

30 August 2017.

PLEASE NOTE TIME OF MEETING IS 2PM

Dear Councillor,

A meeting of the **DISTRICT PLANNING COMMITTEE** will be held in the **Council Chamber** at these offices on **THURSDAY, 7 SEPTEMBER 2017 at 2.00 p.m.** when your attendance is requested.

Yours sincerely,

KATHRYN HALL

Chief Executive

A G E N D A

1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.
2. To receive apologies for absence.
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
4. To confirm the Minutes of the meeting of the Committee held on 9 August 2017. **Document A**
5. To consider the report of the Head of Economic Promotion and Planning upon planning applications and other matters submitted to the Committee for determination. **Document B (attached)**
6. To consider any items that the Chairman agrees to take as urgent business.
7. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

Working together for a better Mid Sussex



Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

NOTE: All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

Members are also reminded the representations, plans and application file will also be available for inspection at these offices from 1.00 p.m. on the day of the meeting.

To: **Members of the District Planning Committee** – Heard, C. Hersey, Holden, Mainstone, Matthews, Mockford, Salisbury, Watts Williams, Wilkinson, Wyan.

**Minutes of a meeting of the District Planning Committee
held on 09 August 2017 from 2.00 p.m. to 3.35 p.m.**

Present: Robert Salisbury (Chairman)
John Wilkinson (Vice-Chairman)

Ginny Heard
Christopher Hersey
Colin Holden
* Absent

Bob Mainstone*
Edward Matthews
Norman Mockford

Anthony Watts Williams*
Peter Wyan

Also Present: Councillors Margaret Hersey, Andrew MacNaughton, Garry Wall and Norman Webster.

1. SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE RULE 4

The Committee noted that Councillor Margaret Hersey is substituting for Councillor Bob Mainstone.

2. APOLOGIES FOR ABSENCE

The Committee noted that apologies had been received from Councillor Anthony Watts-Williams and Councillor Bob Mainstone.

3. DECLARATIONS OF INTEREST

None.

4. MINUTES

The Minutes of 13th July 2017 were agreed as a correct record and signed by the Chairman.

5. APPLICATIONS AND OTHER MATTERS CONSIDERED

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

Steve King, Planning Applications Team Leader, introduced the report by referring Members to the Update Sheet. He noted the amendment to the wording on page 10 of the report and referenced the additional comments by the Highway Authority continuing to state that they had no objections to the application. Finally, he concluded the reference to the Update Sheet by drawing Members attention to the comments regarding Ashdown Forest on page 41 and the resulting amendments to the conditions proposed for the application.

He stated that this application was for the demolition of the existing area of Gamblemead and the erection of 151 dwellings within the site. Fox Hill Village is to the north of the site with the Fox & Hounds pub to the eastern side. The existing access is located on the south-eastern side of the development with the southern boundary consisting of trees and hedging with open field beyond.

He then explained that outline planning permission was granted for 99 dwellings on the site in July last year and that this consent established the principal of development and the means of access into the site. He reminded Members that this was a full planning application proposal with full details of this on page 21.

He went on to show Members a Block Plan of the site stating that the access would be the same as in the previously approved application with all units being two storey buildings designed with a traditional approach and that play equipment would be added to the area. Many properties within the site will also be provided with a garage and there would be rear court parking on some units in order to ensure that the development is not dominated by car parking.

He then moved on to highlight some of the issues with the application. He noted that as stated in pages 24-27 of the report the site is not allocated in the development plan for residential development. Furthermore, he referenced the absence of a 5 year land supply being demonstrated until written confirmation was received from the District Plan Inspector. In this case as the site would affect the setting of a listed building and this would cause less than substantial harm to the setting of the listed building, the relevant test in the NPPF was against paragraph 134, which requires an unweighted balance of the less than substantial harm to the setting of the listed building weighed against the public benefits of the proposal.

The Team Leader advised that it is the officers view there would be little if any difference between the current scheme and the previously approved scheme in relation to the strategic gap between Haywards Heath and Burgess Hill.

He then went on to address some of the issues represented within the report. Amid concern regarding access to the site, he reminded Members that the access proposed was the same as the previously approved application and that both West Sussex and East Sussex Highway Authorities had no concerns with this. Moreover, he stated that back-to-back distances between existing homes and the proposed development are sufficient to reduce concerns over amenity. In addition, he explained that there were to be 45 units of affordable housing and officers were happy that these were appropriately distributed. He stated that the application would result in less than substantial harm to the setting of the listed building but this remains an issue members must take into account when assessing the pros and cons of the proposed development..

The Planning Applications Team Leader concluded the report by showing Members pictures of the proposed development and recommending the application for approval.

Frances Wallace and Stephanie Went both spoke against the application. In addition, David Went spoke against the application as a member of Fox Hill Residents Association. Oliver Bell spoke in support of the application as an Agent.

Councillor Garry Wall, District Ward Member for Haywards Heath – Franklands, gave a balanced outline of the application. He stated that he was aware of the challenges and demands of housing supply within the area and the increasing number of

housing applications caused a balancing act between residents concern and housing need within the district. He raised several questions which he believed the members of the committee should discuss. Are the previously approved 99 units enough for the site? Will there be an impact on the built up boundary? Furthermore, he mentioned the potential loss of amenity for the existing residential area and the impact on transport on an already busy road.

The Chairman opened discussion of the application by referencing the lack of a 5 year land supply. He clarified that the process for this was ongoing but it is anticipated that this will reach a resolution by January 2018. He confirmed however, that the principle of development is established.

The Vice Chairman raised some issues that Members may wish to discuss. These were the Highway Authority's view on the increase of houses, if there were any drainage issues with the proposed site and whether there would be any loss of amenity for existing residential buildings.

One member raised concern for the huge effect on transport that this application could cause. He stated that Fox Hill is a fast road and that new vehicles would now be joining that road and in the majority of cases heading towards Haywards Heath.

The representative from the Highways Authority answered these concerns by stating that the cumulative impact of the scheme together with other committed sites in the area had been taken into account by the Highway Authority. The representative from the Highway Authority advised that the pavement would be widened as part of this development. He confirmed that the Highway Authority had no objection to the application.

Another member asked as to whether the affordable houses were made with the same design elements of other properties within the site. In addition, he asked to seek clarification on the policing costs as referenced on page 84 and as to whether this was usual practice.

Tom Clark, Head of Regulatory Services and Monitoring Officer, responded to the policing query by stating that this was a new practice and clarified that this is being paid in agreement with the applicant.

