

MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

9 AUG 2017

INDEX TO ITEMS REPORTED

PART I - RECOMMENDED FOR APPROVAL

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1	DM/17/0331	Gamblemead, Fox Hill, Haywards Heath, West Sussex, RH16 4QT	

PART II - RECOMMENDED FOR REFUSAL

ITEM	REFERENCE	LOCATION	PAGE
None	N/A		

PART III – OTHER MATTERS

ITEM	REFERENCE	LOCATION	PAGE
None	N/A		

POLICY: Ancient Woodland / Areas of Special Control for Adverts / Areas of Townscape Character / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Sewer Line (Southern Water) / Strategic Gaps /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 27th April 2017

WARD MEMBERS: Cllr Garry Wall / Cllr Rod Clarke /

CASE OFFICER: Mr Steven King

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 existing dwelling at Gamblemead Fox Hill, Haywards Heath and the erection of 151 dwellings.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the proposed scheme does not comply with certain aspects of the Development Plan, other material considerations need to be considered in determining the application, including the National Planning Policy Framework (NPPF).

As the Council is currently unable to demonstrate an agreed five year supply of deliverable housing land, it follows that the relevant policies for the supply of housing are not up-to-date (paragraph 49 NPPF). In these circumstances paragraph 14 of the NPPF which provides for a presumption in favour of sustainable development, would normally apply, which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.

As stated above paragraph 14 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted. Footnote 9 to paragraph 14 of the NPPF refers to instances where development should be restricted and one of those

circumstances relates to heritage assets such as listed buildings. In this case as the proposal affects the setting of a listed building and in your officer's view, less than substantial harm is caused to the setting of the listed building, paragraph 134 of the NPPF is engaged. Paragraph 134 provides for a balancing exercise to be undertaken, between the "less than substantial harm" to the designated heritage asset, on the one hand, and the public benefits of the proposal, on the other. The presumption in favour of development is not referred to and does not apply.

This is therefore the balancing exercise that must be undertaken by the decision maker.

Weighing in favour of the scheme is that the development will provide 151 dwellings at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given substantial weight. It is also highly relevant to note that the principle of development on this site has been accepted by the grant of planning permission for 99 dwellings on the site in July 2016 (reference DM/15/3448).

Weighing against the scheme is that the fact that dwellings are being proposed outside the built up area and would normally be restricted under the relevant Local Plan and Neighbourhood Plan policies. The weight that can be given to these policies is, however, reduced given the requirements of paragraph 47 of the NPPF to provide a 5 year supply of deliverable housing sites in the context of the national policy to boost significantly the supply of housing.

Also weighing against the scheme is the less than substantial harm to the listed building of Cleavewater. This less than substantial harm has been given significant importance and weight as required by the Planning (Listed Buildings and Conservation Areas) Act 1990.

Given the fact that planning permission has been previously granted for 99 dwellings on the site, it is considered that there is no substantive difference between the landscape impacts of this proposal compared to the previously consented scheme. It is not considered that the proposal results in coalescence between Haywards Heath and Burgess Hill and the impact on the strategic gap will be virtually no different to the previously approved scheme.

There will however be a neutral impact in respect of a number of issues such as the drainage of the site, ecology and infrastructure provision, which can all be dealt with by planning conditions and the section 106 planning agreement.

The proposal is therefore deemed to comply with the requirements of Policies G2, G3, C2, C5, C6, B1, B2, B3, B4, B7, B18, H2, T4, T5, T6, policies E7, E8, E9, E11, E13, T1 of the Haywards Heath Neighbourhood Plan and CS13 of the MSLP, policies DP18, DP19, DP20, DP24, DP27, DP28, DP29, DP35, DP36,

DP37, DP38 and DP41 of the Mid Sussex District Plan 2014 - 2031 Submission Version as well as the broader requirements of the NPPF.

Given the substantial weight that needs to be given to the provision of housing and the limited adverse impact of the scheme on the character of the area officers conclude the balance falls in favour of supporting the scheme. That is because, as per the para 134 balancing exercise, it is considered that the public benefits of the proposal would clearly outweigh the less than substantial harm to the setting of the listed building. Planning permission should therefore be granted.

Recommendation A

It is recommended that permission be granted, subject to the completion of a section 106 planning agreement to secure the necessary infrastructure contributions and affordable housing and the conditions listed at Appendix A.

SUMMARY OF REPRESENTATIONS

Original plans

88 letters of objection: same points as highlighted below.

Haywards Heath Society: The society has no objection in principle to this proposal. However the society has some concern regarding access onto the Wivelsfield Road and with retards the building of the units. This area is prone to flooding. It is also of concern that some of the proposal involves flatted units where the society believes small family houses would be more beneficial.

Amended plans

26 letters of objection:

- occupiers of site will be reliant on the private car for transport;
- speed cameras should be provided, preferably average speed cameras for highway safety and to lower emissions;
- development is out of character with the area;
- development is too concentrated in the north field, which is also the wettest;
- too many affordable homes are concentrated in the north field;
- the northeast field slopes down from the southeast to the northwest so the buildings planned for this area will be excessively dominant;
- very little infrastructure lies within the accepted 2km walking/cycling distance;
- the 40 bus service has ceased from 22/4/17. Only a single, limited service now stops on the B2112;

- disabled access to the site, via wheelchair or mobility scooter, is impossible, given the narrow footpath in front of Scrase Hill Terrace;
- an Environmental Impact Assessment should be carried out;
- will result in development in the strategic gap in conflict with development plan policy;
- will cause a flood risk;
- will harm ancient woodland to the west of the site. Buffer zone is inadequate;
- block of flats adjacent to Yaffingales is badly designed, intrusive and out of keeping;
- car parking on boundary will cause a loss of amenity from noise and light pollution;
- line of houses and garage in the northwest of the site will be obtrusive and could damage tree roots;
- infrastructure is already inadequate;
- cumulative impacts with other sites such as Rookery Farm should be taken into account;
- planning permission should not be granted until details of the new school have been provided;
- building behind our property represents a security risk;
- housing not needed and will not be purchased by local people;
- will put additional pressure on strained water resources;
- will be an adverse impact on ecology. Applicant has not explained how impacts on dormice, bats, ancient woodland and reptiles will be dealt with;
- plots 78-85 encroach onto a green corridor;
- significant adverse impact on residential amenities of Scrase Hill Terrace.

Haywards Heath Society: No further comments to those already provided and concurs with the Town Council comments regarding traffic and construction management.

SUMMARY OF CONSULTATIONS

MSDC Drainage Engineer

The proposed development will aim to meet the 2015 Non-statutory Technical Standards for Sustainable Drainage Systems and EA best practice, by reducing runoff rates from the proposed development during the 1 in 1 year and 1 in 100 year events to the existing Greenfield rates prior to development. This will minimise the impact of the development on local watercourses.

Linden Homes will also seek to remove any significant obstructions and debris within the existing drainage ditch system within the boundaries of the application site (in consultation with the project ecologist and arboriculturalist) in order to improve the efficiency of the existing drainage network and minimise out of bank flows during storm events.

The foul drainage from this site will be collected in new sewers built to adoptable standards which then link by gravity into the existing adopted sewers running across this site.

No objection subject to condition.

MSDC Urban Designer

Summary and Overall Assessment

In overall terms the layout works well, and the scheme can be commended for adopting a refreshingly contemporary design approach and avoiding the ubiquitous pastiche. The revised drawings are an improvement; the introduction of more gable-fronted houses, a greater range of facing materials and window articulation has injected much-needed architectural variety. The blocks of flats also benefit from more cohesive designs that are helped by the reduction in height from 3 to 2 storeys. However there are still a number of untidy elements that undermine the elevations; the fenestration is still unresolved in many cases, and some of the façade treatments need to be shown more clearly. The prominent house adjacent to the site entrance is also weakly scaled in relation to its neighbours. The layout now benefits from flats over garages (FOG's) which screen and overlook rear court parking; but elsewhere there is still a preponderance of front threshold parking that undermines street enclosure and risks generating a hard-edged environment in front of some of the houses.

In conclusion, I withdraw my objection of this planning application, but I would recommend conditions that cover the following:

- The design, position and size of the windows within the elevations facing the public realm in respect of the blocks of flats.
- The roof configuration of house type 306 (featuring on section EE).
- The position of the rainwater downpipes on the street frontages of the terraced houses, the blocks of flats and house type 306.
- The design of:
 - (a) the entrance canopies;
 - (b) the side panels and banding above the vehicular entrance on the FOG's;
 - (c) the banding above house type 501;
 - (d) the enclosure of the undercroft parking at the rear of block C.
- The design of the house on plot 1, showing revised elevations and floorplans.
- Landscaping including: boundary treatment; the relationship of the right-angle threshold parking and the proposed tree-planting; a detailed strategy for the removal of the low shrubs below the tree belts that criss-cross the site and raising the tree canopies.
- Facing materials.

Architects Panel

The Panel agreed the elevations were an improvement upon the original application drawings:

- The reduction of the blocks of flats to two storeys had resulted in a more resolved design.
- The additional articulation and employment of a larger palette of materials had generated much needed additional interest and variety in the street elevations.

The Panel still had some reservations about the size and shape of some of the roofs and the heavy window surrounds of some of the first floor windows. However their greatest concern was the design of the prominent corner house at the site entrance; while it had been appropriately re-configured with formal frontages on both corner returns, the main east elevation suffers from a weak frontage with a notably smaller gable than the adjacent houses on plots 2 and 3. To address this consideration could be given to configuring the whole of the elevation (excluding the garage) as a gable frontage.

Overall the more contemporary approach to the elevations (and the avoidance of the ubiquitous pastiche) is supported, and the layout works well with the building frontages and public realm facing the attractive tree belts and with the play area sensibly located in the central open space. The Panel would still like to see more thought invested in running the public right of way through the landscaped area.

Overall Assessment

The Panel support the application subject to the above changes to plot 1.

MSDC Conservation Officer

The suburbanisation of this part of the historically rural setting of the listed building is considered to be detrimental to its character and therefore to be harmful to the special interest of the listed building. However given the separation of the site from the listed building by Fox Hill road and the degree of screening which is present that harm is considered to be less than substantial under the terms of the NPPF- this was considered to be the case with the outline application and remains so in terms of the current proposal, notwithstanding the differences between the two highlighted above. The harm caused to the special interest of the listed building should therefore be weighed against the public benefits (if any) of the scheme, in accordance with paragraph 134 of the NPPF.

MSDC Environmental Health

No objection subject to condition.

MSDC Leisure Officer

Requires infrastructure contributions towards formal sport, community buildings. Full details of the on-site open space will need to be agreed by condition.

MSDC Housing

The applicant is proposing a development of 151 dwellings which gives rise to an onsite affordable housing requirement of 30% (45 units). The mix proposed will meet a broad range of housing needs and comprises of 12 x 1 bed flats, 15 x 2 bed flats and 7 x 2 bed houses for affordable rent and 6 x 2 bed flats, 2 x 2 bed houses and 3 x 3 bed houses for shared ownership. This complies with our tenure requirements of 75% rented and 25% shared ownership. Consideration has been given to our clustering policy of no more than 10 units per cluster.

MSDC Contaminated Land Officer

No objection subject to condition.

Environment Agency

No comments received.

Southern Water

No objection subject to conditions.

Sussex Police

In general terms I support the proposals in this application which creates a single vehicle access point into the development, then a circulatory route leading to a series of small cul de sacs. In the main the orientation of the proposed dwellings will allow for overlooking and good natural surveillance of the road and footpath layout, designated car parking areas, public open space, play areas and other communal space. I have no major concerns with the proposals.

Sussex Police Infrastructure

Requests an infrastructure contribution of £20,254.17 to fund the future purchase of infrastructure to serve the proposed development.

Consultant Ecologist

No objection subject to condition.

Consultant Archaeologist

No objection subject to condition.

Consultant Landscape Architect

It is recommended that the proposed development could be supported as, with the implementation of an appropriate landscape mitigation scheme, it would have an acceptable impact on local landscape character and views.

WSCC Flood Risk Management

Current surface water flood risk based on uFMfSW for 30year and 100year events: Low risk

Current ground water flood risk based on ESI Ground Water mapping: Negligible risk / negligible susceptibility

The FRA included with this application proposes that permeable paving, swales and detention basins with a restricted outfall to the Foundry Brook would be used to control the run off from the development to pre-development Greenfield run-off rates. This method, in principle, would meet the requirements of the NPPF, PPG and associated guidance documents.

WSCC Highways

The Local Highway Authority is satisfied that the proposed access would operate without any severe safety or capacity issues.

ESCC Highways

No objection subject to conditions.

WSCC Infrastructure Officer

Requires the following infrastructure contributions:

Library £44,469

Education Primary £453,319

Education Secondary £487,885

NHS Sussex

Requires a contribution of £89,135 to go towards Northlands Wood Practice and Haywards Heath Health Centre.

HAYWARDS HEATH TOWN COUNCIL OBSERVATIONS

Comments: In response to the amended plans that have recently been submitted on behalf of the developers (received by Mid Sussex District Council (MSDC) on 7 April 2017), the Town Council makes the following revised comments and observations, which SUPERSEDE those made on 21 February 2017.

Having regard to the comments submitted for (outline) application number DM/15/3448, the Town Council has already accepted the principle of residential development on this site. Members understand that the applicants have increased the proposed number of dwellings from 99 to 151 in order to address concerns from MSDC that the density proposed at outline stage was on the low side and that there was a preference for a higher density in order to make efficient use of land (Policy DP24A of the emerging Mid Sussex District Plan refers).

Having listened to the understandable objections and concerns from residents and a short pro-application statement made by a representative from the developers (at the meeting of the Town Council's Planning Committee held on 13 February 2017), the Town Council's considered decision is to reluctantly support this application. However, Members require assurance from those involved in progressing the application, i.e. Linden Homes and MSDC, that the following matters of concern will be considered and revisited if necessary:

- in order to lessen the impact of plot numbers 146-151 (six detached dwellings in the north-western corner of the site) on the amenities of properties on the southern side of Fox Hill Village (numbers 24-36), they should be repositioned further south and therefore further away from the rear boundaries of those properties in Fox Hill Village;
- the adequacy of the landscape buffer and green screening in the north-western corner of the site, where plot numbers 146-151 have been added and would back on to the rear gardens of numbers 24-36 Fox Hill Village;
- the effect that plot numbers 146-151 would have on the rear outlook and privacy currently enjoyed by residents of properties on the southern side of Fox Hill Village;
- the adequacy of the protection - both above and below ground - afforded to the three oak trees situated just within the southern boundary of 28 Fox Hill Village;
- the effect that proposed dwellings on plot numbers 59-63 would have on the rear outlook and privacy currently enjoyed by residents of numbers 1-6 Scrase Hill Terrace, Fox Hill;
- at what height would any new green screening between new and existing properties be planted? What species would be used?

- the effect of the development on the existing rear access to numbers 1-6 Scrase Hill Terrace - would this remain intact?
- whilst the principle of dispersing the affordable housing throughout the site is to be welcomed, 21 units or 47% of it is allocated to the north-eastern part of the site and 18 units or 40% is allocated to the south-eastern part. Distribution across the entire site should be reviewed to ensure that it is suitably balanced and for the absence of doubt the density should not be increased;
- the existing woodland edge of the site (to be enhanced), existing green corridor, proposed meadow and proposed dry basins and swales must be looked after by means of a robust management plan. This could be in the form of a management company or woodland trust but must include sufficient start-up funding and ongoing maintenance funding for the longer term, say ten to fifteen years. Mandatory householder contributions may be an option to ensure the financial viability of any management arrangements;
- MSDC should confirm that the proposed Sustainable Drainage System (SuDS) strategy would provide adequate drainage and would mitigate flood risk, so as not to be detrimental to the area of ancient woodland (Kiln Wood) to the west of the site;
- whilst it seems unlikely that there would be much appetite from residents of the development to walk up Fox Hill and into the town centre, the feasibility of widening the pavement on the western side of Fox Hill should be considered in the longer term to support Haywards Heath Neighbourhood Plan and (emerging) Mid Sussex District Plan objectives;
- although a Construction Management Plan is already a condition under the outline consent (refer to application number DM/15/3448), it must a) make adequate provision on site to accommodate all plant and machinery and the parking of contractors' and visitors' vehicles, and b) incorporate wheel washing facilities of the highest standard to ensure that roads are kept 'surgically' clean;
- Fox Hill is one of the main arterial routes into and out of the town, and so in the interests of highway safety, restrictions must be put in place at the southern end of Fox Hill, and possibly in Hurstwood Lane and Fox Hill Village, to prohibit the parking of contractors' and visitors' vehicles;
- throughout the construction period, the hours of works and any associated deliveries should be restricted to 08:00 to 18:00 hours Mondays to Fridays, 09:00 to 13:00 hours Saturdays, and no works on Sundays or Bank/Public Holidays;
- with regard to the Public Right of Way (PRoW) that traverses the site from roughly east to west, its conversion from a footpath to a bridleway within the confines of the development site itself would be unacceptable;

- during the construction phase, suitable measures should be put in place to temporarily divert the route of the PRoW so that it runs along the southern boundary of the site - this would maintain amenity and connectivity with the wider footpath network;
- the outcomes following discussions with MSDC's Urban Designer and the Design Review Panel are welcomed, these being the reduction in height of the apartment blocks from three storeys to two, and the introduction of hipped and half-hipped roofs to some of the dwellings, and half-hipped roofs to the double garages;

Furthermore, some of the comments made by the Town Council in respect of (outline) application DM/15/3448 are considered relevant for this application and are therefore reiterated below:

- the design and appearance of the affordable housing should match that of the open market housing;
- the size/dimensions (particularly the width) of the garages for the proposed dwellings should be sufficient to comfortably accommodate a modern vehicle - new developments are all too often failing in this respect;
- developer contributions should be used to provide proper hardstanding parking opposite 1-6 Scrase Hill Terrace, i.e. on the other side of the road opposite these properties;
- the S278 Agreement should include provision for the installation of electronic real time bus information at the two bus stops at this end of Fox Hill.

It is very much hoped that in the spirit of neighbourliness and understanding, Linden Homes will continue to engage with the local community and will keep lines of communication open.

Residents from the development would have at their disposal all the services and facilities provided by the town of Haywards Heath. Members formally request that the Town Council be consulted upon and involved in the allocation of all Section 106 monies related to this application.

Finally, in view of this and other significant housing developments that are in the pipeline to the south of Haywards Heath, the Town Council formally requested a traffic management plan for this entire area and asked West Sussex County Council, in its capacity as highways authority, to undertake a review of the road network in the south and east of the town. It is understood that a private sector organisation has now funded such a review, the findings of which are due to be revealed and discussed in the near future. The consensus from Members is that for this side of town certainly, a holistic approach needs to be adopted if issues surrounding traffic calming, congestion and

flow, highway safety, connectivity and transport links are to be addressed in a manner that has tangible outcomes.

