

MID SUSSEX DISTRICT COUNCIL

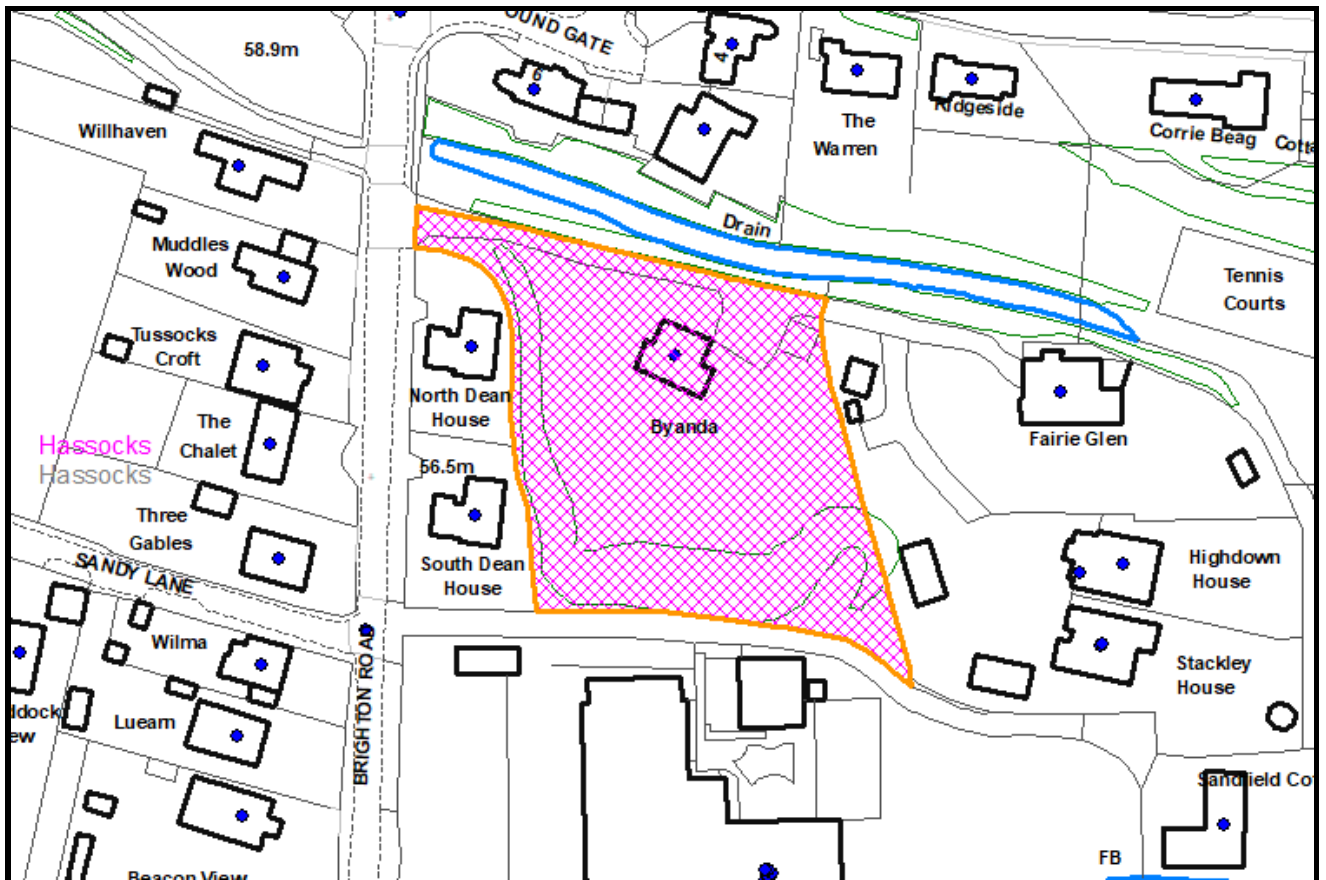
District Wide Committee

20 OCT 2022

RECOMMENDED FOR PERMISSION

Hassocks

DM/21/1653



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**BYANDA BRIGHTON ROAD HASSOCKS WEST SUSSEX BN6 9LX  
DEMOLITION OF BYANDA (A SINGLE RESIDENTIAL PROPERTY AND  
ANCILLARY BUILDINGS) AND THE ERECTION OF A 60 BEDROOM  
RESIDENTIAL CARE FACILITY, WITH ASSOCIATED ACCESS, GROUND  
WORKS, CAR PARKING, SERVICING, PRIVATE AMENITY SPACE,  
LANDSCAPING, CONSTRUCTION OF SUBSTATION UNIT AND  
BOUNDARY TREATMENT. (AMENDED PLANS SUBMITTED INCLUDING**

**REDUCTION IN BEDROOMS FROM 66 TO 60 AND CHANGES TO DESIGN, RECEIVED 23/06/2022).  
FRONTIER ESTATES (HASS) LTD**

POLICY: Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Countryside Gap / Classified Roads - 20m buffer / Road Improvement Act Agreement / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Archaeological Notification Area (WSCC) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Smallscale Major Other

8 WEEK DATE: 31st August 2022

WARD MEMBERS: Cllr Sue Hatton / Cllr Benedict Dempsey / Cllr Alexander Sparasci /

CASE OFFICER: Susan Dubberley

**PURPOSE OF REPORT**

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

**EXECUTIVE SUMMARY**

This application seeks planning permission for the demolition of Byanda (a single residential property and ancillary buildings) and the erection of a 60 bedroom residential care facility, with associated access, ground 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. 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 (National Planning Policy Framework) NPPF.

In this part of Mid Sussex the development plan comprises the District Plan (DP), the Site Allocations Development Plan Document (SADPD), and the Hassocks Neighbourhood Plan (HNP).

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

In this case the development lies in the countryside, outside of the built-up area of Hassocks and therefore the development needs to be assessed against policy DP12 of the District Plan. It is clear that a fundamental principle of policy DP12 is that the

countryside is protected for its intrinsic beauty. Development can be permitted where it maintains or enhances the quality of the rural landscape character of the District, and it is supported by a policy reference elsewhere in the DP, a development plan document or a neighbourhood plan.

In this case the development is also not isolated or in open countryside, there is existing development on the site, and it is considered that the building would be well designed and landscaped, it is not felt that there would be harm to the countryside from this development. While Policies DP25 and DP30 of the Mid Sussex District Plan provide clear support for specialist accommodation which is further supported by the adopted Site Allocations DPD.

It is also a material planning consideration that there is an extant planning permission for the demolition of the existing dwelling and associated structures and the erection of four dwellings (DM15/2400), a lawful start on implementing this planning permission has taken place on the site and therefore this permission remains extant.

The proposal is therefore considered to comply with DP12 and is acceptable in principle. Whilst it does not fully comply with the locational criteria of SA39, there are other material considerations outlined in this report which justify a permission in this particular case.

Weighing against the proposal, in relation to ecology issues, it is considered that there would be a loss of habitat as a result of the proposals and therefore there is a conflict with policy DP38. However, this has to be weighed against the benefits of the proposals and the extant persimmon on the site, which is a material consideration.

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.

Weighing in favour of the scheme is that the development will provide new care home facility for which there is an identified need and would provide employment opportunities. The proposal would also result in construction jobs over the life of the build.

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

It is therefore felt that overall, whilst the loss of habitat should be afforded weight, on balance, the public benefits arising from the scheme (a new care home facility for which there is an identified need and employment opportunities) should be afforded significant weight and these are considered to outweigh the ecological harm identified.

In addition, it is also relevant that the loss of the habitat has already been established by the extant persimmon for a residential development on the site (DM/16/4541).

Due regard has also been given to the public sector equality duty (section 149 of the Equality Act 2010).

Therefore, on balance, it is recommended that this application is approved.

The application is thereby considered to comply with policies DP1, DP6, DP12, DP17, DP20, DP21, DP25, DP26, DP29, DP30, DP37, DP39, DP41 and DP42 of the District Plan, policy SA38 of the SADPD, policies 4,5,8 and 9 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 completed a satisfactory signed planning obligation by the 20th January 2023, then it is recommended that permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for the following reason:

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

## **SUMMARY OF REPRESENTATIONS**

86 of letters of objections have been received raising the following concerns:

- Out of keeping with the residential area. Commercial enterprise in the midst of domestic buildings.
- The overall design represents a significant over-development of this site by a commercial proposal in what is primarily a residential location.
- Design is not reflective of the area.
- The red line boundary does not include access to the public highway which is a validation requirement. Owners of the access to the highway at Faerie Glen have not been served notice by the applicant.
- Hedge between Byanda and Faerie Glen should be protected.
- Plot is too small with little space left for gardens.
- would create a very urban form of development, in what is a semi-rural area.
- the Stonepound Crossroads is extremely busy; a pollution hot-spot with extensive queues at peak times. this development will compound these problems.
- Air quality issues already at Stonepound crossroads with the area designated as an area of Air quality Management.
- It will create additional traffic problems at the already congested Stone Pound crossroads.

- Inevitable that staff will travel by car and also traffic from visitors.
- Main road is a route for ambulances.
- Access is too narrow and junction with A273 dangerous.
- There was a fatality on this stretch of road a couple of months ago and the additional traffic from medics, food companies, staff, visitors will make it too dangerous
- There is no pedestrian crossing at the stone pound traffic lights to cross the road from Burgess Hill heading south (Keymer Road). Only to cross to go to Hurstpierpoint which will make it even more dangerous given the additional traffic.
- Should consent be granted, the s106 should include upgrading of footpath links to the station and village centre.
- Apart from the Garden Centre which many people walk to, there are parents and young children heading to/from a Pre School.
- It is dangerous and difficult to exit into Brighton Road to proceed towards Stonepound crossroads. Traffic leaving the plot will be waiting on a very steep incline, with inadequate sight lines.
- Disturbance during construction and congestion on main road.
- There is no established need for additional residential care in Hassocks, which means that residents and their relatives will be coming in from elsewhere. Employment levels among current Hassocks residents are very high, which will mean staff travelling in. Those working shifts will be unable to use public transport. All of these factors mean that parking and vehicle movements are a major issue which has not been properly addressed.
- No local care home requirement: It is not clear why the area has the need for a care home of this size. The existing care homes and the recently approved 70 bed home in Sayers Common will more than cater for local needs.
- Insufficient parking provision.
- I am one of the local GPs who work in Hassocks. We are already caring for many elderly frail residents both at home and at Villa Adastra. We are under resourced and have no ability to take on at least 60 extremely medically complicated patients who will require intensive input.
- Care homes in the area are nowhere near capacity, and there are more remote locations which would not have such an immediate impact on the neighbourhood. The likely excess in local capacity has now been reinforced by planning approval given for a new 70-bed facility in Sayers Common (Ref DM/15/1467).
- Overlooking loss of privacy from balconies.
- The scheme approved under DM/16/4514 was traditional housing over 2 ½ stories. The proposal is 4 storey.
- Three storey building out of keeping with the area.
- Site is close to South Downs National Park and will have a detrimental impact and is contrary to Policy 6 of Hassocks Neighbourhood Plan.
- Site allocations DPD did not allocate site.
- Village plan states there is no need for car homes and Barchester Homes are top of the range with villagers unlikely to afford it.
- Contrary to local plan policy DP12, application site is in the countryside the proposal would not maintain or enhance the quality of the rural and landscape character.

- The building would be overbearing, particularly for the occupants of Highdown House, Stackley House and Faerie Glen.
- overlooking of North Dean House and South Dean House from balconies and upper floor windows. Disturbance from use of the car park, which would be a few metres from the eastern boundaries at a lower level.
- A Stage 1 Safety Audit has been provided. There are some queries over its suitability and the way in which the assessment has been carried out. As noted above the red line of the application does not include the whole of the access drive and as such the widening cannot be completed as suggested.
- Drawings do not show levels and sections are misleading.
- There is no ordinary water course (OWC) which runs to the south of the site. The OWC which can be seen on mapping is significantly further south and in 3rd party ownership (South Downs Heritage/Garden centre).
- Query stability of land when works/excavations take place to make way for car park.
- The car park level would be significantly lower than the access road over which the developer has no control. There is a significant difference in level from east to west which is not fully reflected in the plans. This creates a significant difference in level with the proposed car park which will require a steep ramp, requiring a major redesign of the car park, possibly reducing capacity of the already inadequate car park even further.
- Sewage: If the plan for mains drainage is discarded in favour of an onsite waste facility, this will put more pressure on the already affected Ham stream which runs along the southern boundary of Sandfield Cottage.
- Concern over surface water drainage and flooding occurred on the site and adjoining property in 2002.
- Loss of natural habitats, including bats and honey bees.
- Commercial waste will be much higher than residential and may give rise to rodent/pest issues.
- South Downs Garden Centre - Although we do not have any objection in principle to a development appropriate to the size of the plot, we do have some serious concerns in relation to the number of car parking spaces provided for the new facility. There are no public car parking spaces within the vicinity and we would ask the local authority to ensure that these numbers are checked thoroughly to ensure that there is no overspill to the surrounding areas and the adjacent car park at the South Downs Garden Centre
- Safety Audit was carried out during November 2020 in lockdown.
- The gradient of the access road would impact on the residents who are likely to have a disability. Your public sector equality duty is therefore engaged. The gradient also means the operator of the care home cannot comply with its duty under section 29 of the Equality Act 2010.
- Byanda does not own access road and rainwater is planned to cross the access road.
- One resident had personal water pump to relieve pressure at their property.
- Loss of trees. The Tree Protection plan omits to mention that there is a large Chestnut tree at the north-eastern corner of the property which is under the ownership of Faerie Glen. This stands just to the side of the access gate to Faerie Glen and adjoining properties. This long-established tree has a

diameter well in excess of 1m and therefore would seem to qualify for maximum root protection with a 15m radius.

- Question statement that 15 staff would be on site, as an underestimation.

#### Amended plans 23/06

- Revised plans which now show even fewer car parking spaces than originally allocated (reduction to 19 from 25). The plans show about 17 parking bays (plus 2 disabled bays). This seems unlikely to be sufficient for a commercial enterprise of this size. Any spill over would inevitably park in the adjacent residents' sideroads.
- Would now expect energy conserving measures to be incorporated such as solar panel
- Although the proposed development has been slightly reduced in size, it is still far too large for the site. The scale, mass and height are totally overbearing and out of keeping with neighbouring properties.
- More space needs to be allocated to allow safe passage for emergency vehicles and other large vehicles. The Council's Garden Waste team have advised that all green waste collections must now be made from the top of the drive. May therefore need to build a bin store at the top of the drive ( Byanda access road ) which will automatically narrow the width at the top of the drive.
- The amended design does not deal with drainage issues, an infiltration method is the plan and infiltration test to be carried out, between the months of October to March, to give the most accurate results. This needs to be dealt with pre application and not to be a condition.
- There is still no acceptable drainage plan in place for foul water drainage. As you are aware a private rising main would not be allowed under a public highway , in which case a FW pump station would be required, but this would be compromised by lack of space.
- If any plans to discharge anything into the body of water north of Byanda, permission would have to be sought from ourselves to cross third party land to do so. We will not consent to access to our property to discharge water from Byanda
- as it has now been established that the body of water is stagnant, a test for Great Crested newts needs to be carried out between the months of mid-April to June and not in July when some previous tests were carried out in nearby pockets of water. The applicant has not requested permission from Faerie Glen, the owner of this body of water to carry out any tests. This needs to be dealt with pre application and not as a condition to be dealt with later.
- Faerie Glen along with Highdown House and Stackley House own the conifer hedge on the Eastern boundary of the site. A root protection report has been

carried out and recommends that the existing ground levels should not be disturbed within 3 metre of the conifer hedge trunks, or within the area above the low retaining wall leading to the current underground car park at Byanda..

## 12 Support:

- Will be a great addition to Hassocks
- Too many of these have already closed, so any new ones must be a bonus to our ageing population.
- It will provide jobs for the local community in a good location for public transport.
- Provides more jobs and helps and supports an ageing community
- We need more care facilities. An ageing population means we need more of these.
- A care home is always beneficial for the community, in terms of health care but also in terms of local economy with new jobs and potential new costumers for the local business.
- No particular concerns provided that the site can be accessed safely both during construction and when is use.
- Provide an up to date luxurious care facility for our ageing community
- Potentially free up housing stock that is currently occupied by elderly residents, for families wishing to live in Hassocks
- Provide employment within the care home and for the supply chain for, hopefully, many years to come.
- Provide employment and revenue for local business's throughout the build process

## SUMMARY OF CONSULTATIONS

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

**WSCC Flood Risk:** No objection.

**MSDC Drainage Engineer:** No objection subject to conditions.

**Aboriculturist :** No objection subject to conditions

**Consultant Ecologist:** Concerns over loss of habitat. Conditions recommended.

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

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

**MSDC Street Naming and Numbering:** Informative to be added.



**MSDC Leisure:** As the proposal is for a residential care home there is no requirement for financial contributions toward play provision, formal sports or community buildings.

**MSDC Urban Designer:** No objection subject to conditions.

The layout, landscaping and building design has been well thought through and while the building is appreciably bigger than the neighbouring houses this has been mitigated by its position, topography and design. Consequently, the proposal should sit comfortably in its context and sufficiently addresses policy DP26 of the District Plan and the principles set out in the Council's Design Guide SPD. The scheme is also supported by the DRP.

**Design Review Panel:** Support the scheme.

**South Downs National Park:** Objects

**Southern Water :**No objection subject to informative

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## **INTRODUCTION**

This application seeks planning permission for the demolition of Byanda (a single residential property and ancillary buildings) and the erection of a 60 bedroom residential care facility, with associated access, ground works, car parking, servicing, private amenity space, landscaping and boundary treatment.

## **RELEVANT PLANNING HISTORY**

In December 2016 planning permission was granted for the demolition of the existing dwelling and associated structures and the erection of four dwellings (revised design of DM15/2400). A lawful start on implementing the above planning permission has taken place on the site and therefore this permission remains extant. (DM/16/4514)

In October 2015, planning permission was granted for the demolition of the 2 existing dwellings on the site (Byanda and its ancillary bungalow) and replacement with 4 no. 6-bed detached houses, 2 no. detached garages and provision of hard and soft landscaping (DM/15/2400). This permission has not been implemented.

The existing bungalow was erected around 1955, which was then replaced by a larger subterranean dwelling, granted on appeal in 1989 (CN/021/88). A subsequent application for the retention of the existing bungalow as ancillary accommodation to the new dwelling was granted in December 2003 (03/02542/FUL).

