Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/24/0059
Wellcross Farm Five Oaks Road Slinfold West Sussex

DESCRIPTION:
Approval of details reserved by conditions 7 (surface water drainage scheme) to approved application DC/22/1503 (Reserved Matters pursuant to condition 5 of DC/19/1897 for Phase 1 to provide a Continuing Care Retirement Community with 47 units of accommodation (C2), communal facilities and new ancillary buildings with access, infrastructure, open space, landscaping and associated works including an onsite borehole water supply).

DETAILED DESCRIPTION:
Planning Application DC/19/1897 was allowed at appeal on 27 May 2021. This permitted an outline application for up to 141 units of accommodation (C2 Use) and community facilities including restaurant, cafe, shop, hairdressers, spa and clinical consultation / treatment suite, with access, infrastructure, open space, landscaping and associated works (all matters reserved except for access).

The development scheme permitted at outline is subject to a three-stage phased implementation. Phase 1 relates to the village centre and village apartments to the northeast of the site; Phase 2 is village apartments to the southwest of the site; Phase 3 is village apartments to the southeast of the site and the east bank of the River Adur.

Following confirmation from the planning agent, this application has been amended so it is only for the discharge of condition 7 (surface water drainage scheme) of approval of Reserved Matters DC/22/1503 (Phase 1). As originally applied for, the application was for discharge of condition No.7 and conditions No.2 (Construction Management Plan) and No. 6 (underground services). As details related to both conditions 2 and 6 were outstanding on matters raised by the Council's consultees, after a lengthy determination time had lapsed, it was agreed with the Council that these be omitted from the application.

The submitted details pursuant to condition 7 comprise a PHASE 1 DRAINAGE TECHNICAL NOTE ADDRESSING LLFA COMMENTS Issue 1 Status Final Date 17.05.24 by Ridge LAND AT WELLCROSS FARM, BROADBRIDGE HEATH Report Reference: 5016747-RDG-00-ZZ-RP-C-0008 May 2024

RELEVANT PLANNING HISTORY:

DC/19/1897	Outline application for the erection of a continuing care retirement community of up to 141 units of accommodation (C2 Use) and community facilities including restaurant, cafe, shop, hairdressers, spa and clinical consultation / treatment suite, with access, infrastructure, open space, landscaping and associated works (all matters reserved except for access)	Allowed At appeal 27 May 2021
DC/22/1503	Reserved Matters application pursuant to condition 5 of outline planning permission DC/19/1897 for the provision of Phase 1 of Land at Wellcross Farm to provide a Continuing Care Retirement Community with 47 units of accommodation (C2), communal	Permitted 20-11-2023

	facilities and new ancillary buildings with access, infrastructure, open space, landscaping and associated works including an onsite borehole water supply.	
DISC/23/0169	Approval of details reserved by condition 14 (Construction Management Plan) to approved application DC/19/1897 (continuing care retirement community of 141 units of accommodation (C2 Use) and community facilities) in relation to S278 works ONLY (new site access approved under under DC/19/1897).	Permitted 06-12-2023
DC/24/0205	Reserved matters application pursuant to condition 5 of outline planning permission DC/19/1897 for the provision of phases 2 and 3 of Land at Wellcross Farm to provide a continuing care retirement community with 94 units of accommodation (C2), with access, infrastructure, open space, landscaping and associated works including an onsite borehole water supply.	Permitted 26-07-2024

REPRESENTATIONS

WSCC Local Lead Flood Authority:
(subsequent) *Pleased information provided meets requirements of condition 7 of application DISC/24/0059 and therefore able to recommend condition 7 is discharged.*

(initial) *Concerns submitted information does not meet NPPF, PPG or LLFA Flood Risk Management Strategy policies and proposal will either increase risk of flooding elsewhere or to proposed development. As such, unable to recommend discharge of Condition 7.*
1. Evidence of permission and agreed access to discharge surface water into River Arun.
2. Drainage calculations should use CV value of 1.
3. Flood resistance and resilience measures should be demonstrated on layout drawing. Minimum of 300mm provided between design flood event and finished ground floor level. Minimum of 150mm above external ground levels and show that they are sloping away from vulnerable areas such as doorways.
4. Further details should be provided within maintenance and management plan to indicate who will be adopting these features for lifetime of development, lifetime of each of drainage features and any plan for replacement of drainage features at end of their design life.

HDC Landscapes
Noted drainage proposals may cause potential conflict with landscaping scheme due to various trees and shrubs being positioned over utilities or in close proximity to them. Where in close proximity to utilities, inclusion of tree root barrier systems requested to ensure successful delivery and establishment.

Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Condition 7 (surface water drainage scheme)

Pre-Commencement Condition: Notwithstanding details previously submitted, no development (except for the S278 works) within a phase shall commence until a detailed surface water drainage scheme for that phase including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the landscape scheme and shall be designed to prevent the discharge of water onto the public highway. The surface water drainage scheme for each phase shall subsequently be implemented prior to first occupation of that phase in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

The outline scheme at appeal was subject to a surface water drainage strategy that was approved but with the final detailed stage reserved by condition 7. The submitted Phase 1 drainage technical note has been informed by this framework strategy.

The initially submitted drainage technical note (dated 06.02.2024) to address Phase 1 (received 03 April 2024) was not adequate to receive support from the Local Lead Flood Authority for a number of technical reasons, as summarised in the consultee responses section of this report.

A subsequently revised technical note dated 17.05.2024 has now been received (29.05.2024) that meets the requirements of condition 7 and the Local Lead Flood Authority has rescinded their objection. The proposal therefore prevents increased risk of flooding, protects and improves water quality, habit and amenity, and ensures future maintenance of the surface water drainage infrastructure.

The submitted revised details are therefore acceptable pursuant to the condition.

Water Neutrality Note: Approval has been held in abeyance since the CG Fry High Court decision (30th June 2023). The Council has received updated legal advice on the CG Fry High Court decision (Nov 2023) since its initial advice received in July 2023, in relation to whether pre-commencement conditions are subject to the Habitats Regulation Assessment. The updated Nov 2023 advice is that no further Habitat Regulations Assessment (HRA) is required at conditions discharge stage if a scheme has already undertaken HRA for Water Neutrality prior to being granted. The permitted scheme (DC/19/1897) is already Water Neutral being subject of a favourable HRA AA in January 2022.

Recommendation: Application Permitted

NOTES TO APPLICANT

The Applicant's attention is drawn to the consultation response comment from HDC Landscapes below:

Noted drainage proposals may cause potential conflict with landscaping scheme due to various trees and shrubs being positioned over utilities or in close proximity to them. Where in close proximity to utilities, inclusion of tree root barrier systems requested to ensure successful delivery and establishment.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, to be able to, where possible, grant permission.

Plans list for: DISC/24/0059
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	PHASE 1 DRAINAGE TECHNICAL NOTE ADDRESSING LLFA COMMENTS Issue 1 Status Final Date 17.05.24 by Ridge LAND AT WELLCROSS FARM, BROADBRIDGE HEATH Report Reference: 5016747-RDG-00-ZZ-RP-C-0008 May 2024		29.05.2024

DELEGATED

Case Officer sign/initial Matthew Porter Date: 09-08-2024

Authorising Officer sign/initial J Hawkes Date: 12.08.2024