ADDITIONAL comment from Haywards Heath Town Council, to be considered in conjunction with those submitted at 4:37pm on 03 May 2017:

With regard to the Public Right of Way, where it continues on from the south-west corner of the application site and beyond, the Town Council requests that a proportion of developer Section 106 contributions be allocated towards making improvements to this section of footpath, which has a tendency to become boggy and therefore difficult to negotiate.

Introduction

This application seeks full planning permission for the demolition of the existing dwelling at Gamblemead Fox Hill, Haywards Heath and the erection of 151 dwellings.

The submitted plans show that the access point to the site would be located at the south eastern side of the site in the same location as the existing access that serves the current dwelling on the site.

Relevant Planning History

Outline planning permission for a development of 99 dwellings on the site (reference DM/15/3448) was granted planning permission on 29 July 2016. This application approved the principle of the development and the means of access into the site. The reserved matters of the appearance, scale, layout and landscaping of the site will be the subject of a reserved matters application.

Site and Surroundings

The site of the planning application is positioned to the west of Fox Hill and to the south of Fox Hill Village. It comprises Gamblemead (a detached bungalow) and its garden and the fields to the north, south and west of this property.

There is a fall in levels through the site from north to south. There is also a fall from east to west with a fairly substantial drop in levels at the far western end of the site.

The field parcel to the west of 1 to 6 Scrase Hill Terrace and to the south of Fox Hill Village is unused and laid to grass. There is a tree screen along the northern boundary of the site to Fox Hill Village. The boundary to 1 to 6 Scrase Hill Terrace is more open with low fences and hedges at the end of the rear gardens.

The boundary to the detached houses on Fox Hill Village to the north is well screened by trees. These houses are at a higher level than the application site. To the northwest of the site the boundary with Fox Hill Village is overgrown with brambles.

There is a strong tree screen along the western boundary of the site. There is a small footbridge for the public right of way (PROW) over the watercourse that flows to the west of the site

There is a strong tree screen along the southern boundary of the site. Beyond this there are open fields.

The site lies within the countryside area of development restraint (CADR) as defined in the Mid Sussex Local Plan (MSLP). The site is also within the strategic gap between Haywards Heath and Burgess Hill.

The vehicular access to Gamblemead is positioned towards the south-eastern corner of the site. At this point Fox Hill is subject to the national speed limit of 60mph. Some 30m to the southeast of the vehicular access to Gamblemead there is a grade two listed house at Clearwater.

The vehicular access to the site also serves a pumping station that is located at the southwestern corner of the site. There is a single width tarmac road that leads to this pumping station.

There is PROW that runs along the northern boundary of the site. This then crosses the field and leads to the southwestern boundary of the site.

Application Details

This application seeks full planning permission for the demolition of the existing dwelling at Gamblemead Fox Hill, Haywards Heath and the erection of 151 dwellings.

The submitted plans show that the access point to the site would be located at the south eastern side of the site in the same location as the existing access that serves the current dwelling on the site.

The plans show that the layout of the development would be organised into 3 broad areas to reflect the existing field boundaries that are marked by some mature trees. The road layout allows for larger vehicles to take a circular route within the site.

The intended mix of the scheme would be as follows:

Dwelling type	Market housing	Affordable housing
1-bed flats	0	12
2-bed flats	0	21
2-bed houses	7	9
3-bed houses	62	3
4-bed houses	27	0
5-bed houses	10	0
TOTAL	106	45

Following discussions with the applicants, all the 3 storey buildings within the site have been removed and the scheme now consists of 2 storey buildings. The predominant materials will be red/ orange brickwork for the walls, slate effect roofs and reconstituted stone lintels and cills. To create a scheme with a sense of place, the applicants have stated that the proposed buildings will be built using a limited palette of materials which reflect the existing surrounding context, but using modern materials and building techniques. The development has been designed to be of a traditional style but with a modern look to make it appear more crisp and contemporary.

The layout of the site has been designed so that it is based predominantly on the principle of perimeter blocks with properties facing onto the street. This is a sound design principle that allows for proper street frontages and for dwellings that back onto each other with traditional back garden arrangements.

The plans show one group of flats and houses in the south eastern field parcel. There would be an internal access road running parallel to Fox Hill that would provide access to the north-eastern field parcel, which also contains flats and houses. The third field parcel is within the centre of the site and this would contain houses. It is this parcel of land that would have a circular access road.

Internally there would be an area of open space within the centre of the site. This would be based around the existing trees that make up the existing field boundaries. There would also be an area of open space at the far southwestern side of the site. There is a significant fall in levels in this part of the site, which makes it unsuitable for housing.

The plan show that the affordable housing would be pepper potted within the site, with a group of 21 dwellings in the north eastern corner of the site (split into 3 groups), 18 dwellings in the south-eastern corner of the site (split into 2 groups) and 6 dwellings within the centre of the site (split into 2 groups).

There is a public right of way that runs through the site from the northeast to the southwest. This public right of way emerges on the southern side of the Fox and Hounds public house on Fox Hill. The submitted plans show that this path would continue as a separate footway on the eastern side of the site, before linking in with the

road layout of the site. The path would then continue as a separate footway in the southwestern corner of the site.

The Council is in receipt of a separate application (reference DM/17/0987) that seeks to amend the legal line of the public right of way. This application is submitted under Section 257 of the Town and Country Planning Act 1990. This permits the making of an order for the stopping up or diversion of a footpath or bridleway which is necessary to enable development to be carried out either in accordance with a valid planning permission or by a government department. The order cannot be made unless the LPA (or Secretary of State) is satisfied the order is necessary to enable the development in question to proceed.

In terms of timing, the LPA can make an order either once planning permission has been granted or, following an amendment to Section 257 by the Growth and Infrastructure Act 2013, in anticipation of planning permission (i.e. once an application for planning permission has been made) but an order made in advance of planning permission cannot be confirmed until that permission has been granted. An order can take at least 3 months to be confirmed (if unopposed). If there are unresolved objections, the order must be submitted to the relevant Secretary of State for confirmation and a local inquiry may need to be held. This can delay the decision for 12 months or more.

List of Policies

Mid Sussex Local Plan

C1 (Countryside Area of Development Restraint)
C2 (Strategic gaps)
G2 (sustainable development)
G3 (infrastructure requirements)
C5 (nature conservation)
C6 (trees, hedgerows and woodland)
B1 (design)
B2 (residential estate developments)
B3 (residential amenities)
B4 (energy and water conservation)
B7 (trees and development)
B18 (Archaeological sites)
H2 (density and dwelling mix)
T4 (transport requirements in new developments)
T5 (parking standards)
T6 (cycle parking)
CS13 (land drainage)
CS20 (contaminated land)

Sustainable Construction Supplementary Planning Document (Jul 2006)

Development and Infrastructure Supplementary Planning Document (Feb 2006)

Haywards Heath Neighbourhood Plan

Made plan with full weight.

- E5 - Local gaps
- E6 - Retain links between green infrastructure
- E7 - Sustainable Urban Drainage
- E8 - Energy efficient and sustainable development
- E9 - Local character and quality
- E11 - Visual connections with the countryside
- E13 - Outdoor space
- T1 - Development and public transport links
- T2 - Improve cycle and pedestrian strategy

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:

- DP10 - Protection of the Countryside
- DP18 - Securing Infrastructure
- DP19 - Transport
- DP20 - Rights of Way and other Recreational Routes
- DP24 - Character and Design
- DP27 - Noise, Air and Light Pollution
- DP28 - Housing Mix
- DP29 - Affordable Housing
- DP32 - Listed buildings and other buildings of merit
- DP35 - Archaeological Sites
- DP36 - Trees, Woodland and Hedgerows
- DP37 - Biodiversity
- DP38 - Green Infrastructure
- DP41 - Flood Risk and Drainage

National Policy

National Planning Policy Framework (Mar 2012)

The National Planning Policy Framework sets out the government's policy in order 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:

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.

Para 197. States that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Assessment (Consideration of Key Issues)

The main issues for consideration are:

- The principle of development;
- Development within the strategic gap
- Access, Parking, and Highway Safety
- The design and layout
- Drainage;
- Biodiversity
- Energy efficiency;
- Housing mix and infrastructure
- Impact on Heritage assets (Listed Buildings)
- Impact on Ashdown Forest
- Whether the proposal would be sustainable development; and
- Planning Balance and Conclusions

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), the Mid Sussex Local Plan (MSLP) (2004) the Haywards Heath Neighbourhood Plan (2016).

In the event of conflicts between policies in these plans it is the most recent policy which takes precedence. The NPPF, which was issued in March 2012, is a material consideration which shall be afforded significant weight.

Paragraph 49 of the NPPF states:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

This Council cannot currently demonstrate an agreed five-year housing land supply for the District. The Inspector conducting the Examination of the Mid Sussex District Plan reached interim conclusions on the Council's housing requirement. He concluded that the full objectively assessed need for market and affordable housing was 876 dwellings per annum (including 20% uplift). In addition, he considered that the Council should provide 150 dwellings per annum to meet the unmet need of a neighbouring authority. The timing of this unmet need is subject to ongoing debate, as evidence suggests that the 150dpa for Crawley Borough Council may only be required in the latter half of the Plan, that is beyond the next 5 years.

Prior to the Supreme Court judgement of the 10th May 2017 (Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)) case law had stated that Policy C1 of the Mid Sussex Local Plan was a "policy for the supply of housing" and was therefore not considered to be up to date by virtue of paragraph 49 of the NPPF in the absence of a 5 year housing land supply.

However, the Supreme Court's judgement has made a clear ruling which now favours the narrow view of paragraph 49. That is policies for the supply of housing capture only those policies that are directly related to housing supply and seek to satisfy paragraph 47 which requires LPA's to 'boost significantly the supply of housing.'

The implication for this is that Policy H1 of the MSLP is clearly out of date as it is the Mid Sussex Local Plan's principle housing supply policy and makes provision for housing only until mid-2006. However, policies such as C1 of the MSLP, which are not

directly related to the supply of housing would now not be considered "out of date" per se under paragraph 49 following the Supreme Court ruling.

However the weight to be given to these policies, within the planning balance set by paragraph 14 remains with the decision maker. The weight is considered to be reduced in the context of the lack of a 5 year housing land supply given the aim of the NPPF to boost significantly the supply of housing.

It is also relevant to take into account the recent Written Ministerial Statement in December 2016 that sets out the relevant policies for the supply of housing in a neighbourhood plan, that forms part of the Development Plan, should not be deemed to be 'out-of-date' under paragraph 49 of the National Planning Policy Framework where all of the following circumstances arise at the time the decision is made:

- this written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.

This Ministerial Statement does not impact on the Council's planning application decision making so the Statement has little bearing on the application. The reason for this is that the Council currently cannot demonstrate an agreed 3 year supply of housing land for the reasons given above.

As the Council cannot currently demonstrate an agreed 5 year supply of deliverable housing sites para 14 of the NPPF is applicable. This states that:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted."*

The second bullet point of the 'decision taking' section would normally apply as the Council cannot demonstrate a 5 year supply of deliverable housing. The approach that would be taken is that the development is assessed against paragraph 14 to see

whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The weight to be given to saved policies of the MSLP will need to be assessed against the degree of conformity with the NPPF.

As stated above paragraph 14 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted. Footnote 9 to paragraph 14 of the NPPF refers to instances where development should be restricted and one of those circumstances relates to heritage assets such as listed buildings. In this case as the proposal affects the setting of a listed building and in your officer's view, less than substantial harm is caused to the setting of the listed building, paragraph 134 of the NPPF is engaged. Paragraph 134 provides for a balancing exercise to be undertaken, between the "less than substantial harm" to the designated heritage asset, on the one hand, and the public benefits of the proposal, on the other. The presumption in favour of development is not referred to and does not apply.

Planning Practice Guidance states that when assessing applications against para 14 of the NPPF, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning. This includes paragraphs 183 - 185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

It should be noted that a Court ruling in May 2015 relating to a site in Sayers Common made by Mr Justice Holgate confirmed that paragraphs 14 and 49 do apply to the housing supply policies in a draft development plan, including a draft neighbourhood plan, consequently, they also apply to advanced and made neighbourhood plans. This Court case also confirmed that paragraph 198 of the NPPF neither (a) gives enhanced status to neighbourhood plans as compared with other statutory development plans, nor (b) modifies the application of section 38(6) of the Planning and Compulsory Purchase Act 2004.

Therefore the key test that must be undertaken therefore when assessing this application is as set out within para 134 of the NPPF.

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.

In this case it is material to note that planning permission has been granted for 99 dwellings on this site. As such the principle of a residential development on this site has been accepted.

Assessment of main issues

Development within the Strategic Gap

The purpose of policy C2 in the MSLP relating to strategic gaps is to prevent coalescence and to maintain the separate identity of individual settlements. Policy E5 in the HHNP has a similar aim. A key issue therefore is whether this proposal, would impact on this aim. At this point the settlements of Haywards Heath and Burgess Hill are some 1.56km apart. The site is well enclosed on the southern boundary by a tree belt on the field boundary and to the west there is a belt of woodland. It is not considered that the proposal would result in a material diminution in the gap between the settlements of Haywards Heath and Burgess Hill and therefore the fundamental objective of policy C2 would not be compromised. In addition it must also be recognised that the weight that can be attributed to policy C2 is lessened when it seeks to restrict housing numbers because of the absence of a 5 year housing land supply.

It is also a material consideration that planning permission has been granted for 99 dwellings at this site. In terms of any impact on the strategic gap between Haywards Heath and Burgess Hill, it is considered that there is no difference between this planning application and the planning application that was approved by the District Council at the District Planning Committee meeting in February 2016.

It is therefore considered that the aims of policy C2 in the MSLP and policy E5 in the HHNP will not be compromised from this proposal.

Access, Parking, and Highway Safety

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.'*

This is reflected within Policy T4 of the MSLP where new development proposals should not cause an unacceptable impact on the local environment in terms of road safety and increased traffic. Amongst other things, new development should provide convenient and safe pedestrian access which should link to the wider footway network. 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 point of access would be in the same location as the existing access to the site. At this point the road is subject to a speed limit of 60mph. Further to the north the speed limit drops to 30mph. The submitted plans show a T junction onto Fox Hill. The proposed vehicular access will be the same as for the permitted scheme for 99 dwellings on the site (reference DM/15/3448). The applicants transport information has compared the uplift in predicted vehicular movements compared to the consent scheme. The 99-unit scheme was estimated to generate a total of 53 two-way vehicle movements in the AM peak and 49 two-way vehicle movements in the PM peak. The current scheme is estimated to generate 80 two-way vehicle movements in the AM peak and 74 two-way vehicle movements in the PM peak. This is an overall increase of 27 and 25 two-way vehicle movements in the AM and PM peak periods respectively.

In their response of 2 May 2017, whilst the Highway Authority did not raise any objection to the proposal based on capacity issues, they did highlight a minor discrepancy with the applicants modelling and requested that the model be rerun against the accepted Rookery Farm Transport Assessment. The applicants have now carried this work out and the Highway Authority is satisfied that the modelling is accurate.

The Highway Authority is satisfied that the proposed access would operate without any severe safety or capacity issues. Visibility splays of 2.4m by 120m with a 1m offset from the nearside kerb would be provided. As the site is in close proximity to the County boundary to the south, East Sussex County Council have also been consulted. In relation to highway matters, East Sussex County Council do not consider that the proposal would result in a material increase in trips through the south through Wivelsfield and therefore the proposal should not cause a severe impact on the ESCC highway network.

As part of the section 106 agreement for the consented 99 unit scheme, the applicants are required to provide the following:

- Install real time information screens at existing bus stops in the vicinity of the development
- to submit for approval by WSCC a scheme of pedestrian crossing improvements across the B2112 to reach the existing southbound bus stop north of the B2112/Hurstwood Lane junction
- to submit for approval to WSCC a scheme for a double sided vehicle activated sign on the B2112
- to pay a TAD contribution based on a formula to be spent on improvements to the public realm on South Road and/or improvements to crossing points at Sussex Square roundabout

As part of the current application, the Highway Authority has advised that they would be seeking all of the above. In addition they have stated that they would also be requiring the applicants to fund the reduction of the existing speed limit on B2112 Fox Hill to 30mph.

It is considered that all of these items are legitimately required in connection with the scheme and can be secured in the section 106 agreement.

The internal highway network has been designed with the majority of residential properties served from an internal loop road. The applicant has stated that the internal loop road has been incorporated at the request of the Town Council, who have indicated that the scheme layout should be able to accommodate a small 'hoppa' type bus should a local service operate in the future.

In relation to the sites access for pedestrians, the site is some 1.7km from the town centre. There is a footway along the western side of Fox Hill but it is acknowledged that in places this is relatively narrow. It was acknowledged in the committee report for the 99 dwelling scheme that given these facts the site is not particularly attractive for those wishing to walk to the town centre. Nonetheless, when weighed together with all the other issues, this matter was not felt to count against the scheme to such a degree that planning permission should be withheld for this reason. The Highway Authority has requested that the applicants look again at widening the footway between the application site and the junction with Fox Hill Village. They have stated that this could be done without narrowing the useable width of the carriageway on Fox Hill by removing the cross hatching on Fox Hill. In response to this request the applicants have stated that they remain of the view that this widening would deliver limited benefits at significant cost. The applicants believe that this outlay could be better spent on measures to reduce vehicle speeds on Fox Hill.

Even if the footway between the access to the site and Fox Hill Village is not widened, it is not felt that this in itself would be a reason to resist the scheme, given the fact that the proposal is only a net gain of 52 dwellings compared to the extant scheme, which does not require the widening of this footpath.

A similar point would apply to cycle access from the site. In relation to cycle access the applicants have stated that in their view increasing the sites attractiveness to cyclists is linked to speed reduction measures on Fox Hill.

At the time of writing this report the applicants were in discussion with the Highway Authority about the detail of the package of off-site works that should be included with this application. This may include items such as further vehicle activated signs. Any further updates on the off-site works that are to be agreed with the Highway Authority will be reported to Members on the update sheet. Notwithstanding these ongoing matters, the Highway Authority have not objected to the application either on grounds relating to the access and highway safety, or on matters relating to highway capacity.

It is considered that given the pressing need for housing, the clear government advice that Local Planning Authorities should be significantly boosting the delivery of new housing and the fact that a major housing development on the site has already been approved, it would not be reasonable to withhold planning permission for this scheme based on these issues.

Design and Layout

Policy B1 in the MSLP seeks a high standard of design in new developments and this is carried forward in policy DP24 of the MSDP. Policy E9 in the HHNP has similar aims, including a requirement to make best use of the site to accommodate development.

In terms of the overall approach to the layout of the site, it is considered that the application adopts the sound approach of perimeter block layouts which results in the dwellings fronting onto proper streets and allows for back to back gardens within the development. This is fully supported.