## **SITE AND ITS SURROUNDINGS**

The site consists of an original 1950s ancillary bungalow and detached double garage and an additional 1990s detached and partially sunken dwelling with turret and dome over the swimming pool. Access is gained from Brighton Road via a

shared driveway with Faerie Glen, which lies to the west of the site and contains a detached bungalow set within a substantial plot, which has been subdivided to accommodate 2 large detached houses, that were granted permission in 2014 and are built and occupied (Highdown House and Stackley House).

Due to its original use as a sand pit, land levels of all these properties are lower than the surroundings, but undulating within, and the site itself is bounded by mature vegetation screening albeit much has been removed from the western side. Running alongside the driveway to the north is a stream, which culverts beneath Brighton Road. Dwellings at North Dean House, South Dean House and Pound Gate, which front the Brighton Road (A273) sit at a higher level than the site, while further to the east is The Weald Tennis club and to the south the access track to Sandfield Cottage (again, set on higher ground), beyond which is the South Downs Garden Centre and large building housing the Heritage Centre.

The site is set within the countryside, as defined in the Mid Sussex Local Plan, with the built-up area boundary located to the north of the site just beyond the ditch opposite. The South Down National Park boundary lies to the south of the site South Downs Garden Centre and runs along the opposite side of the Brighton Road to the south of Beacon View and along the rear gardens of properties in Sandy Lane.

## **APPLICATION DETAILS**

This application seeks planning permission for the development of a 60 bedroom residential care facility, with associated access, ground works, car parking, servicing, private amenity space, landscaping and boundary treatment.

The application has been amended since the original submission with the number of bed spaces reduced from 66 to 60 bedrooms with the height and building footprint reduced and a substation proposed. The car parking has been reduced by 2 spaces to 18.

The proposal is for a detached 3 storey building plus basement. The basement area would contain the staff room, laundry, kitchen and plant room. The main entrance would be located in the north west close to the site entrance and the ground floor, first and second floors would each have a lounge, quiet lounge, and dining areas. On the upper floors there would be inset balconies provided in association with each of the lounge, quiet lounge, and dining areas. The first floor would also have a family room and café, while the second floor would have a cinema room, café and activity room.

The building would have a maximum height of some 10.7m to the ridge and 8.6m to the eaves of the roof, while at the widest point the building would be some 34m and with a length of some 47m.

The principal external areas will comprise of an east facing central courtyard with lawn, a southern terrace, linking to an informal woodland walk and a 'kitchen garden' and an entrance space with seating. All the external areas will be linked by level, wheelchair accessible terraces and paths

The design is contemporary, and the detailing employs a brick façade which is combined with timber cladding that together with the gables and window proportions are employed to re-interpret the design and detailing of late 19th C/ early 20th C houses in the local area. The front elevation would have a central section with a pitched roof and flat roofed links either side to sections with double gables, that break up the elevation. The flat roofs provide potential opportunity to accommodate photovoltaic panels. To the rear the building would have a central section with pitched roof and double gabled sections either side.

A green wall is proposed on the southern end of the front elevation that would wrap around southern side elevation.

The proposed materials are a grey tiled roof, red/brown brick and timber clad elevations, dark grey/dark brown aluminium window frames, glass balustrading to balconies.

## **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 (DP), the Site Allocations Development Plan Document (SADPD), and the Hassocks Neighbourhood Plan (HNP).

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

## **LIST OF POLICIES**

### **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:

Policy DP1: Sustainable Economic Development  
Policy DP6: Settlement Hierarchy  
Policy DP12: Protection and Enhancement of Countryside  
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  
Policy DP42: Water Infrastructure and the Water Environment

### **Mid Sussex Site Allocations Development Plan Document**

Adopted by Council on 29th June 2020 and it is now part of the Development Plan for the District and should be afforded full weight.

Relevant policies:

SA38: Air Quality

SA39: Specialist Accommodation for Older People and Care Homes

### **Hassocks Neighbourhood Plan (July 2020)**

Mid Sussex District Council formally adopted the Hassocks Neighbourhood on 24th June 2020. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Hassocks Neighbourhood Plan area.

Relevant policies:

Policy 4: Managing Surface Water  
Policy 5: Enabling Zero Carbon  
Policy 8: Air Quality Management  
Policy 9: Character and Design

*Mid Sussex Design Guide Supplementary Planning Document*

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.

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

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**

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

As the proposed development is located within the Countryside and therefore the proposal needs to be assessed against policy DP12 of the District Plan which states:

*The countryside will be protected in recognition of its intrinsic character and beauty.. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a*

*Development Plan Document or relevant Neighbourhood Plan Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.*

*The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape*

*evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.*

*Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council. Economically viable mineral reserves within the district will be safeguarded..*

It is clear that a fundamental principle of policy DP12 is that the countryside is protected for its intrinsic beauty. Development can be permitted where it maintains or enhances the quality of the rural landscape character of the District, and it is supported by a policy reference elsewhere in the DP, a development plan document or a neighbourhood plan.

In this case the development is not isolated or in open countryside, there is existing development on the site, and it is considered that the building would be well designed and landscaped, it is not felt that there would be harm to the countryside from this development.

Policies DP25 and DP30 of the Mid Sussex District Plan also provide clear support for specialist accommodation which is further supported by the adopted Site Allocations DPD.

Policy DP25 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.'*

It is also relevant that the Site Allocations Development Plan Document (SADPD) was adopted on 29th July 2022 and policy SA39 relates to the provision of specialist accommodation for older people and 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.*

The adopted policy has full weight and while the site is not contiguous with the Built-Up Area Boundary, and thus does not comply with the locational criteria of policy SA39, it is noted that the boundary is just to the north of the site on the opposite side of the access road.

In addition, as set out within a recent (12th April 2022) appeal for a 64 bed care home at Land East of Turners Hill Road, Felbridge (Rowans) (APP/D3830/W/21/3281350) paragraph 62 of the NPPF and the Planning Practice Guidance stresses that 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.

It is also a material planning consideration that there is an extant planning permission for the demolition of the existing dwelling and associated structures and the erection of four dwellings (DM15/2400), a lawful start on implementing this planning permission has taken place on the site and therefore this permission remains extant.

To conclude the development is also not isolated or in open countryside; in addition to the extant permission on the site; there is existing development on the site and that the building would be well designed and landscaped, it is not felt that there would be harm to the countryside from this development. Policies DP25 and DP30 of the Mid Sussex District Plan provide clear support for specialist accommodation which is further supported by the adopted Site Allocations DPD.



The proposal is therefore considered to comply with DP12 and is acceptable in principle. Whilst it does not fully comply with the locational criteria of SA39, there are other material considerations outlined in this report which justify a permission in this particular 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.

While Policy DP12 states that: countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District

Policy 9 of the Neighbourhood Plan states:

*Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:*

- 1. Is of high quality design and layout;*
- 2. Contributes positively to the private and public realm to create a sense of place;*
- 3. Respects the character and scale of the surrounding buildings and landscape;*
- 4. Protects open spaces and gardens that contribute to the character of the area;*
- 5. Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;*
- 6. Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;*
- 7. Creates safe, accessible and well connected environments;*
- 8. Protects existing landscape features and contributes to the village's Green Infrastructure network;*
- 9. Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and*
- 10. Positively responds to the local vernacular character of the defined Local Townscape Character Area.*

There have been a number of objections to the design scale and mass of the proposals, however the design of the development has been considered by both the Design Review Panel (DRP) and the Urban Designer with both supporting the application. In regard to the latest revision to the scheme the Urban Designer has commented:

#### *Building Design and Massing*

*While the site is outside the defined settlement boundary, it is surrounded by existing development that is mainly characterised by suburban houses. The proposed three storey building will be bigger and taller than the surrounding two storey houses. Nevertheless, its size and scale will be mitigated by the following:*

- The topography and set back arrangement of the site in relation to Brighton Road ensures that the building should sit comfortably with its surrounds. In particular, the site is set down the equivalent of one storey below the level of North Dean and South Dean Houses that are positioned between the application site and Brighton Road. Because the ground floor will be one*

*storey lower, the proposed building will not appear to be higher than the houses.*

- *The substantial garden centre with its extensive single storey shed structures immediately to the south of the site gives the surrounds a more diverse character.*
- *The vertically articulated elevation helps to break down the scale of the building.*
- *The landscaping plan incorporates trees and soft landscaping around the building that together with existing surrounding trees and hedges will soften and help screen the development including from Brighton Road.*

*The building design displays underlying architectural integrity and benefits from being holistically designed through the successful coordination of proportions, materials, colour and detail. This has been aided by the amendment of the west elevation in line with the DRP's previous advice as the loss of the central gable allows the central bay to be more consistently organised and enables the gabled bay on the north west corner to be more clearly read as the principal part of the façade incorporating the main entrance. The crisp contemporary detailing employs a brick façade which is combined with timber cladding that together with the gables and window proportions are employed to re-interpret the design and detailing of late 19th C/ early 20th C houses in the local area. The Design and Access Statement illustrates the detailing and how the rainwater downpipes and hidden gutters will be discreetly accommodated; 1:20 scale drawings will nevertheless be needed to secure the quality of the design.*

*The elevations show timber employed around the projecting balconies that will ensure a natural finish on these prominent parts of the building; while "timber effect" is being used on some of the building face (because of fire risk / insurance reasons) it is limited to the recessed bays and is intended to be a composite that includes timber.*

### *Layout*

*The building occupies a large part of the site. It nevertheless incorporates usable outdoor spaces that have been carefully landscaped. Setting the building away from the south boundary reduces the impact of the building along this boundary where it will be most visible from Brighton Road.*

*The ground floor dining area is well positioned in relation to the outside courtyard and the upper floors benefit from balconies attached to the communal rooms.*

*Internally the scheme has been improved since the February DRP meeting with the inclusion of glazed internal walls serving the communal rooms that provides natural light into the long internal corridors.*

*While car parking dominates the forecourt area it is softened by planting all around it and will be made a more comfortable space with the incorporation of block paving.*

## Overall Assessment

*The layout, landscaping and building design has been well thought through and while the building is appreciably bigger than the neighbouring houses this has been mitigated by its position, topography and design. Consequently, the proposal should sit comfortably in its context and sufficiently addresses policy DP26 of the District Plan and the principles set out in the Council's Design Guide SPD. The scheme is also supported by the DRP.*

Overall, the DRP in regard to the original submission considered that:

*The panel agreed this is a much-improved scheme that benefits from better proportioned and detailed elevations and more open space around the southern boundary. The variety of spaces and landscaping around the building should provide a good level of stimulation for the residents.*

*The central gables particularly on the west elevation do not work as well as the gabled end bays; their shallower pitch is weak and is out of proportion with the rest of the façade, and it undermines the original concept of two inter-connecting "barns" with a weaker concept of five separate "houses". It also presents a confusing message as functionally the central gable suggests, at least on the front/west elevation, that it represents a more important part of the building when in fact it contains the same standard rooms as on either side of it (the focus instead should be on the NW gable where the main entrance is). Furthermore, the panel questioned the idea, suggested by the Brighton Road streetscene drawing, that this element of the façade complements the gabled profile of North Dean and South Dean House; as in practice it would not be read like this because the proposed building is so set-back. For these reasons, the west elevations (and possibly the other elevations too) would benefit from the omission of the central gable that would allow this part of the west elevation to benefit again from the consistent rhythm of the previous scheme.*

*Conversely, it was agreed that breaking up the longer and previously more repetitive south elevation was an improvement.*

*The panel were pleased to see the opportunity has been taken to accommodate solar PV's on the roof; it was suggested as an end-user has been identified, there should be scope for them to also commit to a renewable energy strategy. There was concern that the large area of floor-to-ceiling height glazing on the south and west elevations could result in over-heating problems in the bedrooms without measures being taken to address this.*

*The long internal corridors risk feeling institutional; this would be helped with more windows at the end of the corridors and with glazed internal walls serving the communal rooms that would bring in natural light and help residents navigate the building.*

## Overall Assessment

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

As set out in the Urban Design Officer comments the revisions have largely addressed the concerns of the DRP, particularly in regard to the amendment of the west elevation in line with the DRP's advice.

It is noted that the South Downs National Park Authority have objected to the application on the grounds that by reason of the building's height, scale, massing and appearance, there would be harmful visual impacts on the setting of the National Park landscape; impacts on the amenity of users of public rights of way within the National Park; and potential visual impacts when viewed from Wolstonbury Hill, which lies some 2km away to the south west of the site. It is considered that while there may be long view of the proposed building, the proposals are not in an isolated setting and would be seen in the context of the existing development that surrounds the site. In particular there is the existing South Downs Garden Centre and large building housing the Heritage Centre located to the south of the site which has much greater visibility. It is therefore considered that in view of the above, the impact on the setting of the South Downs National Park would not be significant and there would be no conflict with policy DP18.

Planning Officers would agree with the assessment of both the DRP and Urban Designer and subject to appropriate conditions it is considered that the design of the application is acceptable, and that the application would comply with Policy DP12, DP26 of the District Plan, the design principles DG37, DG38 and DG39 set out in the Design Guide SPD, Policy 9 of the Neighbourhood Plan and the relevant provisions of the NPPF.

## **Access and Transport**

Policy DP21 the Mid Sussex District Plan states:

*Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:*

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst*
- *reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

*To meet these objectives, decisions on development proposals will take account of whether:*

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*

- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

*Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.*

*Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.*

The existing access to the site would be used from Brighton Road (A273) which is a shared driveway with Faerie Glen, which lies to the west of the site, along with the more recent development Highdown House and Stackley House. A new pedestrian access to the site is proposed which will be provided a dedicated footpath immediately to the north of North Dean House. This will replace an existing area of raised landscape at the entrance to the site off Brighton Road. There would be 18 onsite parking spaces (inclusive of disabled and emergency bays) and cycle parking spaces provided for staff and visitors. EV charging points are also proposed. A condition is included in the recommendation to ensure that a minimum of 20 % of the spaces will be electric vehicle charging spaces in line with WSCC requirements

There have been a number of objections to the application on traffic grounds including concerns over the gradient for the drive, that traffic leaving the plot will be waiting on a very steep incline, with inadequate sight lines, questioning the ability of the applicant to secure access to the driveway in its current form in perpetuity, an objector has also stated that the Council's Garden Waste Team have advised that all green waste collections must now be made from the junction between the access driveway and the Brighton Road due to issues with refuse vehicles accessing the properties to the east of the site. Therefore, it may be necessary for the driveway's owner to narrow the access to accommodate a bin store, concerns that the access is too narrow and junction with A273 dangerous, concerns about the gradient of the access in relation to the Equalities Act 2010 in particular sections 149 and 29 has also been raised and suggestion that the applicant may not be able to deliver the

scheme as due to the gradient of the access the development could not lawfully operate as a care home.

The Local Highway Authority (LHA) has reviewed the access and transport information submitted with the application including the revisions that reduce the number of bedrooms from 66 to 60 and has raised no objections commenting:

*The LHA has also reviewed the submitted Transport Statement Addendum that summarises the reduction in units in terms of highway matters, relating to parking and vehicle trip rates. Newly submitted tracking drawings have also been supplied to demonstrate access for the various types of vehicles that will access the site. The LHA would raise no concerns to these changes for the reductions proposed.*

#### Access

The concerns over the width of the access and visibility are noted, however the Highways Authority have raised no concerns commenting:

*The access will be retained as a vehicle crossover with removal of the sleepers and a footway provided with a retaining feature on the eastern boundary, outside of the highway. It is understood that the verge and sleepers area required for access widening and footway are within the red line boundary and that the remainder of the access road will not require works and thus is outside red edge (although rights of access remain). Swept path tracking shows that two cars can pass within the access and along the access route to the site. A refuse collection vehicle can also manoeuvre the access and pass a car along the access route. The applicant has confirmed that whilst turning within the site will occur outside of the red edge that this will take place on land that the applicant has access rights over.*

*The single issue within the RSA regards visibility has now been addressed with provision of splays in excess of what is required for the recorded speeds....*

*The LHA assess that the revised splays indicate the tree would not encroach envelope of visibility and that cutting back of vegetation within splays and removal of sleepers etc to the left splay would provide an improvement over the existing arrangements.*

In terms of the gradient the LHA has stated that the Manual for Streets (MfS) is the appropriate guidance to apply for Brighton Road in this location and that this state's MfS2 para. 8.4.2 states that:

*In hilly areas steeper gradients will frequently be required, but a gradient of 8% should be regarded as a practical maximum unless there are particular local difficulties... as a general rule, 8% should generally be considered as a maximum, which is the limit for most wheelchair users, as advised in Inclusive Mobility (para. 5.2.5). The gradient appears to be steeper and thus the applicant should consider whether it is appropriate to improve the gradient of the access road .*

It is acknowledged that it appears that the gradient is steeper than this for some stretches of the existing privately maintained access road. The LHA did question whether the applicant was able to consider whether it was appropriate and indeed

achievable to improve the gradient of the access road. However, in this case the access road is not possible to amend due to it serving other properties and it is also not in the ownership of the applicant, although the applicant has access rights over. The LHA has therefore commented:

*site restrictions mean this existing situation cannot be altered. The LHA does not consider this would warrant a reason for refusal and notes the proposed improvements in terms of footway and Travel Plan measures for staff to encourage sustainable transport.*

Finally, the LHA concludes that:

*The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.*

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.

### **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'*.

The main properties affected by the proposal would be the 2 new dwellings to the west (North Dean House and South Dean House), the 3 dwellings to the east (Faerie Glen, Highdown House and Stackley House) and those dwellings to the north (5 and 6 Pound Gate). Objections have been received regarding overlooking and loss of privacy, and general scale of the development.

In terms of distances there would be some 24 m between the rear elevations of North Dean House and South Dean House and the proposed new building, with the levels such that the site is set down the equivalent of one storey below the level of North Dean and because the ground floor will be one storey lower, the proposed building will not appear to be higher than the houses.

There would be some 44m between Fairie Glen and Some 51m between Highdown House and Stackley House and the new building, in addition there is also a high mature conifer hedge on the rear eastern site boundary.

Given the above distances, site levels and the fact that the eastern boundary has a mature conifer hedge and it is considered that there would not be a significant impact on neighbouring amenity.



In view of the above it is considered that the application would comply with policy DP26 of the District Plan and policy CDNP05 (c) of the neighbourhood plan.