Steve King, followed this up by confirming that the policing costs were a new practice but likely to be more common in larger developments such as this. He advised that there had been Court cases relating to this matter elsewhere in the country where it had been confirmed by the Courts that such infrastructure contributions were lawful. In addition, he confirmed that the affordable housing design would be the same as for the rest of the site.

Fiona Bishop, Team Leader & Drainage Engineer, then sought to alleviate any concerns Members were to have regarding drainage. The drainage system would be able to collect water at source and the runoff created by the development will be stored in detention basins and slowly released into the river.s. She confirmed that there is enough storage on site to hold all water required up to and including the 1 in 100 year rainfall event + climate change and that this may help reduce river flooding downstream. She continued by stating that the site meets drainage standards as required.

A member wished to clarify that the new drainage system wouldn't affect the existing residential buildings of Fox Hill Village. Fiona Bishop responded to this by stating that

Fox Hill Village was at a higher level than the site and therefore surface water from the application site would not flow into Fox Hill Village. In addition, ground water testing will be undertaken and that the drainage proposals are sufficient.

Another member referenced the letters of objection on page 11 and in particular those relating to the green corridor and loss of residential amenity in Scrase Hill Terrace. Steve King answered this by informing Members that the applicant was keen to maintain some screening and does not wish to remove this if it can be avoided.

One member raised concern for the application. She was not supportive of the original 99 home application and she believes that 151 homes is a step too far. She also cited the environmental issues affected with this application and the loss of amenity to exiting residents.

The Chairman asked for confirmation of the detail of the education contributions. Steve King responded to this by advising that there would be contributions and stated that West Sussex County Council are responsible for education within the area and that they had no concerns with the application.

As no other members wished to speak, the Chairman then moved the application as recommended, 7 members voted in favour of the application and 2 voted against.

RESOLVED

To grant planning permission subject to the completion of a section 106 planning agreement to secure the necessary infrastructure contributions and affordable housing and the conditions listed in Appendix A as amended in the Update Sheet.

6. ITEMS CONSIDERED URGENT BUSINESS

None.

Chairman.

MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

7 SEP 2017

INDEX TO ITEMS REPORTED

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4	DM/17/2271	Land To The East Of High Beech Lane/, Land North Of Barrington Close, Barrington Close, Lindfield, West Sussex, RH16 2DQ	107 - 176

PART II - RECOMMENDED FOR REFUSAL

ITEM	REFERENCE	LOCATION	PAGE
None	N/A		

PART III – OTHER MATTERS

ITEM	REFERENCE	LOCATION	PAGE
None	N/A		

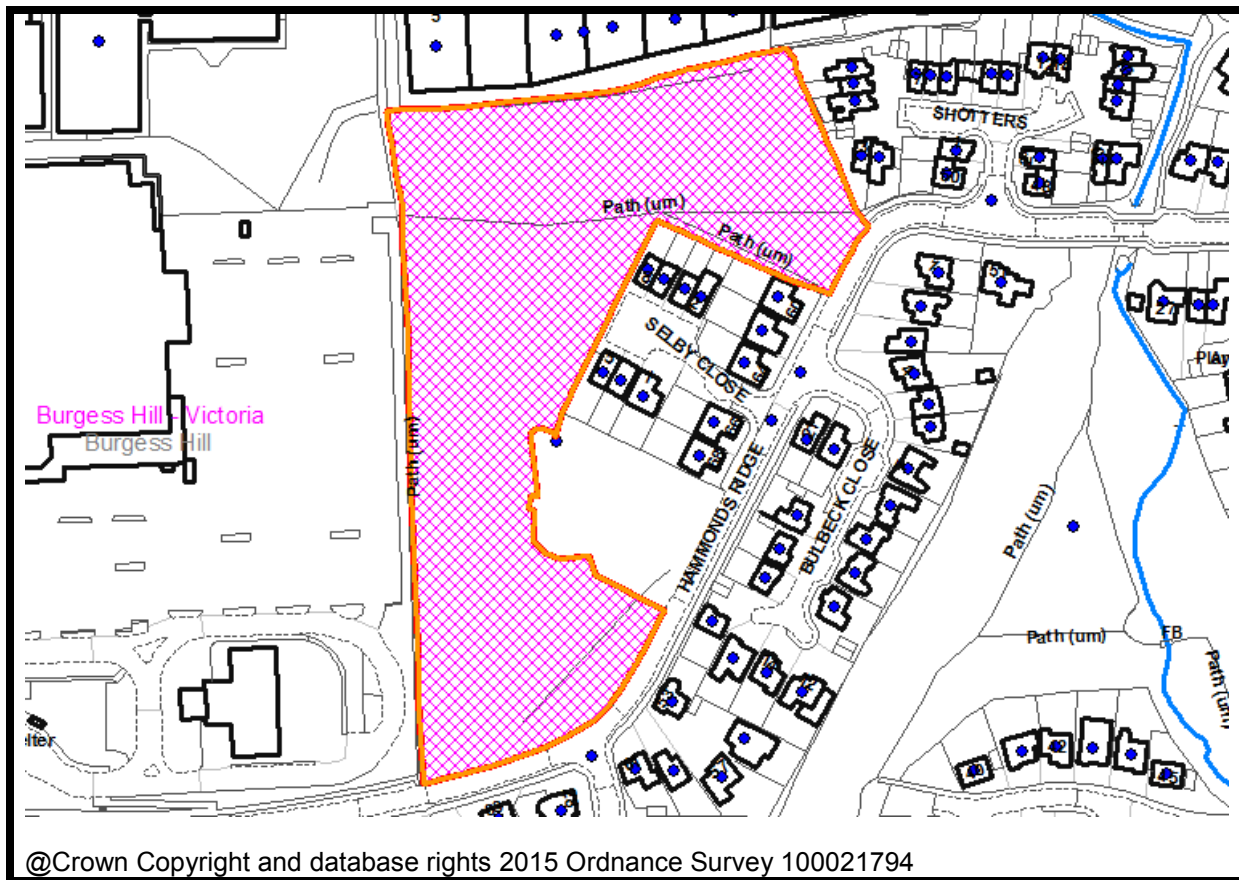
MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

7 SEP 2017

PART I - RECOMMENDED FOR APPROVAL

1. DM/17/0205



**LAND ADJACENT TO SUPERSTORE HAMMONDS RIDGE BURGESS HILL WEST SUSSEX
ERECTION OF 51 DWELLINGS WITH NEW ACCESS (INCLUDING ACCESS FOR COMMUNITY FACILITY).
MRS CLAIRE SMITH**

POLICY: Built Up Areas / Planning Agreement / Planning Obligation / Planning Agreement / Planning Obligation / Planning Agreement / Planning Obligation / Planning Agreement / Planning Obligation / Supplemental Planning Agreement / Tree Preservation Order / Tree Preservation Order Points / Tree Preservation Order Points / Tree Preservation Order Points / Tree Preservation Order Points / Tree Preservation Order Points / Tree Preservation Order Points / Tree Preservation Order Points / Tree Preservation Order Points / Highways Agreement (WSCC) / Highways and Planning Agreement (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 19th April 2017

WARD MEMBERS: Cllr Steven Hansford / Cllr Mandy Thomas-Atkin /

CASE OFFICER: Ms Susan Dubberley

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

The application seeks full planning permission for the erection of 51 dwellings with new access (including access for community facility).