The comments of the Urban Designer and the Architects panel are summarised at the start of the committee report and set out in full in the appendix. In summary both support the scheme. The Urban Designer has requested that a number of detailed points be reserved by condition to improve the overall quality of the scheme. It is considered that his suggestions are reasonable and would enhance the scheme. His comments in relation to the car parking in front of a number of the houses would "tidy up" these parts of the scheme and bring greater order. Likewise, amending the window details on the blocks of flats that face onto the street will improve the design of these buildings. The house on plot 1 is a key building as it is the first building that is seen when entering the site. This building would benefit from having a greater presence as it is in a key location on a corner plot. Reserving the details by condition of the specific areas as suggested by the Urban Designer would not adversely impact any third parties and would enhance the overall scheme. As such it is considered that on this major development, this is an appropriate course of action.

It is intended that the major trees that make up the current field boundaries within the centre of the site will be retained. The area between the two field plots at the southern end of the site would provide an area of public open space. This would be well overlooked by the proposed houses, giving satisfactory levels of natural surveillance of this area. It is intended that this open space would be a natural play area. The largest pieces of equipment would be multi-activity centres located at the north end of the green corridor to give a focal point for play away from houses. A series of smaller play features, such as balance beams, logs or similar would lead up the tree line towards this. A minimum of 15m buffer would be provided between play equipment and habitable rooms.

Overall it is considered that the applicants have produced a sound layout that incorporates good urban design principles. There are points of detail that can be improved and these can be dealt with by planning conditions. The scheme now has the support of both the Architects Panel and the Council's Urban designer. It is therefore considered that the design and layout of the site are acceptable and comply with policy B1 of the MSLP, policy DP24 of the MSDP and policy E9 of the HHNP.

Visual impact of the proposal on the character of the area

The site sits within the High Weald fringes landscape character area 10, as defined by the Mid Sussex District Landscape Character Assessment (2004). The site has characteristics of this area but also of the immediately adjacent Hickstead Low Weald area. The surrounding ancient woodland areas and the mature tree belts which enclose the fields within the site suggest that these are fields which have been cleared from woodland cover.

The NPPF requires development to be sustainable as well as contribute to and enhance the natural environment by protecting and enhancing valued landscapes (para. 109). NPPF paragraphs 126 - 141 include policies in relation to development making a positive contribution to local character and distinctiveness.

From a policy perspective, the objectives of policy C1 are still deemed consistent with one of the core planning principles of the NPPF insofar as it indicates that the intrinsic character and beauty of the countryside should be recognised. Paragraph 17 of the NPPF states;

"planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities with it."

The site is not located within a national designated area (i.e. AONB or National Park) and as such there are no specific policies within the NPPF indicating that development on this site should be restricted.

The application is accompanied by a Landscape Planning Statement (LPS). It is considered this complies with policy E11 of the HHNP which requires proposals such as this to be accompanied by an assessment of the views to and from the proposed development. The LPS has been assessed by the County Landscape Architect. Her comments are summarised at the start of the report and are set out in full in the appendix.

Due to the enclosed nature of the site provided by the existing screening, the wider impacts on the landscape will be minimised. There will be some harm that would arise from developing on any greenfield site and in this respect this site is no different to any other. This harm must be weighed against the benefits of the proposal in delivering housing and the other associated economic benefits. The views for those properties that face onto the site would be significantly changed but as Members will be aware there is no right to a view under planning legislation.

It is a material consideration that the District Council has approved a development of 99 dwellings on this site. As such the principle of a significant change in landscape terms from a greenfield site to a housing site has been accepted by the District Council. In

landscape terms it is considered that the impact of this scheme on the character of the area would not be significantly different to the development of 99 dwellings on the site which has planning permission.

Effect on neighbouring amenity

Policy B3 of the Local Plan aims to resist proposals where there would be a significant adverse impact on residential amenity. This is consistent with Para 17 of the NPPF which requires a good standard of amenity for all existing and future occupants of land and buildings.

The proposal would alter the near views in particular for residents who back onto or border the site, in particular those houses to the north on Fox Hill Village and 1 to 6 Scrase Hill, Fox Hill and Dalriada and Laffingales, Fox Hill. These residents currently enjoy uninterrupted views across the site and this would ultimately change to a view of an urban development. The character of the area would also change from that of tranquil countryside to a more urban environment. As mentioned previously, there is no 'right to a view' within the planning system.

Given the current undeveloped greenfield nature of the site activities associated with a new residential development will be noticeable by existing occupiers who abut the site, such as car lights, increased lighting, more noise and activity.

These general impacts have already been accepted by the granting of planning permission for 99 dwellings on the site. The key issues now for this full planning application are how this specific layout will impact on the amenities of those properties that adjoin the application site.

At the north eastern corner of the site, plots 59 to 63 would be orientated so that their rear gardens faced northeast towards the properties on Scrase Terrace. Due to the boundary of the site not being completely straight, the rear gardens of the plots on 59 and 60 would be marginally shallower than those on plots 61 to 63 (12m as opposed to 13.5m). The back to back distance between these new houses and the existing terrace of houses at Scrase Terrace would be some 34m. The plots on 57 and 58 would have rear gardens some 12m deep and there would be a back to back distance of 37m with Dalriada.

It is considered that these back to back distances are sufficient to prevent there from being a significant loss of residential amenity to the occupiers of these properties, thereby complying with policy B3 of the MSLP.

The proposed flats on plots 50 to 56 would be located close to the eastern boundary of the site adjacent to the car park of the Fox and Hounds public house. The block has been orientated so that habitable windows either face towards the public house or into the site; there are no windows in the end projection of the building facing towards Yaffingales to the northeast. Whilst the block would be visible from the rear garden of

this dwelling, it is not considered that it would result in a significant loss of residential amenity.

At the northern part of the site there would be a substantial distance of some 44m between the gable ends of the nearest plot (number 63) and 6 Fox Hill Village to the north. It is considered that there would be no adverse impact from the proposal on the amenities of these properties to the north.

At the north western side of the site there would be 6 detached houses with detached garages. There would be a back to back distance of some 45m at the closest point between these houses and the houses to the north at Fox Hill Village. The double garages would be some 34m from the houses at Fox Hill Village at their closest point. The houses at 24 to 36 Fox Hill Village are at a higher level than the application site and as such the proposed dwellings in plots 146 to 151 would be clearly visible from these properties. Being able to see something however does not automatically equate to harm. It is considered that given the separation distances there is no significant adverse impact on the amenities of these properties from this development.

Concerns have been raised regarding the disruption during the construction phase. Whilst this is noted, any major building site will cause some inconvenience to nearby residents, however impacts can be managed and mitigated by the use of planning conditions restricting hours of construction and Construction Management Plans covering issues such as contractor parking and noise/dust emissions and this would certainly not be a reason to resist the application.

Concerns have been raised about the possible impacts on property values but as Members will know, this is not a material planning consideration. Overall it is considered that there would be no conflict with policy B3 of the MSLP.

Drainage

The application site is located in the Environment Agency's Flood Zone 1. Referring to NPPF Technical Guidance, the location of the proposed development would be categorised as "Low Flood Probability" - i.e. the annual probability of flooding from riverine sources is less than 0.1 %. Parts of the site are susceptible to surface water flooding. These comprise narrow areas of land associated with drainage ditches along the southern and north eastern boundaries and north western area of the site, together with a narrow finger of land associated with the existing wastewater pumping station (WPS) access road to the west of the site.

The applicants have stated that the site currently comprises 96.7 % soft landscaping. The proposed development would reduce the existing area of soft landscaping to approximately 64.8%. Consequently, all additional surface water run-off generated from the development will eventually drain, under control, to the nearby Foundry Brook located to the south west of the site. The hydraulic capacity and control of locally installed surface water sewer and SuDS infrastructure will be constructed so as to

accommodate and retard surface water runoff discharges from the site to the greenfield rates for all storms up to and including the 1 in 100 year event (+ climate change), by providing throttled water butts, permeable pavements with sub-surface storage, swales and detention basins which have a joint capacity greater than 1 in 100 year + climate change additional runoff. The applicants state this would confer betterment as part of the proposals.

The applicants proposed plans show a series of swales at the northern end of the site that will flow via a discharge pipe from northeast to southwest, eventually discharging via a hydrobrake to the Foundry Brook. On the southern boundary of the site there would also be a series of Swales, linked by a discharge pipe that would also eventually discharge to the Foundry Brook in the southwest corner of the site. The submitted plans show a number of the roads within the site would have permeable paving.

The Councils Drainage Engineer has considered the information that has been provided by the applicants and has stated she is now satisfied that this development can be satisfactorily drained and that flood risk to and from the development has been appropriately considered. In light of this it is felt that policy CS13 of the MSLP and policy DP41 of the District Plan is met.

Based upon levels taken from a topographical survey of the existing site, foul water drainage from the 151 new properties will be routed by gravity underground drainage. It is proposed to run new foul water collection drains beneath the estate roads receiving discharge from the new dwellings. It is then intended to connect the estate drainage to the diverted Southern Water sewer. All foul drainage sited below the estates roads will be constructed to an adoptable standard as per Sewer for Adoption (7th edition) and Part H of the Building Regulations.

A formal application for any new connection to the public foul surface water sewer will need to be made by the applicant or developer and the exact details of the sewer infrastructure necessary to serve the development will come forward in liaison with Southern Water. As Members will know, developers have an absolute right to connect to the foul sewer which has been confirmed in the Supreme Court. When there is insufficient capacity in the network, Southern Water requests an appropriate condition to be imposed on the planning permission to secure the means of foul water sewerage disposal, which may include the provision of additional off-site sewers and/or improvements to the existing off-site sewers under the Water Industry Act 1991.

Subject to the imposition of such a condition it is considered that the foul drainage from the site will be satisfactory.

Biodiversity

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are

protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Paragraph 118 of the National Planning Policy Framework states:

"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles [such as]:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged.*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh its loss."*

Local Plan policy C5 requires proposals for development to minimise their impact on features of nature conservation importance.

The application is accompanied by an ecological survey that is available on file for inspection. In summary the reports make the following findings:

- habitat surveys were carried out for badgers, reptiles, Great Crested Newts (GCNs), bats and dormice
- the redevelopment will not impact, directly or indirectly, any designated sites or areas of significant off site habitat
- the habitats present on site were dominated by previously grazed fields, divided into paddocks
- the tree line which runs through the site east to west and extends to the northern boundary of the site and dissects the top fields into two separate field systems, supports mature, veteran trees (largely oak) and a well-developed understorey
- ancient woodland lies to the west of the site
- No badger setts were recorded within the red line boundary. A 10 hole badger sett, with numerous active holes, was found to be present within the ancient woodland on the western edge of the site.
- the grassland habitat on site is not considered suitable for dormice. However, the edges of the site, the mature tree lines and well developed understorey which links to ancient woodland off site to the west, which in turn links to further woodland blocks in the wider landscape, are all considered to be suitable for dormice
- the wet ditch which was present on site did not support sufficient levels of water which would be considered a requirement for GCNs in their aquatic phase

- the overall habitat across the site does provide significant areas of optimal habitat for common reptile species such as slow worm and common lizard
- there are numerous trees that have a suitable habitat for bats

The applicants states that some small areas of habitat valuable to wildlife are to be lost they will be replaced with more biodiverse habitats elsewhere on site. The site layout will retain all trees of significant amenity value such as veteran oak trees and woodland edge habitat will be retained.

Specific mitigation measures are summarised below:

- in relation to dormice mitigation will include extensive areas of compensatory planting and enhancing areas of existing habitat with more diversity of species to provide dormice with food sources on site throughout the year
- reptiles will be moved outside the development zone. The western side of the site will be the receptor area and will be used as a holding area for reptiles during the works. Once the public footpath is re-routed and the fence lines are removed the western reptile area will be approximately 3.5ha in area, with linkages to additional habitat such as woodland, swale features and additional scrub and grassland habitat
- in relation to bats native species and additional planting around the edges of the site are proposed and the installation of bat boxes. There will also be a need for a lighting scheme to take into account bats in the surrounding area

To the west of the site there is an area of ancient woodland. The boundary of this runs alongside the western boundary of the site and then abuts the rear gardens of Fox Hill Village to the northwest. There would be a buffer of 15m between the side elevation of the closest house on plot 151 and the ancient woodland to the west. It is considered that this buffer is sufficient for there to be no adverse impact on the ancient woodland. It is relevant to note that existing residential dwellings to the northwest on Fox Hill Village and Weald Rise physically abut the ancient woodland whereas this will not be the case for the proposed development.

The Councils Ecological Consultant has assessed the application and his comments are summarised at the start of the report and set out in full in the appendix. In the absence of any objection from the Councils Ecological Consultant it is considered that the application complies with policy C5 of the MSLP, policy DP37 of the emerging District Plan and the relevant parts of the NPPF and legislation as set out above.

Energy Efficiency

Paragraph 93 of the NPPF states:

"Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon

energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development."

Paragraph 96 states:

"In determining planning applications, local planning authorities should expect new development to:

- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."*

Policy B4 of the Local Plan require all new development proposals to maximise opportunities for efficient use of energy, water and materials and use of natural drainage. The applicants have provided a Sustainability / Energy Efficiency Statement that is available on file for inspection. The statement advises that the development will achieve high standards of environmental performance in construction and use, through designing out energy use. This approach is referred to as 'fabric first' and concentrates finance and efforts on improving U-values, reducing thermal bridging, improving airtightness and installing energy efficient ventilation and heating services.

It is considered that the applicants have had regard to policy B4 as required in the MSLP.

Infrastructure / Housing Mix

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 203 and 204. Respectively, these paragraphs state:

"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

and:

"Planning obligations should only be sought where they meet all of the following tests:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development."*

Policy G3 of the Local Plan requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. These are usually secured through the signing of a legal agreement. All requests for

infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are as set out above.

West Sussex County Council Contributions:

Library provision £44,469
Education Primary £453,319
Education Secondary £487,885

District Council Contributions

Formal sport: £ 151,476 is required toward formal sports provision to upgrade the pitches at St Francis Sports Ground.
Community buildings: £65,799 is required toward formal sports provision to upgrade the pitches at St Francis Sports Ground.
Local community infrastructure: £89,689

Other contributions

NHS Sussex contribution of £49,586 on a pro rata basis to go towards The Vale Primary Care Centre in Bolding Way Ashenground and Haywards Heath Health Centre.

Sussex Police have stated that they consider a financial contribution for essential policing infrastructure would be required to make this major development acceptable in planning terms. The Police have provided examples of appeal cases and Court decisions where it has been found that contributions towards police infrastructure is lawful and meets the tests of the CIL Regulations. A detailed supporting letter from the Police regarding this is available on file for inspection. The Police have requested £20,254.17 to go towards their infrastructure.

It is considered that the above contributions are justified and would meet the test of the CIL Regulations.

The additional population will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

The applicant is proposing a development of 151 dwellings giving rise to a requirement for 45 affordable housing units (30%). The Councils Housing Officer is satisfied with both the mix of affordable housing that is to be provided and the location of the affordable housing within the site. The provision of affordable housing should attract significant positive weight in the determination of the application as there is a clear need for such accommodation.

In relation to the mix of market housing it is considered that the proposal delivers a suitable mix in accordance with policy H2 of the MSLP. Of the 106 market units, 7 would be two bed houses, 62 would be three bed, 27 would be four bed and 10 would be five bed. As such it can be seen that the majority of the market houses would be two and three bedroom, which is considered to be appropriate given the evidence within the District of a need for smaller accommodation.

Impact on setting of listed building

To the south east of the site, on the opposite side of Fox Hill road lies Cleavewaters, a 16th century or earlier Wealden hall house which is Grade II listed. The setting of a listed building is defined as the surroundings in which it is experienced. The site at Gamblemead is considered to lie within the setting of Cleavewater by reason of its proximity and its contribution to the historically rural context of the building. Development on the site has a potential impact not just on views from Cleavewater of the surrounding countryside but also on the context in which the listed building is experienced from outside its immediate curtilage, in particular by those travelling along Fox Hill.

As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (ss.16, 62, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

The NPPF sets out the government's policies for sustainable development. A core planning principle of this framework is to conserve heritage assets in a manner appropriate to their significance (para.17). When considering the impact of a proposed development on the significance of a designated heritage asset the NPPF requires that great weight should be given to its conservation. The more important the asset, the greater the weight should be. It explains that the significance of a heritage asset can be harmed or lost through development within its setting and as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (Para. 132). Paragraphs 133 and 134 explain that any harm would have to be justified by public benefits that clearly outweigh that harm.

NPPF paragraph 129 advises that the effect of a proposal on the particular significance of a heritage asset must be assessed "including by development affecting the setting of a heritage asset". The NPPF goes beyond the requirements of the 1990 Act to preserve the setting of heritage assets, and encourages local authorities to seek opportunities for new development to enhance or better reveal their significance (Para. 137).

The comments of the Conservation Officer are summarised at the start of the report and set out in full in the appendices. She concludes by stating that

"The suburbanisation of this part of the historically rural setting of the listed building is considered to be detrimental to its character and therefore to be harmful to the special interest of the listed building. However given the separation of the site from the listed building by Fox Hill road and the degree of screening which is present that harm is considered to be less than substantial under the terms of the NPPF- this was considered to be the case with the outline application and remains so in terms of the current proposal, notwithstanding the differences between the two highlighted above. The harm caused to the special interest of the listed building should therefore be weighed against the public benefits (if any) of the scheme, in accordance with paragraph 134 of the NPPF."

Your officer agrees with the views of the Conservation Officer and it is considered that whilst there will be some limited harm to the setting of the listed building this certainly amounts to less than substantial harm. It is therefore necessary to consider whether according to Para 134 of the NPPF sufficient public benefits would offset the harm which must be given significant importance and weight in accordance with S66(1) of the Listed Buildings Act.

It is considered that the significant benefits of the scheme (provision of new housing, including affordable housing, economic benefits including construction jobs, additional spending in the locality and new homes bonus) do outweigh the less than substantial harm to the setting of the listed building which has been given 'considerable importance and weight' in accordance with the relevant provisions of the 1990 Act.

Impact on Ashdown Forest

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as windfall development, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Whether the proposal would be sustainable development

As outlined above, the NPPF describes sustainable development as the golden thread running through both plan making and decision taking. It sets out the three dimensions to sustainable development: economic, social and environmental. Paragraph 6 states that the policies in paragraphs 18 - 219, taken as a whole, constitutes the government's view as to what sustainable development means for the planning system. In this part of the report the main factors that inform the judgement as to whether the proposal would

be a sustainable form of development are summarised. In reaching that view all matters referred to in the report have been taken into account.

THE ECONOMIC ROLE

Part 6 of the Localism Act was enacted on 16th January 2012. This requires the LPA to have regard to local finance considerations (so far as material to the application) as well as the provisions of the Development Plan and any other material considerations. The New Homes Bonus commenced in April 2011, and will match fund the additional council tax raised for new homes and empty properties brought back into use, with an additional amount for affordable homes, for the following six years. The New Homes Bonus is now a material planning consideration and if permitted the LPA would receive a New Homes Bonus for each the units proposed.