## **Air Quality**

It is recognised that this development will generate additional traffic at the Stonepound Crossroads, which is an Air Quality Management Area (AQMA). The site was designated (AQMA) with Defra in March 2012 due to the levels of nitrogen dioxide (NO<sub>2</sub>) being above the target. The boundary of the AQMA has been defined on the basis of the areas which are, or are likely to exceed the air quality objectives for nitrogen dioxide and where there is "relevant exposure", that is places where people live close to the road. The Air Quality Management Area at Stonepound Crossroads includes parts of Keymer Road, Brighton Road, London Road and Hurst Road. Eight properties are affected within the Designated Area, 1-6 Overcourt and The Coach House, Keymer Road, and Shouldarry, Brighton Road Hassocks.

Paragraph 186 of the NPPF states:

*'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'*

The PPG states:

*'Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife).'*

Policy 8 of the Neighbourhood Plan states:

*Development will be supported where it would not have an unacceptable adverse effect upon air quality within the Air Quality Management Area.*

Policy SA38 of the Site Allocations Development Plan Document in regard to Air Quality states:

*The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the*

*construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.*

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

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

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

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

*In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to result in increased traffic may be expected to demonstrate how any air quality impacts, including in combination impacts, have been considered in relation to the Ashdown Forest SAC. Any development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate for any potential adverse effects.*

Given the proximity of the site to the AQMA it is considered that air quality is a material planning consideration in the determination of this application.

The planning application is accompanied by an Air Quality report that has been reviewed by the Councils Environmental Health Officer, who has no objections and has commented:

*The development site is close to the air quality management area at Stonepound Crossroads in Hassocks. The "Air Quality Assessment" prepared by Ramboll dated January 2021 (project no. 1620009452) is therefore welcomed as this quantifies the air quality impact during both the implementation and operational phases of the development. The conclusions and recommendations in the report are accepted. This includes an emissions and damage cost calculation which has led to the proposed mitigation of a travel plan and 4 fast charge electric vehicle charging points along with passive provision to allow for future connections of e-vehicles. It is recommended that these requirements are included as a condition in the approval document.*

It is therefore considered that subject to conditions the proposal would comply Policy SA38 of the Site Allocations Development Plan Document and policy 8 of the Neighbourhood Plan.

## **Drainage**

Policy DP41 of the District Plan states:

*Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.*

*Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.*

*Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.*

*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.*

*SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.*

*The preferred hierarchy of managing surface water drainage from any development is:*

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

*Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.*

Policy 4 of the Neighbourhood plan relates to managing surface water and states:

*Technical proposals which seek to reduce the risk of surface water flooding will be supported. Development proposals should seek to reduce existing run-off rates in the first instance. Development proposals which incorporate sustainable drainage*

*techniques to manage surface water will be supported. Where technically feasible sustainable drainage techniques should include infiltration measures that reflect natural drainage patterns and manage water as close to its source as possible.*

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is within an area identified as having possible high to low surface water flood risk. Much of the surface water flood risk shown on the site is related to the Ordinary Watercourse located to the north of the site.

A number of objections to the application relating to drainage have been received. The objections consider that the details of the drainage should not be conditioned and that the drainage systems should be finalised prior to any approval with further infiltration testing carried out on site, in addition the applicant does not own the access road and if rainwater is planned to cross the access road to discharge anything into the body of water north of Byanda, then third party consent would be required which is extremely unlikely to be given. It is pointed out that flooding occurred on the site and adjoining property in 2002.

The drainage strategy drawing also shows a pumping station located within the redline boundary of the site, however there are concerns from objectors to the scheme that the plans do not appear to allow for the space to house a foul water pumping station which is to the specification that Southern Water would require for adoption. Therefore, should this be the case then it may necessitate the need for an offsite pumping station which would not be allowed as WSCC Highways Authority will not permit a private pumped foul water main under a public adopted carriageway

In regard to flooding the flood risk and drainage team have noted that there are historic records of flooding occurring on this site and that the source of this flooding was found to be poor maintenance of a watercourse / culvert in the area, stating:

*The Mid Sussex Strategic Flood Risk Assessment identifies a single flood event in November 2000 at Byanda. This event is classified as fluvial and resulted in internal flooding of the dwelling to a depth of 1.6m. The single recorded flood event does not mean that further flooding has not occurred on site, instead, that further flooding has just not been reported.*

*The source of the 2000 flooding has been identified as a blockage within the culvert beneath the railway embankment. The Flood Risk and Drainage Team consider it likely that the source of the 2000 flooding at Byanda was the Ordinary Watercourse located to the north and south.*

The Council's Flood Risk and Drainage Team are aware of the objections received; however they are not objecting to the application subject to subject to conditions that require details of both water and foul water drainage to be finalised prior to any development taking place on the site. The flood risk and drainage team have provided several consultation responses to the application which are included in appendix B and have also reviewed the latest amendments to the scheme which shows a reduction of the footprint with the number of bedrooms reduced from 66 to

60 . In regard to flood risk the submitted details show two options. The Councils Flood Risk and Drainage Team have commented on these options as follows:

*1. Provide a suitably sized pluvial flood attenuation feature below ground within the area that is currently shown to flood. Pluvial flood waters entering the site shall be directed into this storage area during times of flooding, or*

*1. Landscape areas in the south of the site could be utilised as flood compensation storage areas subject to appropriate flow routes being provided.*

*The report acknowledges that detailed design for either flood mitigation option will be required.*

#### COMMENT

*It is the flood risk and drainage team's conclusion that:*

- The applicant has considered flood risk from all sources.*
- The applicant has acknowledged the flood history of the development and the residual risk of flooding on site (flooding due to failure of third-party infrastructure).*
- The applicant has acknowledged the need to provide flood compensation for the 1 in 1,000-year surface water (pluvial) flood event.*
- The applicant has provided two outline flood management options to address the need for flood compensation.*

*The flood risk and drainage team would advise the applicant that on surface flood compensation storage is preferred over below ground storage options as they are considered more sustainable.*

In regard to surface water drainage the comments of the flood risk and drainage team are as follows:

*The report states that onsite infiltration testing was carried out on site in April 2019 which produced a worst-case infiltration rate of  $4.07 \times 10^{-6}$  m/s.*

*The drainage strategy submitted (Appendix D) includes areas of permeable paving, an attenuation/infiltration tank and connection to an area of open water to the north of the development. The system has been sized to ensure it can cater for the 1 in 100-year storm event, with a 40% allowance for climate change.*

*The report states that further infiltration testing shall be undertaken at detailed design stage. If infiltration is found to be possible then the permeable paving and tank will be used as infiltration systems.*

#### COMMENT

*The applicant has provided a surface (rain) water drainage strategy that could utilise infiltration but could also utilise discharge of surface water off site.*

*Both options for surface (rain) water drainage will require further investigation works to be undertaken as part of the detailed design stage. However, the flood risk and drainage team consider that the applicant has, at this stage, shown a principle of drainage potential for the site.*

Finally, the flood risk and drainage team have commented on the foul water drainage:

*It is proposed that foul water drainage shall connect to the existing public foul sewer at Manhole 8400 (Brighton Road). The report states that due to the distance to the nearest manhole a pumping station may need to be considered. It also states that any connection to the public sewer will be subject to a Section 104/106 agreement with Southern Water.*

*The drainage strategy drawing shows a pumping station located within the redline boundary of the site.*

*The report also states there is the potential for neighbouring properties to utilise the pumping station and that would require the pumping station to be adopted by Southern Water.*

#### COMMENT

*The proposed foul water drainage strategy to connect to the public foul sewer is considered acceptable in principle.*

*Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section. This information will need to be provided as part of the recommended drainage condition.*

The flood risk and drainage team has also pointed out that at this stage of planning the applicant need only show that in principle flood risk can be managed on the site and that in principle drainage can be provided for the development. The detailed design for all elements will be submitted and approved in order to discharge the pre-commencement condition. Therefore, no objection is raised by the flood risk and drainage team who are satisfied that sufficient drainage details have been submitted with the application such that the final details can be conditioned. WSCC Flood Risk (Lead Local Flood Authority) has also raised no objections.

While the concerns of the objectors are noted and understood in regard to the potential need for third party consents, as set out above all that is required at this stage is for the applicant to demonstrate that there is a drainage solution and whether that involves third party consent or not for the system to be implemented is outside of the remit of planning. However, it is clear that the drainage condition is a pre-commencement condition and therefore the final details will require approval before any work can commence on the site. If third party consent is required to implement a system and this is not forthcoming, then alternatives would need to be considered. Third-party agreements and consents are not planning issues and therefore, cannot influence the flood risk and drainage team's consultation response. As set out in the comments of the flood risk and drainage team the details submitted are satisfactory such that they are recommending approval in principle subject to conditions that require details to be finalised prior to any development taking place on the site.

In view of the above, it is considered that the proposal complies with Policy DP41 of the Mid Sussex District Plan and Policy 4 of the Neighbourhood Plan.

## **Trees**

Policy DP37 of the District Plan states in part 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 Arboriculture Impact Assessment including a Tree Survey, Tree Removal and Tree Protection Plan have been submitted with the application and these have been reviewed by the Council's Tree Officer who has raised no objection subject to a landscaping condition. However, additional information was requested to include the impact of the proposal on a third party category B tree (sweet chestnut) within the report and included within the tree protection measures when submitted. This information has been provided and the Tree Officer is content that the Tree Protection Plan now satisfactorily addresses the potential impact to the sweet chestnut tree located in the adjacent garden.

It is noted that the Tree Officer also commented that the original proposal, due to the footprint of the building and proposed parking areas, left little amenity space or planting space for the proposed new trees. The Tree Officer commented that *'a smaller footprint for the building would be welcomed from an Arboricultural point of view, allowing dense native boundaries to thrive around the perimeters of the site.* The amended scheme has addressed this point by reducing both the footprint of the building and the parking area, increasing the amenity space and planting space.

It is noted that some of the objections are concerned over the potential for damage to the of the mature conifer hedge between the application site and Faerie Glen, however there is no protection of such a hedgerow under planning regulation. The hedge lies outside of the red line boundary and should there be any damage to the hedge this would be a private matter and not a planning matter.

In view of the above and subject to a landscaping condition it is considered that the proposal would comply with policy DP37.

## **Ecology**

Policy DP38 of the District Plan relates to biodiversity and states:

*Biodiversity will be protected and enhanced by ensuring development:*

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to*

*sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*

- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

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

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

Para 180 of the NPPF highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible. In determining planning applications, para 180 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which include the following:

- *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused ;*

Some of the objections received relate to the potential loss of wildlife and habitats. The Council's Consultant Ecologist has reviewed the ecology reports submitted with the application and has commented that as the proposal would involve the net loss of habitats, including those assessed to be Priority Habitats in the supporting ecological report, namely 2 x ponds and partial loss of a wooded area, without sufficient mitigation or compensation, and as such the proposals would be contrary to Policy DP38. Further information was also requested regarding great crested newts.

Following the submission of the additional information the Consultant Ecologist has reviewed the Reptile Mitigation Strategy report raised no objections to this aspect of the proposals, subject to conditions, commenting:



*I am satisfied that this presents an adequate level of mitigation for the level of impact. I also note, in the absence of further information on the adjacent ditch, that no terrestrial great crested newts were found during the surveys and, in my opinion, any residual risks can be addressed via the reptile mitigation, subject to a suitable condition.*

While the comments of the Ecologist are noted regarding the loss of habitat, the principle of the loss of the ponds and loss of some trees has already been established by the extant permission on the site for four large, detached houses (DM/16/4541), where the ponds were not retained and also included the removal of trees. In addition, the submitted landscaping scheme also shows replacement planting on the site. Therefore, it is considered that while there would be a loss of habitat and given the scale of the development and large footprint of the care home building, there is little opportunity for replacement habitat on site and while there is a conflict with policy DP38, this has to be weighed against the benefits of the proposals and the extant permission on the site, which is a material consideration.

Weighing in favour of the scheme is that the development will provide a new care home facility for which there is an identified need, described recently as '*critical*' by the Planning Inspectorate in the appeal referred to above, and would provide employment opportunities. The proposal would also result in construction jobs over the life of the build. These have already been set out in the report and in your Planning Officers view, should be afforded significant weight.

In addition, it is also relevant that the loss of the habitat has already been established by the extant permission for a residential development on the site (DM/16/4541).

It is therefore felt that overall, whilst the loss of habitat should be afforded significant importance and weight, on balance, the public benefits arising from the scheme (a new care home facility for which there is an identified need and employment opportunities) should be afforded significant weight and on balance, these are considered to outweigh the ecological harm identified.

### **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.

### **Sustainability**

#### 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.'*

Principle DG37 of the Council's Design Guide deals with 'sustainable buildings' and states;

*'The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.'*

Hassocks Neighbourhood plan policy 5 states :

*Development proposals will be supported that maximise the opportunity to include sustainable design features, providing any adverse local impacts can be made acceptable. Residential development proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation. Proposals which make provision for charging electric vehicles at each dwelling (where feasible) and on-street; and making parking areas charging ready will be supported.*

It lists a number of issues that designers should consider, including, amongst others, the incorporation of renewable energy technologies.

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 assessment has been submitted with the application that sets out various measure to ensure that the building design and construction is sustainable, these include:

Primarily a fabric-first approach has been taken in this case to minimise energy consumption, including the following:

- Very high levels of Insulation beyond the building regulations standard
- Good glazing and solar protection measures utilizing solar control glass
- Best practice airtightness measures.

In addition, the document includes the following additional energy efficient measures;

- Solar hot water
- Photovoltaics (PV)
- Air source heat pump (ASHP)
- Most of the occupied rooms will have a good level of daylight.
- High-efficiency artificial LED lighting.
- Auto ON/OFF lighting control with occupancy sensors for internal spaces such as toilets and stores.
- High-efficiency, low water flow sanitary wares.
- Combination of natural and mechanical ventilation to provide long term comfort and energy saving.
- Combination of natural and mechanical ventilation to provide long term comfort and energy saving.

Active charging points for electric vehicles are also to be conditioned to provide at a minimum of 20% of all parking spaces with ducting provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future.

The submitted Sustainability assessment 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.

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

While the site is set within the Countryside, as defined in the District Plan, given the location of the site which is virtually adjacent to the built-up edge of Hassocks, where there are a number of services, it is considered that the location of the site is

sustainable. There are local bus services nearby and Hassocks railway station is also a short distance from the site.

Active' charging points for electric vehicles are proposed minimum for a of 20% of all parking spaces with ducting provided at all remaining spaces which can be conditioned.

The proposal is therefore considered acceptable in terms of the accessibility of the site.

In view of the above it is considered that the proposal satisfactorily complies with the requirements of policy DP39.

### **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 55 and 57. 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: £11,070

TAD: £52,884

## District Council Contributions:

In this instance, the Community Facilities Project Officer has confirmed that they do not require a financial contribution toward off-site leisure infrastructure, as this is a residential care home providing nursing support for residents, there is no requirement for contributions toward outdoor play provision, formal sports or community buildings.

These contributions would need to be secured through an appropriately worded Section 106 planning obligation. The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan.

## **Water Infrastructure**

Policy DP42 in the DP states in part *'Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;*

- *that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and*
- *that there is adequate water supply to serve the development'*

South East water are the water supply company for this area. The applicant has submitted evidence from South East water in the form of a quotation for connection to the water supply should the application be approved and this considered sufficient to show that there is sufficient water supply for the development in the case.

It is therefore considered that the application would comply with policy DP42.

## **Equality Act 2010**

A representation has been received regarding the gradient of the access road from the Brighton Road, which states that there would be an impact on the residents who are likely to have a disability and that the Council's public sector equality duty is therefore engaged. The representation also states that the gradient also means the operator of the care home cannot comply with its duty under section 29 of the Equality Act 2010.

Local authorities are under a duty not to discriminate as both service providers and exercisers of public functions under the Equality Act 2010. They are also subject to the public sector equality duty (section 149 of the Equality Act 2010). This imposes a procedural requirement when the authority exercises its functions, including meetings, to have due regard to the need to: eliminate discrimination, advance

equality of opportunity between those with protected characteristics and those without and foster good relations between those with protected characteristics and those without when carrying out their activities.

Having due regard for advancing equality involves:

Removing or minimising disadvantages suffered by people due to their protected characteristics;

Taking steps to meet the needs of people from protected groups where these are different from the needs of other people, including steps to take account of disabled persons' disabilities;

Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Act also states that meeting different needs involves taking steps to take account of disabled people's disabilities.

The duty is personal to the decision maker who must direct their mind to the obligations. There must be a proper and conscious focus on the statutory criteria and appreciation of the potential impact of the decision on equality. The substance and reasoning must be examined. A properly informed rational view must be taken on the extent of the likely impact. There does not however need to be a formal impact assessment. The absence of it will not make the decision unlawful. But there has to be collection and consideration of information to enable the Council to assess whether the decision would amount to unlawful discrimination or impact on the promotion of equality of opportunity or impact on the promotion of good relations and if so, the extent, nature and duration of that impact.

In view of the above, following discussions with the applicant, they have now submitted an access management policy with a prerequisite that states the access requirements of residents would be subject to assessment and form part of their agreed care package: *' However, given the high dependency nature of the care home it is not expected that any residents would be able to make any journeys to and from the site independently or unaided. In any event, assistance would of course be provided to residents and agreed as a matter of course as part of their care package.'*

The access management policy includes a general policy to ensure that the details of the access and the gradient from Brighton Road to the care home would be included on the web-site and all printed details of the care home and made known to relevant adult care services partners, prospective residents, their families and potential employees. There would also be a designated Access Manager (likely to be the Care Home manager) to manage and monitor access support arrangements. In addition, signage and an intercom would be provided at the entrance of the site to allow direct contact with the care home should that be necessary.

More specifically for residents and staff the following is proposed:

*All residents will be provided with all the support required to access and exit the site. These arrangements will be agreed and monitored as part of the agreed care*

*package and day to day support can be requested as required. This will, as in other cases, take the form of direct physical support from a member of staff (or more as required) or the arrangement of accessible transport (likely a wheelchair accessible taxi hire vehicle) to and from the site.<sup>2</sup> The physical support will take the form of direct support (ie taking an arm as the individual walks, with the use of mobility aids if necessary or handling and pushing the wheelchair).*

*Where employees require support, this will be arranged as part of induction and will again take the form of physical support or the arrangement of accessible transport to and from the site.*

In regard to visitors the policy states:

*As part of the assessment and induction process for residents contact information will be requested from residents (and/or family and friends) so that likely visitors will be informed directly by letter (and email if available) of the access arrangements and the support available.*

*Where new visitors contact the Care Home to enquire about visiting, they will be informed of the access arrangements and the support in place. Where visitors new to the care home arrive unannounced, which in Barchester's experience occurs only rarely, and they do need support, then as noted earlier, signage and an intercom at the site entrance will be available to request support.*

*In such cases the visitor, after being assisted to access the care home, will be informed of the support available, included as noted earlier, the scope to arrange a suitable pick up point with a wheelchair accessible vehicle for future visits.*

As set out above in the Access and Transport section of the report the LHA did question whether the applicant was able to consider whether it was appropriate and indeed achievable to improve the gradient of the access road. However, in this case the access road is not possible to amend due to it serving other properties and it is also not in the ownership of the applicant, although the applicant has access rights over. Therefore, given that the proposed access arrangements to the site are constrained by the private ownership of the access way, it is considered that a future care home operator could be considered to have made all reasonable adjustments through on site provision that includes, disabled parking and the details set out in the access management policy with an intercom system on the Brighton Road.