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise.

As the Council is unable to currently demonstrate an agreed five year supply of deliverable housing land, it follows that the Development Plan Policy for the supply of housing, H1 of the Mid Sussex Local Plan, is not up-to-date (paragraph 49 National Planning Policy Framework (NPPF)).

In these circumstances 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.

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 51 additional

residential units at a time where there is a shortfall in housing supply and this should be given substantial weight.

There are not considered to be any significant adverse impacts of this development.

There will be a neutral impact in respect of a number of issues such as preserving the character of the area, highways matters and sustainability.

The proposal is therefore deemed to comply with the requirements of policies B1, B3, B4, B7, B18, H2, H4, T4, T5, T6 and CS13 of the Mid Sussex Local Plan, policies DP5, DP19, DP18, DP24, DP25, DP29, DP36, DP39 and DP41 of the Mid District Plan, and the provisions of the National Planning Policy Framework.

In light of this and, as per the NPPF paragraph 14 balancing exercise, it is not considered that any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of providing what would be a contribution to the Council's current shortfall in housing supply. Subject to the completion of a satisfactory section 106 legal agreement to secure the required infrastructure payments and affordable housing and appropriate conditions the application can be approved.

RECOMMENDATION

Permission be approved subject the completion of a legal Agreement to secure affordable housing and infrastructure contributions and the conditions set in Appendix A.

SUMMARY OF CONSULTATIONS

(Full responses from Consultees are included at the end of this report as Appendix B)

Environmental Health

No objection, subject to condition.

WSSC Highways

No objection, subject to condition.

Southern Water

No objection.

Archaeologist

No objection, subject to condition.

MSDC Street Naming and Numbering Officer

Informative requested.

Sussex Police

No objection.

WSCC PROW

No objection.

Urban Designer

No objection.

Design Panel Comments

On balance the panel support this scheme subject to the blocks of flats being re-designed and acceptable to MSDC's Urban Designer.

Housing Comments

No objection.

MSDC Leisure

No objection.

Aboriculturist

Objects.

WSCC Flood Risk Management

No objection, subject to condition.

MSDC Contaminated Land

No objection, subject to conditions.

SUMMARY OF REPRESENTATIONS

18 letters of objection:

- Object to flats as out of character with the area and could lead to an ugly skyline.
- Type and style of the properties should be similar to Selby Close, detached and semi-detached two story house.
- Loss of flats would also reduce the number of dwellings and reduce pressure on parking.
- Flats will be overbearing and out of scale with the surrounding area.
- No outside space for the flats and the rear parking is not practical.
- Access at north end is close to a sharp bend junction should be moved away from bend or not built at all.
- Road is used by a number of driving schools and accident risks will increase.
- Traffic will increase due to inappropriate distance from the nearest primary school.
- Parking on either side of Hammonds Ridge and Selby Close already a problem with near misses with traffic exiting Selby Close. Not enough parking proposed. Many families have more than one car and will also have guests.
- Road is likely to become a 'rat-run'.
- Increase in noise and disturbance.
- There are public rights of way that cross the site.
- Increased light pollution, loss of privacy and loss of sunlight.
- No objection to development of the land but object to number of dwellings being built in small plot of land.
- New planting should include native hedging.
- Increase pressure on health care, education and other services.
- Too many housing developments in Burgess Hill beginning to effect the character of the town.
- Drainage could be an issue and potential flooding.
- If the community centre is built this will increase traffic further.
- The development need to be considered as a whole and include the community centre traffic.
- Loss of wildlife many species of birds have been seen on the site.
- Object to destruction and undermining of trees especially those with TPOs,
- Noise and disturbance and problems with workers vehicles parking on surrounding roads during construction.
- Amended plans are worse with more units being squeezed in.

Burgess Hill Town Council

Recommend Refusal - The height of the buildings was out of character and was not in line with the National Planning Framework Policy 55. Concerns were expressed regarding the layout. It was suggested that access to the new the estate be made one-way. Concerns were expressed regarding access to the proposed community building.

INTRODUCTION

Full planning permission is sought for the erection of 51 dwellings with new access (including access for community facility).

RELEVANT PLANNING HISTORY

None relevant.

SITE AND SURROUNDINGS

The site comprises of open land on the north-west side of Hammonds Ridge with an area of 1.34 hectares. The site is located on the west side of Hammonds Ridge and comprises an open piece of land that wraps around Selby Close, a residential development of detached and semi-detached houses and six detached properties which front onto in Hammonds Ridge.

A Tesco store is located to the west of the site with the store car park and petrol station immediately adjoining the boundary. The northern boundary consists of the rears of commercial units, which are part of the Victoria Business Park that lies to the north of the site. To the east and southern eastern boundary of the site are residential units located in Selby Close and residential properties in Shotters a cul-de-sac that backs onto the north eastern edge of the site.

The site does not include an area of land to the south of Selby Close which is owned by Mid Sussex District Council land and is identified in the Mid Sussex Local Plan (Policy BH24) as land allocated for a community building.

The site falls within the built up area of Burgess Hill.

APPLICATION DETAILS

The application proposes 51 dwelling arranged with a new access road which would run along the perimeter of the site alongside Tesco's car park and along the northern edge of the site and exit alongside the northern boundary of Selby close. The layout shows a terrace of 2 storey houses and 3 blocks of 3 storey flats overlooking Tesco Car Park and a row of two storey semi-detached houses along the northern boundary with a mix of flats and houses within the site.

The proposal is made up with a mixture of flats and houses, 2 x 1 Bed flat, 19 x 2 Bed flat, 15x 3 Bed house & 15 x 4 Bed house (51 units in total). The proposal includes 30% affordable units which equates to 14 units.

The houses would be of a traditional design with a mix of red brick elevations with render, tiled roofs and Upvc windows and timber doors. The flats would be constructed of similar materials with glazed Juliette balconies at first and second floors.

The application is supported by a full suite of documents and plans.

