

MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

15 JUN 2017

INDEX TO ITEMS REPORTED

PART III – OTHER MATTERS

ITEM	REFERENCE	LOCATION	PAGE
1	08/01644/OUT	Land At And Adjacent To Former Sewage Treatment, Fairbridge Way, Burgess Hill, West Sussex, RH15 8BF	

PART I - RECOMMENDED FOR APPROVAL

ITEM	REFERENCE	LOCATION	PAGE
2	DM/16/5617	Croudace Development Site Phase 3, Cants Lane, Burgess Hill, West Sussex, RH15 0LS	

PART II - RECOMMENDED FOR REFUSAL

ITEM	REFERENCE	LOCATION	PAGE
None	N/A		

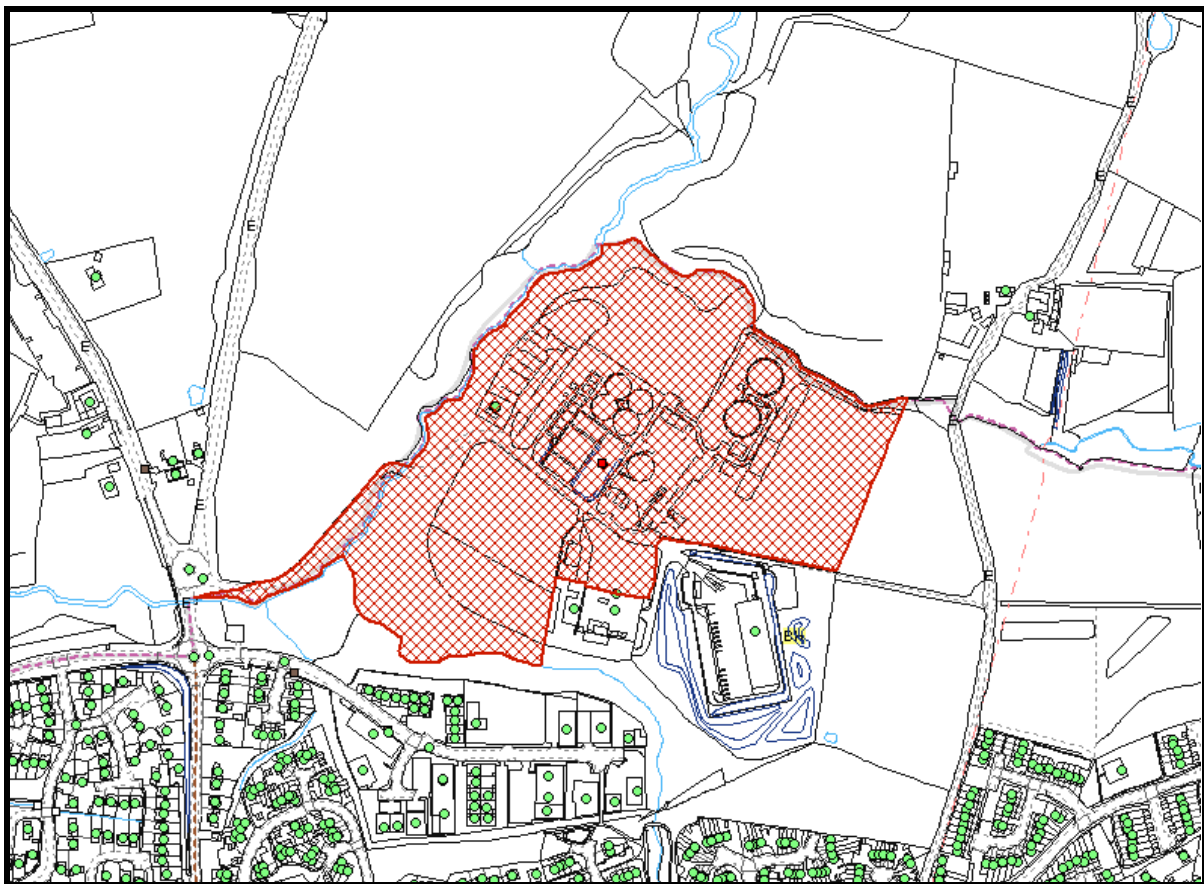
MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

15 JUN 2017

PART III – OTHER MATTERS

1. 08/01644/OUT



LAND AT AND ADJACENT TO THE FORMER SEWAGE TREATMENT FAIRBRIDGE WAY BURGESS HILL WEST SUSSEX DEVELOPMENT COMPRISING THE REDEVELOPMENT OF THE FORMER SEWAGE TREATMENT WORKS TO PROVIDE UP TO 325 RESIDENTIAL DWELLINGS (CLASS C3), THE RELOCATION OF THE EXISTING RESIDENTIAL GYPSY SITE, A COMMUNITY HALL WITH ASSOCIATED ACCESS AND LANDSCAPING AT FAIRBRIDGE WAY, BURGESS HILL. SUCH DEVELOPMENT TO INCLUDE THE REMEDIATION OF THE TIP, DEMOLITION AND EXCAVATION OF (DERELICT) EXISTING BUILDINGS AND INFRASTRUCTURE ASSOCIATED WITH PREVIOUS USE AS A SEWAGE TREATMENT WORKS, AND THE