A condition forms part of the recommendation to ensure that the access management policy is implemented and thereafter maintained and carried out for the duration of the development.

In view of the above it is therefore considered that the Council's public sector equality duty; to have due regard to the need to not to discriminate as both service providers and exercisers of public functions under the Equality Act 2010, has been sufficiently undertaken in the consideration of this planning application.



### **Other matters**

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

Noise and disturbance during construction is unavoidable however a condition requiring the submission and approval of a Construction Management Plan and conditions restricting hours of work and deliveries form part of the recommendation.

### **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 (National Planning Policy Framework) NPPF.

In this part of Mid Sussex the development plan comprises the District Plan (DP), the Site Allocations Development Plan Document (SADPD), and the Hassocks Neighbourhood Plan (HNP).

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

In this case the development lies in the countryside, outside of the built-up area of Hassocks and therefore the development needs to be assessed against policy DP12 of the District Plan. It is clear that a fundamental principle of policy DP12 is that the countryside is protected for its intrinsic beauty. Development can be permitted where it maintains or enhances the quality of the rural landscape character of the District, and it is supported by a policy reference elsewhere in the DP, a development plan document or a neighbourhood plan.

In this case the development is also not isolated or in open countryside, there is existing development on the site, and it is considered that the building would be well designed and landscaped, it is not felt that there would be harm to the countryside from this development. While Policies DP25 and DP30 of the Mid Sussex District Plan provide clear support for specialist accommodation which is further supported by the adopted Site Allocations DPD.

It is also a material planning consideration that there is an extant planning permission for the demolition of the existing dwelling and associated structures and the erection of four dwellings (DM15/2400), a lawful start on implementing this planning permission has taken place on the site and therefore this permission remains extant.

The proposal is therefore considered to comply with DP12 and is acceptable in principle. Whilst it does not fully comply with the locational criteria of SA39, there are

other material considerations outlined in this report which justify a permission in this particular case.

Weighing against the proposal, in relation to ecology issues, it is considered that there would be a loss of habitat as a result of the proposals and therefore there is a conflict with policy DP38. However, this has to be weighed against the benefits of the proposals and the extant persimmon on the site, which is a material consideration.

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.

Weighing in favour of the scheme is that the development will provide new care home facility for which there is an identified need and would provide employment opportunities. The proposal would also result in construction jobs over the life of the build.

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

It is therefore felt that overall, whilst the loss of habitat should be afforded weight, on balance, the public benefits arising from the scheme (a new care home facility for which there is an identified need and employment opportunities) should be afforded significant weight and on balance, these are considered to outweigh the ecological harm identified.

In addition, it is also relevant that the loss of the habitat has already been established by the extant permission for a residential development on the site (DM/16/4541).

Due regard has also been given to the public sector equality duty (section 149 of the Equality Act 2010).

Therefore, on balance, it is recommended that this application is approved.

The application is thereby considered to comply with policies DP1, DP6, DP12, DP17, DP20, DP21, DP25, DP26, DP29, DP30, DP37, DP39, DP41 and DP42 of the District Plan, policy SA38 of the SADPD, policies 4,5,8 and 9 Neighbourhood Plan, The Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".  
Reason: For the avoidance of doubt and in the interest of proper planning.

3. 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.

4. 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.

5. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority samples and details of materials and finishes to be used for external walls, windows, doors and roofs of the proposed building. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

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

6. 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).

7. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Potential Site Access Arrangement and numbered ITB15452-GA-006 Rev. E.

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

8. No part of the development shall be first occupied until visibility splays of 2.4 metres by 60 metres have been provided at the proposed site vehicular access onto Brighton Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

9. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the Mid Sussex District Plan.

10. 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.

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

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

12. No part of the development shall be first occupied until a minimum of 20 % of the spaces have been provided as electric vehicle charging space(s) to meet a minimum of 7kw have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

13. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which 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, details of the plants in the green wall, the treatment of the boundaries and the defensible space around the ground floor bedrooms these works shall be carried out as approved.

14. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the 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 District Plan.

15. No development shall commence until a wildlife habitat enhancement and management plan has been submitted to, and approved by, the local planning authority; 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 DP38 of the Mid Sussex District Plan and 180 of the NPPF.

16. The recommended plan of reptile mitigation set out in the Reptile Mitigation Strategy report by Tim Moya Associates (ref 200120-ED-06b) shall be implemented prior to any development commencing.

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.

17. No trees, shrubs or ivy shall be removed between the beginning of March and end of August unless first checked, immediately beforehand, by a suitably qualified ecologist / wildlife consultant and declared to be free of nesting birds.

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.

18. Should any evidence be found of great crested newts on site at any stage of development, any exterior works must cease until a suitably qualified ecologist / wildlife consultant has advised on suitable mitigation. If works cannot proceed without an offence being committed, a licence must first be obtained from Natural England.

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.

19. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways for exposure to contaminants that may occur both during and after development;

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013. The report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that it will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risks from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related

to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person to oversee the implementation and completion of the works.

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

20. The development hereby permitted shall not be occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority verification by the competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of conditions (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (1)c.

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

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

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

22. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale sections and elevations that show the following in context:

- The entrance bay in full including the balcony/balustrading/timber surrounds/gable roof/ entrance door and canopy,
- The roof/eaves/dormer/gutter/inset downpipe details,
- The green wall
- The projecting brick detail,
- Other typical window details,
- The accommodation of photovoltaics on the roof;

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

23. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority details and specifications of solar control to the windows serving the south and west facing private rooms.

Reason: To protect the amenity of future occupants and to accord with Policy DP26 of the Mid Sussex District Plan.

24. The development hereby permitted shall not be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, details of the intercom system to be installed at the junction of the Brighton Road and access road to the site. The approved details shall be installed before occupation of the building hereby permitted and maintained for the lifetime of the development

Reason: To ensure that any future residents, staff and visitors to the site with a disability are able to access the site in accordance with policy DP28 of the District Plan.

25. The details set out in the submitted Access Management Policy dated September 2022 shall be fully implemented before occupation of the building hereby permitted and maintained for the lifetime of the development.

Reason: To ensure that any future residents, staff and visitors to the site with a disability are able to access the site in accordance with policy DP28 of the District Plan.

## INFORMATIVES

1. 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.
2. The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing.



These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

3. 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.
4. 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.

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

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

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

### **Plans Referred to in Consideration of this Application**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Proposed Elevations	A-05-103	P1	21.07.2022
Proposed Elevations	A-05-104	P1	21.07.2022
Location Plan	A-01-001	P2	23.06.2022
Existing Block Plan	A-02-001	P2	23.06.2022
Proposed Block Plan	A-02-101	P2	23.06.2022
Site Plan	A-02-102	P2	23.06.2022
Existing Floor Plans	A-03-001	P2	23.06.2022
Existing Elevations	A-05-001	P1	27.04.2021
Existing Sections	A-04-001	P1	27.04.2021
Proposed Floor Plans	A-03-101	P2	23.06.2022
Proposed Floor Plans	A-03-102	P2	23.06.2022
Proposed Floor Plans	A-03-103	P2	23.06.2022
Proposed Floor Plans	A-03-104	P2	23.06.2022
Proposed Elevations	A-05-101	P5	21.07.2022

Proposed Elevations	A-05-102	P5	21.07.2022
Proposed Sections	A-04-101	P3	21.07.2022
Proposed Sections	A-04-102	P3	21.07.2022
Proposed Roof Plan	A-03-105	P2	23.06.2022
Landscaping Details	200120-LP-11	A	27.04.2021
Landscaping Details	TMA-200120- L-100	D	24.06.2022
Landscaping Details	200120-LP- 1000	E	23.06.2022
Landscaping Details	200120-L-02	A	27.04.2021

## APPENDIX B – CONSULTATIONS

### Contaminated Land

The proposal is to replace the single residential property at the site with a residential care facility with a much larger building footprint. The past use indicates made ground is present and there has been no assessment of the land quality and therefore the risks to future users remain unknown.

Given the size of the project and sensitivities of the end use, a phased contaminated land condition should be attached to the decision notice.

Additionally, a discovery strategy should also be included, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommended conditions:

1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways for exposure to contaminants that may occur both during and after development;

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013. The report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that it will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risks from contaminants and/or gases when the site is developed and

proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person to oversee the implementation and completion of the works.

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority verification by the competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of conditions (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (1)c.

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

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

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

#### **Parish Consultation**

RECOMMEND REFUSAL. The previous objections raised by the Parish Council remain unchanged.

#### **Parish Consultation**

RECOMMEND REFUSAL.

Members were in agreement that despite the additional amendments, the previously submitted reasons for refusal by HPC remained unchanged and therefore it was agreed to RECOMMEND REFUSAL for the following reasons:

1. Scale and Character of Design. The scale and design of the proposed development is too large for the site and thus represents significant overdevelopment and as such will impact negatively on the amenities of neighbouring properties. The application is therefore considered to be contrary to Policy DP26: Character and Design of the District Plan and Policy 9: Character and Design of the Hassocks Neighbourhood Plan.

Hassocks Parish Council would request that the concerns raised by neighbouring residents about the impact on their properties are considered very carefully by the Planning Officer. Furthermore, this site is outside the Built Up Boundary of Hassocks as defined in the Hassocks Neighbourhood Plan where development should be restricted; District Plan Policy 12, Protection and Enhancement of Countryside.

2. Traffic and Access. The access to the proposed development site joins the busy A273, very close to Stonepound Crossroads, which is already the only Air Quality Management Area in Mid Sussex due to the high levels of air pollution. It is already notably challenging for vehicles trying to exit the B2112, New Road, and Underhill Lane in Clayton safely; the additional traffic generated by the proposed Care Home will most likely negatively impact further on the traffic safety in this area. In addition to the safety concerns, Hassocks Parish Council considers that the proposed Care Home will generate a significant level of additional traffic and it is likely that this will adversely impact on the levels of pollution at Stonepound. Therefore the proposed application cannot be supported on the basis that it is contrary to Policy 8, Air Quality Management, of the Hassocks Neighbourhood Plan and DP29, Noise, Air and Light Pollution, of the District Plan. Furthermore, it is requested that the issues raised by local residents regarding traffic and access to the site are carefully considered, including concerns regarding the gradient of the access road.

Driveway Access. The gradient of the driveway is too steep to safely allow wheelchair access; therefore it is likely that this is in conflict with the 2010 Equality Act. The steepness will not allow access to or from the care home by wheelchair users, other than in vehicles.

3. Lack of Parking Provision. Hassocks Parish Council would challenge the applicant's assertion that only 15 members of staff will be on site at any given time. The proposal is for a 60 bedrooled care home, including provision for high dependency clients, therefore it is considered highly unlikely that the ratio of care staff to clients could be approximately 1:4. It is also assumed that in addition to care staff, there would be a need for domestic staff such cleaners, cooks, maintenance and so on. The proposed parking space provision for all visitors and staff would therefore appear to be wholly inadequate.

4. Flooding and Drainage. Concerns over flooding and drainage have been raised by residents who live in the immediate vicinity of the development site and are familiar with issues around flooding in the area. It is requested that all concerns raised are reviewed in detail.

5. Impact on the South Downs National Park. Hassocks Parish Council is not satisfied that the impact of the proposed development on the South Downs National Park has been adequately addressed, including the impact of lighting. The location of the site is very close to the SDNP and will be clearly visible from the South Downs and it is considered that the development would have an adverse impact on the South Downs National Park, thus contrary to Policy 6 of the Hassocks Neighbourhood Plan; Development Proposals Affecting the South Downs National Park and Policy DP18 of the District Plan; Setting of the South Downs National Park.

6. Impact on Hassocks Health Centre. There is a concern that the proposed development could lead to the current health care facilities in Hassocks being significantly overstretched and create a need which cannot be met.

7. Insufficient Evidence of Need For C2 Provision. Based on pre-application advice provided by MSDC a need for C2 provision in the area has not been proven. Therefore Hassocks Parish Council is not satisfied that such a need exists.

8. Sustainable Design. The application provides insufficient information to be certain of compliance with HNP Policy 5 ' Enabling Zero Carbon; therefore Hassocks PC would also recommend refusal on the basis that the application is currently not compliant with Policy DP39 of the District Plan ' Sustainable Design and Construction and Policy 5 of the Hassocks Neighbourhood Plan. A design which only complies with Approved Document L2A of the building regulations (2013 edition with 2016 amendments) is not sustainable, contrary to the assertion made by the developer.

## **Urban Designer**

### Comments dated 26/07/22

The revised drawings show the building footprint reduced allowing for more open space and soft landscaping around the building on the south east and south west side especially. The design is otherwise largely the same as before and my comments are therefore mostly the same (as below). While the elevations have now been produced at 1:100 scale (instead of 1:200) to show slightly more detail, I still feel it is necessary to require construction type detailed drawings at 1:20 scale to secure the quality of the scheme. I would also like an additional condition to be included stipulating solar glass in the south and west facing private residential rooms to address potential overheating problems during the summer months. I would recommend that the landscape condition covers the green wall too.

### Building Design and Massing

While the site is outside the defined settlement boundary, it is surrounded by existing development that is mainly characterised by suburban houses. The proposed three storey building will be bigger and taller than the surrounding two storey houses. Nevertheless, its size and scale will be mitigated by the following:

- The topography and set back arrangement of the site in relation to Brighton Road ensures that the building should sit comfortably with its surrounds. In particular, the site is set down the equivalent of one storey below the level of North Dean and South Dean Houses that are positioned between the application site and Brighton Road. Because the ground floor will be one storey lower, the proposed building will not appear to be higher than the houses.
- The substantial garden centre with its extensive single storey shed structures immediately to the south of the site gives the surrounds a more diverse character.
- The vertically articulated elevation helps to break down the scale of the building.
- The landscaping plan incorporates trees and soft landscaping around the building that together with existing surrounding trees and hedges will soften and help screen the development including from Brighton Road.

The building design displays underlying architectural integrity and benefits from being holistically designed through the successful coordination of proportions, materials, colour and detail. This has been aided by the amendment of the west elevation in line with the DRP's previous advice as the loss of the central gable allows the central bay to be more consistently organised and enables the gabled bay on the north west corner to be more clearly read as the principal part of the façade incorporating the main entrance. The crisp

contemporary detailing employs a brick façade which is combined with timber cladding that together with the gables and window proportions are employed to re-interpret the design and detailing of late 19th C/ early 20th C houses in the local area. The Design and Access Statement illustrates the detailing and how the rainwater downpipes and hidden gutters will be discreetly accommodated; 1:20 scale drawings will nevertheless be needed to secure the quality of the design.

The elevations show timber employed around the projecting balconies that will ensure a natural finish on these prominent parts of the building; while "timber effect" is being used on some of the building face (because of fire risk / insurance reasons) it is limited to the recessed bays and is intended to be a composite that includes timber.

### Layout

The building occupies a large part of the site. It nevertheless incorporates usable outdoor spaces that have been carefully landscaped. Setting the building away from the south boundary reduces the impact of the building along this boundary where it will be most visible from Brighton Road.

The ground floor dining area is well positioned in relation to the outside courtyard and the upper floors benefit from balconies attached to the communal rooms.

Internally the scheme has been improved since the February DRP meeting with the inclusion of glazed internal walls serving the communal rooms that provides natural light into the long internal corridors.

While car parking dominates the forecourt area it is softened by planting all around it and will be made a more comfortable space with the incorporation of block paving.

### Overall Assessment

The layout, landscaping and building design has been well thought through and while the building is appreciably bigger than the neighbouring houses this has been mitigated by its position, topography and design. Consequently, the proposal should sit comfortably in its context and sufficiently addresses policy DP26 of the District Plan and the principles set out in the Council's Design Guide SPD. The scheme is also supported by the DRP. For these reasons, I raise no objections to the planning application but would recommend conditions are included that require the approval of the following further drawings and information:

- Detailed soft and hard landscaping plan including the plants in the green wall and the treatment of the boundaries and the defensible space around the ground floor bedrooms;
- Details of the facing materials including windows;
- Detailed 1:20 sections and elevations that show the following in context:
  - The entrance bay in full including the balcony/balustrading/timber surrounds/gable roof/ entrance door and canopy,
  - The roof/eaves/dormer/gutter/inset downpipe details,
  - The green wall
  - The projecting brick detail,
  - Other typical window details,
  - The accommodation of photovoltaics on the roof;
- A commitment to a renewable energy strategy (as requested by the DRP) that reflects the provisions in the Design and Access Statement and the inclusion of PV panels as featured on page 27 of the latest DRP presentation.

- The windows serving the south and west facing private rooms, should feature solar control glass (specifications to be provided/agreed).

### Comments dated 24/09/21

#### Building Design and Massing

While the site is outside the defined settlement boundary, it is surrounded by existing development that is mainly characterised by suburban houses. The proposed 3 storey building will be bigger and taller than the surrounding two storey houses. Nevertheless, its size and scale will be mitigated by the following:

- The topography and set back arrangement of the site in relation to Brighton Road ensures that the building should sit comfortably with its surrounds. In particular, the site is set down the equivalent of one storey below the level of North Dean and South Dean Houses that are positioned between the application site and Brighton Road. Because the ground floor will be one storey lower, the proposed building will not appear to be higher than the houses.
- The substantial garden centre with its extensive single storey shed structures immediately to the south of the site gives the surrounds a more diverse character.
- The vertically articulated elevation helps to break down the scale of the building.
- The landscaping plan incorporates proposes trees and soft landscaping around the building that together with existing surrounding trees and hedges will soften and help screen the development including from Brighton Road.