LIST OF POLICIES

Mid Sussex Local Plan (MSLP) (May 2004)

G1 (sustainable development)
G2 (sustainable development)
C5 (nature conservation)
B1 (design)
B2 (residential estate developments)
B3 (residential amenities)
B4 (energy and water conservation)
B7 (trees and development)
B18 (Archaeology)
H2 (density and dwelling mix)
H3 (infill within built-up areas)
H4 (Affordable housing)
T4 (transport requirements in new developments)
T5 (parking standards)
T6 (cycle parking)
CS13 (land drainage)
BH24 (Community Buildings)

Development and Infrastructure Supplementary Planning Document (Feb 2006)

Burgess Hill Neighbourhood Plan)

The most relevant policies are:

S4 (parking standards for new developments)

Draft Mid Sussex District Plan

The Submission District Plan 2014 -2031 was submitted for Examination on the 17 August 2016 and the Examination hearings have taken place. In his concluding comments to the District Plan Examination on 26th July 2017, the Inspector considered that there were grounds to proceed with adoption of the District Plan.

There now follows a transitional period before the District Plan is formally adopted, anticipated January 2018. Before adoption, further work related to Sustainability Appraisal and the Habitats Regulations must be completed, and the District Plan will be subject to consultation on the Main Modifications that are required in order to make the plan sound.

Relevant policies include:

Policy DP2: Sustainable Economic Development (Little weight)
Policy DP5: Housing (Little weight)
Policy DP18: Securing Infrastructure (Little weight)
Policy DP19: Transport (Little weight)
Policy DP20: Rights of Way and other Recreational Routes (significant weight)
Policy DP24: Character and Design (Little weight)
Policy DP25: Dwelling Space Standards (significant weight)
Policy DP28: Housing Mix (Little weight)
Policy DP29: Affordable Housing (Little weight)
Policy DP36: Trees, Woodland and Hedgerows (some weight)
Policy DP37: Biodiversity (some weight)
Policy DP39: Sustainable Design and Construction (some weight)
Policy DP41: Flood Risk and Drainage (some weight)

National Policy and Legislation

National Planning Policy Framework (NPPF) (Mar 2012)

The NPPF 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. An overall aim of national policy is to 'boost significantly the supply of housing.'

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

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

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

ASSESSMENT

The main issues for consideration are:

- The principle of development;
- The design and visual impact of the proposal on the character of the area;

- The impact on neighbouring amenity;
- Highways matters;
- Standard of accommodation
- Affordable Housing
- Sustainability;
- Ashdown Forest
- Whether the proposal would be sustainable development; and
- Planning Balance and Conclusion

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) Any 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 Mid Sussex Local Plan (MSLP) (2004) and the Small Scale Housing Allocations Document (2008), together with the Ashurst Wood Neighbourhood Plan.

The National Planning Policy Framework (NPPF) is a material consideration. 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."

The Submission District Plan 2014 -2031 was submitted for Examination on the 17 August 2016 and the Examination hearings have taken place. In his concluding comments to the District Plan Examination on 26th July 2017, the Inspector considered that there were grounds to proceed with adoption of the District Plan.

There now follows a transitional period before the District Plan is formally adopted, anticipated January 2018. Before adoption, further work related to Sustainability Appraisal and the Habitats Regulations must be completed, and the District Plan will be subject to consultation on the Main Modifications that are required in order to make the plan sound.

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)), Policy H3 of the Mid Sussex Local Plan might not have been considered up to date.

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 of the NPPF which requires Local Planning Authorities to 'boost significantly the supply of housing.'

The implication for this is that Policy H1 of the Mid Sussex Local Plan is clearly out of date as it is the Mid Sussex Local Plan's principal housing supply policy and makes provision for housing only until mid-2006. However, policies such as H3 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.

Given the absence of a 5 year housing land supply and the requirements of the NPPF, paragraph 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 decision making approach that must be followed therefore is that the development is assessed under paragraph 14 of the NPPF to establish whether any adverse impacts of granting consent 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 and the weight to be given to these policies, within the planning balance set by paragraph 14 of the NPPF, remains with the decision maker.

In this case the various criteria that are set out in Policy H3 are reflective of the aims of the NPPF. As such it is still relevant to assess the application against Policy H3 as this policy carries substantial weight. It states:

"Within defined built-up areas permission will be given to proposals for residential development where the following criteria are met:

- a) the development does not involve the significant loss of an area of nature conservation or an open or wooded area of land which in its own right makes an important contribution to the urban environment and cannot be satisfactorily replaced or compensated for;*
- b) the land or building is not within an established business area and is not allocated for any other use in this Local Plan;*
- c) efficient use is made of the land in terms of density and as general guidance residential development should be provided at average net densities of at least 30 dwellings per hectare;*
- d) the character and form, respects that of the locality (a detailed site and landscape appraisal together with a design statement will be required);*
- e) includes a high quality environment for prospective occupiers including appropriate landscaping and open space;*
- f) the provision for car parking and vehicle manoeuvring does not significantly reduce garden areas, including front gardens, or adversely affect adjoining property; and*
- g) the requirements of design policies B1 and B2.*

In Conservation Areas and Areas of Townscape Character infill and redevelopment proposals will be carefully controlled to ensure that the specific character of the area is preserved."

It is considered that the application complies with all of the relevant criteria of MSLP Policy H3.

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.

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.

ASSESSMENT OF MAIN ISSUES

Design and visual impact on the character of the area

Policy B1 of the Mid Sussex Local Plan promotes high quality design, construction and layout in new buildings. Policy H3 seeks to ensure that the character and form of new development respects that of the locality and includes a high quality environment for prospective occupiers.

Policy DP24 of the Mid Sussex District Plan states:

"All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with building frontages facing streets and public open spaces;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design."*

Section 7 of the NPPF encourages good design;

Paragraph 56 states:

"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Paragraph 58 outlines the principles of good design:

"Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- are visually attractive as a result of good architecture and appropriate landscaping."*

Paragraph 61 states:

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

Initially the Urban Designer while generally satisfied with the layout had some concerns with the design in particular the design of three blocks of flats facing towards Tesco's car park. It was considered that the building design was poorly conceived, lacked architectural integrity and was over-reliant on pastiche details. However following amendments to address these concerns the Urban Designer is now satisfied with the application and has made the following comments:

The overall layout works well and succeeds in repairing a currently fragmented townscape with building frontages that positively respond to their surrounds particularly in

respect of providing the adjacent Tesco's car park with much needed enclosure and natural surveillance. The revised drawings have improved the building design in terms of the cleaner lines, the avoidance of pastiche, as well as the overall order and massing (even if some of the frontages are a little plain). For these reasons, I withdraw my previous objection to the application. I would nevertheless recommend that conditions are included that cover the facing materials and landscaping including boundary treatment.