The proposed development would result in the creation of construction jobs during the build period. The additional population would help generate spending in the local community, provision of infrastructure and services, and generate New Homes Bonus funding, as well as additional Council Tax receipts. It is considered that the scheme would fulfil the economic role of sustainable development as set out in the NPPF.

SOCIAL ROLE

The NPPF seeks to promote a *"strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being."* The provision of 99 new dwellings including 30% affordable units will make a positive contribution to the district's housing supply and will help meet the identified need for housing including that for additional affordable homes. Due to the location of the site close to the built-up edge of Haywards Heath where there are a number of services, it is considered that the location of the site is reasonable in respect of its access to services and employment opportunities, whilst accepting that walking and cycling may not be the most attractive options at the site due to the busy road.

ENVIRONMENTAL ROLE

The proposed development is on land that is free from national designations. The site is well enclosed and it is considered that the development of the site for this development would not have a significant impact on the character and appearance of the wider area. It must be recognised that the principle of changing this area from a green field site to a housing development has already been accepted by virtue of the previous planning permission for 99 dwellings that has been granted consent. There would be some opportunities for ecological enhancement within the site through the use of swales.

When considering impacts of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. It is considered that the significant benefits of the scheme do outweigh the less than substantial harm to the setting of the listed building which has been given 'considerable importance and weight' in accordance with the relevant provisions of the 1990 Act.

Overall it is considered that the environmental role of the planning system is met.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. As the proposed scheme does not comply with certain aspects of the Development Plan, other material considerations need to be considered in determining the application, including the NPPF.

As the Council is currently unable to demonstrate an agreed five year supply of deliverable housing land, it follows that the relevant policies for the supply of housing are not up-to-date (paragraph 49 National Planning Policy Framework (NPPF)).

In these circumstances paragraph 14 of the NPPF which provides for a presumption in favour of sustainable development, would normally apply, which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.

As stated above paragraph 14 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted. Footnote 9 to paragraph 14 of the NPPF refers to instances where development should be restricted and one of those circumstances relates to heritage assets such as listed buildings. In this case as the proposal affects the setting of a listed building and in your officer's view, less than substantial harm is caused to the setting of the listed building, paragraph 134 of the NPPF is engaged. Paragraph 134 provides for a balancing exercise to be undertaken, between the "less than substantial harm" to the designated heritage asset, on the one hand, and the public benefits of the proposal, on the other. The presumption in favour of development is not referred to and does not apply.

Therefore the key test that must be undertaken therefore when assessing this application is as set out within para 134 of the NPPF. This is therefore the balancing exercise that must be undertaken by the decision maker.

Weighing in favour of the scheme is that the development will provide 151 residential units in a relatively sustainable location at a time where there is a general need for

Local Authorities to boost significantly the supply of housing and this should be given substantial weight.

Weighing against the scheme is that the fact that dwellings are being proposed outside the built up area and would normally be restricted under the relevant Local and Neighbourhood Plan policies. The weight that can be given to these policies is, however, reduced given the requirements of paragraph 47 of the NPPF to provide a 5 year supply of deliverable housing sites in the context of the national policy to boost significantly the supply of housing.

There will be some harm to the landscape as a result of the change from a green field site to a housing site. However this is the inevitable consequence of developing on a green field site. The development of green field sites will need to take place in order to meet the housing requirements of the District. In this respect this site is no different to others within the District. However as outlined earlier in the report, this landscape impact is limited and is not felt to result in material conflict with policy E5 of the HHNP. It must also be recognised that the principle of developing this greenfield site for housing is already established and therefore there is very little difference in landscape terms between this scheme and the consent scheme for 99 dwellings.

Also weighing against the scheme is the less than substantial harm to the listed building of Cleavewater. This less than substantial harm has been given significant importance and weight as required by the Planning (Listed Buildings and Conservation Areas) Act 1990. However it must be recognised that this harm is very little different to that arising from the consented 99 unit scheme.

There will however be a neutral impact in respect of a number of issues such as the drainage of the site, ecology and infrastructure provision, which can all be dealt with by planning conditions and the section 106 planning agreement.

The proposal is therefore deemed to comply with the requirements of Policies G2, G3, C2, C5, C6, B1, B2, B3, B4, B7, B18, H2, T4, T5, T6, policies E7, E8, E9, E11, E13, T1 of the Haywards Heath Neighbourhood Plan and CS13 of the MSLP, policies DP18, DP19, DP20, DP24, DP27, DP28, DP29, DP35, DP36, DP37, DP38 and DP41 of the Mid Sussex District Plan 2014 - 2031 Submission Version as well as the broader requirements of the NPPF.

Given the substantial weight that needs to be given to the provision of housing and the limited adverse impact of the scheme officers conclude the balance falls in favour of supporting the scheme. That is because, as per the para 134 balancing exercise, it is considered that the less than substantial harm to the setting of the listed building is clearly outweighed by the public benefits of the proposal. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Pre commencement conditions

2. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with and Policy T4 of the Mid Sussex Local Plan, Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy T1 of the Neighbourhood Plan.

3. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include the relationship of the right-angle threshold parking and the proposed tree-planting; a detailed strategy for the removal of the low shrubs below the tree belts that criss-cross the site and raising the tree canopies, indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan, Policy

DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy E9 of the Neighbourhood Plan.

4. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan, Policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy E9 of the Neighbourhood Plan.

5. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy B1 of the Mid Sussex Local Plan, Policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy E9 of the Neighbourhood Plan.

6. No development shall take place until details of the proposed foul drainage and means of disposal shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water, and no dwelling shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority. The details shall include a timetable for its implementation and a management plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

7. Prior to the commencement of development on the site a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be

submitted to and approved in writing by the Local Planning Authority. The drainage proposals shall demonstrate that the surface water run-off generated up to and including the 1 in 100 year critical storm + climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event as a minimum. The scheme shall subsequently be implemented in accordance with the approved details and no dwelling shall be occupied until the drainage works have been carried out.

The scheme shall also include:

1. The peak discharge rates, together with information regarding the associated control structures and their position.
2. Details of the drainage system capacity (e.g. 1:30 year).
3. Safe management of critical storm water storage up to the 1:100 year + climate change event.
4. Overland flow routes for events in excess of the 1:100 year + climate change event.
5. Details of how and by whom the scheme shall be maintained and managed after completion to ensure that the drainage will be function satisfactorily for the lifetime of the development.
6. Details of a how surface water will be managed during construction and a timetable for the implementation of the surface water infrastructure

Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity and to accord with Policy CS13 of the Mid Sussex Local Plan and Policy DP41 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

8. A drainage/SuDS Management and Maintenance Plan for the lifetime of the development shall be provided prior to construction starting on site and will need to be approved in writing by the LPA. The Management and Maintenance plan shall include all areas within the site including domestic drainage systems and all other surface water run-off, storage or conveyance systems whether pre-existing or new. The Management & Maintenance plan shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the drainage scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

9. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the

Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policy B1 of the Mid Sussex Local Plan, Policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy E9 of the Neighbourhood Plan.

10. No development shall commence until details of the play areas and open space areas to be provided on site have been submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall only be implemented in accordance with the approved details.

Reason: To ensure satisfactory provisional equipment and to ensure that play area is provided and retained within the development for use by the general public and to accord with Policy R3 of the Mid Sussex Local Plan.

11. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: To identify and to secure the appropriate level of work that is necessary before commencement of the development, and also what may be required after commencement and in some cases after the development has been completed, and to accord with Policy B18 of the Mid Sussex Local Plan and Policy DP35 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

12. No development of any of the blocks of flats hereby permitted shall take place until details of the design, position and size of the windows within the elevations facing the public realm of these blocks of flats have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy B1 of the Mid Sussex Local Plan, Policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy E9 of the Neighbourhood Plan.

13. No development shall take place on any of the dwellings referred to in this condition until the following details have been submitted to and approved in

writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details.

- The roof configuration of house type 306 (featuring on section EE).
- The position of the rainwater downpipes on the street frontages of the terraced houses, the blocks of flats and house type 306.
- The design of:
 - (a) the entrance canopies;
 - (b) the side panels and banding above the vehicular entrance on the FOG's;
 - (c) the banding above house type 501;
 - (d) the enclosure of the undercroft parking at the rear of block C.
- The design of the house on plot 1, showing revised elevations and floorplans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy B1 of the Mid Sussex Local Plan, Policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy E9 of the Neighbourhood Plan.

14. The recommendations given in the Dormouse, Bat and Reptile Mitigation Strategy report by The Ecology Partnership (Reissued: 20/01/2017) shall be implemented in full and no development shall commence until a statement of compliance for all pre-construction operations has been submitted to, and approved by, the local planning authority. A further statement of compliance with recommendations relevant to construction operations and post-construction enhancements shall be submitted to, and approved by, the local planning authority prior to first occupation of the dwellings.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the NPPF and to comply with Policy C5 of the Mid Sussex Local Plan and Policy DP37 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

15. No development other than the vehicular access serving the development shall commence until the vehicular access serving the development 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 and to accord with and Policy T4 of the Mid Sussex Local Plan, Policy DP19 of the Pre-Submission Draft District Plan (2014 - 2031) and Policy T1 of the Neighbourhood Plan.

16. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied

with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

Unless otherwise agreed in writing by the planning authority, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy CS20 of the Mid Sussex Local Plan.

Pre occupation conditions

17. Prior to the occupation of any of the dwellings hereby permitted, details of the definitive layout of a locally equipped area for play within the site and measures for its future maintenance shall be submitted to and approved in writing by the Local Planning Authority. The play space shall be implemented and then maintained thereafter in accordance with these approved details.

Reason: To ensure a high quality development and to comply with policy R3 of the Mid Sussex Local Plan and policy DP22 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

18. The development shall not be occupied until details of proposed screen walls/fences and/or hedges have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls/fences or hedges associated with them have been erected.

Reason: In order to protect the appearance of the area and to accord with and Policy B1 of the Mid Sussex Local Plan, Policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy E9 of the Neighbourhood Plan.

19. The buildings shall not be occupied until the parking spaces/turning facilities/and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning/and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy T6 of the Mid Sussex Local Plan and Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy T1 of the Neighbourhood Plan.

20. No part of the development shall be first occupied until visibility splays of 2.4 metres by 105 metres to the north and 106 metres to the south have been provided at the proposed site vehicular access onto B2112 Fox Hill in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to accord with and Policy T4 of the Mid Sussex Local Plan, Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy T1 of the Neighbourhood Plan.

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with and Policy T6 of the Mid Sussex Local Plan, Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy T1 of the Neighbourhood Plan.

22. No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development and to accord with and Policy T4 of the Mid Sussex Local Plan, Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy T1 of the Neighbourhood Plan.

23. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to accord with and Policy T4 of the Mid Sussex Local Plan, Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version and Policy T1 of the Neighbourhood Plan.

Construction phase

24. 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 a m 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.

Approved plans

25. 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. Section 278 Agreement of the 1980 Highways Act - Works within the Highway The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

2. *Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway*
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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

Haywards Heath Town Council

In response to the amended plans that have recently been submitted on behalf of the developers (received by Mid Sussex District Council (MSDC) on 7 April 2017), the Town Council makes the following revised comments and observations, which SUPERSEDE those made on 21 February 2017.

Having regard to the comments submitted for (outline) application number DM/15/3448, the Town Council has already accepted the principle of residential development on this site. Members understand that the applicants have increased the proposed number of dwellings from 99 to 151 in order to address concerns from MSDC that the density proposed at outline stage was on the low side and that there was a preference for a higher density in order to make efficient use of land (Policy DP24A of the emerging Mid Sussex District Plan refers).

Having listened to the understandable objections and concerns from residents and a short pro-application statement made by a representative from the developers (at the meeting of the Town Council's Planning Committee held on 13 February 2017), the Town Council's considered decision is to reluctantly support this application. However, Members require assurance from those involved in progressing the application, i.e.

Linden Homes and MSDC, that the following matters of concern will be considered and revisited if necessary:

- in order to lessen the impact of plot numbers 146'151 (six detached dwellings in the north-western corner of the site) on the amenities of properties on the southern side of Fox Hill Village (numbers 24'36), they should be repositioned further south and therefore further away from the rear boundaries of those properties in Fox Hill Village;
- the adequacy of the landscape buffer and green screening in the north-western corner of the site, where plot numbers 146'151 have been added and would back on to the rear gardens of numbers 24'36 Fox Hill Village;
- the effect that plot numbers 146'151 would have on the rear outlook and privacy currently enjoyed by residents of properties on the southern side of Fox Hill Village;
- the adequacy of the protection ' both above and below ground ' afforded to the three oak trees situated just within the southern boundary of 28 Fox Hill Village;
- the effect that proposed dwellings on plot numbers 59'63 would have on the rear outlook and privacy currently enjoyed by residents of numbers 1'6 Scrase Hill Terrace, Fox Hill;
- at what height would any new green screening between new and existing properties be planted? What species would be used?
- the effect of the development on the existing rear access to numbers 1'6 Scrase Hill Terrace – would this remain intact?
- whilst the principle of dispersing the affordable housing throughout the site is to be welcomed, 21 units or 47% of it is allocated to the north-eastern part of the site and 18 units or 40% is allocated to the south-eastern part. Distribution across the entire site should be reviewed to ensure that it is suitably balanced and for the absence of doubt the density should not be increased;
- the existing woodland edge of the site (to be enhanced), existing green corridor, proposed meadow and proposed dry basins and swales must be looked after by means of a robust management plan. This could be in the form of a management company or woodland trust but must include sufficient start-up funding and ongoing maintenance funding for the longer term, say ten to fifteen years. Mandatory householder contributions may be an option to ensure the financial viability of any management arrangements;
- MSDC should confirm that the proposed Sustainable Drainage System (SuDS) strategy would provide adequate drainage and would mitigate flood risk, so as not to be detrimental to the area of ancient woodland (Kiln Wood) to the west of the site;

- whilst it seems unlikely that there would be much appetite from residents of the development to walk up Fox Hill and into the town centre, the feasibility of widening the pavement on the western side of Fox Hill should be considered in the longer term to support Haywards Heath Neighbourhood Plan and (emerging) Mid Sussex District Plan objectives;
- although a Construction Management Plan is already a condition under the outline consent (refer to application number DM/15/3448), it must a) make adequate provision on site to accommodate all plant and machinery and the parking of contractors' and visitors' vehicles, and b) incorporate wheel washing facilities of the highest standard to ensure that roads are kept 'surgically' clean;
- Fox Hill is one of the main arterial routes into and out of the town, and so in the interests of highway safety, restrictions must be put in place at the southern end of Fox Hill, and possibly in Hurstwood Lane and Fox Hill Village, to prohibit the parking of contractors' and visitors' vehicles;
- throughout the construction period, the hours of works and any associated deliveries should be restricted to 08:00 to 18:00 hours Mondays to Fridays, 09:00 to 13:00 hours Saturdays, and no works on Sundays or Bank/Public Holidays;
- with regard to the Public Right of Way (PRoW) that traverses the site from roughly east to west, its conversion from a footpath to a bridleway within the confines of the development site itself would be unacceptable;
- during the construction phase, suitable measures should be put in place to temporarily divert the route of the PRoW so that it runs along the southern boundary of the site ' this would maintain amenity and connectivity with the wider footpath network;
- the outcomes following discussions with MSDC's Urban Designer and the Design Review Panel are welcomed, these being the reduction in height of the apartment blocks from three storeys to two, and the introduction of hipped and half-hipped roofs to some of the dwellings, and half-hipped roofs to the double garages;

Furthermore, some of the comments made by the Town Council in respect of (outline) application DM/15/3448 are considered relevant for this application and are therefore reiterated below:

- the design and appearance of the affordable housing should match that of the open market housing;
- the size/dimensions (particularly the width) of the garages for the proposed dwellings should be sufficient to comfortably accommodate a modern vehicle ' new developments are all too often failing in this respect;

- developer contributions should be used to provide proper hardstanding parking opposite 1'6 Scrase Hill Terrace, i.e. on the other side of the road opposite these properties;
- the S278 Agreement should include provision for the installation of electronic real time bus information at the two bus stops at this end of Fox Hill.

It is very much hoped that in the spirit of neighbourliness and understanding, Linden Homes will continue to engage with the local community and will keep lines of communication open.

Residents from the development would have at their disposal all the services and facilities provided by the town of Haywards Heath. Members formally request that the Town Council be consulted upon and involved in the allocation of all Section 106 monies related to this application.

Finally, in view of this and other significant housing developments that are in the pipeline to the south of Haywards Heath, the Town Council formally requested a traffic management plan for this entire area and asked West Sussex County Council, in its capacity as highways authority, to undertake a review of the road network in the south and east of the town. It is understood that a private sector organisation has now funded such a review, the findings of which are due to be revealed and discussed in the near future. The consensus from Members is that for this side of town certainly, a holistic approach needs to be adopted if issues surrounding traffic calming, congestion and flow, highway safety, connectivity and transport links are to be addressed in a manner that has tangible outcomes.

MSDC Drainage Engineer

Recommendation:

No objection subject to conditions

Summary and overall assessment

The proposed development will aim to meet the 2015 Non-statutory Technical Standards for Sustainable Drainage Systems and EA best practice, by reducing runoff rates from the proposed development during the 1 in 1 year and 1 in 100 year events to the existing Greenfield rates prior to development. This will minimise the impact of the development on local watercourses.

Linden Homes will also seek to remove any significant obstructions and debris within the existing drainage ditch system within the boundaries of the application site (in consultation with the project ecologist and arboriculturalist) in order to improve the efficiency of the existing drainage network and minimise out of bank flows during storm events.

Flood Risk

A small part of the site to the west is located within the Flood Zone related to the river Foundry Brook but there is no development planned within this area of the site. There are areas of surface water flood risk associated with the boundary watercourses and there is an area in the north eastern field that can become wet when the ground and weather conditions combine to cause this phenomenon. The developers are undertaking groundwater monitoring at the site to discover the source of this wet area. At the time of writing the report the results were not available. I would like to see these results to ensure that the drainage proposals will be suitable for this site.

The culvert carrying the watercourse from Hurst Farm and under Fox Hill feeds the watercourse running along the rear of properties in Fox Hill Village. There is concern among the residents that flows will increase from any potential development at Hurst Farm, however, any development there will be required to meet the same drainage standards that MSDC applies to all development sites and runoff will need to be kept to the pre-development Greenfield runoff rates as a maximum.

Surface Water Drainage Proposals

1. The existing topography of the site generally falls from the north-east to the south-west which is away from the existing houses and towards the catchment of the River Adur.
2. The surface water from the new properties will be dealt with in the following way:
 - a. water butts (the volume of these is not included within any of the drainage calculations) discharge into b
 - b. permeable paving - this collects and stores the rainwater that falls on the impermeable areas of the new properties and discharges slowly into c
 - c. Surface water sewers which will convey the rainwater into the under-drained swales d
 - d. Under-drained swales will discharge at a controlled rate into the balancing pond e
 - e. Balancing pond will discharge at the 1 in 1 year Greenfield runoff rate and then QBar for all other storms into f
 - f. River
3. Surface water from parking areas and driveways will go into the permeable paving first and will then follow the same route as above.
4. Surface water from the new roads will be collected via gullies and then flow via surface water sewers into the swales and then the balancing pond.