**REMODELLING AND REMEDIATION OF THE REMAINDER OF THE SITE TO PROVIDE FOR REVISED GROUND CONTOURS AND DEVELOPMENT PLATFORMS; STRATEGIC LANDSCAPE, REALIGNING OF EXISTING OF SERVICE INFRASTRUCTURE (TO INCLUDE THE LAYING OUT OF FOUL AND SURFACE DRAINAGE INFRASTRUCTURE AND WATER ATTENUATION), AND NEW VEHICULAR, CYCLE AND PEDESTRIAN ACCESS ROUTES, ANCILLARY ENGINEERING AND OTHER OPERATIONS.
FAIRBRIDGE DEVELOPMENTS LTD AND GLENBEIGH DEVELOPMENTS
GRID REF: EAST 531212 NORTH 120336**

POLICY: Major Development /
Policy Area / In Built up Area /
ODPM CODE: Largescale Major Dwelling
CASE OFFICER: Mr Stephen Ashdown

This report has been prepared and placed before members as the Council have received a request from the owner of the above site, Fairbridge Development Limited (FDL) to vary (by means of a Deed of Variation (DoV)) certain elements of the existing signed S106 Legal Obligation, in relation to planning permission 08/1644/OUT for the development as detailed in the above description. Furthermore, and in addition to the requested DoV, the owners have requested that the Head of Housing agree an amendment to the affordable housing tenure split. Given the nature of the requests, officers are seeking authority from the committee on the resolutions set out at the end of this report.

As means of a brief background, planning permission was issued under a notice dated 24th June 2015 for the redevelopment of the site, a former sewage works, for up to 325 dwellings. The application was in outline form, with means of access and strategic landscaping approved, all other matters were reserved. As part of the proposals, re-provision of a gypsy/traveller site was required and this has already been completed and the new site occupied. The Council have received a Reserved Matters application for the first of the residential phases, containing a total of 108 dwellings and this is currently under consideration by officers.

Proposed Deed of Variation to S106 Agreement

The site owner, FDL, has made a formal request to the Council to vary the 2015 S106 Agreement and has provided the following explanation;

‘...we have marketed the site as a whole and had 2 abortive sales. Over the past 3 years the volume house builders, particularly in Mid Sussex have acquired a variety of large sites all of which are greenfield in nature and therefore without the complications we have with ours being a previously developed site.

The volume house builders do have their order books full (with 3 year workloads ahead

of them) so we are advised to provide the full infrastructure ourselves and seek to sell smaller lots of circa 100 units at a time.

We have entered into an arrangement with a house builder for the first plot and set up a loan with the HCA to deliver all the infrastructure work to include remediation and provision of estate roads/footpaths etc.).

The S106 was drafted on the basis we both envisaged a single site sale. With us providing the infrastructure and seeking to sell off in 3 plots we need to vary the S106 to pass the obligations onto each plot buyer...'

With regard to the proposed DoV, the main changes affecting the District Council are set out below;

- Introduction of defined phases by reference to a phasing plan
- Changes to the affordable housing provisions principally to reflect the proposed phasing and updating of the requirements in terms of standards
- Removal of the requirement to provide a community building on site thereby leaving a requirement to make a contribution of £138,720 by way of three instalments (one per phase)
- Removal of the requirement to make a public art contribution
- Payment of the Local Community Infrastructure contribution of £180,175 by way of three instalments (one per phase)
- Payment of the Formal Sport contribution of £319,345 by way of three instalments (one per phase)

Officers are aware of the potential difficulties of delivering the site and the failed previous attempts to sell the site as a whole. With the owner electing to provide the infrastructure and sell the site as three development plots, the proposed introduction of a phasing plan and splitting the payment of the contributions between the proposed phases is a pragmatic solution to the difficulties faced by the owner. The National Planning Policy Framework (NPPF), paragraph 205 advises;

'Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.'

Since the introduction of the CIL Regs, the Council have not sought to secure contributions towards public art as it is not necessary to make the development acceptable in planning terms (one of the key tests for any obligation sought). As a result, officers have taken the opportunity through this DoV to remove this requirement.

The proposed DoV is considered acceptable by officers and demonstrates the Council's is taking a flexible approach, where appropriate, to help stalled sites come forward in line with guidance within the NPPF.

Affordable Housing Tenure Split

Part 2 of the First Schedule of the June 2015 S106 Legal Agreement sets out the obligations in respect of Affordable Housing aspects and requires 30 per cent of the total number of dwellings to be constructed on the site to be affordable. Paragraph 1.2 provides for a tenure split of 75 per cent (Affordable Rent) : 25per cent (Intermediate), *unless an alternative tenure split is agreed with the Head of Housing Services (my emphasis).* This tenure split is in accordance with adopted Council Policy.

'The site owner, FDL, is seeking the agreement of the Head of Housing Services to an alternative tenure split, as provided for within the aforementioned paragraph of the 2015 S106 Agreement. Their proposed tenure split would be 50 /50 between Affordable Rents and Intermediates. In support of their request they have stated the following;

There are number of challenges facing the delivery and attractiveness of the site including;

- 1. Remediating the land owing to its former use as sewerage treatment works, landfill and the identified presence of contamination0 to make it suitable for residential development;*
- 2. Competing residential developments within Burgess Hill and Mid Sussex in general; and*
- 3. Proximity to a waste transfer facility.*

The remediation of the site represents an abnormal cost compared to a Greenfield alternative. This results in costs over and above that which each plot would normally be expected to carry for a residential development. It is therefore necessary to generate additional revenue per plot to cover the higher abnormal costs which would not otherwise be justified in the context of the location and neighbours.

