

MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

18 MAY 2017

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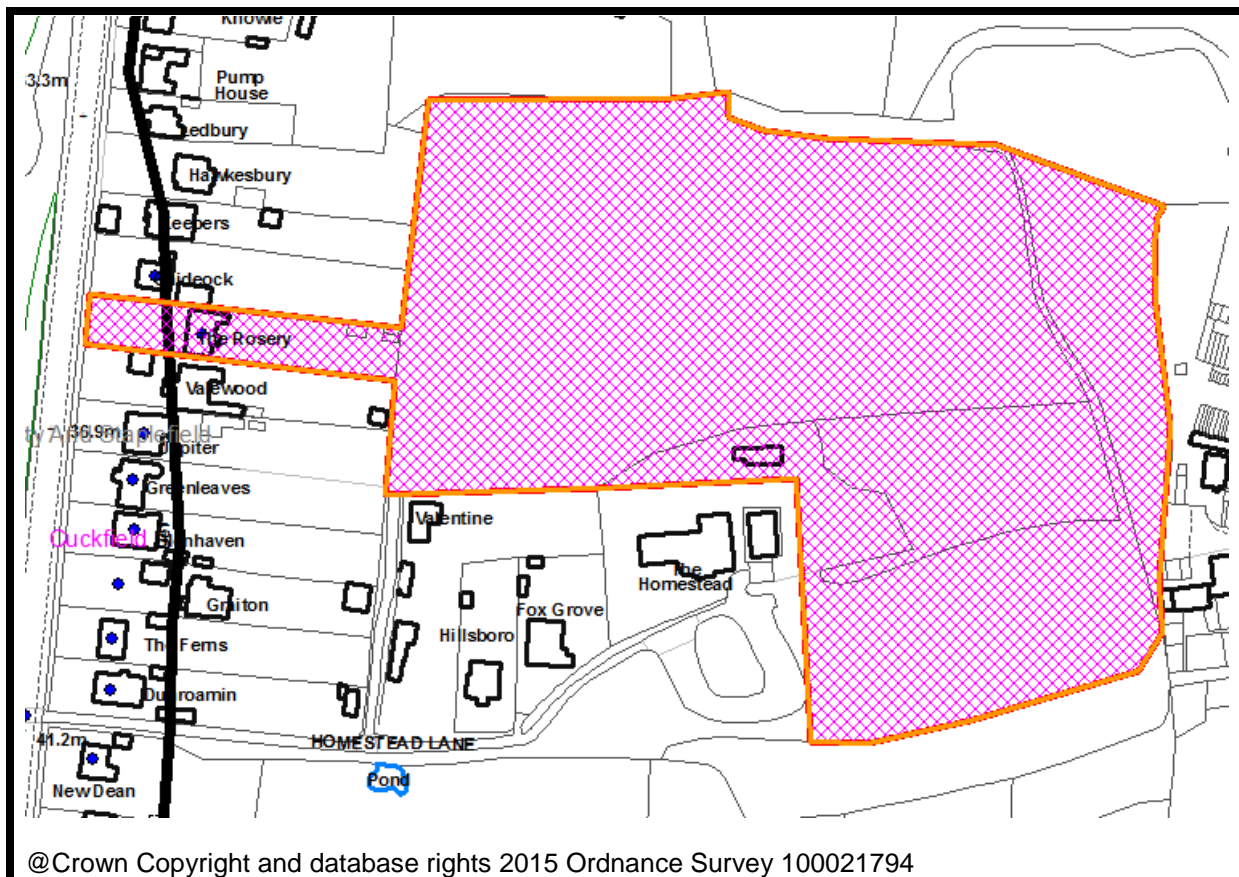
MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

18 MAY 2017

PART I - RECOMMENDED FOR APPROVAL

1. DM/16/5511



**THE ROSERY VALEBRIDGE ROAD BURGESS HILL WEST SUSSEX
DEMOLITION OF THE ROSERY AND THE ERECTION OF 55 RESIDENTIAL HOMES,
WITH ASSOCIATED ACCESS, CAR PARKING, CYCLE PARKING,
REFUSE/RECYCLING STORAGE AND LANDSCAPING.
C/O AGENT**

POLICY: Ancient Woodland / Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Strategic Gaps /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 13th March 2017

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Ms Susan Dubberley

Purpose of Report

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

Executive Summary

This application seeks full planning permission for the demolition of The Rosery and the erection of 55 residential homes, with associated access, car parking, cycle parking, refuse/recycling storage and landscaping.