Layout

This is an awkward left-over site, and the proposed layout plays a positive role in repairing the fragmented townscape by screening the ugly rear-side of the adjacent Wates development while incorporating building frontages that provide some much needed enclosure and natural surveillance over the vast adjacent Tesco's car park. The layout also appropriately defines and fronts-on the access roads which have been sensibly organised so they integrate the existing pedestrian connections. The layout has also been designed to allow access to the land parcel allocated for community use. The car parking is mostly successfully integrated as parallel on street spaces or, rear court parking which is sensibly organised with flats over garages both overlooking and defining these spaces.

Unlike the other two blocks of flats, the subdivision of the rear garden serving units 14-19 has not been shown and some defensible garden space is required for the ground floor flats.

Elevations and Massing

The revised elevations are the result of a series of iterations and represent an improvement upon the original application drawings that were poorly articulated and ordered.

The street frontages facing the west boundary are appropriately scaled at 2.5 and 3 storeys to allow sufficient level of enclosure over the large open car park; while the 2 storey height of the rest of the scheme echoes the scale along Hammonds Ridge.

Unlike the original submission, the elevations can be commended for avoiding the ubiquitous pastiche language and the cleaner lines of the buildings provide a more honest expression of the modern dwellings that lie behind the facades.

The street elevations are better organised into consistent building groupings that provide some underlying rhythm and order; they are given additional interest by the gable bays that characterise many of the building frontages, and are satisfactorily employed to book-end the terraced houses and the blocks of flats. In other respects the individual facades are reliant for articulation on the contrast of brick with render and the use of vertical window groupings, that provide well-ordered, if rather unexciting facades.

Similarly the Design Review Panel initially expressed concerns regarding the design of the scheme general commenting that the elevations were poor: the pastiche styling unimaginative, ubiquitous-looking and suffered from a lack of architectural integrity. However following the amendments made to the application on balance the panel felt they could now support this scheme subject to the blocks of flats being re-designed and acceptable to MSDC's Urban Designer.

It is therefore considered that following the amendments made to the design of the scheme the application is now considered to comply with policy B1 of the Mid Sussex Local Plan, policy DP24 of the District Plan and the requirement of the NPPF.

Impact on neighbouring amenity

Policy B3 of the Local Plan states that proposals for new development, including extensions to existing buildings and changes of use, will not be permitted if significant harm to the amenities of nearby residents is likely to be created due to noise and disturbance; loss of privacy; overlooking; reduction in sunlight and daylight; and reduction in outlook.

Policy DP24 of the Mid Sussex District Plan stipulates that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight.

In regard to impact on adjoining properties the nearest residential properties are those in Selby Close, Hammonds Ridge and Shotters. The closest of the proposed houses are a pair of semi-detached two storey houses which would be sited adjacent to no.60 Hammonds Ridge at a distance of some 3m. However the nearest flank wall of no.60 has no windows and none are proposed on the south side elevation of the house which would face no.60. Similarly there would be distance of some 4m between no.8 Selby Close which is located at the far western end of Selby close and a proposed terrace of 3 houses but again there would be no windows on the side elevation facing onto no.8. There would also be a distance of some 11m between the rear of no.8 and the side elevation of a two storey pair of semidetached houses, no windows on the side elevations. A one bedroom flat over a garage would be sited some 18m from the rear of no.2 Selby close. These relationships are considered acceptable in this urban location where similar arrangements exist.

A detached two storey house would be located some 15m from the rear of a terrace of three houses in Shotters a residential close. A kitchen window at ground floor would be screened by existing vegetation and fencing. The only window at first floor would be to a bathroom. Given the distance and window arrangement it is considered that there would be no significant impact on amenity.

The houses which are located at the northern end of the site would back onto the Victoria Business Park and those flats and houses on the western side of the site would face onto

Tesco's car park and petrol station. Therefore there are no amenity issues in relation to these properties.

It is considered that having regard to the above the application would therefore comply with policy B3 of the Mid Sussex Local Plan and Policy DP24 of the Mid Sussex District Plan.

Standard of accommodation

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the Council's adopted Dwelling Space Standards Supplementary Planning Document on 1 October 2015. It sets out space standards for all new residential dwellings to secure a satisfactory standard of accommodation for future residents.

Policy DP25 relates to dwelling space standards and states:

Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.

The proposed houses would meet the Government Standards and the development would therefore provide a satisfactory standard of accommodation for future occupiers of the dwelling

Affordable Housing

There is a policy requirement to provide an affordable housing contribution of 30%. In this case the applicant is proposing a development of 51 dwellings which gives rise to an onsite affordable housing requirement of 30%. The applicant is providing 31% affordable housing (16 units) which will take the form of 12 x 2 bed flats for rent and 2 x 1 bed flats and 2 x 3 bed houses for shared ownership. This reflects our required tenure split of 75% rented and 25% shared ownership and will meet a range of housing needs. The affordable housing units have been located in accordance with our clustering policy of no more than 10 units per cluster and the applicant has adopted a tenure blind approach which will assist with social integration on the scheme.

It is considered that having regard to the above the application would comply with policy H4 of the Mid Sussex Local Plan and policy DP29 of the Mid Sussex District Plan.

Highways, Access and Parking

Policy T4 of the Mid Sussex Local Plan states that proposals for new development should not cause an unacceptable impact on the local environment in terms of road safety and increased traffic. Policy T5 outlines the requirements for parking provision and access to new developments, in conjunction with the council's (maximum) parking standards, as set out in the Development and Infrastructure Supplementary Planning Document. Policy T6 requires provision of cycle storage facilities in new developments.

Policy DP19 the draft Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

The County Council has reviewed the information relating to highways and transport and has raised no objection. It is considered that the effects of additional traffic on the local highway network will be within the network's capacity and that the highway access proposals are adequate for the development.

A number of objections are related to the safety of the proposed new accesses into the site. In regard to the safety of the new accesses a Road Safety Audit has been provided and the Highways Authority is satisfied that the Audit's recommendations have been incorporated within the access proposals. Furthermore WSCC Highways have commented that traffic speeds on Hammonds Ridge have been demonstrated to be close to 20 mph and there is no evidence from accident data of a current safety issue on the road and there is no evidence that car trips to and from the development will increase risks to road users.

In light of the above it is considered that the application complies with policy T4 of the Mid Sussex Local Plan and Policy DP19 the Mid Sussex District Plan.