FDL is there seeking to vary the tenure split pursuant to Paragraph 1.2 of the s106 to assist with the abnormal costs and other matters listed above. 30 per cent of the total number of dwellings constructed on the site would continue to be provided as affordable housing as a tenure split of;

- 50 per cent Affordable rent; and*
- 50 per cent Intermediate*

The increase in the percentage of intermediate homes would also increase the potential for occupants of the affordable homes to stair-case to home ownership in line with wider aspirations.

The Head of Housing Services agreement is sought to this proposed variation to tenure mix across the site as a whole. Other matters to be agreed with the Head of Housing Services as part of the Affordable Housing Scheme, such as the mix, size and type of dwellings, will be put forward by the house builders for the three development phases at the appropriate time.'

It is recognised that the proposed alternative split represents a departure from the Council's normal policy position, which is set out in Policy H4 of the Local Plan and the 'Infrastructure and Development' Supplementary Planning Document, and that such an agreement may set an unwelcome precedent. However, the proposed request has been carefully considered by officers and being mindful of the specific circumstances of the site and its constraints (which do not apply to other sites within the District) it is felt that in this instance the proposed alternative tenure split can be supported in order to facilitate the delivery of the site, while still providing the overall agreed level of Affordable Housing (30 per cent).

RECOMMENATION A

It is recommended that delegated authority be given to the Head of Legal Services to complete the proposed Deed of Variation on the basis of the terms set out above.

RECOMMENDATION B

It is recommended that delegated authority be given to the Head of Housing Services to agree the proposed alternative affordable housing tenure mix as set out above.

(Southern Water) / Site of Nature Conservation Importance / Advance Payment Code (WSSC) / Advance Payment Code (WSSC) / Highways and Planning Agreement (WSSC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 23rd March 2017

WARD MEMBERS: Cllr Colin Holden / Cllr Kirsty Page /

CASE OFFICER: Mr Stephen Ashdown

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for Reserved Matters approval as detailed above.

EXECUTIVE SUMMARY

Reserved Matters approval is sought for the erection of 180 dwellings of which 59 will be 46 affordable units. This follows the outline consent in 2010 for the wider Keymer Tile Works development of 475 dwellings. The outline approval granted full consent for accesses to Kings Way, Curf Way, Wyvern Way and Nye Road with appearance, layout, scale and landscaping forming the Reserved Matters. This application represents the third and final phase of the development, with phases one and two already granted Reserved Matters approval. The proposals broadly accord with the illustrative masterplan submitted at outline stage.

Since submission of the application, a number of changes have been made to the scheme, primarily in terms of building design. These changes have addressed concerns raised by the Mid Sussex Design Panel, the Council's Urban Designer and other representations.

The scheme is considered to be acceptable in layout and urban design terms. It follows on from the previous permitted phases, utilising a similar design approach that will create an acceptable residential environment for future occupiers. Local residents have raised a number of concerns regarding the scale of the development (and its impact on the character and appearance of the area) and the potential impact it will have on existing amenities. Officers are satisfied that the proposals in this respect will not have a undue impact on the character and appearance of the area and while it is acknowledged that there would be some impact on existing residential amenities, this would not be so significant that would warrant a reason for refusal.

A range of infrastructure provision was previously secured by S106 legal

agreement. Much of this infrastructure, such as the community centre, public open space, retail unit and medical facility, will be delivered through the second phase of the development which has already been granted Reserved Matters approval.

It is considered that this Reserved Matters application complies with all relevant Development Plan policies and as such is recommended for approval.

RECOMMENDATION

It is recommended that approval of the Reserved Matters application be granted subject to the conditions and informatives set out in Appendix A.

SUMMARY OF CONSULTATIONS (set out in full in Appendix B)

MSDC Urban Designer

While the revised drawings do not address the Design Review Panel's (DRP) concerns in respect of the layout, they represent a significant improvement upon the original submission. Notwithstanding the DRP's comments, the perimeter block layout works well in most other respects, and the juxtaposition of the building frontages is improved resulting in more consistent street elevations that respond better to the formality of the layout; the individual building designs are also more resolved. Although the Victorian styling is over-used, having also featured in phases 1 and 2, the scheme in overall terms is acceptably designed and integrates sufficiently well with the surrounding built-up area, and I therefore raise no objections.

Mid Sussex Design Panel

The Panel supports the scheme subject to changes (see appendix B)

WSCC Highways

To be reported.

MSDC Housing

The applicant is proposing a development of 180 units on Phase 3 of this scheme which gives rise to an onsite affordable housing requirement of 30 per cent (54 units). In addition and as agreed, the applicant will also be providing the outstanding balance of affordable housing from Phase 2 of the development. The combined total affordable housing units to be provided will therefore be 59.

No objection.

MSDC tree and Landscapes

The soft landscaping and tree planting schemes look to be realistic and in keeping with the surrounding area. Given that there are no trees currently on site, this is an improvement and the position of the trees means they are unlikely to come under significant pressure in the future.

I would therefore raise no objection to this reserved matters application.

MSDC Street naming and numbering

Request standard informative.

Southern Water

No objection.

SUMMARY OF REPRESENTATIONS

9 letters of representation have been received expressing the following objections/concerns/comments regarding the proposed development.

