Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/23/0258
Leonardslee Gardens Brighton Road Lower Beeding West Sussex RH13 6PP

DESCRIPTION:
Approval of details reserved by condition 5 (surface water drainage strategy) of planning permission DC/22/2229 (Construction of enlarged and rationalised existing car park and grassed enclosure for overflow car parking, with tree planting).

DETAILED DESCRIPTION:

Planning Application DC/22/2229 was permitted on 10th July 2023. This permitted construction of enlarged and rationalised existing car park and grassed enclosure for overflow car parking, with tree planting. Installation of new children's play area. Relocation of chicken enclosure. Amendments to road layout within the site, with associated enlarged and enhanced landscape buffer and reinstatement of hedge to A281 boundary. (Part-retrospective).

Approval is now sought for details pursuant to condition 5 (surface water drainage strategy). The details submitted comprise a drainage strategy (Additional Supporting Information Issue Date: 12/03/2024 by Donald Insall Associates) and associated technical calculations and drawings. These drawings have been produced in by specialist drainage consultants after detailed site inspections and input from the applicants nominated contractors.

The approach to draining the existing site, and areas of concern addressed by it have been identified through ongoing discussion with Horsham District Council planning/conservation/landscape officers alongside the technical advice and requirements from Local Lead Flood Authority (West Sussex County Council).

The technical details are set out in the submission material. The broad approach is for surface water from the car park to drain and discharge to an attenuation pond. Discharge from the pond will be via a flow control device to the River Arun tributary system.

There has been discussion and negotiation between consultees and the applicant on need for the strategy to satisfy various technical standards, including related to infiltration and run off, and water quality, as well as the route taken by the new pipe and its effect on trees, as well as the surface water calculation design to account of appropriate rainfall data and climate change allowance..

RELEVANT PLANNING HISTORY:

DC/22/2229	Construction of enlarged and rationalised existing car park and grassed enclosure for overflow car parking, with tree planting. Installation of new children's play area. Relocation of chicken enclosure. Amendments to road layout within the site, with associated enlarged and enhanced landscape buffer and reinstatement of hedge to A281 boundary. (Part-retrospective).	Permitted 10th July 2023

REPRESENTATIONS

HDC Conservation Officer: *Satisfied with proposed scheme – subject to recommendations within the LUC report being brought forward. It is good the lake is to become part of the accessible public area as this hopefully will mean that it will be maintained as befitting the wider grade 1 listed park and garden.*

HDC Landscape Architect: *Overall broadly supportive of new proposals to create a combined lake to deal with the runoff of the car park and gardeners compound instead of the original two we looked at. Agree that turning this into a feature can be a positive addition to the gardens and provide a further opportunity for visitors to experience the views towards the South Downs.*
However, the starting principles of the design were not based on the 4 pillars of sustainable drainage (amenity, water quality, water quantity and biodiversity) but rather around engineered solutions focussing on the usual end of pipe resolution, and final stages of SuDS to store and slow release.
Note the agent's comment about permeability of clay, and do not believe underground crates would be the solution, but I do challenge the consultants to explore using the various green spaces, including the central strips within the parking bays, the buffer area along the A284 and the larger grassed area between the visitor centre and overflow car park to create areas that can catch, slow down and clean those first flushes of rain. Adding filter strips along the car park and a gentle swale/depressions within the other open space (150mm to 300mm no more) which can be planted, deals with some of the car park pollution and reduce the amount of storage needed within the lake and effectively size of cut and fill and formation of bunds.

Not clear from the information provided of the height of the proposed bunds. Section of the new lake (V&R new lake sections plan) show levels at the top of the bank being 83.5 and base of the pond being 82. This is clearly very different from LUC's landscape initial proposal plan (page 12) which shows existing levels varying between 78 and 79AOD, with an indicative note that the minimum bank level is expected to be +78, and working with the existing topography as also note a seat is shown at 79.32 which is an existing level. Clarification of how the engineering drawings sit within the existing and how the lake would sit in the landscape is key.

In conclusion, whilst on the right path, recommend that the drainage strategy looks at the key principles of SuDS and really explore the hierarchy and solutions to catch, slow and clean water across the scheme which will also have the added benefit to potentially reduce the size of the bunds and cut and fill needed to form the lake. Also recommend that the levels are clearly coordinated so that we can understand exactly how the bunds will sit within the overall gardens.