Arboriculture

Policy B7 of the Local Plan seeks to retain trees as far as possible for their amenity value. Policy DP36 of the Mid Sussex District Plan states that: *"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected."*

The Arboriculturist initially had some concerns with the first layout where houses proposed on plots 4 and 5 were sited close to a category A tree. However the amended plans incorporated into these units into the first block of flats and are now some distance from the tree canopy. There were similar concerns with a house on plot 37 and this has now

also been moved elsewhere on the site and is now a flat over a garage and is no longer close to a tree.

In light of the above it is considered that the application complies with policy B7 of the Mid Sussex Local Plan.

Drainage

Policy CS13 of the Mid Sussex Local Plan seeks to ensure that sites on which new development is provided can be adequately drained. Policy DP41 of the Mid Sussex District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere.

It is considered that this matter can be suitably dealt with by condition, so there should be no conflict with these policies.

Sustainability

Policy B4 of the Mid Sussex Local Plan requires all new development proposals to maximise opportunities for efficient use of energy, water and materials and use of natural drainage. Policy DP39 of the Mid Sussex District Plan specifies that all new major and residential development proposals must address the following aspects of sustainable design and construction: energy efficiency, waste and resources, water use and resilience to climate change.

A Sustainability Statement has been submitted to accompany the application, which can be viewed on file. The measures specified are considered acceptable and a condition is imposed to ensure compliance with the above policies and guidance.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of significant effects. A screening assessment sets out the basis for this conclusion

Other matters

Matters such as biodiversity, cycle parking, refuse storage, archaeology, landscaping, and construction could be dealt with by condition, based on supporting documents and/or consultation responses.

Infrastructure contributions

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."

Policies 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. In accordance with the adopted SPD the required levels of contributions are set out below:-

MSDC

Play space £42,549

Kickabout £12,058

Formal Sport £52,133

Community Buildings £22,646

Local Community Infrastructure £29,696

WSCC

Primary Education £140, 563

Secondary Education £151, 276

6th Form £35,439

Libraries £15,380

TAD £126,401

These contributions would need to be secured through an appropriately worded Section 106 planning obligation

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

The proposed development would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community, provision of infrastructure and services, and generate New Homes Bonus funding as well as additional Council Tax receipts. These are all material considerations that weigh in favour of the development. It is considered that the proposal would satisfy the economic role of sustainable development.

Social role

The provision of 51 new dwelling will make a significant contribution to the district's housing supply and would help meet the identified need for housing.

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 site is within a sustainable location in the built up area of Burgess Hill and on this basis the proposal would satisfy the social role of sustainable development.

Environmental role

The environmental dimension is met by this proposal owing to the fact the character of the area will be conserved, the impact on neighbouring residential amenity will not be significant and there are no highway safety issues.

Planning Balance and Conclusions

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise.

As the Council is unable to currently demonstrate an agreed five year supply of deliverable housing land, it follows that the Development Plan Policy for the supply of

housing, H1 of the Mid Sussex Local Plan, is not up-to-date (paragraph 49 National Planning Policy Framework (NPPF)).

In these circumstances 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.

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 51 additional residential units at a time where there is a shortfall in housing supply and this should be given substantial weight.

There are not considered to be any significant adverse impacts of this development.

There will be a neutral impact in respect of a number of issues such as preserving the character of the area, highways matters and sustainability.

The proposal is therefore deemed to comply with the requirements of policies B1, B3, B4, B7, B18, H2, H4, T4, T5, T6 and CS13 of the Mid Sussex Local Plan, policies DP5, DP19, DP18, DP24, DP25, DP29, DP36, DP39 and DP41 of the Mid District Plan, and the provisions of the National Planning Policy Framework.

In light of this and, as per the NPPF paragraph 14 balancing exercise, it is not considered that any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of providing what would be a contribution to the Council's current shortfall in housing supply. 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.

Approved Plans

2. 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.

3. 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.

Site Characterisation

2. An investigation and risk assessment, in addition to any assessment provided with the planning application, 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'.

Submission of Remediation Scheme

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.

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 (referred to in PPS23 as a validation 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.

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: 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 in accordance with policy CS13 of the Local Plan.

4. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority the detailed design (1:20 scale) of the entrance canopies and Juliet balconies of the flats shown as plots 1 to 19 on the approved drawings.

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 and B2 of the Mid Sussex Local Plan.

5. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, finishes and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing

with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to protect the appearance of the area and to accord with Policy B1 of the Mid Sussex Local Plan.

6. No development shall commence until details have been submitted to and approved in writing by the local planning authority of foul and surface water drainage works and no dwelling shall be occupied until said works have been implemented in accordance with the approved details. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall 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.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with CS13 and CS14 of the Mid Sussex Local Plan.

7. No development shall take place, including any works of site preparation, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority, the approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide for:
- 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),
 - measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
 - details of public engagement both prior to and during construction works.

Reason: In the interests of road safety and to protect the amenities of the occupiers of adjacent residential properties, pursuant to Local Plan policies B3 and T4.

8. 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 amenities of the occupiers of adjacent residential properties, pursuant to Local Plan policy B3.

9. No part of the development shall be first occupied until the roads and footways serving the development have been constructed, surfaced and drained in accordance with a detailed design to be submitted to and approved by the Local Planning Authority.

Reason: To provide suitable access to the development in accordance with policy T4 of the Local Plan.

10. 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.

11. Before the dwellings hereby permitted are occupied space for storage of refuse and recycling bins shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof.

Reason: To ensure adequate provision is made for refuse and recycling and to safeguard the appearance of the development and the amenities of the area and to accord with Policy B1 of the Mid Sussex Local Plan and Supplementary Planning Document: Development and Infrastructure.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner. 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 other of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 and B2 of the Mid Sussex Local Plan.

13. No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation and timetable which has been submitted and approved by the local planning authority.

Reason: In order to ensure that archaeological features and artefacts on the site will be properly recorded before development in accordance with policy B18 of the Local Plan.

14. At least 10 per cent of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable in accordance with Policy B4 of the Local Plan and policy NRM11 of the South East Plan.

15. Prior to any building operations being commenced, there shall be submitted to the local planning authority for its approval in writing, detailed proposals to ensure that:

- i. The indoor ambient night time (23:00 to 07:00 hrs) noise level in any unoccupied bedroom in the development shall not exceed 30dB LAeq 8hr and typical individual night time (23:00 to 07:00 hrs) noise events shall not exceed 45dB LAFmax.
- ii. The indoor ambient day time (07:00 to 23:00 hrs) noise level in any unoccupied living room or bedroom in the development shall not exceed 35dB LAeq 16hr.
- iii. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure adequate cooling of the occupants with the windows closed.