The building design displays underlying architectural integrity and benefits from being holistically designed through the successful coordination of proportions, materials, colour and detail. This has been aided by the amendment of the west elevation in line with the DRP's previous advice as the loss of the central gable allows the central bay to be more consistently organised and enables the gabled bay on the north west corner to be more clearly read as the principal part of the façade incorporating the main entrance. The crisp contemporary detailing employs a brick façade which is combined with timber cladding that together with the gables and window proportions are employed to re-interpret the design and detailing of late 19th C/ early 20th C houses in the local area. The Design and Access Statement illustrates the detailing and how the rainwater downpipes and hidden gutters will be discreetly accommodated; 1:20 scale drawings will nevertheless be needed to secure the quality of the design.

The recently revised elevations (A-05-101 rev P2, A-05-102 rev P2) show timber (instead of "timber effect") employed around the projecting balconies that will ensure a natural finish on these prominent parts of the building; while "timber effect" is still being used on the building face (because of fire risk / insurance reasons) it is limited to the recessed bays/ground floor delivery access bay and is a composite that includes timber.

#### Layout

The building occupies a large part of the site. It nevertheless incorporates usable outdoor spaces that has been carefully landscaped. Setting the building away from the south boundary (in relation to the pre application proposal) has generated space for a garden / small orchard and reduces the impact of the building along this boundary where it will be most visible from Brighton Road. A revised landscape plan (200120-LP-11 rev B) has been submitted that shows additional planting along the western boundary.

The ground floor dining area is well positioned in relation to the outside courtyard and the upper floors benefit from balconies attached to the communal rooms.

Internally the scheme has been improved since the February DRP meeting with the inclusion of glazed internal walls serving the communal rooms that provides natural light into the long internal corridors.

While car parking dominates the forecourt area it is softened by planting all around it and will be made a more comfortable space with the incorporation of block paving.

### Overall Assessment

The layout, landscaping and building design has been well thought through and while the building is appreciably bigger than the neighbouring houses this has been mitigated by its position, topography and design. Consequently, the proposal should sit comfortably in its context and sufficiently addresses policy DP26 of the Design Guide and the principles set out in the Council's Design Guide SPD. The scheme is also supported by the DRP. For these reasons, I raise no objections to the planning application but would recommend conditions are included that require the approval of the following further drawings and information:

- Detailed soft and hard landscaping plan including the treatment of the boundaries and the defensible space around the ground floor bedrooms;
- Details of the facing materials including windows;
- Detailed 1:20 sections and elevations that show the following in context:
  - The entrance bay in full including the balcony/balustrading/timber surrounds/gable roof/ entrance door and canopy,
  - The roof/eaves/dormer/gutter/downpipe details,
  - The projecting brick detail,
  - Other typical window details,
  - The ground floor delivery entrance/access,
  - The accommodation of photovoltaics on the roof;
- A commitment to a renewable energy strategy (as requested by the DRP) that reflects the provisions in the Design and Access Statement and the inclusion of PV panels as featured on page 27 of the latest DRP presentation.

### **Design Review Panel**

#### The Panel's Comments

The panel agreed this is a much-improved scheme that benefits from better proportioned and detailed elevations and more open space around the southern boundary. The variety of spaces and landscaping around the building should provide a good level of stimulation for the residents.

The central gables particularly on the west elevation do not work as well as the gabled end bays; their shallower pitch is weak and is out of proportion with the rest of the façade, and it undermines the original concept of two inter-connecting "barns" with a weaker concept of five separate "houses". It also presents a confusing message as functionally the central gable suggests, at least on the front/west elevation, that it represents a more important part of the building when in fact it contains the same standard rooms as on either side of it (the focus instead should be on the NW gable where the main entrance is). Furthermore, the panel questioned the idea, suggested by the Brighton Road streetscene drawing, that this



element of the façade complements the gabled profile of North Dean and South Dean House; as in practice it would not be read like this because the proposed building is so set-back. For these reasons, the west elevations (and possibly the other elevations too) would benefit from the omission of the central gable that would allow this part of the west elevation to benefit again from the consistent rhythm of the previous scheme.

Conversely, it was agreed that breaking up the longer and previously more repetitive south elevation was an improvement.

The panel were pleased to see the opportunity has been taken to accommodate solar PV's on the roof; it was suggested as an end-user has been identified, there should be scope for them to also commit to a renewable energy strategy. There was concern that the large area of floor-to-ceiling height glazing on the south and west elevations could result in over-heating problems in the bedrooms without measures being taken to address this.

The long internal corridors risk feeling institutional; this would be helped with more windows at the end of the corridors and with glazed internal walls serving the communal rooms that would bring in natural light and help residents navigate the building.

#### Overall Assessment

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

#### **WSCC - S106**

Application Number: DM/21/1653

The Provision of Service Infrastructure Related to Byanda, Brighton Road, Hassocks, West Sussex, BN6 9LX

Planning Application details - Demolition of Byanda (a single residential property and ancillary buildings) and the erection of a 60 bedroom residential care facility, with associated access, ground works, car parking, servicing, private amenity space, landscaping, construction of substation unit and boundary treatment. (Amended plans submitted including reduction in bedrooms from 66 to 60 and changes to design, received 23/06/2022).

## Summary of Contributions

<b>Education</b>			
School Planning Area	0		
Population Adjustment	57.0		
	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	Hassocks		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£11,070		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£0		
Population Adjustment	57.0		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	59		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	57.0		
Net Parking Spaces	16		
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>	£11,070
<b>Waste</b>	No contribution
<b>Fire &amp; Rescue</b>	No contribution
<b>No. of Hydrants</b>	secured under Condition
<b>TAD</b>	£52,884
<b>Total Contribution</b>	<b>£63,954</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 59 net dwellings, and an additional 16 net car parking spaces.

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

## 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 Hassocks Library.

The contributions generated by this proposal shall be spent on traffic calming, pedestrian and cycle improvements within Hassocks to improve and promote sustainable movement across the Parish.

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>).

## **WSCC highways**

Comments dated 28th July 2022

### Section 1 - Report Introduction

1.1 The Local Highway Authority (LHA) has been re-consulted on the amended plans submitted, that reduce the number of bedrooms from 66 to 60, including changes to design.

#### Section 2 - Overview of changes

2.1 The LHA has reviewed the newly submitted plans that reduce the number of bedrooms from 66 to 60. The LHA has also reviewed the submitted Transport Statement Addendum that summarises the reduction in units in terms of highway matters, relating to parking and vehicle trip rates. Newly submitted tracking drawings have also been supplied to demonstrate access for the various types of vehicles that will access the site. The LHA would raise no concerns to these changes for the reductions proposed.

2.2 No changes are proposed to the access from the highway, as such our previous comments and no objection status remain.

### Section 3 - Summary

3.1 The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

3.2 The comments and conditions stated in our response on 11th October 2021 still stand and should be applied to any grant of planning consent.

### Comments dated 25th June 2021- Travel Plan

#### Travel Plan Comments

The Local Transport Improvements Officer has provided the following comments and requested amendments to the Travel Plan:

- Section 5 - targets should be timebound (i.e. achieved by Year 5).
- 6.2.4/6.2.5 - adequate changing and locker facilities should be provided for employees that cycle to work, and ideally shower facilities for those cycling longer distances in all weathers.
- 6.2.6/6.2.7 - there is further information and a promotional video at [www.westsussex.gov.uk/carsharing](http://www.westsussex.gov.uk/carsharing) so it may be better to promote this URL to staff and visitors.
- The PDF leaflet may also be downloaded and reproduced.
- 6.2.13 - the West Sussex Cycle Journey Planner and adult cycle training services should also be promoted. Further details are available at [www.westsussex.gov.uk/cycling](http://www.westsussex.gov.uk/cycling) and [www.westsussex.gov.uk/roadsafety](http://www.westsussex.gov.uk/roadsafety). The care home operator should consider either fully or part funding cycle training for staff who wish to cycle to work
- Section 6 general comment - the applicant should investigate scope to join the easitMID SUSSEX network, which provides employers/ees with access to a range of sustainable travel initiatives and benefits, including 15% off Southern Rail services.
- 7.1-7.5 - our Development Travel Plans Policy requires that sites of this size are monitored in accordance with the TRICS UK Standard Assessment Methodology for Travel Plans (aka TRICS SAM).
- The Travel Plan should also include a section detailing potential remedial actions that would be put in place in the event that the 5-year 10% trip rate reduction target is not achieved. One such action could be the conversion of parking spaces to car share bays, electric vehicle bays, or cycle parking.

### Comments dated 11th October 2021

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been re-consulted on proposals for 66-bed care home and associated works. In comments dated 3 June 2021 the LHA requested further information in respect to the access arrangements. A Technical Note (TN) dated 11 August 2021 seeks to address the previously raised issues.

### Access

The access will be retained as a vehicle crossover with removal of the sleepers and a footway provided with a retaining feature on the eastern boundary, outside of the highway. It

is understood that the verge and sleepers area required for access widening and footway are within the red line boundary and that the remainder of the access road will not require works and thus is outside red edge (although rights of access remain).

#### Swept path

tracking shows that two cars can pass within the access and along the access route to the site. A refuse collection vehicle can also manoeuvre the access and pass a car along the access route. The applicant has confirmed that whilst turning within the site will occur outside of the red edge that this will take place on land that the applicant has access rights over. The Local Planning Authority (LPA) should be satisfied with these arrangements and demonstration of red edge boundary in respect of this. The access widening and footway tie in works should be provided under a minor works licence as detailed in the informative below.

The TN also acknowledges the error in para. 1.1 of the Road Safety Audit (RSA) in terms of bedroom number and footway width. This is not anticipated to materially alter the RSA and will be picked up at Stage 2 RSA. The single issue within the RSA regards visibility has now been addressed with provision of splays in excess of what is required for the recorded speeds. The TN states that the Designers Response has been expanded on but this was not found on MSDC planning portal. Please provide the updated version so the LHA, as Overseeing Organisation, can sign this off.

#### Gradient

The LHA asked the applicant to consider whether it was appropriate and indeed achievable to improve the gradient of the access road. The TN outlines that the gradient of the access road is not possible to amend due to it serving other properties. Manual for Streets (MfS) is the appropriate guidance to apply for Brighton Road in this location. MfS2 para. 8.4.2 states that In hilly areas steeper gradients will frequently be required, but a gradient of 8% should be regarded as a practical maximum unless there are particular local difficulties. It appears that the gradient is steeper than this for some stretches of the existing privately maintained access road.

Nevertheless, site restrictions mean this existing situation cannot be altered. The LHA does not consider this would warrant a reason for refusal and notes the proposed improvements in terms of footway and Travel Plan measures for staff to encourage sustainable transport.

#### Visibility

An ATC speed survey revealed 85th %ile speeds of 33.1mph northbound and 33.4mph southbound which would require splays of 49m south and 50m north were it level carriageway. The TN states that the factors of gradient have been applied. Whilst it is unclear what gradient factor has been applied the LHA are nonetheless satisfied that in excess of the requirement can be achieved (shown as 60m on drawing ITB15452-GA-006E).

The LHA assess that the revised splays indicate the tree would not encroach envelope of visibility and that cutting back of vegetation within splays and removal of sleepers etc to the left splay would provide an improvement over the existing arrangements.

The TN also outlines the standard practise to edge forward for a vehicle to observe oncoming traffic as per guidance in MfS and that the provision of footway will improve visibility of pedestrians on adjacent footway.

#### Travel Plan

Comments on the TP were sent to the LPA on 25 June 2021. It does not appear that an updated TP taking account of these comments has been provided. Details of this, along with

the monitoring and auditing of the TP should be secured through a suitably worded clause within s106 Legal Agreement. The LPA should look to secure a fee of £3500 for this. It is also considered that final details and quantity of bicycle parking can be secured by condition as well as monitoring of this through the TP. It should also be noted that WSCC s106 response has advised a contribution

Towards traffic calming, pedestrian and cycle improvements within Hassocks to improve and promote sustainable movement across the Parish (see separate response dated 15 June 2021).

### Conclusion

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

The LHA advise that the updated Designers Response is sent to us for signing off, as Overseeing Organisation. If the Local Planning Authority is minded to grant planning consent the following conditions and informative notes would be advised:

### Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Potential Site Access Arrangement and numbered ITB15452-GA-006 Rev. E. Reason: In the interests of road safety.

### Visibility

No part of the development shall be first occupied until visibility splays of 2.4 metres by 60 metres have been provided at the proposed site vehicular access onto Brighton Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

### Vehicle parking and turning

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

### 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.

#### Cycle parking

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

#### 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.

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

#### Comments dated 1st June 2021

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), have been consulted on proposals for demolition of residential dwelling and erection of 66-bedroom residential care facility with associated works. The care home would provide 3712 sqm C2 residential institution floor space. The LHA have previously commented on DM/16/4514 for 4 x dwellings at the site which was approved. The care home would be sited on footprint of this instead of the approved dwellings.

The application has been identified in the MSDC RAG (Red, Amber, and Green) Report as "Amber" with comments raised stating "Major development with access close to major junction at Stone Pound crossroads".

A site visit was undertaken on 1 June 2021 to assist the assessment of the proposal in highway safety terms. Observations on site and review of plans and documents including Transport Statement (TS) have provided the basis for this report. Further information is requested as set out below.

#### Access Arrangements

Brighton Road is the A273 and subject to a 30mph speed restriction in this location. The road context is conducive to Manual for Streets (MfS) guidance being applied in relation to access arrangements.

Approximately 130m to the north is Stonepound Crossroads where the B2116 runs east to west, linking Hurstpierpoint to the east with Hassocks and Keymer to the west. Further north the A273 links to Burgess Hill and to the south it links to Pyecombe and the A23.

The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been several recorded injury accidents in the vicinity of site access. Whilst most of the incidents involved junction/side access manoeuvres, none were related to the site access. The LHA is aware that a recent incident at Pound Gate to the north is currently under investigation by Sussex Police although we are not aware of visibility being a factor in the incident. Further consultation with the WSCC Road Safety Group revealed no cluster pattern to the collisions with an average of one slight collision per year.



The TS states that the access will be widened to minimum 5.5m width to allow two cars to pass. A 1.5m width footway is also proposed along the southern edge of the privately maintained access road. The plans do not clearly show how this proposed footway will link in with the existing provision along Brighton Road and whether the existing dropped kerb will be extended. Will the sleepers be removed, and verge partly converted to hardstanding to allow for this widened access and footway provision? The red edge line plans of the site do not include the full width of the access and privately maintained access road, which would be required and thus should be included on the plans. Swept path tracking for two cars passing within the access, along the privately maintained access road and into the site should also be provided. On site it was observed that two cars could pass within the access once within the site but it has not been demonstrated that the geometry of the access and entire length of the access road allows for two cars to pass. The LHA consider that passing places could be provided where achievable, or demonstration of where vehicles can wait to give way.

The width of the internal footway is 1.5m. As stated in DfT Inclusive Mobility 1.5m is suitable for a wheelchair user and ambulant person side-by-side. Whilst a wider footway may provide some benefit, the LHA are mindful that the access road currently operates as shared surface and thus provision of a footway would be an improvement over the existing scenario.

On site we observed that the access road had a noticeable gradient that meant a hill start at the junction was required. MfS2 states that in hilly areas a gradient of 8% should be regarded as a practical maximum unless there are particular local difficulties (para. 8.4.2). The gradient of pedestrian routes should ideally be no more than 5%, although topography or other circumstances may make this difficult to achieve ...as a general rule, 8% should generally be considered as a maximum, which is the limit for most wheelchair users, as advised in Inclusive Mobility (para. 5.2.5).

The gradient appears to be steeper and thus the applicant should consider whether it is appropriate to improve the gradient of the access road.

### Visibility

The plans show 2.4m by 43m visibility splays from the site access on to Brighton Road, entirely within highway boundary. On site it was observed that the publicly maintained verges were overgrown and that maintenance of these by the highway authority could improve visibility. Nevertheless, the gradient of the access and presence of tree to the north may impact the splays and have not been accounted for in the visibility assessment. Whilst there is a bus stop to the north of Pound Gate the LHA consider that if a vehicle were to overtake it could be observed. On Brighton Road cars did appear to be travelling above the posted limit in some instances from the leading direction (accelerating from the crossroads and downhill). WSCC hold recent traffic monitoring data from a site to the south of Sandy Lane. The speeds recorded may be representative of northbound vehicles. It is not considered that it would be representative of southbound vehicles which would be observed closer to the crossroads. The applicant should undertake a seven-day speed survey in vicinity of the access/ at extent of visibility splays to determine the 85th %ile speeds and inform the required visibility splays. The gradient of Brighton Road and the access should also be covered in calculation of the Stopping Sight Distance (SSD) and demonstration of visibility in the vertical plane. On site it was also observed that edging forward and blocking the pavement was required to achieve visibility and see if it is safe to exit. We also observed some pedestrians utilising the footway and thus it would be of benefit to provide pedestrian visibility splays either side of the access, where achievable.

### Stage 1 Road Safety Audit (RSA)

It is noted that para. 1.1 of the RSA refers to a 64 bed care home with minimum 5m width access and 1.8m footway when the proposal is actually for 66 beds, minimum 5.5m width access and 1.5m footway. It is advised that the auditor is made aware of this.

The RSA raised one issue in relation to hedgerow in the southern visibility splay. On site we observed this hedgerow is in highway boundary and thus can be removed/cut back to provide the splay. It also appeared that part of the sleeper/retaining wooden bank wall along access road in vicinity of highway appears to be in public highway and/or applicant ownership. Clarification is sought on whether these will be removed, which will improve visibility further. As per comments above applicant should clarify this and provide splays to recorded speeds.

The Designers Response should be expanded on. The Designer agrees with measure yet should enter more detail on specific measures proposed - such as removing hedge, sleepers etc and demonstrate visibility to the recorded speeds. Please provide this in table format of F4 and F5 GG119, once the visibility points have been addressed.

### Servicing

Swept path tracking plans show that a refuse collection vehicle can manoeuvre the access and turn within the site. It has not been demonstrated that a car could pass a refuse collection vehicle in the access, however this will be an infrequent occurrence, where a vehicle may be required to wait and give way. Turning within the site uses the private access road not entirely within red edge of the site. There is a turning head within the site that an ambulance and fire tender can use. It is advised that demonstration of a refuse collection vehicle turning in this area is provided and the red edge amended.

### Trip Generation and Road Network Capacity

A TRICs assessment using suitable parameters for similar sites has been undertaken. This found that an additional 11 x two-way trips in AM and 10 x two-way trips in PM peak hours could be created with 136 x trips over the day. Whilst the additional trips to the road network in the traditional peak hours is not anticipated to result in a 'severe' capacity concern, the TS nonetheless has assessed the impact on Brighton Road and Stonepound Crossroads.