Location plan from FRA showing proposed location of swales and detention basins



Figure 5-2 - Location of Swales and Detention Basins

For information Southern Water have recently stated "No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public (also adoptable) sewers." This could be a problem for the design of the drainage for the site or could affect the suitability of the sewers for adoption. However, I believe that this issue can be managed during detailed design.

The developers have undertaken to carry out clearance and maintenance work on all watercourses within the boundary of the site. There is also a watercourse running along the rear of the properties in Fox Hill Village which is fed by the watercourse on the east side of Fox Hill main road and comes out from a culvert beneath land of Mermaid Cottage. This watercourse may well need some clearance work but it is not clear if the watercourse has shared riparian ownership or is completely with the gardens of Fox Hill Village. I would suggest that Linden Homes liaise with the adjacent residents on this point.

Foul Water Drainage Proposals

The foul drainage from this site will be collected in new sewers built to adoptable standards which then link by gravity into the existing adopted sewers running across this site. There is a need to divert some sewers to facilitate this development and

Linden Homes are in discussion with Southern Water regarding this issue and the extent of wider network improvements that will be necessary to facilitate this development.

Suggested Conditions:

Surface Water Drainage

Prior to the commencement of development on the site a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The drainage proposals shall demonstrate that the surface water run-off generated up to and including the 1 in 100 year critical storm + climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event as a minimum. The scheme shall subsequently be implemented in accordance with the approved details and no dwelling shall be occupied until the drainage works have been carried out.

The scheme shall also include:

1. The peak discharge rates, together with information regarding the associated control structures and their position.
2. Details of the drainage system capacity (e.g. 1:30 year).
3. Safe management of critical storm water storage up to the 1:100 year + climate change event.
4. Overland flow routes for events in excess of the 1:100 year + climate change event.
5. Details of how and by whom the scheme shall be maintained and managed after completion to ensure that the drainage will be function satisfactorily for the lifetime of the development.
6. Details of how surface water will be managed during construction and a timetable for the implementation of the surface water infrastructure

Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity and to accord with Policy CS13 of the Mid Sussex Local Plan.

Foul drainage

Prior to the commencement of development on the site, details of the proposed foul drainage and means of disposal shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water, and no dwelling shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority. The details shall include a timetable for its implementation and a management plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The above conditions should be looked at in conjunction with the conditions on the DM/15/3448 app to ensure that all drainage issues are covered.

Further Drainage Advice

Applicants and their consultants should familiarise themselves with the following information:

Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the [Practice Guidance for the English non-statutory SuDS Standards](#)

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
√	√	√			Flood Risk Assessment / Statement (checklist)
√	√	√			Drainage Strategy / Statement & sketch layout plan (checklist)
	√				Preliminary layout drawings
	√				Preliminary "Outline" hydraulic calculations
	√				Preliminary landscape proposals
	√				Ground investigation report (for infiltration)
	√	√			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		√		√	Maintenance program and on-going maintenance responsibilities
		√	√		Detailed development layout
		√	√	√	Detailed flood and drainage design drawings
		√	√	√	Full Structural, hydraulic & ground investigations

		√	√	√	Geotechnical factual and interpretive reports, including infiltration results
		√	√	√	Detailing landscaping details
		√	√	√	Discharge agreements (temporary and permanent)
		√	√	√	Development Management & Construction Phasing Plan

Additional information may be required under specific site conditions or development proposals

Useful links:

[Planning Practice Guidance](#) - Flood Risk and Coastal Change

[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

[Water.People.Places.](#)- A guide for master planning sustainable drainage into developments

[Climate change allowances - Detailed guidance](#) - Environment Agency Guidance

Further guidance is available on the Susdrain website at

<http://www.susdrain.org/resources/>

Guidance for the level of information required is set out below:

For a development located within Flood Zone 2, Flood Zone 3, which is greater than

1 hectare in area, or where a significant flood risk has been identified:

A Flood Risk Assessment (1) will need to be submitted that identifies what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.

(1) This level of assessment will need to be carried out to our satisfaction by a suitably qualified person.

For the use of SuDS (1) (2) (3):

Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and the worst case taken as this will be precautionary (4). A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and

demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

- (1) Suitable SuDS Guidance can be found using CIRIA Guidance Document C697 "SuDS Manual"
- (2) Climate Change consideration should be calculated following Environment Agency Guidance
- (3) Approved method of soakaway design include BRE - Digest 365 "Soakaway Design"
- (4) Submitted SuDS designs will need to be undertaken by a suitably qualified person

For the use of attenuation, swales and soakaways (1):

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus have 40% capacity for climate change(2).

- (1) Approved method of soakaway design include BRE - Digest 365 "Soakaway Design"
- (2) Climate Change consideration should be calculated following Environment Agency Guidance

For the use of Public Sewers (1):

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted.

- (1) Any design and construction of sewers should follow the standards of the WRC guidance "Sewers for Adoption" and should be agreed with the appropriate sewerage authority.

For the proposal of works to an Ordinary Watercourse:

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005. There is guidance and a form available here: <https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/>

For the use of watercourse to discharge surface water (1):

Calculations, plans and details will need to be submitted that demonstrate that discharge from the proposed development will be restricted to Greenfield run-off rate or QBar run-off rate, whichever provides the better rate of discharge(2). This will need to be for up to the 1 in 100 year storm event plus 40% capacity for climate change.

- (1) In accordance with The Land Drainage Act 1991.
- (2) Approved methods to calculate this include:
Institute of Hydrology - Report 124 - "Flood Estimation for Small Catchments"
Centre for Ecology & Hydrology 1999 - "Flood Estimation Handbook" - (FEH)
WinDes Software - Generated FEH Output
(For Highway) DMBR Standards HA106/04 - "Drainage of Runoff from Natural Catchments"

For the presence of an Ordinary Watercourse running through or adjacent to the site:

Consultation will need to be made with Mid Sussex District Council as there is a watercourse running through or adjacent to the proposed development. It is common practice to require the development to leave a strip of land, at least 5 to 8 metres wide, in order to provide access for future maintenance.

For the presence of a Public Sewer running under or adjacent to the proposed development:

Consultation will need to be made with the sewerage undertaker as there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker (1). Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.

(1) Southern Water and Thames Water provide suitable online guidance notes for the building over or near Public Sewers.

For the presence of a Mid Sussex District Council (MSDC) owned culvert running under or adjacent to the site:

Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055.

MSDC Urban Designer

Summary and Overall Assessment

In overall terms the layout works well, and the scheme can be commended for adopting a refreshingly contemporary design approach and avoiding the ubiquitous pastiche. The revised drawings are an improvement; the introduction of more gable-fronted houses, a greater range of facing materials and window articulation has injected much-needed architectural variety. The blocks of flats also benefit from more cohesive designs that are helped by the reduction in height from 3 to 2 storeys. However there are still a number of untidy elements that undermine the elevations; the fenestration is still unresolved in many cases, and some of the façade treatments need to be shown more clearly. The prominent house adjacent to the site entrance is also weakly scaled in relation to its neighbours. The layout now benefits from flats over garages (FOG's) which screen and overlook rear court parking; but elsewhere there is still a preponderance of front threshold parking that undermines street enclosure and risks generating a hard-edged environment in front of some of the houses.

In conclusion, I withdraw my objection of this planning application, but I would recommend conditions that cover the following:

- The design, position and size of the windows within the elevations facing the public realm in respect of the blocks of flats.
- The roof configuration of house type 306 (featuring on section EE).
- The position of the rainwater downpipes on the street frontages of the terraced houses, the blocks of flats and house type 306.

- The design of:
 - (a) the entrance canopies;
 - (b) the side panels and banding above the vehicular entrance on the FOG's;
 - (c) the banding above house type 501;
 - (d) the enclosure of the undercroft parking at the rear of block C.
- The design of the house on plot 1, showing revised elevations and floorplans.
- Landscaping including: boundary treatment; the relationship of the right-angle threshold parking and the proposed tree-planting; a detailed strategy for the removal of the low shrubs below the tree belts that criss-cross the site and raising the tree canopies.
- Facing materials.

Layout

The site benefits from being well screened from the surrounding countryside, and from Fox Hill by tree belts that extend around nearly all the site boundaries.

This scheme can be commended for safeguarding the trees and making a feature of them by pulling the buildings away from the tree belts (including both the boundary trees and the tree belts that cut across the site on the line of the existing field boundaries). The perimeter block layout responds to this by organising the building frontages so they face the streets and surrounding linear spaces that have been generated around the tree belts and, in this way, most of the site benefits from the attractive backdrop of trees. The junction of the tree belts that cut east-west and north-south is also the natural central focus of the site and the main play area is sensibly positioned at this natural congregating point that is also on the axis of the existing public right of way.

The road layout is organised with a looped arrangement around the central perimeter block which contributes to giving the layout strong legibility while sensibly avoiding the need for turning heads and providing the potential to accommodate a bus route (it is a shame that looped roads are not applied on any of the other perimeter blocks). The building frontages facing this road and at the western end of the site are generally well organised and benefit from consistent building lines and well integrated parking.

The blocks of flats are now designed so they more satisfactorily define the streets and spaces, with the introduction of FOG's that straddle the previous gaps in the building line, while also screening and providing natural surveillance over the rear court parking areas.

Unfortunately elsewhere street frontages are too dominated by right-angle front threshold parking generating poor street enclosure/definition especially where it is combined with inconsistent building lines; and unless trees are properly coordinated it also risks creating a hard-edged environment. Although trees are shown breaking-up some of the parking, some of them are irregularly spaced and need more safeguarding space around them. Many of the houses also have little or no front threshold, and will suffer from car noise and headlight problems through the front windows. On plot 50-56,

there is an incongruous juxtaposition of front threshold parking and rear court parking that needs to be resolved with the incorporation of a dividing wall.

The layout suggests that the lower shrubs will be removed around the north-south tree belt to allow visual permeability and extend the open space in this area. As discussed with applicant, I would like this approach also applied to the east-west tree belt to maximise the open space provision and allow a more cohesive layout avoiding the isolation of the northern parcel.

Elevations

The developer can be commended for avoiding the ubiquitous pastiche approach. The previous preponderance of featureless pitched-roofed houses has been reduced by the incorporation of more gable-fronted houses. More window articulation and a greater range of facing materials (with timber-style cladding incorporated on some facades) have also contributed to more architectural interest and variety.

The blocks of flats also benefit from more cohesive designs that are helped by the reduction in height from 3 to 2 storeys. However, this is in relation to the original poorly designed blocks; they still have unresolved frontages:

- The off-centre design of the main frontages of A1-3 denies them the symmetry which would give them underlying order.
- The gable above the entrance on block B sits unsatisfactorily flush with the main façade.
- The squat proportions of block A2 sit poorly with the vertically proportioned semi-detached houses on plots 41-42, and a section through the FOG is needed to show the relationship between the 3 conjoining blocks.
- The different window arrangement and design of block C and the adjacent double FOG results in an inelegant juxtaposition. The undercroft parking in the FOG shows an open void on both sides of the building; some means of enclosure would be desirable on the west elevation.
- All of the blocks have an uncomfortable variety of windows

The street elevations that have been supplied are generally better ordered with more consistent frontages, although street elevation AA suffers from a random assortment.

I still have concerns about the fenestration that applies to most of the building types. The large plate glass windows still feature on many of the buildings, and as well as contributing to bland-looking facades, I question their practicality in terms of ventilation. Many of the elevations, particularly on the blocks of flats, suffer from an untidy mix of different window sizes and proportions, particularly where single plate glass windows are combined with panelled windows. For this reason, I would like the size and design of the windows facing the public realm made subject to a condition.

I also have the following other detailed issues, which I would recommend are dealt with by condition:

- House 306, the rainwater pipes are indiscreetly positioned adjacent to the shallow central gabled bay; they would be better located at the end corners. The 306 type which are gable-ended, and feature in street section CC and EE, do not sit comfortably with the adjacent houses because the central gables look weak/too shallow in relation to the steeper gables on the other houses; I therefore feel the gables on this version of the 306 need to be steepened so they tie in with the neighbouring gables (on the hipped version of the 306 this is not a problem because of the different context and because the angle of the gable needs to tie in with the hipped ends).
- The detailing above the entrances on house types 501 (NB: not shown on the return face) and above and the side panels of the vehicular entrance on the FOG's are not clearly drawn.
- The bracketed canopies are at odds with the contemporary styling of the façades.
- I agree with the Design Review Panel that the house on plot 1 does not satisfactorily address its prominent entrance position and the main east elevation suffers from a weak frontage with a notably smaller gable than the adjacent houses on plots 2 and 3.
- The 3-house terraces do not take the opportunity to employ the rainwater pipes so they define each bay.

NB: There is an inconsistency in the numberings with plots 74-79 shown differently on the site plan and elevations/floorplans

Architects Panel

The architect / applicant were not in attendance as the scheme has previously been presented to the Panel

The Panel's Comments

The Panel agreed the elevations were an improvement upon the original application drawings:

- The reduction of the blocks of flats to two storeys had resulted in a more resolved design.
- The additional articulation and employment of a larger palette of materials had generated much needed additional interest and variety in the street elevations.

The Panel still had some reservations about the size and shape of some of the roofs and the heavy window surrounds of some of the first floor windows. However their greatest concern was the design of the prominent corner house at the site entrance; while it had been appropriately re-configured with formal frontages on both corner returns, the main east elevation suffers from a weak frontage with a notably smaller

gable than the adjacent houses on plots 2 and 3. To address this consideration could be given to configuring the whole of the elevation (excluding the garage) as a gable frontage.

Overall the more contemporary approach to the elevations (and the avoidance of the ubiquitous pastiche) is supported, and the layout works well with the building frontages and public realm facing the attractive tree belts and with the play area sensibly located in the central open space. The Panel would still like to see more thought invested in running the public right of way through the landscaped area.

Overall Assessment

The Panel support the application subject to the above changes to plot 1.

MSDC Conservation Officer

The site comprises the existing house 'Gamblemead' and its extensive gardens, as well as a number of adjoining fields and pastures, situated to the south of Fox Hill village. The site is for the most part set back from Fox Hill road behind a screening of existing houses and the Fox and Hounds Pub to the north, and established mature trees and a car parking area to the south. To the south east of the site, on the opposite side of Fox Hill road lies Cleavewaters, a 16th century or earlier Wealden hall house which is Grade II listed.

The setting of a listed building is defined as the surroundings in which it is experienced. The site at Gamblemead is considered to lie within the setting of Cleavewater by reason of its proximity and its contribution to the historically rural context of the building. Development on the site has a potential impact not just on views from Cleavewater of the surrounding countryside but also on the context in which the listed building is experienced from outside its immediate curtilage, in particular by those travelling along Fox Hill.

Outline planning permission was granted in 2016 for a residential development of 99 new dwellings. The current proposal is for more new houses, occupying a greater area (particularly to the west). The proposal also has an amended layout, with buildings set closer to Fox Hill at the south eastern corner of the site. These houses are orientated facing across an access road towards Fox Hill, rather than turning their backs on it as was previously the case.

The proposed development will have a fundamental impact on the character of the site, which will be transformed from a predominantly green and rural landscape to a suburban enclave. In terms of the impact on the setting of Cleavewater the development to the south eastern corner of the site, including the access road, will be most significant being the nearest to the listed building and also that with the least screening in views from the east and south east. In this respect the current proposal has a slightly greater impact than the existing outline permission, as the buildings are set slightly

closer to Fox Hill and orientated towards it. The greater number of houses and the increased area occupied by the new buildings will also increase the impact on the character of the setting of the listed building.

The suburbanisation of this part of the historically rural setting of the listed building is considered to be detrimental to its character and therefore to be harmful to the special interest of the listed building. However given the separation of the site from the listed building by Fox Hill road and the degree of screening which is present that harm is considered to be less than substantial under the terms of the NPPF- this was considered to be the case with the outline application and remains so in terms of the current proposal, notwithstanding the differences between the two highlighted above. The harm caused to the special interest of the listed building should therefore be weighed against the public benefits (if any) of the scheme, in accordance with paragraph 134 of the NPPF.

If the Council is minded to grant approval for the scheme it is suggested that special consideration should be given to the design and materials of the access to promote a rural rather than suburban appearance, and to screening at the far south eastern corner of the site between the houses in this location and Cleavewater.

MSDC Environmental Health

Should the development receive approval, Environmental Protection recommends the following conditions:

Conditions:

Construction hours:

Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays no work permitted

Reason: To protect the amenity of local residents.

Construction Environmental Management Plan:

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of:

- measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);
- dust management plan;
- complaints procedure and site contact details in case of complaints from nearby residents.
- the construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during construction.

- No burning materials: No burning of demolition/construction waste materials shall take place on site.

Reason: To protect the amenity of local residents from smoke, ash, odour and fume.

No objection subject to condition.

MSDC Leisure Officer

CHILDRENS PLAYING SPACE

The developer has indicated that they intend to provide a linear play area on site on the central green. The DAS states that I agreed a play strategy as part of the pre-application process. The initial plans that I commented on included two large multi-play items (rather than the one shown in the application) and timber knee rails which Landscapes wanted replaced with a more definite boundary i.e. planting with the knee rail or fence. Full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition.

FORMAL SPORT

In the case of this development, a financial contribution of £ 151,476 is required toward formal sports provision to upgrade the pitches at St Francis Sports 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 £ £65,799 is required toward Phase 2 of the St Francis Sports & Social Club community hall.

OTHER

There is a public right of way (28CU) running through the site and we would like to ensure that this can be upgraded for use by pedestrians and cyclists in the future.

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.

MSDC Housing

The applicant is proposing a development of 151 dwellings which gives rise to an onsite affordable housing requirement of 30% (45 units). The mix proposed will meet a broad range of housing needs and comprises of 12 x 1 bed flats, 15 x 2 bed flats and 7 x 2 bed houses for affordable rent and 6 x 2 bed flats, 2 x 2 bed houses and 3 x 3 bed houses for shared ownership. This complies with our tenure requirements of 75% rented and 25% shared ownership. Consideration has been given to our clustering policy of no more than 10 units per cluster.

MSDC Contaminated Land Officer

The site is on agricultural land which may have been used for storage and/or disposal of biocides, fuels, animal corpses, mixed waste etc. There is therefore a potential risk to future occupiers due to the proposed sensitive use.

The following condition 4 part condition is appropriate:

Contaminated Land

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

Unless otherwise agreed in writing by the planning authority, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be

undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

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

Environment Agency

No comments received.

Southern Water

It appears that applicant is proposing to abandon & divert public sewers and combined rising mains. Southern Water requests a formal application for sewer diversion under S185 of Water Industry Act 1991 in order to divert any public sewer. For further advice, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

No development or new tree planting should be located within 3m of trees either side of the centreline of the public sewer and rising main and all existing infrastructure should be protected during the course of construction works.

