the ground floor rooms on the south east elevation do not have any defensible space which is a consequence of the proximity of the ancient woodland boundary (as well as the size of the building footprint).

Their renewable energy strategy needs to be pinned down. The roof plan needs to show the potential for solar panels / air source heat pumps / sedum/wildflower roof which featured in the DRP presentation.

The south east elevation features blind windows. Unless they incorporate a meaningful reveal, there is a risk that they may be a weak feature; so I would want to condition this accordingly which might be an issue in terms of their insulation requirements.

I intend to supply my formal obs once the applicant has provided further drawings / a response to the DRP's comments and the issues that I raise in this email.

#### **11.04.2022**

##### Detailing

I have gone through the drawings (which now provide the level of information that I requested) with Neil. While they generally seem to be acceptable in most respects, a 50mm diameter rainwater downpipe is unrealistic. For a large building such as this, we would expect the downpipe to need to be at least 100mm in diameter (as per their scheme for 2 The Broadway). They will therefore need to revise their drawings accordingly (which is likely to have knock on implications) unless they can prove otherwise through rainwater discharge modelling.

##### Sustainability

The solar PV's and air-source heat pumps need to be clearly annotated on the drawings and secured through condition.

##### Entrance/Car Park

I am not convinced that railings/additional barrier will not be needed to safeguard the bend. I would be grateful if a condition (if not, an informative) could be included that states it will require further consent if it is needed. I defer the other issues to Sarah.

##### Boundary Section Drawings

Defer to Sarah

##### Layout of the Patio Areas

Defer to you.

#### **20.04.2022**

I am not an expert on flow rates and would welcome Neil's thoughts. As previously suggested, I feel that a large building like this is likely to demand larger downpipes especially as heavy downpours are now more common (and their scheme at 2-6 The Broadway, which is a similar size building, has 100mm downpipes) .

Providing Neil thinks it is appropriate, I would like them to update their sections to show a 100mm rw downpipe; because of the DRP's comments and the problems I had with 2-6 The Broadway, I want to avoid leaving this to condition. They will also need to demonstrate that this does not undermine the insulation requirements.

As previously advised I am happy for the solar PV's and air-source heat pumps to be secured through condition providing they are clearly annotated on the drawings and for the design of a safety barrier (if it is needed) to also be subject to a condition.