- The proposed flats with their high pitched roofs are out of character with the surrounding area.
- The proposed flats will result in a loss of privacy to existing residents.
- Minimal separation has been provided to properties in Quarry Close.
- The proposed buildings will be overbearing to existing residents.
- The proposed rooflines are needlessly high and any future roof conversions would add a further loss of privacy to existing residents.
- The proposed boundary treatment will take many years to establish.
- Plots 381-837 could benefit from being consolidated to a smaller number of wider and less deep properties to allow for better gardens.
- Parking spaces to the rear of numbers 3 and 7 Quarry Close is highly inappropriate and will result in significant noise and disturbance.
- The choice of 3-storey flats (plots 388-393) is overbearing with regard to 3 and 4 Quarry Close, in comparison with their existing and previous outlook.
- The eastern side of the site is densely packed in contrast to the mix and balance across the rest of the site.
- The provision of parking seems to be at the expense of private garden space.
- Much more substantial arterial roads around the site would be better.
- Detached properties in similar style to the existing should be on the perimeter of the site and any blocks of flats should be in the middle of the development.
- Developers are trying to fit too many properties on the site.
- Existing residents will suffer a loss of outlook.

- It is understood that direct access onto Cants Lane would never happen. Proposed access to parking areas is in opposition to improving the quality of living in the area and opens the way for more vehicles to exit directly on to Cants Lane.
- Proposed development will result in the loss of light to existing residential properties.
- Local Infrastructure needs to be improved.
- Proposed development does not front up to Cants Lane, like it should do.
- Proposed parking access points onto Cants Lane will have a detrimental impact on both pedestrian and highway safety.
- The proposed flats are not in keeping in either height or appearance with existing properties in Cants Lane.

BURGESS HILL TOWN COUNCIL OBSERVATIONS

Recommend Approval.

Introduction

The current application seeks Reserved Matters approval for 180 new dwellings with associated facilities. These would form the final part of the wider development of the former brick and tile works which has an outline planning permission for a total of 475 houses. Vehicular accesses to Curf Way, Wyvern Way and Kings Way were approved at outline permission stage, with all other matters being reserved.

Relevant Planning History

Reserved matters approval (DM/16/2718) for the second phase of development was granted on 27th January 2017. This second reserved matters approval was for 170 new homes, as well as a community building, health, retail space and a park with formal and informal recreation areas.

Reserved matters approval (14/02830/REM) for the first phase of development was granted on 15 January 2016, following completion of a variation to the Section 106 agreement completed at outline stage. This first reserved matters approval was for 125 new homes on the former factory part of the Tile Works' site. These homes are now nearing completion.

Outline planning permission (09/03697/OUT) was granted on 30 April 2010 for the remodelling and stabilisation of the site to support the development of land to provide a sustainable new community comprising 475 dwellings with associated infrastructure, including new vehicular accesses onto Kings Way, Wyvern Way and Curf Way, and community leisure facilities. Access was approved onto the three named roads, with appearance, layout, scale and landscaping forming reserved matters for subsequent approval.

A Section 106 agreement was completed, which secures 30 per cent affordable housing, provision of a community building (including meeting rooms and changing facilities), a health centre, recreation ground and playing pitches, public art provision and contributions towards education, libraries and transport improvements.

Site and Surroundings

The former Keymer Tile Works site (approximately 19.2 hectares) lies on the eastern side of Burgess Hill. The whole site was in use as a brick and tile works from about 1860, with production of clay tiles ceasing in 2014.

The current Reserved Matters application site lies to the north and east of the wider site. This area contained the clay pits and was, in parts, a significantly lower level than the factory area to the north-west. This area has been the subject of extensive earthworks to prepare the site for residential development.

The application site has, in part, a direct frontage onto Cants Lane to the north with the remaining northern site boundary running behind existing properties fronting onto that road. To the west lie the existing residential properties in Tilers Close and Quarry Close, the majority of which are set at a much higher level. To the south and east of this application site is the wider development site.

Vehicular accesses to Curf Way and Wyvern Way, approved in full at outline application stage, already serve Phase One of the development and the main access onto Kings Way has been constructed and will form the only construction access into/out of the site for the remaining period of the build.

Application Details

Reserved Matters approval is sought for the construction of 180 houses and flats. This would include 121 private and 59 (33 per cent) affordable dwellings and represent the remaining outstanding balance of the 475 houses approved across the wider site. A total of 386 parking spaces are included within the scheme.

The houses would be accessed using the approved vehicular accesses from Kings Way, Curf Way and Wyvern Way. Construction traffic for this part of the development would access the site from Nye Road which, in the longer term, would form a pedestrian and cycle access only.

The outline approval granted full consent for accesses to Kings Way, Curf Way, Wyvern Way and Nye Road with appearance, layout, scale and landscaping forming the Reserved Matters.

In support of the Reserved Matters application, the applicants have submitted a number of documents that are available to view on the planning file. They include the following:

1. Site layout, floorplans and elevation drawings
2. Design and Access Statement
3. Hard and soft landscaping strategy

List of Policies

National Policy

National Planning Policy Framework (NPPF)

The NPPF sets out the government's policy to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. 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.

With specific reference to decision-taking, the document provides the following advice at paragraph 187:

'Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.'