No new soakaways should be located within 5m of a public sewer and rising main.

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.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

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

We request that should this application receive planning approval, the following informative is attached to the consent:

“A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.”

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

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Councils 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 and surface water sewerage

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.

In order to prevent ingress of groundwater into public sewerage system, No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public (also adoptable) gravity sewer, rising main or water main.

Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

Sussex Police

Thank you for your letter of 31 January 2017, advising me of an application for residential development, including landscaping, open spaces, car and cycle parking, at the above location, for which you seek comment from a crime prevention viewpoint.

The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and with the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

In general terms I support the proposals in this application which creates a single vehicle access point into the development, then a circulatory route leading to a series of small cul de sacs. In the main the orientation of the proposed dwellings will allow for overlooking and good natural surveillance of the road and footpath layout, designated car parking areas, public open space, play areas and other communal space. I regret that the Design and Access Statement failed to make any reference to crime prevention measures that have been considered in the design and layout of this development and I would encourage the applicant to promote a safe and secure environment by reference to the principles of Secured by Design and the attributes of safe, sustainable places. These are:

- Access and movement - places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.
- Structure - places that are structured so that different uses do not cause conflict.

- Surveillance - places where all publicly accessible spaces are overlooked.
- Ownership - places that promote a sense of ownership, respect, territorial responsibility and community.
- Physical protection - places that include necessary, well-designed security features.
- Activity - places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- Management and maintenance - places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

I thank you for allowing me the opportunity to comment.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

Sussex Police Infrastructure

Sussex Police have assessed this application and have determined that a financial contribution for essential policing infrastructure would be required to make this major development acceptable in planning terms.

We have recently updated our methodology for infrastructure requests to provide clarity and up to date details of our current infrastructure capacity. The additional information I now provide has previously been used only as background information however will now be included with all future funding requests submitted by Sussex and Surrey Police.

Our new methodology has been developed through a joint partnership with Leicestershire and Thames Valley Police and is Community Infrastructure Levy compliant as considered by Ian Dove QC. There are recent appeal decisions in favour of Police contributions and High Court judgements supporting this methodology which I attach. I will go into further detail on the various items of infrastructure and provide evidence of their compliance with Regulation 122 tests.

The additional population generated by this development will inevitably place an increased demand upon the existing level of policing for the area. In the absence of developer contributions towards the provision of additional infrastructure, Sussex Police would be unable to retain the high level of policing that is currently delivered in the Mid Sussex area and would therefore OBJECT to the development proposed.

1. Overview of Financing Arrangements

Police Forces are funded by similar if not identical Central Government methods used to agree funding for all Local Authorities or other public services. The funding allocated to Police Forces via Home Office grants, the Council Tax precept and other specific limited grants is insufficient to fund in full requests for capital expenditure. Capital programmes are funded generally from a mixture of asset disposal (a finite option), redirection of revenue funding (with implications for operational policing), general capital grants or general reserves and prudential borrowing. Prudential borrowing is not a nil cost option, with any borrowing required to be repaid from revenue/income; repayments from this source having implications for the delivery of operational policing in a similar vein to redirection of revenue funding.

Funding settlements for the Police are determined in accordance with the current funding formulae which incorporates a number of criteria including historical population forecasts. Accordingly there is a lag between the level of revenue funding potentially available and the population to be policed.

The Government continues to provide annual Capital Grant to Forces which in the case of Sussex for 2016/17 and 2017/18 funds 5% of the capital programme in any one year. The majority of Forces fund the balance of their capital expenditure either through PFI arrangements or Prudential Code borrowing. Although PFI continues to be used by some Forces it is a diminishing resource with various shortcomings.

Police funding is divided into revenue and capital funding. The revenue funding stream relates broadly to the day-to-day running costs of the Force, that is the payment and management of staff, the ongoing costs relating to running and maintaining buildings and equipment and repayment of loans used to fund capital projects. The capital funding stream relates to the provision of additional buildings, information technology, vehicles, equipment and other infrastructure items required for assets including; existing police services and increased pressures and requirements placed on the Force as a consequence of growth in demand for services. Funding received by the Police via the Council Tax precept is generally used for revenue purposes and is not directed towards capital projects/programmes on the basis that directing funds towards such projects would diminish that available for the delivery of front line policing services.

The Police Crime Commissioner holds a shared responsibility with the Chief Constable for providing effective financial and budget planning for the short, medium and longer term. In consultation with the Chief Constable, the PCC is required to set a budget for the forthcoming year. However, the pressure on revenue funding is such that it is

extremely unlikely that it could be made available to finance significant capital projects; in practical terms the revenue budget is insufficient to fund infrastructure projects.

It should also be noted that even with revenue raised from the Council Tax precept there has been a recognised funding gap created by inflation and a continuing expansion of the role of the Police service and the demands placed upon it. While there has been investment from central Government, this is often ring-fenced for particular initiatives and has not kept up with the demand for services. This means that Police Forces need increases in the Council Tax precept simply to 'stand still' in terms of costs of service provision. It is not possible to raise sufficient Council Tax precept to cover all inflationary increases and other costs pressures. A £5 (3.4%) increase in Council Tax precept to the Police has been approved for the 2016/17 budget however any increase of over 5% requires approval at referendum.

Therefore the funding gap is likely to increase, with less money for revenue spending, let alone capital projects. At the same time Police Forces suffered reductions in the level of the annual Police Grant (revenue) and Capital grants. As shown in table 3 (Revenue and Capital Budget 2016/17) Sussex Police were required to deliver £35 million in savings over 4 years which will limit capital funding for new infrastructure requirements.

TABLE 3: Estimated Annual Savings to 2019/20

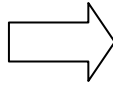
	2016/17 £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £'000
Savings Requirement	11,753	8,481	7,418	7,527	35,179

The Financial Summary for the draft Sussex Police Revenue Budget and Capital Programme for 2016/17 is set out below:

(Please see next page)

Total Non-Pay includes the following (although is not limited to):

- Buildings and Premises:
 - Repairs and maintenance of premises
 - Energy costs and water services
 - Utilities
 - Rent and service charges
 - Business Rates
 - Contract cleaning
 - Buildings and property insurance
- Transport
 - Vehicle service, maintenance and repairs
 - Vehicle fuel
 - Vehicle hire charges
 - Essential/casual car user costs
 - Travel expenses
 - Transport insurance
- Supplies and Services
 - Printing & stationery
 - Office Furniture and materials
 - Catering contracts
 - Clothing and uniform
 - Outsourced custody costs
 - Forensic costs
 - Investigation costs
 - Interpreters / translators / doctors
 - Telecommunications
 - Radios and airwave
 - Communications and computing
 - Specialist operational equipment
 - Operational expenses
 - Court and legal costs
 - Subscriptions and licences
 - Consultancy fees
 - Bank charges
 - Audit fees
 - Accommodation
 - Subsistence
- Third Party Payments
 - Payments to government bodies and agencies
 - Collaboration payments
 - PNC / PND costs (police national computer / database)
 - Third party insurance costs
 - NPAS (National Police Air Service)



Spend Area	£'000
Employees	
Police Officer pay	125,222
Overtime	4,706
Pension Employers Contribution	26,288
Total Police Pay	156,216
Police Staff Pay	67,267
Police Staff Pension Deficit	1,233
PCSO Pay	9,668
Total Police Staff Pay	77,168
Other Employee Costs	1,533
Ill Health Pensions	2,855
Total Pay Costs	4,388
Buildings And Premises	9,508
Transport Costs	5,375
Supplies and Services	38,327
Total Non Pay	53,210
Gross Operational Delivery Budget	290,982
Fees, Charges & Specific Grants Income	(33,720)
Net Operational Delivery Budget (before savings)	257,262
Savings Requirement	(11,753)
Net Operational Delivery Budget	245,509

Office of PCC Budget	1,243
Community, Victims & Restorative Justice	3,132
Grant Income (Victims & Restorative Justice)	(1,498)
Financial Provisions & Reserve Transfers	2,093
Total PCC retained Budget	4,970
Total Police Fund	250,479

Financed by :

Police Grant	97,828
Ex DCLG Grant	53,892
Council Tax Support Grants	13,202
Collection Fund Surplus/(Deficit)	0
Precept	85,557
Total Financing	250,479



Council tax precept

2. Proposed Capital and Investment Budget

Proposed Capital and Investment Programme and Financing

	2016/17 £'000	2017/18 £'000	2018/19 £'000	2019/20 £'000	Total £'000
Home Office Capital Grant	1,068	1,068	1,068	1,068	4,272
Revenue Contribution	2,517	2,025	2,025	2,117	8,684
Reserves and Receipts	23,229	11,854	7,957	2,850	45,890
Total Capital and Investment Programme	26,814	14,947	11,050	6,035	58,846

The capital and investment plans to 2020 require no additional borrowing but subject to assumptions on the profile of delivery of the programme and achievement of the capital receipts, the capital and investment reserves will be nearly exhausted by 2020, i.e. there is limited headroom for further new investment requirements. These could be significant in relation to new Emergency Services Network, further phases of ICT Infrastructure and enablement project, Digitalisation of Policing Services and Criminal Justice. The reducing level of investment reserves over the four year period means prioritisation of capital schemes may have to be reviewed and the current approach of not borrowing may have to be revisited before 2020 and/or provision made in revenue budget for financing of capital investment. The safe policing of new urban extensions depends on having revenue capacity to employ front line staff, which would compete with the need to provide the essential infrastructure outlined in this request.

3. Assessment and Request

Sussex Police has undertaken an assessment of the implications of growth and the delivery of housing upon the policing of the Mid Sussex District and in particular the major settlements in the district where new development is being directed towards. We have established that in order to maintain the current level of policing, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and acknowledgment as a fundamental requirement to the sound planning of the District.

The additional population generated by the development will inevitably place an additional demand upon the existing level of policing for the area. In the absence of a developer contributions towards the provision of additional policing infrastructure the additional strain placed on our resources would have an adverse impact on Forcewide policing.

This funding request will now provide the most recent annual statistics for crime/incidents in Mid Sussex which will be compared to the number of existing households. This provides an incident per existing household within Mid Sussex which can then be used as the background to the various items of infrastructure outlined in this funding request.

Firstly, I would also highlight a recent appeal decision for a scheme in Benson (APP/Q3115/A/14/2222595). In their assessment of the requests submitted for developer contributions, the Inspector commented (paras 51 -52)

51. The necessity, relevance and proportionality of these and the other elements of the planning agreement are set out in three documents submitted to the Inquiry. They (include)... a letter from Simon Dackombe Strategic Planner, Thames Valley Police. With one exception these provide convincing (and undisputed) evidence that the obligations comply with regulation 122 of the CIL regulations.

52. The exception is that part of the contribution sought for policing which relates to the training of officers and staff. Whereas all the other specified items of expenditure relate to capital items which would ensure for the benefit of the development, staff training would provide qualifications to the staff concerned and would benefit them but these would be lost if they were to leave the employ of the police and so are not an item related to the development. I therefore take no account of this particular item in coming to a decision on the appeal. This does not, however, invalidate the signed agreement.

The Police regularly take legal advice and guidance from industry professionals on the applicability of NPPF tests relating to the application of Regulation 122 on our funding requests for S106 agreements and Infrastructure Development Plans. This included advice as to what is infrastructure.

- Infrastructure is not a narrowly defined term and the definition in the Planning Act 2008 provides a non-exhaustive list to the extent that there is no difficulty in the proposition that contributions towards Police infrastructure can be within the definition.
- Infrastructure is not limited to buildings and could include equipment such as vehicles, communications technology, and surveillance infrastructure such as CCTV.

The submission set out below is based on the same methodology put before, and accepted by the Inspector above, in line with the Inspectors comment requests for contributions towards training have now been omitted.

4. Current Policing requirements in Mid Sussex

The recorded incidents in Mid Sussex account for a total of 7.5% of incidents Sussex Police currently attended last year in the County (2015/16 incident records). There are 47,123 calls to the non-emergency switchboard in Mid Sussex and 34,886 calls to the non-emergency contact center. A total of 15,058 calls are received directly to the emergency assistance number (999) per year in Mid Sussex.

The 2011 census listed 57,400 households in the Mid Sussex District and taking into account net completions since this has increased by 3305 homes to a total of 60,705 (housing completion 2011/12-2015/16).

The 2011 census listed the population of Mid Sussex as 139,860 which represented an average household consisting of 2.24 persons.

At present 60,705 households / 135,979 persons generates an annual total of 35,326 incidents per year that require a Police action. These are not necessarily all "crimes" but are calls to our contact centre which in turn all require a Police response/action. Effectively therefore placing a demand on resources. It should be noted that the total number of crimes recorded in this period was 5,601 which is only 21% of all the recorded incidents.

Taking into account the number of recorded incidents and current number of households this results in 0.581 incidents per household and 0.259 incidents per person that require police attendance in Mid Sussex each year. Sussex Police have a duty to respond to all incidents and many of these incidents are not recorded crimes. Sussex Police deliver crime prevention and presence, attendance and service lead at emergencies e.g. RTA's or flooding, counter terrorism and community reassurance. We must also attend all incidents involving deaths, attend crowd and events policing, attend and input to community safety and crime partnerships. And provide referral responses when there are expressed concerns about the safety or children, the elderly and those with special needs.

5. Breakdown of predicted incidents as a result of population increase in Mid Sussex

The proposed development of 151 units would have a population of 338 people (at 2.24 persons per household). Applying the current ratio of "incidents" to population then the development would generate an additional 87.6 incidents per year for Sussex Police to attend (0.259 x 338).

In total the Local Authority of Mid Sussex is served by; (all figures = FTE)

- 82 Uniformed Officers broken down as follows:
 - 42 Neighbourhood response team officers
 - 15 Neighbourhood Patrol Team officers
 - 7 Operations officers
 - 3 Police Enquiry officers
 - 2 Public Protection officers
 - 1 Local training officer
 - 12 Neighbourhood Patrol Team officers (PCSO)

- 9 Dedicated support staff

The West Sussex division has 619 officers (SOCO, Forensics, Major Crime Unit) which cover the region (this excludes the 82 dedicated officers listed above. Recorded incidents in Mid Sussex amount to 12.7% of incidents in West Sussex therefore it is reasonable to allocate divisional 78.6 officers to the Mid Sussex District.

- 78.6 Divisional officers

Central staffing provision is provided and drawn upon when required. I have included the major support staff departments of Communications, Human Resources and Shared Business Services, which are all services provided force wide. There are 685 support staff in these three departments. Utilising the ratio of incidents in the County (7.5%), 51 support staff are required to support the existing population of Mid Sussex.

- 51 Central Support Staff

Existing uniformed dedicated Officers	82	See breakdown above
Dedicated support staff	9	
Division officers supporting Mid Sussex	78.6	$(619 * 0.127)$ (12.7% = % total incidents in West Sussex)
Central Support Staff	51	$685 * 0.075$ (7.5% = total incidents in Sussex)

Currently 35,326 incidents are attended by 160.6 officers per year in Mid Sussex which is a ratio of 220 incidents per officer, per year. To retain this current ratio of 220 incidents per officer per year, an additional 87.6 incidents per year would require 0.4 additional officers (40% of an officers workload). The expected incidents generated by this development amount to 40% of a FTE police officers workload.

Additional officers/staff required as a result of 151 additional houses

Total Additional Officers Required	0.4	87.6 (expected No. incidents arising from development) / 220 (No. incidents attended per year by an officer)
Total Additional Support Staff (Local/Central)	0.15	Existing ratio of support staff / police officers

6. COSTS

In order to mitigate against the impact of growth Sussex Police have calculated that the "cost" of policing new growth in the area equates to **£20,254.17** to fund the future purchase of infrastructure to serve the proposed development. This cost will now be broken down clearly to show the capital infrastructure required to support these new officers.

The contribution represents a pooled contribution towards the provision of new infrastructure to serve the site and surrounding area. The pooling of contributions towards infrastructure remains appropriate under the terms of the CIL Regs, provided this does not exceed 5 separate contributions and subject to other regulatory tests.

The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows;

The contribution will mitigate against the additional impacts of new housing development in Mid Sussex because our existing infrastructures do not have the capacity to meet these and because like some other services we do not have the funding ability to respond to growth.

The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows;

STAFF SET UP

The basic capital set up costs of equipping new police officers and staff;

OFFICER/PCSO	Capital cost	Number required for new staff	Total
Uniform	£873	0.4	£349.20
Radio	£525	0.4	£210
Workstation/Office Equip	£1508	(1508)*0.4	£603.20
Police Staff			
Workstation/Office Equip	£1508	0.15	£226.20
TOTAL COST			£1,527.80

Sussex Police would utilise the contribution in the following manner;

- **£1162.40** as a maximum of 1 of 5 pooled payments towards the costs of an additional officer to work in the Franklands neighbourhood policing team.
- **£226.20** as a maximum of 1 of 5 pooled payments towards the cost of 1 additional support staff member to be based at Haywards Heath Police station.

It should be noted that these are necessary start-up capital costs incurred by Sussex Police to officers and staff to undertaking their role. The Planning Inspector in the attached appeal (APP/Q3115/A/14/2222595) considered these start-up costs were comply with regulation 122 of the CIL regulations and necessary infrastructure for policing.

PREMISES

At present policing within the Franklands Neighbourhood Policing Team is delivered from Haywards Heath Police station which is a Divisional Command. As outlined in the Police Crime Commissioners Estate Strategy 2013-2018 Haywards Heath Police station is to be retained. Haywards Heath Police station is at capacity currently and to employ additional officers within this site further floor space will need to be created. Sussex Police are investigating the possibility of extending or adapting the existing premises to provide much needed floor space for new officers. A financial contribution equivalent to the scale of the development is therefore sought from this development.

To estimate approximate costs for new floor space Sussex Police have used Saxon House in Newhaven as an example. This is a new build facility where we re-sited 6 police officers and PCSO's from the old Police Station to a new facility shared with East Sussex Fire and Rescue and Lewes District Council. We have 97m of sole use and shared use of communal areas. For new buildings such as Saxon House the cost is between £2500-3000/sqm. Sussex Police normally operate a policy of adapting existing building to form new floor space for policing purposes. The cost of adaption would be lower at approximately £1000/sqm. The figure of £1350 is therefore derived from the cost of adaptation/new build (Sussex Police operate an estate policy of delivering new accommodation principally through the adaptation of existing buildings as opposed to new build at a 80:20 ratio.

Sussex Police are required to maintain a high capacity of accommodation for staff and officers, with any additional capacity delivered via new works to provide floor space. Each new officer/member of staff is thereby allocated 16.1sqm (97sqm / 6) of floor space (workstation, storage, locker room etc.).

This development requires 0.4 additional officers to maintain the existing level of policing in the District. The cost of sitting this officer at Haywards Heath Police Station would therefore be **£8,694** (£1350 x 16.1 x 0.4). As with the employment of an additional Police Officer, support staff must also be accounted for. An additional support staff member will be employed once sufficient contributions have been accrued and

would be based at Haywards Heath Police station. The required contribution from this development is therefore **£3260.25** ($£1350 \times 16.1 \times 0.15$).