The site is located within both East Sussex and Lewes District Council administrative areas and West Sussex and Mid Sussex District Council. The vast majority of the application site falls outside of MSDC and within the administrative boundaries of Lewes District Council, who resolved to approve the same application subject to the completion of a section 106 legal agreement at their planning committee meeting on 26 April 2017.

It is only the access into the site that is within Mid Sussex and this is the only aspect of the proposal that requires planning permission from Mid Sussex.

This is an unusual case in that it is a cross boundary application where the vast majority of the development is taking place within the neighbouring authority. As such the principle of residential development on this site is accepted and is not a matter for this Council to consider.

It is considered that a satisfactory access can be achieved into the site. There would be no highway safety issues associated with this access. The Highway Authority has raised no objection to the proposal, either in relation to highway safety matters or capacity issues on the local highway network.

Whilst it is undoubtedly the case that there will be an increase in vehicular movements along Valebridge Road, it is not considered that this will result in a significant loss of residential amenity to existing occupiers of the road.

In conclusion it is considered that the proposal is satisfactory in relation to access arrangements. In light of the above the application is recommended for approval.

Recommendation

It is recommended that planning permission is granted subject to the conditions set out in the appendix.

Summary of Representations

Woodland Trust

Object to the deterioration of ancient woodland as the development will increase the intensity of the use of the land to the detriment of the ancient woodland and the ecosystems it supports.

Summary of Consultations

Parish council

This application was noted. Only the access is with the parish of Ansty and Staplefield.

Highway Authority

No objection subject to conditions.

Leisure

The development site is in Lewes District but the access is in Mid Sussex. If the development were entirely in Mid Sussex we would request £49,186 toward formal sport, £48,628 towards play equipment and kickabout provision and £21,366 for community buildings, making a total contribution of £119,180.

MSDC Drainage Engineer

No objection. The Flood Risk Management Team at East Sussex County Council will be able to advise further with regard to this application.

Introduction

Full planning permission is sought for the Planning Application for the demolition of The Rosery and the erection of 55 residential homes, with associated access, car parking, cycle parking, refuse/recycling storage and landscaping.

The vast majority of the application site falls outside the district and within the administrative boundaries of Lewes District Council, who have the same application to determine.

Relevant Planning History

None within Mid Sussex District Council boundary.

Lewes District Council LW/16/1040 - Planning Application for the demolition of The Rosery and the erection of 55 residential homes, with associated access, car parking, cycle parking, refuse/recycling storage and landscaping. This application was approved at the Lewes DC Planning Committee on 26th April subject to the signing of a S106 Agreement.

Site and Surroundings

The site is located east of Valebridge Road to the north of Burgess Hill in a Countryside Area of Development Restraint and Strategic Gap between Burgess Hill and Haywards Heath. The large majority of the application site falls within Lewes District Council with a very small area at the western edge of the site adjacent to Valebridge Road falling within Mid Sussex District.

The application site is an irregular L-shape and extends to approximately 3.1 hectares. The site includes the entire property known as The Rosery, along with the majority of the land and garden currently associated with the detached property on the site known as The Homestead. The site area within Mid Sussex consists of the access only onto Valebridge Road.

To the north and south of the site the surrounding area is residential, with mainly detached properties set in substantial gardens. On the opposite western side of the road is a narrow area of woodland, beyond which lies the main London-Brighton railway line.

Application Details

The application within Mid Sussex is simply to form a new access onto Valebridge Road and into the site.

List of Policies

National Policy

National Planning Policy Framework (Mar 2012)
Planning Practice Guidance (Mar 2014)

Mid Sussex Local Plan

B3 Residential amenities
T4 (Transport requirements in new developments)

Haywards Heath neighbourhood plan

Material planning consideration with full weight.

- No policies of direct relevance as it is only the access into the site that is within the neighbourhood plan area.

Draft District Plan

The Submission District Plan 2014 - 2031 was submitted for Examination on the 17 August 2016. The first of the Examination hearings have taken place. The Plan is a material planning consideration. Weight will be given to relevant policies in accordance with paragraph 216 of the NPPF. Relevant policies include:

DP19 Transport
DP24 Residential amenities

Assessment of main issues

As the majority of the site is within Lewes, the principle of development is not for Mid Sussex to determine and as such matters relating to housing land supply and development outside the built up areas are not matters to take into consideration. This report will focus on the matters that are relevant to Mid Sussex's determination of this application, namely issues relating to the access into the site.