Local Lead Flood Authority (West Sussex County Council): *Pleased to see that the information provided meets the requirements of condition 5 of application DC/22/2229 and we are therefore able to recommend that condition 5 is discharged.*

Representations:
3 Objections received from separate property addresses; content summarised below:

Not online. Volume of water flowing down A281, Long Hill often blows the man hole off so replaced by hand. Surface water runoff is coming from the Car Park/ field uphill of here to the left. Further down the Long Hill, A281, the entrance to Loder Plants, the recently replace manhole cover is pushed up by the pressure of the water and then flow across the road, across entrance of South Lodge Hotel. A hazard to Road users. The newly made pond in the historic deer field will not be able the cope with this extra volume.

Live next door and have had to put up with endless construction work so close to our home, the estate has over 200 acres at its disposal, yet everything is being built just over our fence. Lived here a long time, long before the estate opened again and the tranquillity and landscape has changed drastically. We get endless lost drivers and delivery trucks turn up at us, we are off road and this is effecting the state of our driveway. Constant noise pollution from cars and events held so close to us, as well as non-stop construction noise 6 days a week. Object strongly and have done for so long now to the overdevelopment of this 'small' part of the estate. Have asked continuously for someone to come to us and give their opinion on whether they would live next to all this work but have yet to see anyone.

Proposal does not appear to have a cohesive drainage plan. The noted Kingspan NSBE10 is for surface areas up to circa 5500 M2 but from the plans the area served is circa 30000 M2 suggesting if correct that the proposed unit is insufficient in duty to serve the car park area covered. There is a general note on drawing 04 that the 150 diameter surface water drainage connects 'to existing outflow of lakes'. The indicative route of the drain suggests that it is routed through the new development. The drainage calculations for the new development made no mention of taking surface water drainage from the car parks. The attenuation pond for the new development already has issues with sides collapsing and overfilling without taking the load from the two building roofs into account. Has the proposed surface water drainage already been installed (without permission or 2 calculation proof) or will the new surface water pass through the new building compound before it is signed off? With the combined area served appearing to be almost six times the area noted on the plans, will 150 diameter surface water drainage pipes be sufficient? Since the new car park area has been installed there is persistent water flow from Leonardslee Gardens onto the residential area immediately south of the southern boundary. This is seen as a consistent flow of water during rainfall. It has caused flooding in one property and the highways surface water drainage has been overwhelmed on several occasions resulting in lifted cast iron covers. Highways are aware and there have been at least two job cards created one of which is still an open case. If the drainage was not installed with the new car park, where has the surface water been going? Why was drainage not part of the original plans?

Direct neighbours and are still waiting to see proof of 'proper' drainage that was meant to have been put in place when a compost bin was built next to our pond. If this hasn't been done then we do not hold out much hope for the 'surface water drainage strategy' proposed. Have a burst water main at the front of the property already and have not been able to report this to southern water who make it so difficult to register these things. Already have a river flowing outside our entrance plus the entrance to the 'south lodge' hotel. The area cannot take anymore run off water and with all the concreting that's happening just over the fence has become increasingly worse. Already in a flood prone position to the neighbouring Estate, being directly downhill from them.

In respect of the car park redesign application (DC/22/2229), you are suggesting that the surface water run off from the new car park was supposed to be directed to existing attenuation ponds on the estate site which then in turn would be discharged at a controlled rate into the estate lakes. If the information from planning application DC/22/2229 is correct there should be some form of attenuation pond in the area within the black circle. That would be logical as water flows downhill and the revised scheme cobbled together by Insall and Vincent & Rymill has all drainage pipework running towards the south west corner of the car park and thereafter in an easterly direction across the estate (potentially uphill). Does the attenuation pond exist? As the Google image shows the car park, the logic says that it would also show the noted attenuation pond but unless it is hidden from aerial view, it would appear to be missing. The other point is that to discharge into the estates existing lakes at a controlled rate would require a pipe leading from the above mentioned attenuation pond to the lakes. That would cut right across the estate just south of the vineyard. However, Insall comment in the supporting statement that a new pipe will be required from the new attenuation tank to pick up the existing 375mm pipe which has roughly installed from the new Gardeners Shed compound from the new attenuation pond serving that area only. Surely, if the pope existed as part of the original plan, a new pipe would not be necessary? Further, if the water from the car park currently does go to this existing attenuation pond why is it cascading at several points down Long Hill (Brighton Road)? The Google snippet shows a red line and a blue line and these map where the water from the car park goes every time it rains. Various representations (across several different planning applications involving Leonardslee Gardens including one highlighting that their premises has been flooded as a result) have highlighted that there is considerable run off from Leonardslee Estate that follows the red line that was not in existence prior to the new section of car park being formed. This would suggest that there is no attenuation pond and there is no controlled release into the lakes. Instead it has just been allowed to run its natural course downhill affecting everyone in its path. The other issue here is surface water from a used car park will have contaminants in. That is the purpose of a bypass separator and it would appear that if the car park has been allowed to just run into the road, any potential contaminants and solids have been allowed to pass into the main surface water drainage. Perhaps why the drains along Long Hill have been jetted last year and already require a further jetting. The manhole cover was relocated correctly on 26th January and less than two weeks later it has once again lifted all because of floodwater from Leonardsee Gardens.