Paragraph 197 states that: *'In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'*

National Planning Policy Guidance (NPPG)

Mid Sussex Local Plan

- C6 (Trees, hedgerows and woodlands)
- B1 (Design)
- B2 (Residential estate development)
- B3 (Residential Amenities)
- B7 (Trees and development)
- B9 (Crime prevention and design)
- B23 (Noise pollution)
- H2 (Density and dwelling mix)
- H4 (Affordable housing)
- T4 (Traffic management)
- T5 (Parking standards)

T6 (Cycle parking)

Small Scale Housing Allocations DPD

SSH/14 - Keymer Tile Works

Mid Sussex District Plan

The Submission Version 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 consideration. Weight will be given to relevant policies in accordance with paragraph 216 of the NPPF. Relevant policies include:

DP19 (Transport)
DP24 (Character and Design)
DP25 (Dwelling Space Standards)
DP26 (Accessibility)
DP27 (Noise, Air and Light Pollution)
DP28 (Housing Mix)
DP29 (Affordable Housing)
DP36 (Trees, Woodland and Hedgerows)
DP39 (Sustainable Design and Construction)

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was made on 27 January 2016. It forms part of the development plan for Mid Sussex and carries full weight in determining planning applications. Relevant planning policies are:

S3 (Protect and Enhance Existing Community and Medical/Health Facilities)
S4 (Parking Standards for New Developments)
LR2 (A New Park and Nature Reserve for East Burgess Hill at Keymer Tile Works)
G3 (Nature Conservation and Biodiversity)
G6 (Footpaths, Rights of Way and Cycle Links)

Assessment (Consideration of Key Issues)

The principle of housing development across the Keymer Tile Works site has already been established through the outline planning permission. This Reserved Matters application pursuant to planning permission 09/03697/OUT seeks approval for:

- Layout - the way in which the buildings, roads and open space are provided within the development and their relationship to spaces outside the development;
- Scale - the height, width and length of the buildings proposed in relation to their context;

- Appearance - the design of the buildings and the visual impression that they make; and
- Landscaping - the treatment of public and private space to enhance or protect the site's amenity through hard and soft landscaping measures.

The applicants have amended the scheme since it was submitted, mainly to address design and appearance issues raised by officers and the Design Panel. The main issues for consideration are the layout and quality of the environment created, the design, density and form of the proposed buildings, the relationship of the development with existing residential properties, landscaping, proposed parking levels and the provision of affordable housing.

Principle of Development

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

Using this as the starting point the development plan in Mid Sussex consists of the Small Scale Housing Allocations Document (2008) and the Mid Sussex Local Plan (2004). The NPPF, which was issued in March 2012, is a material consideration which shall be afforded significant weight.

Outline planning permission was granted in 2010 for 475 houses and related community facilities and open space on the Tile Works' site. The principle of development of the whole site is established and this will deliver a significant contribution towards the District's housing needs. At outline stage, detailed drawings were approved and full planning permission granted for three vehicular accesses onto Curf Way, Wyvern Way and Kings Way. The illustrative masterplan showed a main spine road running between Kings Way and Wyvern Way, with a road leading off to Curf Way. There were a number of other internal roads around the spine road.

At the time of the outline permission it was envisaged that development would commence at the Kings Way end of the site. The earlier than expected closure of the Tile Works factory enabled the developers to reconsider implementation and phasing of the outline permission, and reserved matters approval (14/03208/REM) was subsequently granted. This initial phase of development is now all but completed.

It should also be noted that the current application does not alter the comprehensive overall scheme approved at outline stage. This proposal represents the last phase of the overall development and must be considered on its own merits and taking account of the principle and details already established by the outline planning permission.

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary assessment outlined above.

Design and Visual Impact

Policy B1 of the Local Plan and policy DP24 of the emerging Mid Sussex District Plan promote good design and layout in new buildings with appropriate landscaping in order to create high quality residential environments. The importance of good design is emphasised by the National Planning Policy Framework.

This third, and final phase, of the development has drawn upon the previously approved approaches with the overall scale of the buildings ranging between two, two and half and three storey (which is consistent with that envisaged at the outline application stage), while the design is a mix of more traditional and contemporary housing/building types.

In terms of the layout, the Mid Sussex Design Panel have raised concerns concerning the lack of a more direct connecting link between Cants Lane and the main open space (in phase 2). However, in reviewing the proposals your Urban Designer has stated the following;

..with the exception of the impenetrable railway line on the south west boundary, the overall development is otherwise unusually well connected to its surrounds with linkages via Nye Road, Wyvern Way, Curf Way, Cants Lane and Kings Way; and with the perimeter block arrangement and absence of cul-de-sacs, there is generally good connectivity within the development despite the awkward topography. The incorporation of smaller open spaces within phase 3 contributes both in terms of breaking up the development and giving different areas their own individuality that aids navigation and legibility.

While the comments of the Mid Sussex Design Panel are noted, it is considered that the proposed layout provides good permeability and your officer agrees with the views expressed by your Urban Designer on this matter.

The street elevations are in the main are well composed and the applicants have responded to concerns raised during the course of the application to make significant improvements to the overall composition of the proposed development. Your Urban Designer has not raised an objection and it is considered by your officer that the proposals will give the development a strong sense of place.

Comments within the representations have raised concerns about the suitability of the design approach and its impact upon the character and appearance of the area, especially in relation to Cants Lane. In general terms, the design approach is in line with the outline approval and complementary to the earlier approved phases, the fact the some of the larger dwellings/buildings have steeper roof pitches to existing properties backing onto the site does not make themselves unacceptable or discordant. The development as a whole is largely inward looking, given the nature of the site, and it is considered that the overall design approach, with variations in building heights and roof pitches, is acceptable.

In terms of the Cants Lane frontage, then the proportion within the application site has never benefited from built form previously. Due to the presence of underground utilities (and the need for a 3.5m no build zone either side), the applicants have taken the opportunity to set the intended built form back from Cants Lane to allow a landscaped area (a deep grass verge with planted trees) to soften the streetscape in this area. The proposed buildings will be two storeys in height and while the majority of the units provided along this frontage will be flats (and contained in two similarly designed blocks) they are acceptable in design terms in their own right and it is not considered that they would have a detrimental impact on the character and appearance of the area.