Highways

Paragraph 32 of the NPPF states in respect of transport matters;

Plans and decisions should take account of whether:

- *The opportunities for sustainable transport modes have been taken up depending on the nature of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable to the site can be achieved for all people; and*

- *Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*

Policy T4 of the Mid Sussex Local Plan states that proposals for new development should not cause an unacceptable impact on the local environment in terms of road safety and increased traffic. It should be noted that the NPPF test of a 'severe' impact is of a higher order than the policy T4 test of 'unacceptable'. Given that the NPPF post-dates the Local Plan it is considered that the relevant test in this case is of 'severe' impact, and in these circumstances the Local Plan Policy has diminished weight in this respect.

The proposed development would be served from a new access adjoining Valebridge Road. The access would take the form of a T-junction with a simple priority arrangement including a crossing facility for pedestrians. The new access would be flanked by a 2m wide footway on its southern side.

In the location of the access the posted speed limit is 60mph. A speed survey has been undertaken to determine the actual 85th percentile traffic speeds. The recorded 85th percentile speeds are 50.3mph northbound and 48.5mph southbound. The proposed visibility splays of 148m looking north and 139.2m looking south take into the account the 85th percentile speeds recorded during a 7 day speed survey on Valebridge Road. The LHA have confirmed that the visibility splays are achievable and have no objection to the access arrangements which have also been the subject of a Stage One Road Safety Audit. The proposed access is therefore considered acceptable.

The proposed development will inevitably result in additional vehicle trips on the highway network. Based on the trip rates within the submitted Transport Statement, the development is forecast to generate 26 two way movements in the AM and PM network peak hours. The impact has been considered upon the peak hours given that these are most sensitive to changes.

The LHA have commented that given the level of vehicular trips generated, this proposal would not meet the criteria to require any off-site junction capacity assessments, which is set at 30 or more vehicle movements. The NPPF states that development should only be prevented or refused where the impacts would be severe and it is concluded that based on the predicted trip rates this proposal would not be expected to result in any capacity impacts that could be defined as severe.

In conclusion, the LHA are satisfied that this proposal would not give rise to any severe highway safety or capacity concern.

In light of the above it is considered that there is no conflict with policy T4 of the MSLP and DP19 of the MSDP.

Impact on neighbouring amenity

Policy B3 of the Local Plan aims to protect amenity

Whilst there will be an increase in the number of vehicles using Valebridge Road, it is not considered that it could reasonably be argued that this would cause a significant loss of amenity that would conflict with policy B3 of the MSLP. As such it is considered that policy B3 would be met.

Infrastructure provision

It is considered that the proposal is likely to increase demand on infrastructure within Mid Sussex because prospective residents are likely to be using facilities within Mid Sussex. Normally, with applications of this scale for residential developments, applicants would be required to mitigate the impacts of their proposals by making contributions towards infrastructure provision.

In this case, the entire development, with the exception of the access point is within Lewes DC. Lewes has an adopted community infrastructure levy (CIL) charge and this will be paid by the developers to Lewes DC. The CIL is essentially a tariff that requires monies to be paid by developers to go towards the costs of providing infrastructure to mitigate the impacts of their developments.

In order for Mid Sussex to secure infrastructure monies to go towards the costs of providing infrastructure within Mid Sussex, it will be necessary for Mid Sussex to put forward a case and to bid for those monies from Lewes DC. It would therefore not be appropriate for Mid Sussex to try and seek to obtain further infrastructure monies in addition to that secured through the CIL in this case as there is no housing development that is being constructed within Mid Sussex.

There is a S106 associated with the Lewes DC planning application and at the time of writing this report the application is currently minded to grant subject to the signing of the agreement. In this case the S106 relates to securing the provision of 40% affordable housing on the site, a recycling contribution and the sum of £1000 to be paid to MSDC for reptile translocation.

An Ecological survey of the site identified slow worms and grass snakes on the site and a reptile translocation strategy for the removal of the reptiles off site to a pre-agreed off site receptor site. Nearby Bedelands Site of Nature Conservation Importance (SNCI) and Bedelands Farm Local Nature Reserve (LNR) has already been identified as a suitable receptor site. The applicants have had discussion prior to the submission of the application with Mid Sussex District Council as landowner and agreed that Bedelands Farm could be used as a receptor site. The contribution to be used towards the provision of reptile hibernacula.

Planning Balance and Conclusions

This is an unusual case in that it is a cross boundary application where the vast majority of the development is taking place within the neighbouring authority. The application has been before the members of Lewes DC and as such the principle of residential development on this site is accepted and is not a matter for this Council to consider.

The only issues for this Council to consider relate to the access into the site and the impact of this on the amenities of existing residential properties that surround the site.