WSSC traffic data from 2 March 2020, pre-Covid restrictions, has been used to obtain northbound and southbound base traffic levels which have been growthed to 2023 using factors from TEMPRO. The development traffic has been added to future year 2023 to determine the %age growth impact. As 57% trips are anticipated to travel north and 43% south (journey to work model data), the actual impact on Brighton Road is anticipated to be lower. In terms of impact on Stonepound Crossroads, an additional 6 x vehicles in the peak hours are expected to travel north and this is not expected to have a 'severe' impact on the operational capacity of the crossroads or nearby road network.

### Car Parking

WSSC Guidance on Parking at New Developments advises that C2 Residential Institutions should encompass a site-specific assessment of parking requirements with justification provided on the level of parking proposed. A Parking Accumulation exercise has been undertaken. By using the TRICs outputs, an assumption on parking accumulation/demand has been made. Furthermore, no more than 15 x staff are anticipated to be on site at any one time and it is considered that not all of these would travel by car. Of the 20 x spaces provided, 2 x disabled bays and 1 x ambulance bay are proposed. 2 x electric vehicle (EV) charging spaces are proposed (with capacity to charge 4 x vehicles and passive provision will be in place for the remaining spaces). Whilst additional visitor spaces could be provided, the LHA are mindful that there are alternative travel modes for visitors and staff such as public transport. Furthermore, some of the comparable sites in TRICs show a similar ratio of parking to resident numbers for similar locations (in terms of proximity to public transport etc).

### Accessibility and Sustainable Transport

The private driveway joins with A273 Brighton Road where footway can be directly accessed (on eastern side of carriageway). Pedestrians can reach Stonepound Crossroads to the north and on to local shops and Hassocks Train Station to the east via Keymer Road utilising dropped kerb for crossing. The Train Station features car and bicycle parking and is a 10-minute walk distant. Various destinations such as Brighton and Haywards Heath are served and thus travel by rail could be an option for some staff and visitors to the carehome. The nearest bus stop and shelter is north of the site access on eastern side of carriageway and provides regular services to Brighton. Further north from Stonepound Crossroads, the western side stop and shelter provides services to destinations such as Haywards Heath and Crawley. Travel by bus could also make up part of a sustainable journey for staff and visitors. There is no cycling infrastructure in the vicinity however the local road context and speeds could be conducive to cycling for some. The plans indicate some provision for cycle parking (8 x spaces). Considering the proximity to train station and local facilities and number of staff proposed, the quantity of cycle parking should be increased.

### Travel Plan

The Local Transport Improvements Officer will provide comments on the Travel Plan which will be forwarded in due course. The LPA should look to secure a fee of £3500 for monitoring and auditing of the Travel Plan via s106 Agreement/ Unilateral Undertaking.

### Conclusion

Please ask the applicant to provide the following additional information and re-consult:

- Show clearly that width is suitable for two cars to pass (will removal of sleepers and widening be required) and amend red edge plan and show how footway will tie in/ crossover extended?
- Speed survey and demonstration of splays to 85th %ile speeds in horizontal and vertical plane
- (showing tree to north doesn't impact splay). Consideration to pedestrian splays either side of access.
- Demonstration of a refuse collection vehicle turning in site and the red edge amended.
- Consideration to whether the gradient of access road can be improved in line with best practise
- guidance.

### **MSDC Arboriculturist**

#### Comments dated 02/02/2022:

- The additional tree protection shown on the Tree Protection Plan satisfactorily addresses the potential impact to the sweet chestnut tree located in the adjacent garden.
- However I stand by my original comments highlighting that the proposed building and surrounding parking take up the majority of the site leaving little amenity space or planting space for the proposed new trees which will likely place undue future pressure on them.

Should the application be granted permission I would request a detailed landscaping plan showing both planting specifications and after care management is conditioned.

Furthermore, having reviewed the proposed recommendation of trees given within S5.3 of

the amended report it would be recommended that all boundary trees are native species and the use of non-native trees if deemed necessary is restricted to the internal planting areas. Small ornamental trees would not be recommended around the boundaries and sufficient space is expected to ensure the trees have capacity to reach their ultimate height and spread.

Comments dated 22/09/2021:

Based on the plans and details provided at present I have a couple of concerns:

- Firstly the proposed building appears to be very close to the boundaries of the site, which may not be significantly impacting the RPA of the trees to be retained (also see below) however this leaves little amenity space or planting space for the proposed new trees. The shading and lack of light from both current trees and newly planted trees will likely create conflict between the trees and the future residents and future pressure to aggressively prune or remove them.
- Secondly it has come to light that a third party category B tree will likely be impacted by the development. Although offsite, it is recommended the impact of the proposal on this tree (sweet chestnut) is given consideration within the report and included within the tree protection measures when submitted.

As a result a smaller footprint for the building would be welcomed from an arboricultural point of view, allowing dense native boundaries to thrive around the perimeters of the site.

**MSDC Community facilities Project Officer**

As this is a residential care facility there is no requirement for financial contributions toward play provision, formal sports or community buildings .

**Ecologist**

Comments dated 28/02/2022:

Further to receipt and review of the Reptile Mitigation Strategy report by Tim Moya Associates (ref 200120-ED-06b), I am satisfied that this presents an adequate level of mitigation for the level of impact. I also note, in the absence of further information on the adjacent ditch, that no terrestrial great crested newts were found during the surveys and, in my opinion, any residual risks can be addressed via the reptile mitigation, subject to a suitable condition.

If MSDC is minded to grant consent, I would recommend the following conditions:

No development shall commence until a wildlife habitat enhancement and management plan has been submitted to, and approved by, the local planning authority;

the approved details submitted under [insert number of condition above] shall be implemented in full unless otherwise approved in writing by the local planning authority;

the recommended plan of reptile mitigation set out in the Reptile Mitigation Strategy report by Tim Moya Associates (ref 200120-ED-06b) shall be implemented prior to any development commencing;

no trees, shrubs or ivy shall be removed between the beginning of March and end of August unless first checked, immediately beforehand, by a suitably qualified ecologist / wildlife consultant and declared to be free of nesting birds.

Should any evidence be found of great crested newts on site at any stage of development, any exterior works must cease until a suitably qualified ecologist / wildlife consultant has advised on suitable mitigation. If works cannot proceed without an offence being committed, a licence must first be obtained from Natural England.

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.

Comments dated 02/07/2021:

### Summary

The proposal would involve the net loss of habitats, including those assessed to be Priority Habitats in the supporting ecological report namely 2 x ponds and partial loss of a wooded area. As such, I would have to consider this contrary to Policy DP38 which states:

"Biodiversity will be protected and enhanced by ensuring development contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments..."

The supporting preliminary ecological appraisal recommends use of a green roof as an option for enhancement, but this has not been taken forward into the design and I can see no consideration of this option in the design and access statement, only a small green wall. That said, and whilst a green roof would be better for biodiversity than the current proposal, it would still not compensate for the loss of ponds or woodland.

If despite this, MSDC is minded to grant consent due to other material considerations, there are other issues which I would recommend are addressed first:

I note that eDNA of one pond on site was inconclusive for great crested newt presence but given the small size, it does not appear particularly suitable for breeding by this species and I note that the other pond did not hold sufficient water in the breeding season. However, the habitat suitability assessment of the adjacent ditch indicates that it is suitable apart from it having a slow flow. No further investigations appear to have been undertaken on this basis. I note that this has been disputed by a local objector and would recommend that further evidence is provided to support the assertion that the flow rate is sufficient during the breeding season to make successful breeding unlikely. If it is not possible to undertake further surveys due lack of owner permission, then evidence is needed that the reptile survey included sufficient searching of terrestrial features at an appropriate time of year to have a reasonably high likelihood of finding adult newts in their terrestrial phase (or further terrestrial survey work should be undertaken). Whilst there is a minor road separating this ditch from the site, given the limited amount of terrestrial habitat around the ditch itself and the fact that the preliminary ecological appraisal has recorded suitable terrestrial habitat on site, a significant amount of which would need to be cleared, there would be a risk of any newts breeding in the ditch making use of the site.

Lastly, I am unable to find the reptile survey report on the portal and would need to see this to fully assess the proposed reptile mitigation plan. However, the reduction in available

habitat is a concern in maintaining what appears to be a breeding population, though I fully agree that it is appropriate to seek to retain slow worms on site (recent research casts considerable doubt over any conservation benefit from offsite translocations as currently practiced).

## **Environmental Health**

### Implementation phase

I have no objections to this application. However, during the implementation phase it will be necessary to control emissions of noise and dust to protect local amenity. I therefore recommend a construction environmental management plan (CEMP) is required by a suitable condition. It is noted that mitigation measures for dust impacts during the construction phase have been identified in the "Air Quality Assessment" prepared by Ramboll dated January 2021 (project no. 1620009452). It would be expected that, amongst other things, within the CEMP there is a commitment to restrict hours of work activities, including demolition, site clearance, construction, deliveries, loading and unloading, to the following:

0800-1800 Monday to Friday

0900-1300 Saturdays

No work on Sundays and Bank Holidays

It would also be expected that there is a prohibition on burning of demolition and other waste on site and that best practice measures are specified to minimise noise and dust from crossing the site boundary and affecting local residents.

### Recommended condition:

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

### Air quality

The development site is close to the air quality management area at Stonepound Crossroads in Hassocks. The "Air Quality Assessment" prepared by Ramboll dated January 2021 (project no. 1620009452) is therefore welcomed as this quantifies the air quality impact during both the implementation and operational phases of the development. The conclusions and recommendations in the report are accepted. This includes an emissions and damage cost calculation which has led to the proposed mitigation of a travel plan and 4 fast charge electric vehicle charging points along with passive provision to allow for future connections of e-vehicles. It is recommended that these requirements are included as a condition in the approval document.

## **Environmental Health- Contaminated Land**

The proposal is to replace the single residential property at the site with a residential care facility with a much larger building footprint. The past use indicates made ground is present and there has been no assessment of the land quality and therefore the risks to future users remain unknown.

Given the size of the project and sensitivities of the end use, a phased contaminated land condition should be attached to the decision notice.

Additionally, a discovery strategy should also be included, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommended conditions:

1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways for exposure to contaminants that may occur both during and after development;

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013. The report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that it will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risks from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person to oversee the implementation and completion of the works.

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority verification by the competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of conditions (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not limited to):

a) Description of remedial scheme

b) as built drawings of the implemented scheme

c) photographs of the remediation works in progress

d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (1)c.

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

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

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

### **Drainage Engineer**

Comments dated 11/07/2022

The flood risk and drainage team have provided several consultation responses to this application. It is our understanding that the applicant has amended the proposed development and a complete set of revised plans and reports have been submitted in support of the application. The flood risk and drainage team have, therefore, reviewed the newly submitted details and this consultation response is based solely on the latest information provided. For the avoidance of doubt the information reviewed is detailed within the table below.

<b>Title</b>	<b>Author</b>	<b>ID</b>	<b>Rev</b>	<b>Date</b>
<b>FRA &amp; outline drainage strategy</b>	Curtins Consulting Limited	076038	P09	June 2022
<b>Proposed section CC &amp; DD</b>	Broadway Malyan	A-04-102	P2	21.06.2022
<b>Landscape sections</b>	Tim Moya Associates	TMA-200120-L-10	D	22.06.2022
<b>Landscape proposal plan</b>	Tim Moya Associates	200120-LP-1000	E	16.06.2022
<b>Cover letter</b>	Nexus Planning	34462	-	22.06.2022
<b>Proposed block plan</b>	Broadway Malyan	A-02-101	P2	21.06.2022
<b>Proposed lower ground floor plan</b>	Broadway Malyan	A-03-101	P2	21.06.2022
<b>Proposed ground floor plan</b>	Broadway Malyan	A-03-102	P1	09.04.2021

This consultation response supersedes all previous comments. Any comments made by the flood risk and drainage team prior to this consultation response are therefore null and void and should no longer be referenced or considered.

In addition, the flood risk and drainage team highlight that this consultation response is based on the following understanding of the planning process:

- The applicant has submitted a full planning application and is accepting of pre-commencement planning conditions including flood risk and drainage conditions.
- The flood risk and drainage team are reviewing the technical suitability of the proposed flood risk management strategy and the proposed drainage strategy against planning policy.



- That at this stage of planning the applicant need only show that in principle flood risk can be managed on the site and that in principle drainage can be provided for the development. The detailed design for all elements will be submitted and approved in order to discharge the pre-commencement condition.
- Potential third-party agreements and consents are not planning issues and therefore, cannot influence the flood risk and drainage team's consultation response.

## FLOOD RISK SUMMARY OF INFORMATION SUBMITTED

The planning application is supported by an FRA and outline drainage strategy report (Curtins, 076038, Rev P09, June 2022).

The report states the site is in flood zone 1, at very low risk from flooding from rivers and seas. The report acknowledges two areas of the site are at increased risk of surface water (pluvial) flood risk; one area is shown to be due to ponding rain falling on the site, the other area forms part of an existing flood flow route originating off site.

The report states that alterations to levels on site shall manage the flood risk posed to the development itself and the drainage system shall address the area of pluvial ponding on the site. To address the potential impact the development, including the level alterations, could have on flood risk offsite flood compensation is proposed.

The report also acknowledges that the site has previously flooded. The report also states that the source of this flooding was found to be poor maintenance of a watercourse / culvert in third-party ownership.

An outline flood compensation scheme has been provided within an FRA addendum (Appendix E). This addendum has calculated the likely volume of pluvial flood water during the 1 in 1,000-year flood event displaced by the level changes proposed as part of the development to be 21.6m<sup>3</sup>.

The addendum proposes two flood management options:

2. Provide a suitably sized pluvial flood attenuation feature below ground within the area that is currently shown to flood. Pluvial flood waters entering the site shall be directed into this storage area during times of flooding, or
3. Landscape areas in the south of the site could be utilised as flood compensation storage areas subject to appropriate flow routes being provided.

The report acknowledges that detailed design for either flood mitigation option will be required.

## COMMENT

It is the flood risk and drainage team's conclusion that:

- The applicant has considered flood risk from all sources.
- The applicant has acknowledged the flood history of the development and the residual risk of flooding on site (flooding due to failure of third-party infrastructure).
- The applicant has acknowledged the need to provide flood compensation for the 1 in 1,000-year surface water (pluvial) flood event.
- The applicant has provided two outline flood management options to address the need for flood compensation.

The flood risk and drainage team would advise the applicant that on surface flood compensation storage is preferred over below ground storage options as they are considered more sustainable.

### SURFACE WATER DRAINAGE SUMMARY OF INFORMATION SUBMITTED

The planning application is supported by an FRA and outline drainage strategy report (Curtins, 076038, Rev P09, June 2022).

The report states that onsite infiltration testing was carried out on site in April 2019 which produced a worst-case infiltration rate of  $4.07 \times 10^{-6}$  m/s.

The drainage strategy submitted (Appendix D) includes areas of permeable paving, an attenuation/infiltration tank and connection to an area of open water to the north of the development. The system has been sized to ensure it can cater for the 1 in 100-year storm event, with a 40% allowance for climate change.

The report states that further infiltration testing shall be undertaken at detailed design stage. If infiltration is found to be possible then the permeable paving and tank will be used as infiltration systems.

### COMMENT

The applicant has provided a surface (rain) water drainage strategy that could utilise infiltration but could also utilise discharge of surface water off site.

Both options for surface (rain) water drainage will require further investigation works to be undertaken as part of the detailed design stage. However, the flood risk and drainage team consider that the applicant has, at this stage, shown a principle of drainage potential for the site.

The flood risk and drainage team advise the applicant that:

- The drainage hierarchy will need to be followed and infiltration utilised whenever possible to manage surface (rain) water drainage.
- Infiltration test results will be required to be submitted as part of the detailed drainage design.
- If discharge of surface (rain) water offsite is proposed, then evidence that this water has access to the wider watercourse network (without increasing flood risk offsite) will be required.
- Any surface (rain) water discharge offsite will need to be restricted to the Greenfield QBar runoff rate for the drained area. Appropriate upstream design and flow control mechanism (alternatives to orifice plates) mean discharge rates can be limited below the 3.5l/s proposed in the drainage strategy.

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

### FOUL WATER DRAINAGE SUMMARY OF INFORMATION SUBMITTED

The planning application is supported by an FRA and outline drainage strategy report (Curtins, 076038, Rev P09, June 2022).

It is proposed that foul water drainage shall connect to the existing public foul sewer at Manhole 8400 (Brighton Road). The report states that due to the distance to the nearest manhole a pumping station may need to be considered. It also states that any connection to the public sewer will be subject to a Section 104/106 agreement with Southern Water.

The drainage strategy drawing shows a pumping station located within the redline boundary of the site.

The report also states there is the potential for neighbouring properties to utilise the pumping station and that would require the pumping station to be adopted by Southern Water.

#### COMMENT

The proposed foul water drainage strategy to connect to the public foul sewer is considered acceptable in principle.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section. This information will need to be provided as part of the recommended drainage condition.

#### FOUL AND SURFACE WATER DRAINAGE

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied 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.

#### FOUL AND SURFACE WATER DRAINAGE

The development hereby permitted shall not commence unless and until details of all flood risk management, including management of ground levels and flood compensation to ensure existing flood extents are not directed offsite, has been submitted and approved in writing by the local planning authority.

The site shall not be occupied until all the approved flood risk management 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 any flood risk management measures for the lifetime of the development. Maintenance and management, and site levels, during the lifetime of the development should be in accordance with the approved details

Reason To ensure that the proposal satisfactorily manages the existing flood risk posed to the development and does not alter existing modelled flood extents.

#### Comments dated 02/11/2021

Following previous consultation responses, the developer provided an updated Flood Risk Assessment and Outline Drainage Strategy on 20/10/2021. This consultation response is

based on the provided updated report, revision P07 and dated July 2021 and supersedes all previous consultation responses.

### FLOOD RISK

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is within an area identified as having possible high to low surface water flood risk.

It appears that the surface water flood extents on the site can be categorised into two types; collection of surface water due to topography, and flooding associated with the drain located to the north of the site. The flooding associated with the drain enters the site from the neighbouring property to the east.

There are historic records of flooding occurring on this site in 2000. Public consultation response has raised that flooding occurs on neighbouring properties during heavy rainfall which can also impact the proposed development site. The description of these flood events and their extents appears to correlate with the surface water flood maps.