It is considered that the proposal provides for a high standard of design and will create a high quality environment of interest and as such the application complies with policies B1 and B2 of the Mid Sussex Local Plan and Policy DP24 of the Mid Sussex District Plan Submission Version.

Access, parking and highway safety

Policies T4 and T5 of the Local Plan outline the requirements for parking provision and access to new developments, in conjunction with the (maximum) parking standards set out in the Development and Infrastructure SPD. Policy T6 requires provision of cycle storage facilities in new developments.

Matters of access were approved at the outline application stage and the access onto Kings Way is subject to a separate S278 Agreement with the Local Highway Authority. These matters of principle are not for consideration as part of this application. The applicants have supplied additional details relating to proposed road widths within the development, which range depending upon their hierarchy. The narrowest is 4.8m.

Parking will be provided across the site by a range of means garages, on plot parking, rear parking courts and road side spaces to cater for the residential needs of future owners. A total of 365 spaces are proposed.

As part of this application, two parking areas (each containing twelve spaces) are to be positioned off Cants Lane to provide for the units to be constructed along this frontage. Access to each of these parking areas is to be taken from Cants Lane and this has raised concerns from third parties.

The main vehicular access to the development will be from Kings Way, with secondary access points from Wyvern Way and Curf Way (as agreed in the Outline Approval) and this will not change. No vehicular access to the wider development site would be possible from Cants Lane. Private off road parking is evident along Cants Lane to existing properties and the proposed two access points will serve two parking areas, which will have a total of 24 parking spaces. It is not considered that the proposed parking areas are unacceptable in principle, providing they are meet the technical requirements of, and do not give rise to any highway safety objection from, the Local Highway Authority.

Comments from the Local Highway Authority are awaited and members will be updated at the committee meeting, however, there is evidence at present in front officers that would suggest that these two proposed access points are unacceptable.

Officers are satisfied, that subject to the final comments from the Local Highway Authority, the application complies with policies T4, T5 and T6 of the Mid Sussex Local Plan.

Mix of units, sizes and affordable housing

The proposal involves the erection of 180 dwellings of which 59 would be affordable units, which represents 33 per cent of the total number contained within this application. This slightly higher provision is due to the applicant providing the outstanding balance from phase two (that provided for 27 per cent affordable), which was agreed at the time with officers given the design constraints of that phase.

The proposed affordable dwelling mix is as follows:

- 16 x 1 bed flats (all affordable rent)
- 12 x 2 bed flats (8 for affordable rent and 4 for shared ownership)
- 20 x 2 be houses (15 for affordable rent and 5 for shared ownership)
- 11 x 3 bed houses (5 for affordable rent and 6 for shared ownership)

In addition, one of the 3 bed houses for rent will be fully wheelchair accessible in accordance with building regulations Cat M4(3).

Your Housing Officer has agreed the above housing mix and is content that consideration has been given to social integration, with affordable housing units provided in clusters of no more than 10 and such clusters interspersed with private dwellings throughout the site.

In respect of the open market housing mix, the following is proposed;

4 x 2 bed flats
26 x 2 bed houses
68 x 3 bed houses
19 x 4 bed houses
5 x 4 bed houses

The applicant has confirmed that the proposed houses would achieve the required dwelling space standards.

The application complies with Policy H4 of the Mid Sussex Local Plan.

Effect on neighbouring amenity

Residential amenity is addressed by policy B3 of the Local Plan and policy DP24 of the emerging District Plan. Essentially, these policies seek to protect the amenities of existing and future residents from harm as a result of the development. Policy B3 of the Local Plan states;

"Proposals for new development, including extensions to existing buildings and changes of use, will not be permitted if significant harm to the amenities of nearby residents is likely to be created due to noise and disturbance; loss of privacy; overlooking; reduction in sunlight and daylight; and reduction in outlook."

In this case, the nearest existing neighbours outside the site are in Cants Lane, Quarry Close and Tilers Close. Internal relationships between the proposed houses and with those in phase one and two must also be considered.

With regard to the properties in Cants Lane, back to back distances in excess of 35m and front to front distances in excess of 27m are evident. While the proposed development would result in an impact, this would be extremely limited and given the stated distances, there would be no unacceptable impact in terms of loss of privacy, overlooking or loss of light.

The properties in Quarry Close are set at a significantly higher level than the proposed development and currently enjoy an open aspect from their relatively short rear gardens. A 5m landscape buffer, with retaining gabion wall is proposed along this boundary but is yet to be constructed, however, once completed it will offer some softening. Concerns have been raised regarding the positioning of the buildings, particular flat block C, and the car parking to serve the properties and the resultant

impact the proposals will have on the existing amenities of residents within Quarry Close.

The applicants have tried to address some of the concerns raised by reducing the overall height of the block C and giving the appearance of it being two storeys at the back, while being a full three storeys at the front. The result when viewed from Quarry Close will be of a large pitched roof, with a number of small roof lights. A small reduction in height of the other properties (two storeys) along this boundary has also been achieved from the applicants.

It is clear, given the current open aspect that the development will have an impact on properties within Quarry Close as their current outlook will be partially taken up by the roof slopes of the proposed buildings. However, given the change in levels between these existing properties and the application site, and the back to back distances involved (ranging from 23.5m to 31m), it is not considered that the proposals would be unduly overbearing or result in any loss of light or privacy. Furthermore, given the change in levels it is not considered that the positioning of rear parking courts would give rise to any unacceptable levels of noise and disturbance.