It is considered that a satisfactory access can be achieved into the site. There would be no highway safety issues associated with this access. The Highway Authority has raised no objection to the proposal, either in relation to highway safety matters or capacity issues on the local highway network.

Whilst it is undoubtedly the case that there will be an increase in vehicular movements along Valebridge Road, it is not considered that this will result in a significant loss of residential amenity to existing occupiers of the road.

To conclude it is considered that the proposal is satisfactory in relation to access arrangements. In light of the above the application is recommended for approval. As such, the proposal is considered to be in accordance with the NPPF and policies B3, T4, of the Mid Sussex Local Plan.

APPENDIX A – RECOMMENDED CONDITIONS

1. No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety and to comply with policy T4 of the Mid Sussex Local Plan and policy DP19 of the Mid Sussex District Plan 2014-2031 pre submission draft.

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

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

3. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the anticipated number, frequency and types of vehicles to be used during construction;
- ii. the method of access of vehicles during construction;
- iii. the routing of vehicles during construction and the parking of vehicles of site operatives and visitors;
- iv. loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development;
- vi. wheel washing facilities;
- vii. measures to control the emission of dust and dirt during construction; and
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policy B3 of the Mid Sussex Local Plan.

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

Reason: To safeguard the amenities of nearby residents and to accord with Policy B3 of the Mid Sussex Local Plan

5. No part of the development shall be first occupied until visibility splays of 2.4 metres by 139 metres to the north and 148 metres to the south have been provided at the proposed site vehicular access onto Valebridge Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. 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 comply with policy T4 of the Mid Sussex Local Plan and policy DP19 of the Mid Sussex District Plan 2014-2031 pre submission draft.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

APPENDIX B – CONSULTATIONS

Ansty and Staplefield Parish Council

This application was noted. Only the access is with the parish of Ansty and Staplefield.

Leisure

The development site is in Lewes District but the access is in Mid Sussex. If the development were entirely in Mid Sussex we would require the following leisure contributions to enhance capacity and provision due to increased demand for facilities in accordance with our Local Plan policy and SPD, which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

Local Plan Policy R3 states that new residential development will not be permitted unless it incorporates appropriate outdoor playing space in accordance with the NPFA (now Fields in Trust) recommended minimum standard. In accordance with this policy statement we would expect the developer to provide a LEAP on site. The developer has indicated that they intend to provide a LAP but this is insufficient for the number of dwellings and only provides limited play value.

Alternatively, the developer could make a financial contribution toward improvements to the nearest locally equipped play area at Worlds End Rec, owned and managed by the Council, which will face increased demand from the new development. In the case of this development a contribution of £48,628 is required to make improvements to play equipment (£37,889) and kickabout provision (£10,737).

FORMAL SPORT

In the case of this development, a financial contribution of £49,186 would be required toward playing pitch drainage at Worlds End Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £21,366 is required to make improvements to improvements to the former Royal British Legion community building in Burgess Hill (IDP Ref: BH/SI/37).

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development and Infrastructure SPD) and therefore is commensurate in scale to the development.

The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

WSSC Highways

The site lies across East and West Sussex County borders, as well as the Mid Sussex and Lewes District Council boundaries. The vehicle access works and a short section of the access road are within West Sussex/MSDC, whereas the entire on-site layout is within East Sussex/LDC.

These comments only cover those aspects of the proposed development that affect the WSSC maintained highway network, namely the vehicle access and the potential capacity impacts upon WSSC maintained roads. These comments are also applicable to the corresponding planning application submitted for LDC (LW/16/1040).

A Transport Statement has been submitted in support of this proposal. It's noted that two sets of appendices are available on the Mid Sussex. However these both comprise the main body of the TS. A full version of the TS is though available on the Lewes DC website. This has been used in the preparation of this response.

The site is to be accessed by a new priority junction onto Valebridge Road. In the location of the access the posted speed limit is 60mph. A speed survey has though been undertaken to determine the actual 85th percentile traffic speeds. The use of recorded 85th percentile wet weather speeds is an accepted means of determining stopping sight distances for improvements (such as new accesses) onto existing roads rather than applying the actual speed limit.

The recorded 85th percentile speeds are 50.3mph northbound and 48.5mph southbound. It's unclear if these are wet or dry weather speeds. It is assumed that these are wet weather speeds as no adjustment has been applied to the recorded speeds (an adjustment to wet weather would in any case require the recorded speed to be reduced by approximately 2mph; applying the higher dry weather speeds would be more robust).

Given the speeds recorded, SSD requirements should be considered against the standards within the Design Manual for Roads and Bridges. Applying the braking and perception parameters from the DMRB, SSDs of 139 metres would be required to the north and 148 metres to the south. Such distances can be achieved within land forming part of the adopted highway from the proposed access.