The application is supported by a Flood Risk Assessment (FRA) and Drainage Strategy report (Rev 07, July 2021). This report considers the historic flood event and its cause. The report concludes that further flood mitigation on the development site is not required due to the flood event being caused by poor maintenance on third party land.

The FRA states that the area of surface water flood risk impacted by the proposed development is associated with a topographically low spot and shall be managed as part of the surface water drainage system.

The surface water flood risk on the site associated with the drain located to the north of the site is contained to the eastern edge of the site. This area is shown, in the proposed development plans, as a garden area. The FRA states that the proposed garden area shall be designed to allow flood water to continue to enter the area. Given this eastern area shall remain available to flood the development is considered to not increase flood risk to the neighbouring property due to blocking an existing floodplain.

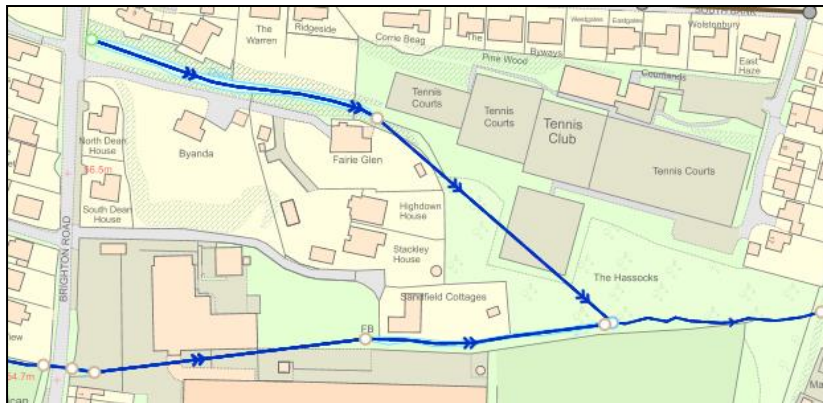
The Flood Risk and Drainage Team consider flood risk to have been appropriately considered as part of this application. Whilst we acknowledge flood mitigation measures are no proposed due to the secondary nature of the flood risk, we continue to advise that these measures are incorporated into the development's design.

We would also advise the applicant that no land raising should be undertaken on the northern or eastern areas of the site to ensure the existing surface water flood extents are not impacted by the development.

### WATERCOURSES / WATER FEATURES

The drain to the north of the site is shown on the latest Ordnance Survey's watercourse data (2018) to be a watercourse which connects to the watercourse to the south of the site. However, local representation suggests that whilst a pipe is located beneath the neighbouring Farie Glen the connection does not continue beneath the Tennis Club and there is no connection to the southern watercourse. Local representation suggests the area identified as a drain is a pond with an overflow pipe into the neighbouring property.

Several historic maps of the area show the open section of the drain, with the 1:2,500 1955-1973 map also showing the issue location (spring) just east of London Road. The Flood Risk and Drainage Team have found no clear historic evidence of the drain's connection to the watercourse to the south except the Ordnance Survey's 2018 watercourse data and descriptions of the area. This doesn't mean the watercourse does not connect to the south, rather we have been unable to find clear evidence of it.



### SEWERS ON SITE

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

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

### SURFACE WATER DRAINAGE

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

The Flood Risk Assessment (FRA) and Drainage Strategy (Rev 07, July 2021) has provided details of onsite infiltration testing which was undertaken in April 2019 for a previous application on the site. A total of four tests were conducted on the site, with the worst infiltration rate was shown to be  $4.07 \times 10^{-6}$  m/s at a depth of 1.6m below ground level. The location of the infiltration testing correlates with the proposed development's car parking area.

The FRA states further infiltration testing shall be undertaken as part of the detailed design stage. However, connection to the northern open water feature labelled a ditch is proposed as an alternative means of managing surface water on site.

The applicant has provided an outline drainage strategy, including preliminary drainage calculations which shows how infiltration drainage could be achieved on the site. This strategy shows permeable paving and infiltration attenuation tanks utilised throughout the car parking and access areas. Infiltration attenuation tanks have been sized to accommodate the 1 in 100-year storm plus 40% allowance for climate change and have a half drain time of less than 24-hours.

The Flood Risk and Drainage team consider the application to show that surface water drainage can, in principle and subject to detailed design, be achieved for the development.

### FOUL WATER DRAINAGE

It is proposed that the development will connect to the public foul sewer located on Brighton Road. This connection will require the use of a pumping station. It is also proposed that neighbouring properties may utilise this new pumping station.

The installation of a new rising main to connect to the main foul sewer on Brighton Road may be considered acceptable subject to approvals from relevant landowners and Southern Water. Further information into our general requirements for foul water drainage is included within the 'General Drainage Requirement Guidance' section.

The Flood Risk and Drainage team consider the application to show that foul water drainage can, in principle and subject to detailed design and appropriate permissions, be achieved for the development.

### CONDITION RECOMMENDATIONS

#### FOUL AND SURFACE WATER DRAINAGE

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

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

#### FLOOD RISK MANAGEMENT, INCLUDING GROUND LEVELS

The development hereby permitted shall not commence unless and until details of all flood risk management, including management of ground levels to ensure existing flood extents are not directed offsite, has been submitted and approved in writing by the local planning authority.

The site shall be occupied until all the approved flood risk management 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 any flood risk management measures for the lifetime of the development. Maintenance and management, and site levels, during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal satisfactorily manages the existing flood risk posed to the development and does not alter existing modelled flood extents.

### Comments dated 26/10/2021

Following previous consultation responses, the developer provided an updated Flood Risk Assessment and Outline Drainage Strategy on 20/10/2021. This consultation response is based on the provided updated report, revision P07 and dated July 2021 and supersedes all previous consultation responses.

### FLOOD RISK

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is within an area identified as having possible high to low surface water flood risk.

It appears that the surface water flood extents on the site can be categorised into two types; collection of surface water due to topography, and flooding associated with the drain located to the north of the site. The flooding associated with the drain enters the site from the neighbouring property to the east.

There are historic records of flooding occurring on this site in 2000. Public consultation response has raised that flooding occurs on neighbouring properties during heavy rainfall which can also impact the proposed development site. The description of these flood events and their extents appears to correlate with the surface water flood maps.

The application is supported by a Flood Risk Assessment (FRA) and Drainage Strategy report (Rev 07, July 2021). This report considers the historic flood event and its cause. The report concludes that further flood mitigation on the development site is not required due to the flood event being caused by poor maintenance on third party land.

The FRA states that the area of surface water flood risk impacted by the proposed development is associated with a topographically low spot and shall be managed as part of the surface water drainage system.

The surface water flood risk on the site associated with the drain located to the north of the site is contained to the eastern edge of the site. This area is shown, in the proposed development plans, as a garden area. The FRA states that the proposed garden area shall be designed to allow flood water to continue to enter the area. Given this eastern area shall remain available to flood the development is considered to not increase flood risk to the neighbouring property due to blocking an existing floodplain.

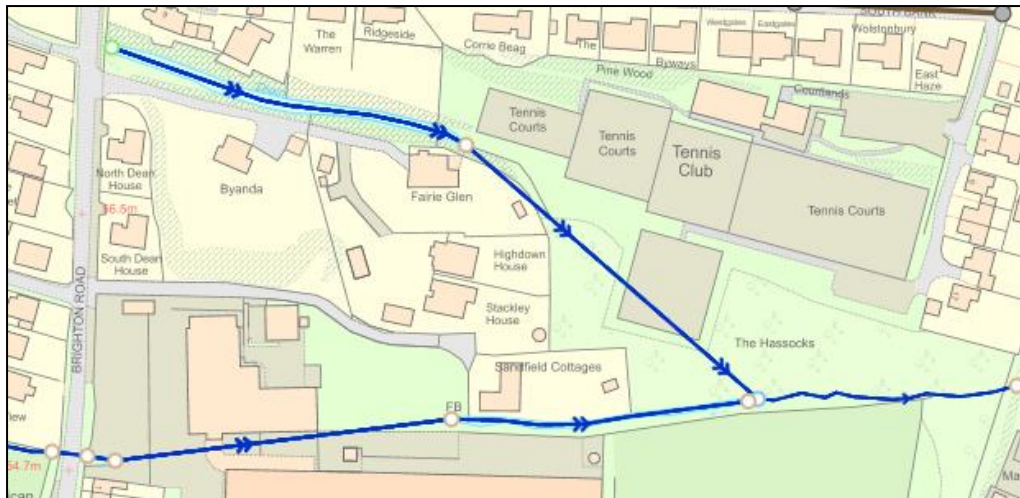
The Flood Risk and Drainage Team consider flood risk to have been appropriately considered as part of this application. Whilst we acknowledge flood mitigation measures are no proposed due to the secondary nature of the flood risk, we continue to advise that these measures are incorporated into the development's design.

### WATERCOURSES / WATER FEATURES

The drain to the north of the site is shown on the latest Ordnance Survey's watercourse data (2018) to be a watercourse which connects to the watercourse to the south of the site. However, local representation suggests that whilst a pipe is located beneath the neighbouring Farie Glen the connection does not continue beneath the Tennis Club and there is no connection to the southern watercourse. Local representation suggests the area identified as a drain is a pond with an overflow pipe into the neighbouring property.

Several historic maps of the area show the open section of the drain, with the 1:2,500 1955-1973 map also showing the issue location (spring) just east of London Road. The Flood Risk and Drainage Team have found no clear historic evidence of the drain's connection to the

watercourse to the south except the Ordnance Survey's 2018 watercourse data and descriptions of the area. This doesn't mean the watercourse does not connect to the south, rather we have been unable to find clear evidence of it.



### SEWERS ON SITE

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

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

### SURFACE WATER DRAINAGE

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

The Flood Risk Assessment (FRA) and Drainage Strategy (Rev 07, July 2021) has provided details of onsite infiltration testing which was undertaken in April 2019 for a previous application on the site. A total of four tests were conducted on the site, with the worst infiltration rate was shown to be  $4.07 \times 10^{-6}$  m/s at a depth of 1.6m below ground level. The location of the infiltration testing correlates with the proposed development's car parking area.

The FRA states further infiltration testing shall be undertaken as part of the detailed design stage. However, connection to the northern open water feature labelled a ditch is proposed as an alternative means of managing surface water on site.

There is uncertainty surrounding the northern ditch's connects to the wider network, and the opportunities for where soakaways could be located on the site is constrained by the proposed development, neighbouring properties, and the modelled flood extents.

To ensure that the applicant has demonstrated the principle of surface water drainage being achievable on site we will require the following information to be provided at this time:

- Outline soakaway sizing calculations based on,
- impermeable surface areas from the latest development plans,
- the worst-case infiltration rates,



- designed to cater for the 1 in 100-year storm event plus 40% allowance for climate change,
- with a half drain time of 24 hours or less.
- A plan showing where such a soakaway could be located on the site.

Alternatively, the developer could provide,

- Evidence the northern ditch / open water area is a watercourse with connection to the southern stream.

### FOUL WATER DRAINAGE

It is proposed that the development will connect to the public foul sewer located on Brighton Road. This connection will require the use of a pumping station. It is also proposed that neighbouring properties may utilise this new pumping station.

The installation of a new rising main to connect to the main foul sewer on Brighton Road may be considered acceptable subject to approvals from relevant landowners and Southern Water.

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

### SUMMARY OF FURTHER INFORMATION REQUIRED

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

- Evidence a soakaway could be located on the site taking into consideration all site constraints and the identified infiltration rate.
- OR
- Evidence the proposed discharge location is a watercourse with connection to the southern stream.

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.

### Comments dated 24/09/2021

The Flood Risk and Drainage Team provided initial comments on this application on 18th May and then again on 16th June in response to concerns raised regarding flood risk and drainage. This consultation response relates to the applicant's response to those two consultation responses.

### FLOOD RISK

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is within an area identified as having possible high to low surface water flood risk.

It appears that the surface water flood extents on the site can be categorised into two types; collection of surface water due to topography, and flooding associated with the drain located to the north of the site. The flooding associated with the drain enters the site from the neighbouring property to the east.

There are historic records of flooding occurring on this site in 2000. Public consultation response has raised that flooding occurs on neighbouring properties during heavy rainfall

which can also impact the proposed development site. The description of these flood events and their extents appears to correlate with the surface water flood maps.

The application is supported by a Flood Risk Assessment (FRA) and Drainage Strategy report, which has been updated in July 2021 following our previous consultation responses. This report considers the historic flood event and its cause. The report concludes that further flood mitigation on the development site is not required due to the flood event being caused by poor maintenance on third party land.

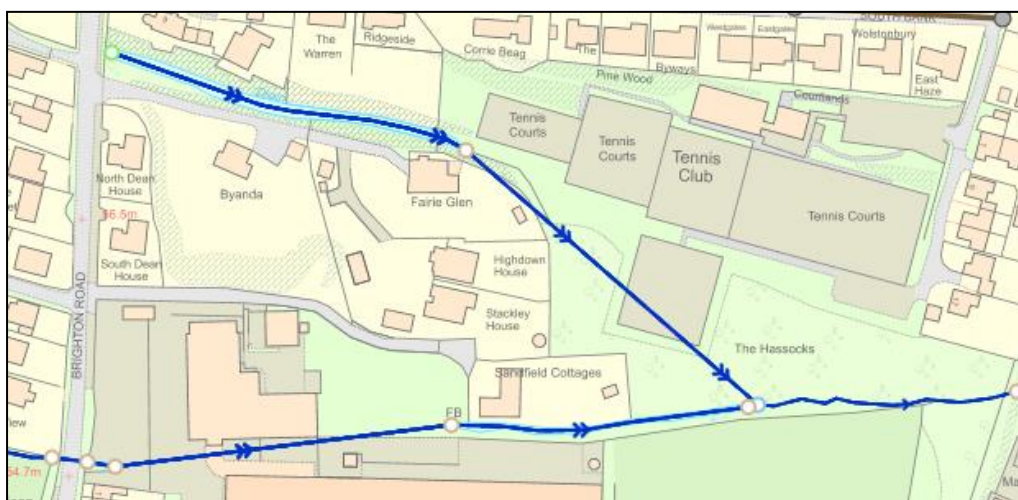
The FRA states that the area of surface water flood risk impacted by the proposed development is associated with a topographically low spot and shall be managed as part of the surface water drainage system. The area of increased flood risk to the east of the site shall be a garden area and available to flood. Given this eastern area shall remain available to flood the development is considered to not increase flood risk to the neighbouring property due to blocking a floodplain.

The Flood Risk and Drainage Team consider flood risk to have been appropriately considered as part of this application. Whilst we acknowledge flood mitigation measures are no proposed due to the secondary nature of the flood risk, we continue to advise that these measures are incorporated into the development's design.

### WATERCOURSES / WATER FEATURES

The drain to the north of the site is shown on the Ordnance Survey's watercourse data to be a watercourse which connects to the watercourse to the south of the site. However, local representation suggests that whilst a pipe is located beneath the neighbouring Fairie Glen the connection does not continue beneath the Tennis Club and there is no connection to the southern watercourse. Local representation suggests this drain is a pond with an overflow pipe into the neighbouring property.

Several historic maps of the area show the open section of the drain, with the 1:2,500 1955-1973 map also showing the issue location (spring) just east of London Road. The Flood Risk and Drainage Team have found no clear historic evidence of the drain's connection to the watercourse to the south except the Ordnance Survey's watercourse data and descriptions of the area. This does not mean the watercourse does not connect to the south, rather we have been unable to find clear evidence of it.



### SEWERS ON SITE

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

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

### SURFACE WATER DRAINAGE

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

The updated Flood Risk Assessment Drainage Strategy report states that site specific investigations will be required to identify whether the site is suitable for diffuse infiltration and permeability tests carried out as part of detailed drainage design. The proposed drainage strategy does not consider infiltration and therefore may be revised at detailed design stage.

The proposed drainage strategy states surface water drainage shall discharge at a minimum 3.5l/s into the watercourse to the north of the site, with an overflow to mitigate the impact of a blocked orifice. The proposed 3.5l/s discharge rate is greater than the Greenfield QBar rate of 2.5l/s but is based on guidance regarding minimum orifice sizing (75mm).

Attenuation requirements based on a discharge rate of 2.5l/s for all events up to and including the 1 in 100-year with 40% climate change have been estimated to be between 290 - 408m<sup>3</sup>. It is proposed that this attenuation could be provided within voided subbase of permeable parking areas and a geo-cellular tank.

An alternative means of drainage is to utilise a pumped surface water system before discharging into the watercourse via the public highway. We would advise the applicant that a pumped surface water drainage system isn't considered sustainable and is therefore not acceptable.

A developer can, subject to drainage design and third-party permission, discharge surface water into a watercourse not on their land. The Flood Risk and Drainage Team accept that a development would also not be responsible for the condition of said watercourse (open or culverted) downstream of their connection.

The principle of utilise infiltration to manage surface water, and if that is not viable to discharge to a watercourse at a controlled rate is considered acceptable. However, evidence that the discharge location is a watercourse is required.

It is the Flood Risk and Drainage Team's view that it is the developers responsibility to confirm that their discharge location has a connection to the wider drainage network of the area (watercourses or sewers).

Therefore, we would consider it the developers responsibility to determine that a connection (regardless of condition) between the drain to the north and the watercourse to the south exists. Due to the unknown infiltration potential on the site and the potential that discharge to watercourse will be required, we will require the evidence the proposed discharge location is a watercourse with connection to the southern stream.

Submission of this evidence does not place liability for the condition of the route onto the developer. It is to show the developer would be discharging to a watercourse and not a pond with an overflow into a neighbouring property's garden which could increase flood risk.

Alternatively, infiltration test results which show infiltration could be achieved on the site and discharge to watercourse is not required could be provided.

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

#### FOUL WATER DRAINAGE

It is proposed that the development will connect to the public foul sewer located on Brighton Road. This connection will require the use of a pumping station. It is also proposed that neighbouring properties may utilise this new pumping station.

The installation of a new rising main to connect to the main foul sewer on Brighton Road may be considered acceptable subject to approvals from relevant landowners and Southern Water.

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

#### SUMMARY OF FURTHER INFORMATION REQUIRED

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

- Evidence the proposed discharge location is a watercourse with connection to the southern stream.
- OR
- Infiltration test results which show discharge to a watercourse is not required.

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.