Additional police officer (equivalent to 40% of officers workload) - **£8,694** ($£1350 \times 16.1 \times 0.4$).

Additional support staff member (equivalent to 15% of staff workload) - **£3260.25** ($£1350 \times 16.1 \times 0.15$).

VEHICLES

A vital part of providing effective policing to the residents of Mid Sussex is maintaining the large fleet of vehicles. The (three year lifetime) capital cost of a standard vehicle is;

Patrol Vehicle - **£31,680**

Current fleet deployment within the Mid Sussex administrative area (serving 60,705 households) currently consists of 25 vehicles which are divisional vehicles used solely by officers in Mid Sussex (NPT's / NRT's).

The Forcewide fleet has 598 vehicles serving the whole County. Taking into account 7.5% of incidents in Sussex occur in Mid Sussex it is reasonable to allocated 7.5% of the force wide fleet to policing in Mid Sussex. The total fleet delivering policing to Mid Sussex is therefore 44.8 Forcewide vehicles and 24 divisional vehicles, totalling 68.8 vehicles.

This equates to a cost of £35.90 ($£31,680 \times 68.8$) / 60,705 per household. Accordingly therefore in order to maintain the existing level of fleet provision the development would generate a required contribution of **£5,421.58** (35.90×151)

- £5,421.58 as 1 of 5 pooled payments towards the purchase of an additional vehicle for use by the Local Neighbourhood Policing Team.

MOBILE IT / DATA TERMINAL

Provision of mobile IT capacity to enable officers to undertake tasks whilst out of the office, thus maintaining a visible presence. Cost of each item - **£1,500**, therefore for this development (which generates 0.4 additional uniformed officers, the cost would be **£600** (1500×0.4).

- **£600** as a maximum of 1 of 5 pooled payments towards the purchase of an additional Mobile IT kit for officers working within the Franklands Neighbourhood policing team.

RADIO COVER/CAPACITY

It is necessary to expand the capacity of our existing system to cater for additional calls as a result of the development. The development will increase the use of our radio system which is maintained at existing capacity by investing in additional hardware including servers, system refinement signal strengthening and improved transmission technologies. We spend £30,000 pa adding such capacity to the existing system in Mid Sussex which serves 60,705 households. Annual cost of these capacity increases to an existing household is £0.43. Capacity improvements will be undertaken annually and without these the system will fail to adequately carry both existing and additional calls as a result of this additional development. The additional cost of the additional capacity in relation to houses in this development will be **£65**.

The impact of the development on Policing with reduced Airwaves capacity will be increased attendance times, delays in message passing and the implications of this for attendance and apprehension. Occupiers and those that represent them will expect existing performance and attendance levels to be maintained.

CONTROL ROOM TELEPHONY

There are 47,123 calls to the non-emergency switchboard in Mid Sussex and 34,886 to the non-emergency contact center. A total of 15,058 calls are received directly to the emergency assistance number (999) per year in Mid Sussex. An additional 151 homes would generate an additional 102 calls per year to the non-emergency switchboard.

Police control room call handling equipment is used to capacity at peak times. Our call handling centre at Force HQ Lewes directs all calls and deploys resources to respond and continue monitoring. We know the capacity of the technology and the calls it currently handles [fixed around minimum times with callers] and will be expected to handle as a result of the proposed development. In order to deal with additional calls as a result of additional planned development across our sub region additional telephony, lines, licenses, workstations and monitoring screens will be required. This development would provide 151 additional houses. An approximate cost of maintaining this network is estimated at £4.54 per dwelling therefore this development should contribute **£685.54** towards the additional equipment needed to answer the additional calls.

Police preference is to use this money when the existing telephony is extended and renewed in 2018 however this does not prevent procurement of additional capacity in the meantime as a result of the impact of this development. There will be a call handling impact and delays in response times if we attempt to serve this development with our current telephony systems.

7. Compliance with National Policy and CIL Regulations

1. Necessary to make the proposed development acceptable in planning terms

The creation of safe and accessible environments where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion is fundamental to planning for sustainable development as confirmed in the National Planning Policy Framework.

The Mid Sussex District Plan (2014-2031 Pre-submission Draft lists one of the major challenges facing the District as the need to achieve sustainable, attractive and inclusive communities to ensure that the District continues to benefit from low crime levels, good health and an attractive natural and built environment.

One of the priority themes of the emerging plan is 'Ensuring cohesive and safe communities'. Crime prevention and crime management is essential to ensure strategic objectives 12 is met which aims "To support sustainable communities which are safe, healthy and inclusive".

With regard to adopted local planning policy, Policy G3 of the adopted Mid Sussex development plan does allow for police contributions. The policy includes a non-exhaustive list of infrastructure requirements. The fact that it does not cite police contributions specifically does not preclude the need for these contributions. The policy is expressed with sufficient width that it encompasses any necessary infrastructure, which could and should lawfully include police contributions. Such contributions are, in principle, within the lawful ambit of the policy regime which requires financial contributions from developments to help defray the external costs of the proposals which would otherwise fall on general taxation.

Moreover, the wider principles of sustainable development within the NPPF also require consideration of all necessary infrastructure requirement, as observed by Foskett J in R. (Police and Crime Commissioner for Leicestershire) v Blaby DC and others. This judgement stated:

11. It is obvious that a development of the nature described would place additional burdens on local health, education and other services including the police force. The focus in this case is upon the effect upon the local police force. If it sought to shoulder those additional and increased burdens without necessary equipment (including vehicles and radio transmitters/receivers for emergency communications) and premises, it would plainly not be in the public interest and would not be consistent with a policy that encourages "sustainable development": see for example, paragraphs 17 of 79 of the National Planning Policy Framework (NPPF). It is that that leads to the Claimants interest in the matters".

As shown in section 1, there is no dedicated Government funding to comprehensively cover the capital costs associated with policing the associated new development.

Unless contributions from new developments are secured then Sussex Police would be unable to maintain the current levels of policing with resources diverted and stretched, inevitably leading to increased incidents of crime and disorder within the local area.

Developer contributions are therefore necessary to ensure development is in line with the wider objectives of sustainable development as set out in national and local planning policy. Sussex Police strive to reduce the level of crime in the County however due to the significant numbers of new housing being brought forward the need for more front line staff and associated infrastructure has never been more relevant as a fundamental planning policy consideration.

Appeal decision APP/K2420/W/15/3004910 provides further support for financial support for the capital costs of additional policing infrastructure arising from new development.

44. Leicestershire Police (LP) have demonstrated adequately that the sums request would be spent on a variety of essential equipment and services, the need for which would arise directly from the new households occupying the proposed development. It would be necessary, there, in order to provide on-site and off-site infrastructure and facilities to serve the development commensurate with its scale and nature consistent with LP Policy IMP1. The planning contribution would also enable the proposed development to comply with the Framework's core planning principle of supporting local strategies to improve health, social and cultural wellbeing and delivering sufficient community facilities to meet local needs".

In respect of the methodology used for this request the same Planning Inspector stated *"47 - I consider this to be a no less realistic and robust method of demonstrating the criminal incidents likely to arise in a specific area than the analysis of population data which is normally used to calculate the future demand for school places. The evidence gives credence to the additional calls and demands on the police service predicted by LP".*

A financial contribution towards essential policing infrastructure is clearly essential to make this development acceptable in planning terms.

2. Directly related to the proposed development

There is a functional link between the new development and the contributions requested. Put simply without the development taking place and the subsequent population growth there would be no requirement for the additional infrastructure. The additional population growth will lead to an increase in incidents, which will require a Police response.

The infrastructure identified above has been specifically identified as infrastructure required to deal with the likely form, scale and intensity of incidents that the development will generate.

3. Fairly and reasonably related in scale and kind to the proposed development.

The proposed developer contribution is proposed to help achieve a proportionate increase in police infrastructure to enable Sussex Police to maintain its current level of service in the area. As stated the contribution would assist in the provision of necessary infrastructure to maintain an appropriate level of community safety.

A clear numerical approach has been demonstrated which is supported by case law and recent appeal decisions by the Planning Inspectorate. The various items of infrastructure requested are considered CIL compliant and are necessary to enable new officers to undertake their role to provide policing to existing and future residents of the Mid Sussex District.

I would also highlight two recent appeal decisions in Leicestershire (APP/F2415/A/12/2179844 & APP/X2410/A12/2173673, Enclosed). In assessing the request from Leicestershire police for developer contributions towards infrastructure the Inspector commented at **para 29** of decision 2179844;

The written evidence submitted by Leicestershire Police detailed the impact the proposed development would have on policing, forecasting the number of potential incidents and the anticipated effect this would have on staffing, accommodation, vehicles and equipment. In view of the requirement of national planning policy to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life, it is considered that, on the evidence before me, a contribution towards policing is necessary to make the development acceptable in planning terms.

Furthermore with regard to appeal decision 2173673, the Inspector is unequivocal in highlighting the acceptability of police contributions being recipients of developer's contributions;

Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries.

Para 292

These appeal decisions confirm that the approach of Sussex Police in assessing the impact of development, having regard to an assessment of the potential number of incidents generated by growth is appropriate, and fundamentally it confirms that police infrastructure should be subject to developer contributions as the provision of adequate policing is fundamental to the provision of sustainable development.

Furthermore the requirement to ensure that Crime and the fear of crime is addressed through the planning process runs through the NPPF;

Paragraph 17 sets out the core planning principles and states that planning should, inter alia:

"...take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs"

Paragraph 58 states that local and neighbourhood plans policies should aim to ensure that developments, inter alia;

"create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion"

Paragraph 69 sets out the role of the planning system in facilitating social interaction and creating healthy, inclusive communities and states that planning policies and decisions should aim to achieve places which promote;

"safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion"

Paragraph 156 states that local planning authorities should set out strategic priorities in the Local Plan to deliver;

"...the provision of health, security, community and cultural infrastructure and other local facilities..."

I trust this sets out sufficiently Sussex Polices' request for infrastructure contributions relating to this development of 151 homes at Gamblemead, Fox Hill, Haywards Heath.

I would be more than happy to discuss any aspect of this submission with the case officer shortly after the consultation period expires.

Securing planning contributions for capital policing infrastructure is essential to allow Sussex Police to maintain a high level of policing in Mid Sussex. We have been working proactively with many other Sussex and Surrey Local Authorities whom are now fully supportive of policing infrastructure contributions in line with National Police. Sussex Police would ask that Mid Sussex District Council take this opportunity to support our funding request.

I look forward to hearing from you promptly once you have had opportunity to review this letter.

Part A

'What', 'where' and 'when' of infrastructure requirements relevant to application reference DM/17/0331

TOPIC	INFRASTRUCTURE REQUIREMENT	AREA	COST PER ITEM	QTY	TOTAL COST	TIMING OF DELIVERY (Occupations by person)	
						1 st occupation	50% occupation
	Start-up costs (Staff/officers)						
Policing	Radio	Franklands	£525.00	0.4	£349.20	£349.20	
Policing	Workstation office equipment officer	Franklands	£1,508.00	0.4	£603.20	£603.20	
Policing	Workstation/Office Equipment staff	Franklands	£1,508.00	0.15	£226.20	£226.20	
Policing	Uniform for officer	Franklands	£873.00	0.4	£349.20	£349.20	
Policing	Premises	Haywards Heath Police Station			£11,954.25		£11,954.25
Policing	Vehicles	Franklands	£31,680		£5,421.58	£5,421.58	
Policing	Mobile IT / Data terminal		£1500	0.4	£600	£600	

Policing	Radio cover / capacity				£129		£129	
Policing	Control room telephony				£685.54		£685.54	
					£20,254.17		£8,299.92	£11,954.25

Consultant Ecologist

Recommendation

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

The recommendations given in the Dormouse, Bat and Reptile Mitigation Strategy report by The Ecology Partnership (Reissued: 20/01/2017) shall be implemented in full and no development shall commence until a statement of compliance for all pre-construction operations has been submitted to, and approved by, the local planning authority. A further statement of compliance with recommendations relevant to construction operations and post-construction enhancements shall be submitted to, and approved by, the local planning authority prior to first occupation of the dwellings.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the NPPF.

Consultant Archaeologist

Comments: The application site is relatively large (c. 7.4 ha) and as such has an enhanced potential to contain either known or previously unknown below ground Heritage Assets. Therefore I am pleased to note that an Archaeological Desk Based Assessment (produced by the applicant's archaeological consultants CgMs consulting) has been submitted in support of this application. The assessment is acceptable, and concludes that based on known evidence there is a moderate potential for archaeological remains dating to the Mesolithic and Neolithic periods, with a higher potential centred on the higher ground to the east of the site. The assessment also highlighted the potential for remains dating to the Medieval and Post Medieval periods, most likely agricultural in nature.

Given this archaeological potential of the site, and that any archaeological horizons are likely to be destroyed by the proposed development; in line with NPPF and policy B18 of the Mid Sussex Local Plan, I recommend that further archaeological work is required. In the first instance this should take the form of an archaeological evaluation which will likely involve the excavation of a number of trial trenches across the site, and will aim to determine, as far as is possible, the location, extent, date, character, condition, significance and quality of any Archaeological Assets that are and may be present on the site, and the results of the evaluation will enable suitable mitigation measures to be developed if necessary. I will need to agree a specification for the evaluation before the trenching can begin.

In the absence of any evidence to suggest that remains of a standard to necessitate preservation in-situ may be present, I do not recommend that the archaeological work be carried out in advance of planning permission (although it is of course better that the

work be carried out at the earliest opportunity). In this instance I recommend that the work be secured by a condition requiring a scheme of archaeological work once, and if, planning permission is granted. To ensure the required archaeological work is secured satisfactorily, the following condition is appropriate and I would recommend that it be attached to any planning permission that may be granted:

"No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority."

Consultant Landscape Architect

With reference to your letter of 31st January 2017 asking for comments on the above application, having reviewed the application and visited the site and surrounds, I have the following comments with regard to the potential landscape and visual impacts.

Landscape Policy Context

1. The NPPF requires development to be sustainable as well as contribute to and enhance the natural environment by protecting and enhancing valued landscapes (para. 109). Further to this great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. (para115).
2. Section 7 of the NPPF addresses the issue of good design and recommends that planning decisions should aim to ensure that developments respond to local character and distinctiveness. Paragraphs 56- 68 require that planning policies and decisions should aim to ensure that developments create **a strong sense of place and add to the quality of an area**. Developments are required to respect local character and materials in both built form and open space detailing.
3. NPPF paragraphs 126 - 141 include policies in relation to development making a positive contribution **to local character and distinctiveness**.
4. If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external works.

Landscape and Visual Context and Potential Impacts

5. The site sits within the High Weald Fringes landscape character area 10, as defined by the Mid Sussex District Landscape Character Assessment (2004). The site has characteristics of this area but also of the immediately adjacent Hickstead Low Weald area. The surrounding ancient woodland areas and the mature tree belts which enclose the fields within the site suggest that these are fields which have been cleared from woodland cover. This is reflected in the typical characteristic for this character area is the: *Pattern of small, irregular-shaped assart fields*.

6. The structure of the landscape on the site is unlikely to have changed significantly since the original woodland clearance. The application site has some features of local landscape character value, notably the mature trees and fieldscapes.
7. The Landscape and Visual Appraisal (Allen Pyke Associates Jan.2017) provides an accurate assessment of the baseline landscape character. The long term effects on landscape character are assessed as moderate beneficial once the landscape mitigation has established. The loss of the green field character of the site could be considered to have a greater adverse effect, however at worst it would be slight adverse and not significant in the wider landscape context.
8. The visual baseline and potential effects on the local views and visual amenity are accurately described in the Landscape and Visual Appraisal. The site is of low visual sensitivity in local views and in views from the wider landscape. The visual impact will be restricted to views from the road and properties on the south side of Foxhill.
9. The view from the footpath will change significantly for the section where it passes through the development. This would however be aligned in a generous green corridor such that the experience for users would not be overly oppressive.
10. The site is enclosed and once the proposed mitigation planting has established it is not considered that the development would have an unacceptable impact on the visual amenity of the area.
11. The retention of mature trees and woodlands including the distinct field boundary features would help to mitigate the loss of the green fields. The trees would appear to be retained in generous green corridors which also provide open space corridors through the development. It is a positive design feature that the properties are orientated to face these green spaces.
12. There is a wet area indicated on the plans running from north east to south west, which is labelled as a stream corridor or an area which floods (SFRA). Part of this would appear to be covered by a parking area. This wet corridor should not be developed and should be incorporated into a green corridor as a landscape and potential SuDs feature.
13. If the development is permitted a detailed landscape scheme should be required for approval to ensure that the proposed planting is in character with the local area.
14. A long term management plan should be required as a condition to conserve and enhance the proposed and existing trees and woodland in perpetuity.
15. The existing public footpath is narrow and muddy where it crosses and runs along the edge of the stream at the western edge of the site. The site management plan should include enhancement of this path adjacent to the stream especially where tree roots are exposed and the ground is severely eroded around these.

Conclusion and Summary Recommendations

16. It is recommended that the proposed development could be supported as, with the implementation of an appropriate landscape mitigation scheme, it would have an acceptable impact on local landscape character and views.

WSSC Flood Risk Management

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

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

Current surface water flood risk based on uFMfSW for 30year and 100year events:	Low risk
<p>Comments: Current uFMfSW mapping shows the proposed site to be at low risk from surface water flooding.</p> <p>However, limited areas within the proposed site are susceptible to flooding based on the current modelling for 30year and 100year storm events.</p> <p>Any existing surface water flow paths across the site must be maintained.</p> <p>Reason: NPPF paragraph 103 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided. Any excavated material kept on site should be located in areas designed and designated for that purpose.</p>	

Current ground water flood risk based on ESI Ground Water mapping:	Negligible risk / Negligible susceptibility
<p>Comments: The area of the proposed development is shown to be at ‘Negligible risk’ from ground water flooding on the current ESI maps.</p> <p>Based on the same mapping the current geology is shown as ‘Negligible susceptibility’ to ground water flooding. This means the general geology in the area may not be suitable for infiltration / soakaways. Where the intention is to dispose of surface water via infiltration / soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	

Records of any ordinary watercourses or culverted watercourses within or in close vicinity to the site:	Yes
<p>Comments: Current Ordnance Survey mapping shows an ordinary watercourse within the site at the western boundary. No development should take place within 5m of any watercourse.</p> <p>Any works affecting a watercourse will need consent from Mid Sussex District Council.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may also exist within or around the site. If present these should be maintained and highlighted on future development plans.</p>	

Records of any historic flooding within the confines of, or near to, the proposed site:	None
Comments: We do not have any records of historic flooding within the confines of, or near to, the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.	