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

Background

The submitted details seek approval pursuant to condition 5 (surface water drainage details) of planning permission DC/22/2229.

Planning permission DC/22/2229 was approved based on the acceptance of the submitted drainage strategy at that time (an overarching 'framework' document that set out the broad strategy). Full details of drainage apparatus and infrastructure were reserved by condition for future discharge once the car park design was a closer stage to being finalised; as elements of its design which may have presented potential drainage implications (such as tree pits within the car park) were still subject to future modification and negotiation.

With associated landscaping now very near agreement, there is certainty to the final design of the car park, and therefore full drainage detail.

Condition 5 (Surface water drainage details)

Pre-Commencement: Within 3 calendar months of the date of this permission a drainage strategy statement detailing the means of surface water disposal for the development shall be approved by the local planning authority, informed by the approved drainage details for planning permission DC/18/0689. The development shall be carried out in accordance with the approved drainage scheme and drawings.

Reason: As this matter is fundamental to ensure that the development is properly drained to comply with Policy 38 of the Horsham District Planning Framework (2015) and to ensure the successful and satisfactory protection of important trees and hedgerows on the site that positively contribute to the settings of Designated Heritage Assets within the High Weald Area of Outstanding Natural Beauty in accordance with Policies 25, 30, 31, 33 and 34 of the Horsham District Planning Framework (2015)

Following exploration of a number of options with the Landscape and Conservation specialists at the Council, a consensus was reached that due to the impermeably of the clay on site (and the disadvantages this presents in effective SuDs features such as swales and filter strips on the site), and unacceptable harm which installing large, buried attenuation tanks would cause, a new attenuation lake as an expansion to the drainage pond (which has already been implemented in the southwest corner of the events field) was an appropriate approach to resolving the drainage from the site. The drainage pond formed part of the host planning permission for the car park (DC/22/2229) and as such was consented under the host permission DC/22/2229.

Upon this, the applicant has instructed Landscape Architects LUC to work with the consultant drainage engineers to produce a design for the new lake which both has capacity to store surface water runoff from the car park, to discharge int the existing lakes, as well as acting as an emergency water reservoir with a minimum year-round level. The applicant' Landscape Architects have referenced existing lakes on site and in similar Plantsman's High Weald Gardens to produce a form which complements the Grade 1 Registered landscape, and along with sensitive and appropriate plating, considers key views

from Leonardslee House and neighbouring properties, to ensure the new lake reads as a feature of the landscape design and visitor experience. This includes careful design in the pond being defined by the cutting rather than embankment areas (to the southern side of the pond only) with no build up visible from the footpath. This is shown on the submitted sections provided in the LUC material.

With the submitted evidence, the broader drainage strategy is accepted as the infrastructure can be provided without detriment to the important trees and hedgerows on the site that positively contribute to the settings of the designated heritage assets. This includes the introduction of the large attenuation pond within the Parkland setting of those assets.

Following extensive negations on technical matters pertaining to the standards employed within the design of the strategy as detailed earlier in this report, the submitted details pursuant to condition 5 are now accepted by the Local Lead Flood Authority. This acceptance was confirmed at the end of July on the basis it being, amongst other things, evidenced that flood would not leave the site and that the risk of surcharge been addressed due to the capacity of the stone fill within the existing car park (this also relevant to the greenfield run off rate assuming the existing car park was being 100% impermeable), and an acceptance by the LLFA for calculations based upon CV values of 0.75 for summer and 0.8 for winter. A factor of 1.0 is very unlikely or occur in practice due to the permeable plastic cell surface, and storage within the stone fill.