#### Comments dated 16/06/2021

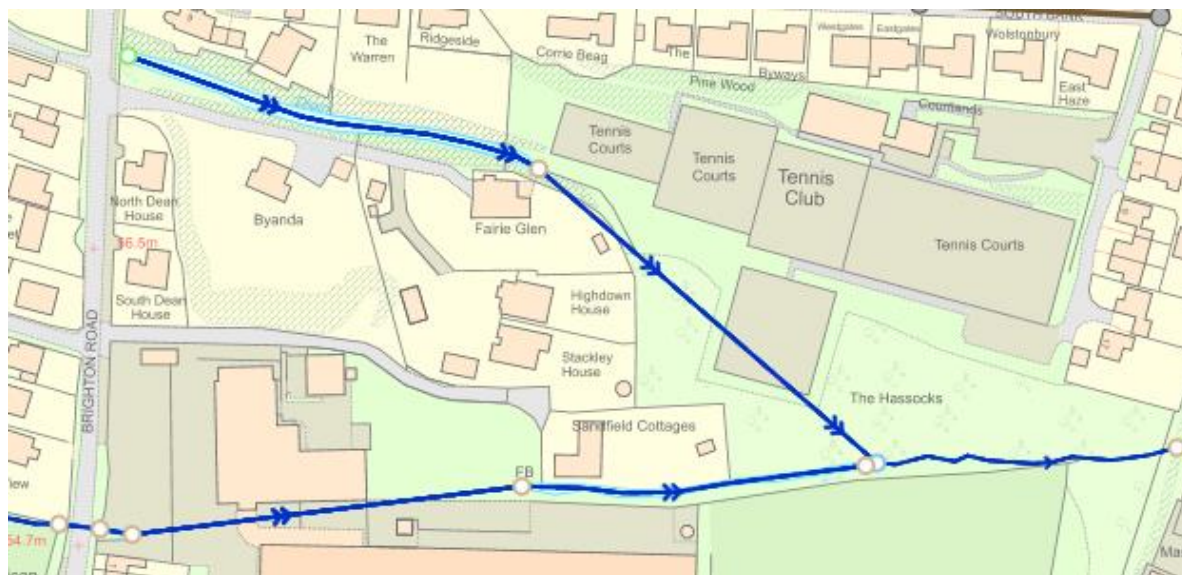
The Flood Risk and Drainage Team provided initial comments on this application on 18th May. Since this time further public comments have been provided, some of which raised concerns regarding flood risk and drainage. We have updated our response to take into consideration these comments, these additional comments have been highlighted in red text for ease of identification.

#### flood risk

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is within an area identified as having possible high to low surface water flood risk. Much of the surface water flood risk shown on the site is related to the Ordinary Watercourse located to the north of the site.

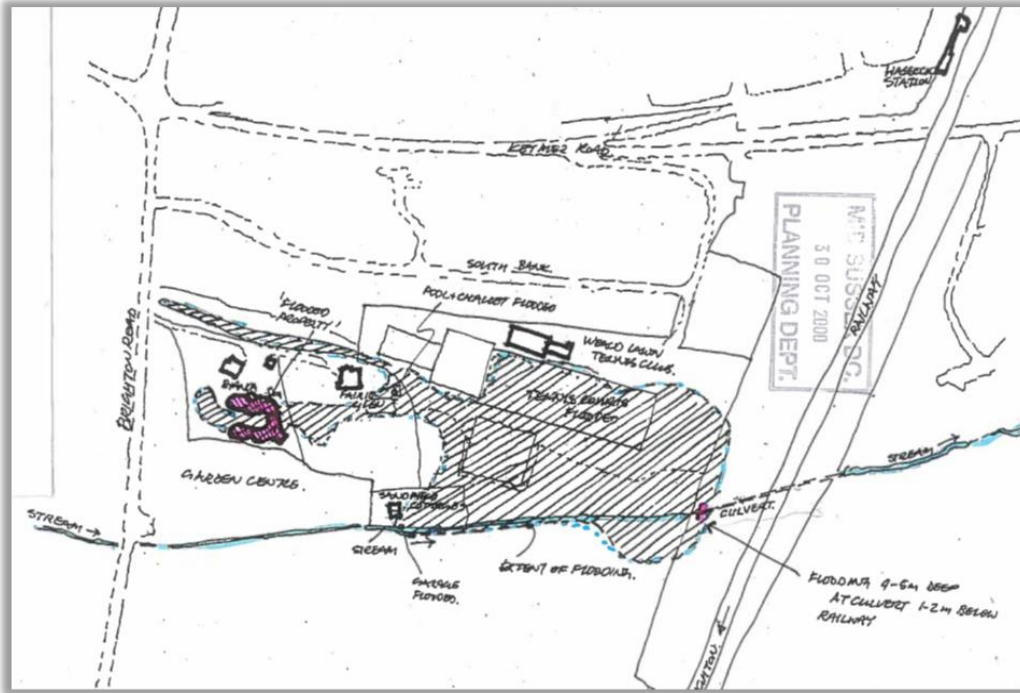
Questions have been raised about the use of the term watercourse to describe the open water to the north of Byanda and Faerie Glen. The Ordnance Survey's watercourse data shows the open water connecting to the watercourse to the south of the Tennis Club (figure below). The description given within a public comment states water remains within the open water area before being piped beneath Farie Glen towards the Tennis Club. This description appears to describe the system as shown on the plans. Therefore, this open water would be considered a watercourse.

Public comment has been made that the existing system is often exceeded and flooding occurs in Faerie Glen. This would appear to be a maintenance or capacity issue within the system which should be addressed by the appropriate landowners who would have Riparian Rights and Responsibilities to this watercourse. It is the Flood Risk and Drainage Team's understanding that a poorly maintained system downstream does not prohibit a developer discharging to that system.



There are historic records of flooding occurring on this site and in this area. The Mid Sussex Strategic Flood Risk Assessment identifies a single flood event in November 2000 at Byanda. This event is classified as fluvial and resulted in internal flooding of the dwelling to a depth of 1.6m. The single recorded flood event does not mean that further flooding has not occurred on site, instead, that further flooding has just not been reported.

The source of the 2000 flooding has been identified as a blockage within the culvert beneath the railway embankment. The Flood Risk and Drainage Team consider it likely that the source of the 2000 flooding at Byanda was the Ordinary Watercourse located to the north and south. The image below provides a sketch produced by the occupier of Byanda during the 2000 flood event.



A Flood Risk Assessment and Outline Drainage Strategy report has been submitted in support of this application. The report identifies the site as being at medium surface water flood risk.

The report incorrectly states that the site has not experienced flooding in the past. It also incorrectly states that the Strategy Flood Risk Assessment does not show the site to have a history of flooding.

The Flood Risk Assessment concludes that the main source of flood risk on the site is surface water and that this risk can be managed via the drainage system.

#### Comments

The proposed development layout does not appear to have considered the flood risk posed to the site. There appears to have also been no consideration of the potential impact the proposed development would have on flood risk off site.

The Flood Risk and Drainage Team consider the development to have the potential to displace surface water flooding associated with the Ordinary Watercourse. This could increase flood risk elsewhere.

We will require an update to the Flood Risk Assessment which considers the historic flood events and the flood risk posed to the site from the Ordinary Watercourse to the north of the site (represented by the Surface Water Flood Maps). This update should also consider the potential impact on flood risk offsite post development. The applicant will need to show that flood risk will not be increased elsewhere following development of the site.

#### Surface water drainage

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

The Flood Risk Assessment and Outline Drainage Strategy report states that a GeoReport obtained for the site shows that bedrock is likely to be poorly draining and therefore discharge to the adjacent watercourse is proposed to manage surface water.

The Flood Risk and Drainage Team would advise that this conclusion is reviewed as the report (Appendix C) appears to show the site within an area labelled as "bedrock permeability is spatially variable, but likely to permit moderate infiltration" (GeoReports, page 10 of 25).

Given that infiltration may be possible on site we would advise that this is reviewed at an early stage of the drainage design and infiltration testing undertaken on site.

If soakage rates are found to be prohibitive to infiltration drainage, then the proposed discharge to watercourse would likely be considered acceptable subject to permissions from third party landowners. The report appears to state that Building Regulations 2010 prohibit flows of less than 3.5l/s or orifices of 75mm. The Flood Risk and Drainage Team can find no reference prohibiting discharge rates of less than 3.5l/s within the Building Regulations. We also note that the Building Regulations 2010 state surface water drainage pipes should be at least 75mm. However, alternative means of flow control are available which can limit discharge rates to as little as 1l/s.

We would advise that discharge to a watercourse should be restricted to the Greenfield QBar rate for the positively drained area for all events up to and including the 1 in 100-year event with 40% allowance for climate change.

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

foul water drainage

It is proposed that the development will connect to the public foul sewer located on Brighton Road. This connection will require the use of a pumping station. It is also proposed that neighbouring properties may

The installation of a new rising main to connect to the main foul sewer on Brighton Road may be considered acceptable subject to approvals from relevant landowners and Southern Water.

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

summary of Further Information Required

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

- Updated Flood Risk Assessment

Comments dated 18/05/2021

flood risk

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is within an area identified as having possible high to low surface water flood risk. Much of the surface water flood risk shown on the site is related to the Ordinary Watercourse located to the north of the site.

There are historic records of flooding occurring on this site and in this area. The Mid Sussex Strategic Flood Risk Assessment identifies a single flood event in November 2000 at Byanda. This event is classified as fluvial and resulted in internal flooding of the dwelling.

The single recorded flood event does not mean that further flooding has not occurred on site, instead, that further flooding has just not been reported.

The Flood Risk and Drainage Team consider it likely that the source of the 2000 flooding is the Ordinary Watercourse located to the north of the site.

A Flood Risk Assessment and Outline Drainage Strategy report has been submitted in support of this application. The report identifies the site as being at medium surface water flood risk.

The report incorrectly states that the site has not experienced flooding in the past. It also incorrectly states that the Strategy Flood Risk Assessment does not show the site to have a history of flooding.

The Flood Risk Assessment concludes that the main source of flood risk on the site is surface water and that this risk can be managed via the drainage system.

### Comments

The proposed development layout does not appear to have considered the flood risk posed to the site. There appears to have also been no consideration of the potential impact the proposed development would have on flood risk off site.

The Flood Risk and Drainage Team consider the development to have the potential to displace surface water flooding associated with the Ordinary Watercourse. This could increase flood risk elsewhere.

We will require an update to the Flood Risk Assessment which considers the flood risk posed to the site from the Ordinary Watercourse to the north of the site (represented by the Surface Water Flood Maps). This update should also consider the potential impact on flood risk offsite post development. The applicant will need to show that flood risk will not be increased elsewhere following development of the site.

surface water drainage

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

The Flood Risk Assessment and Outline Drainage Strategy report states that a GeoReport obtained for the site shows that bedrock is likely to be poorly draining and therefore discharge to the adjacent watercourse is proposed to manage surface water.

The Flood Risk and Drainage Team would advise that this conclusion is reviewed as the report (Appendix C) appears to show the site within an area labelled as "bedrock permeability is spatially variable, but likely to permit moderate infiltration" (GeoReports, page 10 of 25).

Given that infiltration may be possible on site we would advise that this is reviewed at an early stage of the drainage design and infiltration testing undertaken on site.

If soakage rates are found to be prohibitive to infiltration drainage, then the proposed discharge to watercourse would likely be considered acceptable. The report appears to state that Building Regulations 2010 prohibit flows of less than 3.5l/s or orifices of 75mm. The Flood Risk and Drainage Team can find no reference prohibiting discharge rates of less than 3.5l/s within the Building Regulations. We also note that the Building Regulations 2010 state surface water drainage pipes should be at least 75mm. However, alternative means of flow control are available which can limit discharge rates to as little as 1l/s.



We would advise that discharge to a watercourse must be restricted to the Greenfield QBar rate for the positively drained area for all events up to and including the 1 in 100-year event with 40% allowance for climate change.

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

foul water drainage

It is proposed that the development will connect to the public foul sewer located on Brighton Road. This connection will require the use of a pumping station. It is also proposed that neighbouring properties may

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

Summary of Further Information Required

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

- Updated Flood Risk Assessment

### **South Downs National Park:**

#### Comments dated 7th July 2022

Thank you for your correspondence received 24 June 2022, consulting us as a neighbouring authority on the above noted development proposals.

Although the application site is located outside of the National Park, the Council has a statutory

duty to consider the Purposes of the National Park when making its determination. The statutory

purposes and duty of the National Park are:

- Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

The National Park's comments on the development are as follows:

We note that the amendments include the removal of six units from the south-eastern corner of the site and the slight lowering of the eaves height. However, these amendments do not fully address the concerns raised by the Authority in our responses of 17th June 2021 and 11th March 2022 with regard to harmful visual impacts on the setting of the National Park landscape; impacts on the amenity of users of public rights of way within the National Park; and potential visual impacts when viewed from Wolstonbury Hill, by reason of the building's height, scale, massing and appearance. As such the Authority would reiterate these previous comments and sustains an objection to the proposals.

Comments dated 11th March 2022

Thank you for your correspondence received 9 March 2022, consulting us as a neighbouring authority on the above noted development proposals.

Although the application site is located outside of the National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination. The statutory purposes and duty of the National Park are:

- Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

The National Park's comments on the development are as follows:

The Authority previously provided comments on the proposal in June 2021.

In July 2021, the NPPF was revised, and paragraph 176 of the NPPF now includes specific reference to the setting of National Parks: "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while any development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas." It is therefore important to consider direct and indirect effects upon the National Park designated landscape and its setting, in particular the effect upon its purpose for designation, and its special qualities.

Although revised drawings appear to have been submitted in December 2021, they do not address the concerns raised by the Authority with regard to harmful visual impacts on the setting of the National Park landscape; impacts on the amenity of users of public rights of way within the National Park; and potential visual impacts when viewed from Wolstonbury Hill, by reason of the building's height, scale, massing and appearance. It remains unclear how the applicant has considered effects upon the National Park designated landscape and its setting in developing the proposal, which has not been sensitively located or designed to avoid or minimise adverse impacts on the designated area.

As such the Authority would reiterate the concerns already raised in our previous comments, and sustains an objection to the proposals

## Comments dated 17th June 2021

Thank you for your correspondence received 7 June 2021, consulting us as a neighbouring authority on the above noted development proposals.

Although the application site is located outside of the National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination. The statutory purposes and duty of the National Park are:

- **Purpose 1:** To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- **Purpose 2:** To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- **Duty:** To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

The National Park's comments on the development are as follows:

Thank-you for consulting the South Downs National Park on application DM/21/1653 which seeks to demolish Byanda (a single dwelling) and erect a 3-storey, 66 bedroom residential care facility.

The Authority wishes to object to the application proposals as outlined below.

### **Landscape and Visual Impacts**

Under 11A (2) of the National Parks and Access to the Countryside Act (1949), any relevant

## **MSDC Street Naming and Numbering:**

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/21/1593

DM/21/1524

DM/21/1653

DM/21/1646

## **WSCC Flood Risk:**

**RECOMMENDATION:** Advice - No objection

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

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

### **Flood Risk Summary**

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

#### Comments:

Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding although a part of the southern section of the site is shown to be a higher risk.

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  
High risk

#### Comments:

The area of the proposed development is shown to be at high 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? Yes

#### Comments:

Current Ordnance Survey mapping shows an ordinary watercourse running to the north 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?  
Yes

#### Comments:

There is historic flooding on this site. In October 2000 the property Byanda flooded, with the lower floor of the property flooding to a depth of 1.6 metres. Further details of this can be found within the FRA and Mid Sussex District Council's Engineers comments from the previous application for this site, DM/16/4514.

This incident of historic flooding should be taken into consideration for any proposed designs for the site.

### **Future development - Sustainable Drainage Systems (SuDS)**

The FRA and Outline Drainage Strategy shows that sustainable drainage techniques (permeable paving, below ground attenuation with a restricted discharge to the watercourse) would be used to control the surface water from this development.

An alternate solution is also proposed which includes a surface water pumping station. In line with SuDS Policy 3 within the West Sussex LLFA Policy for the Management of Surface Water '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.

As mentioned in the FRA, infiltration testing should be carried out to identify whether infiltration can be incorporated into the drainage designs. Soakaways were proposed for the previous application at this site (DM/16/4514).

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

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

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

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

### **Southern Water**

comments dated 15/07/2022

Thank you for your letter dated 24/06/2022.

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development at manhole reference TQ29159402. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:

[developerservices.southernwater.co.uk](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)

Please note: The drainage strategy shows foul sewerage being connected to manhole reference TQ29158400. If connection is to be made through land which is under the ownership of other parties, then you are advised to obtain the Landowners consent before carrying out any works.

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

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

[water.org.uk/sewerage-sector-guidance-approved-documents/  
ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](https://water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

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

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

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

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

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

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection to basements from the risk of flooding.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

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 the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

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

#### comments dated 29/03/2022

Thank you for your letter dated 09/03/2022.

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development at manhole reference TQ29159402. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](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)

Please note: The drainage strategy shows foul sewerage being connected to manhole reference TQ29158400. If connection is to be made through land which is under the ownership of other parties, then you are advised to obtain the Landowners consent before carrying out any works. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

All other comments in our response dated 10/06/2021 remain unchanged and valid for the amended details.

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

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

#### Comments dated 10/06/2021

Thank you for your letter dated 10/05/2021.

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

To make an application visit: [southernwater.co.uk/developing](http://southernwater.co.uk/developing) and please read our New Connections Services 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)

Further to the additional information submitted regarding the surface water disposal.

At Planning Consultation stage, we refer to the interests of other Parties with regards to Surface Water disposal principles including the Environment Agency and Lead Local Flood Authority (LLFA).

At all stages we support the Hierarchy of H3 of Building Regulations with the preference for the use of soakaways.

If connection to a surface water sewer, combined sewer or foul sewer proves to be the only viable means of disposal and should we have no option but to accept such discharge then it should be at a discharge rate set by the LLFA in consultation with Southern Water.

#### Contact

Tel 0330 303 0119

Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX  
[southernwater.co.uk](http://southernwater.co.uk)

Southern Water Services Ltd, Registered Office: Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX Registered in England No. 2366670

The authority lies with the LLFA, but they require our technical input to determine the rate, the developer should seek permission from the LLFA to connect to our sewer in these circumstances.

If there is an existing connection and impermeable area connected, then we would use this as a guide to determine the discharge rate.

Otherwise we would aim to attenuate to green field run off rates in accordance with the CIRIA SUDs manual ([ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](http://ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)).

We would like to engage with you on the design for disposal of surface water for this development at the earliest opportunity and we recommend that civil engineers and landscape architects work together and with Southern Water. In many cases this may negate or reduce the need for network reinforcement and allow earlier completion of the development.

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

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

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

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.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

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