Future development - Sustainable Drainage Systems (SuDs)

The FRA included with this application proposes that permeable paving, swales and detention basins with a restricted outfall to the Foundry Brook would be used to control the run off from the development to pre-development Greenfield run-off rates. This method, in principle, would meet the requirements of the NPPF, PPG and associated guidance documents.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system, is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

WSCC Highways

original comments

1. The application is supported by way of a Transport Assessment Addendum (TAA). The addendum has been submitted to update the TA prepared as part of the approved outline development DM/15/3448. The scope of the addendum has not been discussed with the Local Highway Authority (LHA).
2. In considering the current application, the LHA acknowledge that the site has planning permission for 99 dwellings along with an approved vehicular access onto the B2112 Fox Hill. This permission represents a valid fall-back position that could

be implemented regardless of the outcome of the current application. The fall-back position is a material consideration for the LHA in determining the current proposal.

Access

3. The application proposes the same vehicular access arrangements as that forming part of the approved application. Whilst the LHA acknowledge the approved arrangement, limited consideration has been given as to whether the form of access remains appropriate in light of the increased number of dwellings and consequently the increase in the number of vehicle movements. The Design Manual for Roads and Bridges provides guidance as to the suitability of the form of accesses based upon the anticipated number of daily movements.
4. Connected with the above, the LHA recognise that the DMRB does not provide absolute standards in relation to the form of accesses. Greater weight instead is given to ensuring that the proposed junction would operate within capacity and safely. The TAA demonstrates that the proposed junction would operate within theoretical capacity with minimal queues or delays on the major or minor roads.
5. It is also recommended that the Safety Auditor who undertook the Stage One Road Safety Audit submitted with DM/15/3448 be re-consulted to ensure they have no concerns with the approved access being used by greater number of dwellings.
6. Providing no further safety problems are raised with the approved junction, the LHA would be satisfied that this arrangement remains appropriate.

Trip Generation and Highway Capacity

7. As part of DM/15/3448, the methodology to determine highway capacity impact was agreed. The same methodology has been applied for the current application. As noted above, the site already benefits from planning permission for 99 units. The TAA therefore considers the trips generated by the additional dwellings now proposed.
8. These additional units are anticipated to result in a further 27 two way movements in the AM network peak hour and 25 in the PM network peak hour. As a whole, the development of 151 units is forecast to generate 80 AM peak hour movements (18 arrivals, 62 departures) and 74 PM peak hour movements (45 arrivals, 29 departures). The LHA recognise that the forecasts are based upon an assumption of 100% private houses; the actual application includes 30% affordable dwellings of which a number are flats. Both flats and affordable dwellings are expected to generate fewer trips compared with private houses. The trip generation in the modelling assumptions are very much a worst case.

9. In principle, the LHA would not anticipate the proposed increase in units to result in any severe highway impacts. There are though three matters that require clarification.
10. Firstly, a future year of 2019 is used for the future year assessment. Given that the current application is not yet determined and accounting for the potential build out rate for 151 units, is 2019 a realistic year for the development to be completed?
11. Secondly, there have been extensive discussions in connection with the modelling work submitted with DM/16/4496 (Rookery Farm), and in particular the inclusion of committed developments in the future year assessment. It's unclear if the modelling work included in the TAA accounts for this.
12. Thirdly, there are other developments in the immediate area (namely DM/16/4496 and DM/16/3998) that would generate additional traffic through the Fox Hill Roundabout. Although these developments are not currently permitted (and as such based upon the National Planning Practice Guidance, there is no strict requirement for these to be included), it is recommended that a sensitivity test is undertaken that accounts for these.
13. In order to address the above three points, and as referenced above, the LHA are aware that up to date and accepted modelling has been agreed through the Rookery Farm application. This has been completed for a future year of 2022. Although the 151 units proposed for Gamblemead may be completed by 2022, using this existing modelling would be an acceptable approach, and would address the first two points (and partly the third as this modelling includes scenarios for Rookery Farm) above.
14. Further information is requested to address the above points.

Accessibility

15. The LHA have previously reviewed and accepted the accessibility of the site by sustainable modes. Certain issues were still raised, particularly distance to services and the width of footways for those travelling on foot, and the nature of the B2112 acting as a barrier to cycling. Measures were proposed as part of the approved application to improve conditions for non-motorised road users. Such measures still remain appropriate and are proposed as part of the current application.
16. Given the increase in the number of dwellings, and the subsequent increase in the number of NMUs, the LHA would request that the applicant further investigates the potential for footway widening along the B2112 between the site access and the Fox Hill Village junction.
17. Over this length, the footway is narrow in places with there being no highway verge into which the footway could be widened. However the LHA note that there is an area of hatching within the centre of the B2112. This area is not used by vehicular

traffic. There is potential scope to make use of this area to enable the widening of the footway without reducing the through lane widths for traffic. All of these works would therefore be located in the existing public highway.

18. The LHA are also aware of the aspirations of the applicant to extend the 30mph speed limit southwards beyond the development access. Whilst the development is in no way reliant upon the making of a Traffic Regulation Order to enable the 30mph limit to be extended, it is understood that there are issues with the enforcement of the existing speed limit. This issue stems from the lack of safe locations for the Police to park an enforcement vehicle.
19. It is therefore recommended that consideration be given to the construction of a lay-by located on the eastside of the B2112 and north of Hurstwood Lane on land forming part of the public highway. The ability to allow the enforcement of the speed limit would improve conditions for NMU's.

Layout

20. The application form indicates that the on-site carriageways, footways, and casual parking areas are not to be offered for adoption. Matters of highway adoption are not in any case a material planning consideration. The layout has therefore been considered against the guidance of Manual for Streets and other best practice.
21. The layout (shown on drawing number 15136/C10A) comprises mostly of separate carriageways and footways, with only a few areas of shared surface, the number of which could be increased. Carriageways are typically 5.5 to 4.8 metres width. Footways are 2 metres wide. The general principles are considered to comply with MfS.
22. With regards to more detailed matters,
 - There are a number of locations where footway provision should be revisited due to these being suddenly terminating or lacking altogether. These locations include,
 - Immediately adjacent to the access onto the B2112 (there is no footway alongside the access road within the site)
 - Along the frontages of plots 130 to 135 (the footway terminates at plots 130 and 135 with there being no footway on the eastern side of the carriageway despite there being a number of dwellings fronting the road; there is a footway on the opposite of the road but only two properties)
 - From plots 43 to 72 where there is a clear desire line but no footway.
 - Features are shown in the carriageway in three locations (west of plot 8, and outside plots 93 and 135). These are presumed as raised features but it is unclear. If raised features are to be used this should be more continuous, for example, at junctions. The arrangement as shown has limited benefit.

- Crossovers rather than bell-mouths should be used at lightly trafficked junctions. This will then ensure continuity of pedestrian routes.
- There are several turning heads that could be prove attractive for parking (next to plot 9, plots 80-85) or be blocked by parking associated with the adjacent dwellings (plots 149-150 and 142-143). Where-ever possible these should be designed out, or have unallocated parking accessed from the.
- Swept paths are provided for a refuse vehicle. These aren't in places that clear given the road edge is shown in the same colour as the wheel track of the design vehicle. Notwithstanding this, in places the refuse vehicle over-runs private parking spaces. The Local Planning Authority should consult with the waste collection team to ensure that the correct design vehicle has been used and that they are satisfied with the arrangement shown.
- In the event that the on-site carriageways and footways were offered for adoption, parking bays could not be allocated to specific dwellings.
- Reference is made in the TAA to the potential for a bus service to enter the development. This would be a commercial decision by any bus operator, even so the layout should be future proofed to protect the potential for this. A swept path should be provided to demonstrate the adequacies of the carriageway width for the future bus service.

23. Parking provision has been considered against the WSCC Parking Demand Calculator. A plan should be provided showing the location and number of spaces within the development. Confirmation is also required that garages meet the minimum dimensions of 6 x 3 metres to be counted as parking spaces.

Conclusions

24. The LHA acknowledge the permitted residential development on this site. Even so there are various matters that should be revised/revisited in light of the increase in the number of dwellings.

Additional comments 2 May 2017

West Sussex County Council, in its role as Local Highway Authority, has previously issued comments dated the 15th February 2017. Further information was sought by the LHA in connection with several matters. The applicant has now provided further supporting information. Taking those outstanding matters, the following comments would be offered.

Vehicle Access

The LHA acknowledge that the proposed vehicle access remains the same as that consented with DM/15/3448. Given that the use of this will increase due to the uplift in dwelling numbers, the LHA have sought that the approved access is reviewed in terms of safety and capacity.

In these respects, the applicant has re-consulted the safety auditor who reviewed the original scheme. The safety auditor has raised no additional safety problems with the increased use beyond those identified initially with the consented scheme.

The proposed access has also been the subject of a capacity assessment. This is to ensure that the increased use would not result in any undue queues and delays to traffic on the B2112 from traffic waiting to turn right into the site. The capacity assessments would also review queues and delays to traffic exiting the development. In both instances, no severe delays or queues are forecast at the proposed access.

Based on the additional information, the LHA are satisfied that the proposed access would operate without any severe safety or capacity issues.

Capacity Assessments

The capacity modelling assessments have been updated so as to use a future year of 2023, by which time it's anticipated that the proposed development would be complete. The principle of this is accepted.

The use of a 2023 assessment year would also be consistent with that accepted for the Rookery Farm development (DM/16/4496). The traffic flows used in the scenarios within the accepted Rookery Farm Transport Assessment (2023 base + Rookery Farm development) should match those within the 2023 base year for the revised Gamblemead assessment (these flows will include the Rookery Farm traffic as this is now a committed development).

For the PM peak, the flows match exactly. However for the AM there are differences with lower entry flows used in the revised Gamblemead TA to those applied in the Rookery Farm TA. This makes a difference to the overall modelling of the Fox Hill Roundabout with the Rookery Farm TA forecasting certain arms (Fox Hill and Rocky Lane) operating close to or over capacity. Whereas the revised Gamblemead TA is indicating that all arms are working within capacity.

Whilst in principle, the LHA would not expect the additional traffic from the extra units at Gamblemead to generate any severe residual capacity issues on the local highway network, it would still seem that there are inconsistencies with the data applied. For clarity, the 2023 AM peak scenarios should be checked against the accepted Rookery Farm TA and re-run accordingly.

Accessibility

The LHA have accepted that the accessibility of the site has been considered by way of the approved DM/15/3448. In light of the increased in dwelling numbers, and consequently the increased demands from non-motorised road users, the LHA have suggested that further measures be considered to improve walking routes. In relation to this, the LHA has asked for the widening of the existing footway on the eastern side of the B2112 to be investigated. The applicant's response to this is noted. There are two points connected with this that the LHA wish to clarify.

Firstly, the widening of the footway would not result in the narrowing of the usable carriageway width. This is due to there being a section of hatched markings in the centre of the carriageway. This area is not used by vehicular traffic. Although an area of carriageway would need to be lost to widen the footway, this could then be compensated by using the hatched markings. There would be no overall narrowing of the north or south bound lanes on the B2112.

Secondly, details of pedestrian refuge were proposed as part of DM/15/3448. The LHA did not accept these details due to refuge being too narrow. An obligation/condition was instead imposed requiring the applicant to submit and install a scheme of pedestrian crossing improvements to the south bound bus stop opposite the Fox and Hounds PH. No details have yet been submitted for this pedestrian crossing improvement. The footway widening could be considered alongside this pedestrian improvement.

There are also other potential benefits of a wider footway. At present the B2112 appears wide thanks to the central hatched area. The loss of this area would reduce the perceived carriageway width, which may encourage lower vehicle speeds, thereby enhancing the walking environment. The widening of the footway would also acknowledge the change in nature of this area from one where there are relatively few residential properties with limited resultant movements to one where the potential for walking trips will increase significantly.

It is recommended that further consideration be given to improving walking routes to the development.

Mitigation

Notwithstanding the comments above regarding walking improvements, the LHA are satisfied with a contribution to enable the delivery of a lay-by for speed enforcement vehicles. The exact contribution will need to be discussed.

Given that the current application will effectively supersede DM/15/3448, the same improvements secured by way of this remain required for the current application. These measures include:

- To submit for approval a scheme comprising;
 - Pedestrian crossing improvements across the B2112 to reach the existing southbound bus stop north of the B2112/Hurstwood Lane junction.
 - The installation of a double sided vehicle activated sign on the B2112 to encourage lower vehicle speeds
 - The installation of real time information screens at existing bus stops in the vicinity of the development in accordance with a specification obtained from WSCC.

- To fund the reduction of the existing speed limit on B2112 Fox Hill to 30mph
- To fund the delivery of a parking lay-by on the west side of the B2112 Fox Hill
- To make a contribution towards those measures included in the Haywards Heath Town Centre Transport Study.

ESCC Highways

Executive Summary

This HT401 is issued in response to the original planning application and additional information/amended plans dated 7th April 2017.

It is noted that a previous approval exists on this site under permission MD/15/3448 for 99 dwellings. This application is for the same access but for 151 dwellings thus 52 more than that previously approved.

It is noted that the proposed access onto Fox Hill falls outside East Sussex and therefore West Sussex County Council will deal with most of the highway aspects of the access.

Whilst there are a few concerns on the proposed development the trip generation within East Sussex is acceptable and I have no objection to the proposed development.

Response

1. Trip Generation

A Transport Assessment Addendum and Additional Technical response have been submitted. The Transport Statement addresses the impact of the development on the surrounding highway network within West Sussex. However, it does not reflect the committed development within East Sussex at North Common Road Wivelsfield [LW/13/0720] and combined traffic impact that the additional traffic will have on nearby villages and in particular on the mini-roundabout junction of B2112 (Ditchling Road)/C6

(Green Road) in Wivelsfield. Therefore the accumulative impact on the surrounding roads/junctions of these developments upon East Sussex is not known.

However, TA Addendum reveals that the development will generate approximately 80 trips in the AM and 74 in the PM peaks, this being an uplift of 27 in the AM peak and 25 in the PM peak from the previous consent. A proportion of these trips would go to and from the south through Wivelsfield and it is generally accepted that this is approximately 10% of all trips in the AM and PM peak. Thus resulting in an increase over the existing consent of 3 and 2.5 trips in the AM and PM peaks respectively.

These trips are not considered to be a material increase and therefore the proposal should not cause a severe impact on the ESCC highway network.

2. Access

I note that the West Sussex County Council have agreed the access and visibility which complies with Design Manual for Roads and Bridges [albeit one step below desirable distance].

I note that the 30mph speed limit in Fox Hill is poorly complied with as most of the houses are set back from the road and screened by vegetation, so they do not give the drivers the visual message to support a 30mph speed limit. As a result extending the existing 30mph speed limit in Fox Hill with signs and lines alone will not produce the corresponding reduction in driver speeds. It is recognised nationally that reducing the speed limit using signs and lines alone only reduces the average speed of the drivers by about 1 or 2mph.

It is noted that West Sussex County Council have agreed that the applicant contribute towards the provision of:

- a layby on the western side of the B2112 for Police to monitor speeds here and;
- extension to the existing 30mph speed limit

Although these measures are welcome ESCC Highway Authority is concerned at the close proximity of any extension to the proposed 30mph with the ESCC boundary and the brow of a hill, and the approach to the proposed 30mph. If the speed limit is implemented it could also lead to requests for further speed reduction on the East Sussex County Council approach. **Any extension to the 30mph speed limit should therefore be done in consultation with East Sussex County Council.**

The proposal is therefore considered acceptable to ESCC Highway Authority and I recommend that the following highway conditions are included in any grant of consent.

Conditions

1. The applicant is advised that the erection of temporary directional signage with ESCC should be agreed with ESCC Transport Development Control Team prior to any signage

being installed. The applicant should be aware that a Section 171, Highways Act 1980 licence will be required.

2. No development shall take place, including any ground works or 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 in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing 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 and utilisation 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.

WSCC Infrastructure Officer

Summary of Contributions

Education			
Locality	Haywards Heath/Cuckfield		
Population Adjustment	351.1		
	Primary	Secondary	6th Form
Child Product	4.1625	4.1625	2.2477
Total Places Required	29.1374	20.8124	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£44,469		
Population Adjustment	325.1		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	150		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	351.1		
Net Parking Spaces	299		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£453,319
Education - Secondary	£487,885
Education - 6th Form	No contribution
Libraries	£44,469
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	Works in lieu
Total Contribution	£985,673

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for firefighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of

additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development and Infrastructure February 2006.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 150 Net dwellings and an additional 299 car parking spaces.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2017.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**

- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be spent on a new primary school at Hurst Farm.

The contributions generated by this proposal shall be spent on the creation of new secondary places at Warden Park School.

The contributions generated by this proposal shall be spent on redeveloping the library to increase space, replace shelving and make internal improvements to maximise use of space at Haywards Heath Library.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as **TPR - Total Places Required**). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (**cost multiplier**).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

TPR = (No of year groups) x (child product)

Year groups are as below:

- Primary school- **7** year groups (aged 4 to 11)
- Secondary School- **5** year groups (aged 11 to 16)
- Sixth Form School Places- **2** year groups (aged 16 to 18)

Child Product is the **adjusted education population** multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

Child Product = Adjusted Population x 14 / 1000

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2014/2015, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- **£13,980 per child**
- Secondary Schools- **£21,064 per child**
- Sixth Form Schools- **£22,845 per child**

2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The **local floorspace demand (LFD)** figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

Square Metre Demand = (Adjusted Population x LFD) / 1000

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£4,095** per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2014/2015 period.

3. TAD- Total Access Demand

The methodology is based on total access to and from a development. An **Infrastructure Contribution** is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The **Sustainable Transport Contribution** is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2014/2015 is £1,100 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£550).

Sustainable transport contribution = (net car parking - occupancy) x 550

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

NHS Sussex

Horsham & Mid Sussex Clinical Commissioning Group (CCG) are the GP- led statutory NHS body responsible for planning, commissioning and monitoring the majority of local health services in the Horsham & Mid Sussex area. (CCGs having been created following the Health & Social Care Act 2012 and replaced Primary Care Trusts on 1st April 2013).

Horsham & Mid Sussex CCG therefore cover the entirety of Mid Sussex District Council's catchment area and the above planning application would be close to the Northlands Wood Practice who are already accepting patients from the Fox Hill area of Haywards Heath. Should a planning consent be given, this would create a potential further 355 new residents/patients.

Accordingly, further additional demand, as a result of new housing built in the vicinity of the A272 by-pass, will necessitate some building redesign to better accommodate these services, in addition to Haywards Heath Health Centre, only a mile away, from where many community services are also accessed.

We therefore consider that a Section 106 application for a developer contribution towards Healthcare capital infrastructure improvements to be entirely appropriate, on a pro rata basis.

In calculating our requirement we utilise currently available West Sussex average occupancy figures, agreed with West Sussex County Council and using the Senior District Valuer's approved formula.

Overall, all potential new residents will utilise some or all of the health services the CCG commissions and will put further pressure on medical services generally. We are also mindful that new housing developments do not disadvantage the health services for existing residents/patients.

In the circumstances, we are seeking a Section 106 developer contribution of £89,135 on a pro rata basis (This equates to an average of £640 per dwelling for houses and £412 for flats).