Reason: To safeguard the amenity of residents and to comply with policy B3 of the Local Plan.

16. No development shall be carried out, unless and until a schedule (and where so required samples) of materials and finishes and to be used for external walls and

roofs, windows and doors of the proposed buildings have been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the 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 and B2 of the Mid Sussex Local Plan.

INFORMATIVES

1. 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.
2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

APPENDIX B – CONSULTATIONS

Burgess Hill Town Council

Recommend Refusal - the height was out of character with the estate and not in line with the guidelines for the NPPF as it was out of keeping with the locality. The Committee also expressed concerns about traffic on Hammonds Ridge.

If Mid Sussex District Council is minded to recommend approval, the Town Council's Planning Committee's recommendations with regard to Section 106 needs associated with this development are as follows: a contribution towards the Community Building for this site.

Burgess Hill Town Council

Recommend Refusal - the height of the buildings was out of character and was not in line with the National Planning Framework Policy 55. Concerns were expressed regarding the layout. It was suggested that access to the new the estate be made one-way. Concerns were expressed regarding access to the proposed community building.

Heritage - Surrey County Council

I have no change to make to my previous comments regarding this proposal, dated 08/02/2017. These are copied below for reference:

“The application site is relatively large (c.1.6ha) 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 Thames Valley Archaeological Services South) has been submitted in support of this application. The assessment provides a useful summary of the archaeological potential of the site and I was pleased to note that available LiDAR data had been obtained and analysed- which produced some useful observations to account for going forward. The report concluded that there are no known heritage assets on the site, however the potential for previously unidentified below ground remains is unknown, as is the potential for any archaeological deposits to have survived intact.

Given the unknown archaeological potential of the site, and that any surviving 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 relation to this proposed development. 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. This 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, but 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.'

Signed: Alex Egginton, Archaeological Officer”

Environmental Health

I refer to the above-mentioned application passed to this Department for comment. I have examined these proposals and submit the following observations for your consideration.

OBSERVATIONS

Issue 1 - Development Phase

Noise, dust and vibration from the development phase may affect occupiers of nearby noise/dust sensitive premises. I suggest the following planning condition is attached to any planning permission granted:

Condition - Control of environmental effects: re-development

No development shall begin until details of a scheme (Working Method Statement) to control the environmental effects of demolition & construction has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be operated at all times during the demolition/construction phases of the development. The scheme shall include:

- (i) Control of noise
- (ii) Control of dust, smell and other effluvia
- (iii) Site security arrangements including hoardings
- (iv) Development phase working hours

Reason: To protect the amenity of local residents from dust emissions.

Issue 2 - Hours of operation

Condition - Hours of demolition/construction

Construction works, including:

- i. The use of plant and machinery, necessary for implementation of this consent; and
- ii. Deliveries or collection of plant, equipment or materials for use during the construction phase shall be limited to the following times:

Monday - Friday: 08:00 - 18:00 hrs

Saturday: 09:00 - 13:00 hrs

Sundays and Bank/Public Holidays: No work permitted.

Reason: To protect the amenity of local residents.

Issue 3 - Burning

Condition - Burning on site

No burning of construction waste materials shall take place on site.

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

Issue 4 - Site lighting

In order to prevent the loss of amenity to the area through the introduction of sky glow, glare or light into windows, it is suggested that a condition be attached to any planning permission granted, for the submission of an external lighting scheme to be submitted to and agreed by the local planning authority. I suggest that the following planning condition is attached to any planning permission granted:

Condition - Site lighting

No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for external site lighting including details of the lighting units, levels of illumination and hours of use. No lighting shall be provided at the site other than in accordance with the approved scheme.

Reason: To protect the amenity of local residents from light disturbance.

Issue 5 - Soundproofing

Given the close proximity of the neighbouring superstore there would seem to be potential for impact upon amenity from noise, for example large vehicle deliveries and other commercial activity. I would therefore recommend a soundproofing condition aimed at protecting residents of the proposed development. Accordingly-

Condition - Soundproofing

Prior to any building operations being commenced, there shall be submitted to the local planning authority for its approval in writing, detailed proposals to ensure that:

- i. The indoor ambient night time (23:00 to 07:00 hrs) noise level in any unoccupied bedroom in the development shall not exceed 30dB LAeq 8hr and typical individual night time (23:00 to 07:00 hrs) noise events shall not exceed 45dB LAFmax.
- ii. The indoor ambient day time (07:00 to 23:00 hrs) noise level in any unoccupied living room or bedroom in the development shall not exceed 35dB LAeq 16hr.
- iii. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure adequate cooling of the occupants with the windows closed.

Reason: To safeguard the amenity of residents.

WSCC Highways

The County Council has reviewed the information relating to highways and transport impacts and proposals provided with the application. We agree that the effects of additional traffic on the local highway network will be within the network's capacity and

that the highway access proposals are adequate for the development. Therefore we have no objection to the application.

The Transport Assessment describes the accessibility of the site and traffic impacts. The site is accessible to everyday facilities such as schools and shops, and the impact of traffic on the roundabout junction of Jane Murray Way and Hammonds Ridge is well within the future estimated capacity of the junction. Trip rates were agreed with the developer's consultant and provide a robust estimate of likely demand from the proposal. The addition of 3 dwellings to the total is considered to lead to car trip demand within the scope of the current trip rates.

As far as the site accesses are concerned, the applicant has provided a drawing showing layout and visibility. A Road Safety Audit has also been provided and the applicant's consultant has incorporated the Audit's recommendations within the access proposals. Traffic speeds on Hammonds Ridge have been demonstrated to be close to 20 mph, there is no evidence from accident data of a current safety issue on the road and there is no evidence that car trips to and from the development will increase risks to road users.

The internal road layout appears to have been designed to encourage access to the development only and to ensure that through traffic does not enter the site. There is still no indication of whether the developer expects the County Council to adopt the internal roads.

Should the District Council decide to approve the application, we recommend that conditions to cover the following be added to any approval:

- Construction of the site accesses prior to first occupation
- A Construction Traffic Management document as part of a Construction Management Plan
- Delivery of travel packs to new residents as agreed by the developer.

An agreement with the County Council under Section 278 of the Highways Act 1980 is needed to construct the permanent site accesses. Temporary construction access will also need the County Council's agreement.

Sussex Police

I have no major concerns with the proposals however additional measures to mitigate against identified local trends should be considered.