The access arrangements have also been the subject of a Stage One Road Safety Audit. Whilst this raises two problems (both of which can be resolved by condition and through the detailed design), no in principle issues are raised with the principle or form of the vehicular access.

In summary, the proposed access is considered acceptable.

The proposed development will result in additional vehicle trips on the highway network. This has been estimated using TRICS. TRICS is a large database of traffic surveys of completed developments. The database can be refined so as to select only those developments comparable (in terms of use class, location, accessibility, etc.) to that proposed. Details of the selection parameters are included, although no details are included of the actual sites used.

The LHA has undertaken a comparison between the trip rate applied for the nearby development at Sunnybrae (BH/14/1673 and LW/14/0350) and those for the current proposal. The difference between the trip rates for the permitted and proposed developments is quite notable. The LHA in commenting upon the development at Sunnybrae recognised that the TRICS vehicle trip rate applied in that instance was very high. An independent TRICS assessment completed by the LHA for the trip rate applied for the current application suggests that this is more appropriate.

Based on the trip rates within the TS, the development is forecast to generate 26 two way movements in the AM and PM network peak hours. The impact has been considered upon the peak hours given that these are most sensitive to changes.

The WSCC Transport Assessment Guidance requires junctions to be assessed where a development is forecast to result in increased entry flows of 30 or more vehicle movements. Whilst the means of distributing traffic and anticipated increased traffic flows on the highway network are noted, given the level of vehicular trips generated, this proposal would not meet the criteria to require any off-site junction capacity assessments. The NPPF states that development should only be prevented or refused where the impacts would be severe. This proposal would not be expected to result in any capacity impacts that could be defined as severe.

The site is recognised as being on the periphery of Burgess Hill. It is accepted that walking and cycling have the potential to replace the use of the car for trips of up to 2km and 5km respectively. Whether trips are undertaken by these modes of course depends on the purpose of the trip. There are continuous walking routes to potential destinations, such as Wivelsfield train station and other local retail and education uses, some of these are though right on the limits of maximum walking distances. A wider range of facilities can be reached by cycling although there are no dedicated cycle routes available. Whilst there is a gradient for cyclists traveling into Burgess Hill, this is not considered a significant barrier. The location of the site has the potential to encourage trips by walking and cycling, and reduce dependency on the use of the private car.

In conclusion, the LHA are satisfied that this proposal would not give rise to any severe highway safety or capacity concerns. No highway objection would therefore be raised.

If the LPA is minded to approve this application, the following conditions are recommended.

Access

No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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 139 metres to the north and 148 metres to the south have been provided at the proposed site vehicular access onto Valebridge Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. 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.

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.

MSDC Drainage Engineer

Summary and overall assessment

The main portion of this site is within Lewes District Council including the drainage ditches and the outfall location. Due to this fact I have responded to this application in terms of advice that can be considered by LDC and the LLFA.

Flood Risk

The site is situated in an area of low flood risk from river, surface water and reservoirs. Groundwater is an issue on the site and ground investigations have discovered that in places it is less than half a metre below existing ground level. All aspects of the drainage design and the foundation/retaining wall design should adequately take groundwater into consideration.

Surface Water Drainage Proposals

Surface water from this site will drain into a watercourse to the north of the site. Discharge rates will be reduced from the existing Greenfield runoff rates and will be no more than:

- 5 l/s for the 1 in 1 year rainfall event;
- 10.9 l/s for the 1 in 30 year rainfall event; and
- 15.4 l/s for the 1 in 100 year rainfall event.

Surface water will be collected by a piped drainage system which will be attenuated by underground cellular storage tanks before flowing through a swale (balancing pond?) and then discharging into the watercourse. Ordinary Watercourse Consent may be necessary for such a drainage outfall.

No detailed design of the storage tanks has been undertaken. Care is needed in the drainage design, as with high groundwater levels all the attenuation and storage areas could become inundated with groundwater and have their capacity compromised. Shallow surface systems would be a better solution and there is no reasoning why permeable paving has not been utilised.

Foul Water Drainage Proposals

Foul drainage will fall via gravity in new sewers that will connect to the existing public foul sewer running through the site.

Suggested Conditions

Drainage conditions dealing with foul and surface water drainage, including the satisfactory implementation of sustainable drainage systems and the management and maintenance of the drainage systems for the lifetime of the development.

Further Drainage Advice

The Flood Risk Management Team at East Sussex County Council will be able to advise further with regard to this application.