The outstanding issue of inconsistencies on the matter of the height of the proposed bunds and section of the new lake between the engineering drawings and the LUC landscape proposal plan (as identified by the Council's Landscape Architect) has been clarified in part by the applicant's agent confirmation on 29th August 2024 that based on negotiations, the shape of the lake has altered from the drainage engineering drawings to the version presented by the appointed landscape architect LUC. This shown on drawing CP 4010 Rev 3 / NEW LAKE STAGE 2 REPORT Version 1 is the proposal to which discharge is sought, but its section depth and volume, inlet and outlet locations etc are as shown in the calculations on "02 Visitor car park sub base [..] sheet 2 of 2".

The opportunity is available under separate condition discharge (no. 11) to continue negotiations on the potential to refine the bunds further and on cut and fill needed to form the lake to understand exactly how the bunds will sit within the overall gardens. It is evident that from the agent's 29th August 2024 confirmation that for these landscaping elements, including the need for sympathetically designed and shaped bunds and overall shape to the attenuation basin, the LUC New Lake Stage 2 Report takes priority over the engineering drawings.

Subject to clarification of this by way of informative, the details are thereby acceptable as once the drainage strategy is delivered in full, the development will be properly drained whilst ensuring successful and satisfactory protection of important trees and hedgerows (which was the reason condition no. 5 was imposed).

Recommendation: Application Permitted

NOTES TO APPLICANT

The applicant's agent (Donald Insall Associates) confirmed by email 29th August 2024 that:

The landscape architect has altered the shape of the lake (CP 4010 Rev 3 / NEW LAKE STAGE 2 REPORT Version 1 is the proposal), but its section depth and volume, inlet and outlet locations etc are as shown in the calculations on "02 Visitor car park sub base [..] sheet 2 of 2.

Therefore, discharge of condition 5 (surface water drainage strategy) is on the basis of the following agreed details:

Bunds and Shape of the attenuation lake/pond as shown on drawing CP 4010 REV 3 CAR PARK LANDSCAPE ESTATE PLAN WITH DRAINAGE LOCATION and NEW LAKE STAGE 2 REPORT Version 1 Date 20.05.24 by LUC Leonardslee Lakes and Gardens 12897-LUC-XX-XX-RPT-L-002 May 2024

ONLY Section depth and volume, inlet and outlet locations etc of the attenuation lake/pond as shown on 02 VISITOR CAR PARK SUB BASE DRAINAGE LAYOUT SHEET 2 OF 2

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, in order to be able to, where possible, grant permission.

Plans list for: DISC/23/0258

(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	Donald Insall-architects Email Re: 'West Sussex LFA comments' dated 30 July 2024		30.07.2024
Supporting Docs	Leonardslee Lake & Gardens Car Park Remedials SW Network Simulation by Causeway 16/04/2024 Page 1 - 16 inclusive		31.05.2024
Supporting Docs	NEW LAKE STAGE 2 REPORT Version 1 Date 20.05.24 by LUC Leonardslee Lakes and Gardens 12897-LUC-XX-XX-RPT-L-002 May 2024		31.05.2024
Supporting Docs	Leonardslee Lakes and Gardens CAR PARK REMEDIALS SW Network Simulation Dated 16/04/2024 by Causeway Page 1 - 6 inclusive		31.05.2024
Supporting Docs	Additional Supporting Information Issue Date: 12/03/2024 by Donald Insall Associates Discharge of Condition 5 as relating to Application Reference DC/22/2229		12.03.2024
Supporting Docs	Water Quality - Summary Table		12.03.2024
Supporting Docs	Donald Insall Associates Email: Attenuation lake shape dated 29th August 2024		29.08.2024
Plans	VISITOR CAR PARK NEW LAKE SECTIONS	03	31.05.2024
Plans	CAR PARK LANDSCAPE ESTATE PLAN WITH DRAINAGE LOCATION	CP 4010 REV 3	31.05.2024
Plans	VISITOR CAR PARK SUB BASE DRAINAGE LAYOUT SHEET 2 OF 2	02	31.05.2024
Plans	VISITOR CAR PARK SUB BASE DRAINAGE LAYOUT SHEET 1 OF	01	31.05.2024

	2		
Plans	Visitor Car Park Drainage and Car Park Details	04	12.03.2024

DELEGATED

Case Officer sign/initial Matthew Porter Date: 30-08-2024

Authorising Officer sign/initial Adrian Smith Date: 01/10/2024