The properties in Tilers Close are also set at a higher level to the application site and the closest distance between proposed/existing is 25m in respect of No.7 Tilers Close. The proposed development will be visible to existing residents, however, given the distances involved it is not considered that the application would give rise to unacceptable impacts in respect of loss of privacy, overlooking or loss of light to existing residential amenities within Tilers Close.

Within the scheme, back to back relationships, where they occur, maintain a minimum distance of around twenty metres between properties.

Overall, having regard for the proposed development, the changes in levels between the application site and some neighbouring properties and the distances proposed between buildings it is not considered that 'likely significant harm' (the test within Policy B3 of the MSLP) will arise from any loss of privacy, overlooking, loss of light or noise and disturbance. The proposed design and layout of the development is therefore considered acceptable in terms of protecting the residential amenity of both existing and future residents. The application therefore complies with policy B3 of the Local Plan.

Drainage

Policy CS13 of the Local Plan seeks to ensure that sites on which new development is provided can be adequately drained. Drainage was the subject of various conditions attached to the outline consent. There have been regular discussions with the developer subsequently and a pumping station is included within the current phase. Drainage details can be fully resolved through the existing conditions.

Trees and Ecology

The applicant has developed a tree strategy and landscaping plan and the full details can be seen on the application file. The proposed strategy allows for appropriate landscape within and around the proposed residential elements of the scheme as well as providing for a green landscaped space to Cants Lane. Your Tree and Landscape Officer has considered the submitted details and has not raised an objection. The proposals are considered acceptable in landscaping terms.

Conclusions

The resulting scheme is considered to be acceptable in layout and urban design terms. It follows on from the previous permitted phases, utilising a similar design approach that will create an acceptable residential environment for future occupiers. Local residents have raised a number of concerns regarding the scale of the development (and its impact on the character and appearance of the area) and the potential impact it will have on existing amenities. Officers are satisfied that the proposals in this respect will not have a undue impact on the character and appearance of the area and while it is acknowledged that there would be some impact on existing residential amenities, this would not be so significant that would warrant a reason for refusal.

It is considered that this Reserved Matters application complies with all relevant Development Plan policies and as such is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or as amended, no enlargement, improvement or other alteration to the front roof slopes and elevations of the dwelling houses hereby approved shall be carried out without the specific grant of planning permission from the Local Planning Authority.

Reason: To protect the character of the locality and to accord with Policy B1 of the Mid Sussex Local Plan and Policy DP24 of the Submission Version District Plan 2014-2031.

2. Prior to the commencement of development 1:20 section drawings detailing the following of the front facades of the approved blocks of flats shall be submitted to and approved in writing with the Local Planning Authority;
 - Typical balconies
 - Entrance doors
 - Canopies

The development shall only be implemented in accordance with the approved drawings.

Reason: To ensure a high quality of design and to accord with Policy B1 of the Mid Sussex Local Plan and Policy DP24 of the Submission Version District Plan 2014-2031.

Approved Plans

3. 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.

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 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.
2. 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 or by phone on 01444 477175.

APPENDIX B – CONSULTATIONS

Burgess Hill Town Council

Recommend Approval

MSDC Community Services and Culture

MSDC Urban Designer

Summary and Overall Assessment

While the revised drawings do not address the Design Review Panel's (DRP) concerns in respect of the layout, they represent a significant improvement upon the original submission. Notwithstanding the DRP's comments, the perimeter block layout works well in most other respects, and the juxtaposition of the building frontages is improved resulting in more consistent street elevations that respond better to the formality of the layout; the individual building designs are also more resolved. Although the Victorian styling is over-used, having also featured in phases 1 and 2, the scheme in overall terms is acceptably designed and integrates sufficiently well with the surrounding built-up area, and I therefore raise no objections.

I recommend the following elements are subject to conditions requiring further approval:

- The landscaping including the boundary treatments
- The facing materials
- 1:20 section and elevation of the typical balconies, windows, entrance doors and canopies shown in the context on the front facades of the blocks of flats

Layout

The DRP was critical of the absence of a more direct connecting link between Cants Lane and the main open space (in phase 2), which may have aided legibility and permeability. However, with the exception of the impenetrable railway line on the south west boundary, the overall development is otherwise unusually well connected to its surrounds with linkages via Nye Road, Wyvern Way, Curf Way, Cants Lane and Kings Way; and with the perimeter block arrangement and absence of cul-de-sacs, there is generally good connectivity within the development despite the awkward topography. The incorporation of smaller open spaces within phase 3 contributes both in terms of breaking up the development and giving different areas their own individuality that aids navigation and legibility.

I nevertheless have the following issues:

Some of the street frontages have inconsistent and set-back building lines that undermine street enclosure where front threshold parking also unfortunately dominates. This applies to the set-back houses on plots 381-87 and street elevation 2 where the set-backs unfortunately reveal the inelegant shallow pitched roofs of the A2A's (that look particularly odd juxtaposed with the steep front gable). These problems could be mitigated by a more regular approach to the tree planting that extends both sides and along the length of the street. The parking around the square lacks sufficient tree-planting to soften it, and again a more regular arrangement would help to reinforce the

geometry of the space. Elsewhere some of the tree positions also look vulnerable to vehicle overrun.

The ground floor units in the blocks of flats would benefit from being allocated private defensible space at the rear.

Street Elevations

Overall the street elevations benefit from greater consistency that works more comfortably with the ordered layout. Street elevation 1, which I was previously critical of, now benefits from a run of 2 storey gabled frontages that reflects the gabled configuration of the buildings on the opposite side (street elevation 2) generating a more cohesive-looking street. I nevertheless have a concern about the inconsistent use of facing materials and the use of render both here and elsewhere (but this can be addressed by condition). The previously problematic plot 424 now incorporates a house design that ties in with the pitched roofed frontages that bookend the adjacent square. The bin stores in front of block D and G on street elevation 2 have been re-designed as lighter-looking structures that have a more discreet appearance that and should accommodate the trees better.

Street elevation 3 and 4 is mostly characterised by a consistent run of 3 storey gabled houses; the 3-house terraces are now more architecturally resolved with bookend gables and a single floorplate that avoids uncomfortable stepped facades (that were previously proposed). The more horizontally proportioned type S5B's are now better designed and plots 471-3 work as a consistent grouping in their own terms set-back from the street frontage behind the open space threshold.

Contemporary-designed houses have been employed along street elevations 5 and 6 that provide some variation from the more traditionally designed frontages elsewhere. The revised drawing show symmetrically designed elevations that respond well to the formality of the pair of squares that they have been successfully grouped around. The contemporary frontages have now been appropriately extended to plots 298-9 314-5, 318-9, 336-7. Plots 325-330 now have a better building line and are consequently more convincingly organised as a crescent; the squarer shape of the S3I pitched-roofed house type also ties in better with the contemporary houses than the previous gabled frontages.

Street elevation 7 features block C as its centrepiece. The previous unimaginative utilitarian-looking design did not justify its position at the end of an axis and facing an open space. The front elevation has now been significantly improved with an improved facade including gabled bays featuring Juliet balconies and a more coherent window arrangement. The houses on plots 381-87 have been redesigned with projecting gabled bays and organised as a repeated terrace that provides some underlying rhythm, in place of a previously poorly articulated frontage.

Street elevation 9 with the replicated blocks of flats provides a suitably formal site entrance arrangement along Cants Lane, and the houses on both sides of the square now benefit from being consistently stepped down the slope.

Mid Sussex Design Panel

The panel considered the scheme on the 17th January 2017;

The Panel had the following concerns:

The layout suffers from a truncated central link between the main open space and Cants lane as it is obstructed by the large block of development (plots 318-372) in the middle of phase 3. This undermines legibility and pedestrian permeability between Cants Lane and the north-west end of the main open space; it is unfortunate as the open space provision is an important facility that will benefit the surrounding residential areas as well as the new development.

The informal green space is incidentally positioned within the layout and would benefit from being re-positioned as part of a linear green chain along a key pedestrian route between the main open space and Cants Lane that could be achieved with a connecting link through the central block (plots 318-372). The refuse collection arrangement to plot 473 was also questioned because of the length of the cul-de-sac access.

The mock Victorian style elevations were uninspiring and poorly conceived. For instance, the enormous roof on the type S3I was out of proportion with the rest of the façade and in comparison the fenestration appears squeezed together. There is also too much unnecessary and untidy variation which makes the symmetrical approach to the street layouts look contrived. A more consistent rhythm of replicated frontages would work better; for instance the elegance of the crescent on plots 325-330 is undermined by mixing gabled and pitched roofed frontages.

While the contemporary aesthetic employed on the affordable houses is more successful than the Victoriana, block C is poorly composed and a particular problem because of its prominent location at the end of an axis and in front of the informal open space.

Overall Assessment - The Panel support the scheme subject to the above changes.

WSCC Highways

To be reported.

MSDC Housing

The applicant is proposing a development of 180 units on Phase 3 of this scheme which gives rise to an onsite affordable housing requirement of 30% (54 units). In addition and as agreed, the applicant will also be providing the outstanding balance of affordable

housing from Phase 2 of the development. The combined total affordable housing units to be provided will therefore be 59. The following mix is agreed reflecting a tenure split that accords with current policy of 25% shared ownership and 75% rented:

Affordable Rent	Shared Ownership
16 x 1 bed flats	-
8 x 2 bed flats	4 x 2 bed flats
15 x 2 bed houses	5 x 2 bed houses
5 x 3 bed houses	6 x 3 bed houses
Total 44	Total 15

This mix will meet a broad range of housing needs. In addition, one of the 3 bed houses for rent will be fully wheelchair accessible in accordance with building regulations Cat M4(3).

Consideration has been given to social integration with affordable housing units provided in clusters of no more than 10 and such clusters interspersed with private dwellings throughout the site. This meets current policy.

MSDC Street naming and numbering

Please could I ask you to ensure that the following informative is added to any decision notice granting approval:

Informative: Info29

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

Southern Water

The approved layout should take into account restrictions associated with the public sewers located within the site. Please find attached a plan of the sewer records showing the approximate position of public foul and surface water sewers crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. No detailed information was provided to confirm if the proposed layout is acceptable.

It might be possible to divert the public sewers, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Should the applicant wish to divert apparatus:

1. The 600 diameter sewer requires a clearance of 3.5 metres either side of the sewer to protect it from construction works and allow for future access for maintenance.
2. No development or new tree planting should be located within 3.5 metres either side of the centreline of the public sewer.
3. The 150 diameter sewer requires a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access for maintenance.
4. No development or new tree planting should be located within 3metres either side of the centreline of the public sewer.
5. No new soakaways should be located within 5 metres of a public sewers.
6. All other existing infrastructure should be protected during the course of construction works. Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items (1) - (4) above also apply.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development."

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Southern Water would have no comments to make with regards to appearance, landscaping and scale of the development.

As previously advised, there is insufficient capacity within the existing foul sewerage system to accommodate the proposed development flows. Relevant infrastructure is to be provided to service the development.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, 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 technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this application receive planning approval, the following condition 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 noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.