Southern Water

Please find attached a plan of the sewer records showing the approximate position of a public surface water sewer in the immediate vicinity of the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.
- No new soakaways should be located within 5 metres of a public sewer. 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 results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of surface water disposal and an implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

We suggest the following informative: 'The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel:

0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development.

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

Archaeologist

The application site is relatively large (c.1.6ha) 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 Thames Valley Archaeological Services South) has been submitted in support of this application. The assessment provides a useful summary of the archaeological potential of the site and I was pleased to note that available LiDAR data had been obtained and analysed- which produced some useful observations to account for going forward. The report concluded that there are no known heritage assets on the site, however the potential for previously unidentified below ground remains is unknown, as is the potential for any archaeological deposits to have survived intact.

Given the unknown archaeological potential of the site, and that any surviving 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 relation to this proposed development. 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. This 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, but 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."

MSDC Street Naming and Numbering Officer

I note from the list of planning applications received during the week 11th May 2017 to 17th May 2017 that the applications listed below will require address allocation if approved.

Planning application number(s):

DM/17/1976
DM/17/0205
DM/17/1937
DM/17/1957
DM/17/1935
DM/17/1985
DM/17/0683
DM/17/1873
DM/17/1903
DM/17/1944
DM/17/2010

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

Informative: Info29

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

WSCC PROW

No objection. This consultation should be read in conjunction with earlier submission dated 10/3/17

150m crushed stone surfacing for footpath 2C from junction with Hammonds Ridge northwards towards surfaced path at top corner of superstore carpark. £45 per meter = £7200.

Urban Designer

Comments dated 9/03/2017:

Summary and Overall Assessment

The overall layout works well but the building design is poorly conceived, lacks architectural integrity and is over-reliant on pastiche details. The elevations also have a ubiquitous appearance that undermines a sense of place (while the same criticism can be applied to the existing surrounding development, most of this was approved when there was less emphasis on design and less similar types of development). These shortcomings are especially unfortunate on the prominent western boundary which also

suffers from an untidy and inconsistent frontage with weak enclosure in relation to the extensive Tesco's car park. For these reasons, I object to the application.

Layout

This is an awkward left-over site, and in the circumstances, the overall layout succeeds in screening the ugly rear-side of the adjacent Wates development while incorporating building frontages that face on to the access road and wider surrounds. The layout is also aligned so that it reinforces existing pedestrian connections and is designed to allow access to the land parcel allocated for community use (it is nevertheless a shame that this could not be a comprehensive scheme that extended across both sites). The car parking is mostly successfully integrated as parallel on street spaces or, rear court parking screened by building frontages which is sensibly organised with flats over garages defining these spaces and providing natural surveillance. The row of parking between plots 21 and 22 is nevertheless unfortunate as it creates a big gap in this prominent street frontage.

Elevations

I agree with the Design Review Panel's views that the 2 storey houses on the western boundary do not provide strong enough enclosure across the expanse of the car park. The contrast between the 2 and 3 storey buildings also increases the apparent scale of the 3 storey frontage (this could be addressed with more consistent massing along this boundary).

The overall quality of the building design is poor and especially unsatisfactory in respect of the prominent frontage facing the Tesco's car park.

The architectural integrity is undermined by a number of features, including:

- The window proportions and sizes on many of the buildings are incongruously inconsistent. If UPVC is used (as is likely), the subdividing glazing bars will inevitably be fake, undermining the architectural authenticity. The use of glazing bars looks especially incongruous when they are squeezed-in to narrow windows. The soldier courses applied to the window heads are also a utilitarian detail.
- Several of the houses feature weak shallow-angled roof pitches; these look particularly unsatisfactory when they are juxtaposed with steeper roof gradients.

I also have the following specific issues:

Plot 1 - the use of the hanging tiles looks half-hearted as they are only sparsely applied to the façade of this prominent house at the southern entrance to the site.

Plot 2-3, 7-10 - I agree with the DRP's comments. The symmetrical part of the frontage on plots 7-10 is unbalanced by the asymmetric frontage that abuts it on plots 2-3. The latter is

also poorly composed with collision of competing elements. The gabled dormers above the underpass have not accounted for the rainwater downpipes that will further clutter this façade. The recess return on the underpass is problematic in community safety terms. At the rear, the rw pipes are uncomfortably close to some of the windows. I question the demand for 5 and 6 bedroom terraced houses; this block may be better and more efficiently organised as flats.

Plots 4-5 - The asymmetrically positioned gabled bay and incongruous variety of windows results in a poor façade.

Plots 6 and 27 - The frontage is also poorly composed with the windows failing to coordinate with the parking bays below; both of the rw downpipes would be more neatly positioned adjacent to the corners. The units have an unnecessarily convoluted/inefficient floorplan and the position of plot 6 on the boundary with the community land may prejudice future development on the adjacent site.

Plot 11-16 and 31-34 - The gable-within-a-gable is an unconvincing feature with the main gable weakly defined flush with the main façade and, on 11-16, the windows above the entrance door untidily stray in to the gable bay. The marginally lower gable on the other projecting bay also results in the 2nd floor window being uncomfortably close to the roof slope, making it look squeezed-in. On 31-34, the hanging tiles incongruously peel away at the side.

Plots 17-21 - The opportunity to relieve the utilitarian-feel of this run of terraced by giving them some underlying rhythm, has not been taken. Both the untidy mix of mirrored and replicated frontages and the inclusion of larger houses on plots 19 and 20 undermine this. The latter unattractively generates a slightly higher and inconsistent ridge line reinforcing the disharmony. By contrast plots 22-25 has taken the opportunity (unlike 17-21) to make a feature of its replicated form which is reinforced by the vertical articulation generated by the gabled dormer and subdividing rw downpipes, providing some harmony. The shallow angled roof is nevertheless a weakness particularly as it is prominently exposed at the western end.

Plots 28-30 - The symmetry of the semi-detached houses is undermined by its juxtaposition with the asymmetric and poorly composed house on plot 30.

Plot 35-36 - The entrance canopy is too dominant and the gables are unconvincingly incorporated into the mono-pitch and look like bolted-on afterthoughts.

Plots 37-45 - The symmetrically organised street frontage is a contrivance that has little order in reality with its untidy mixture of house types especially in respect of the relationship between the different roof forms and pitches.

37 and 48 - The hanging tiles unsatisfactorily peel away at the side.

Comments on amendments received 22/08/2017

Summary and Overall Assessment

The overall layout works well and succeeds in repairing a currently fragmented townscape with building frontages that positively respond to their surrounds particularly in respect of providing the adjacent Tesco's car park with much needed enclosure and natural surveillance. The revised drawings have improved the building design in terms of the cleaner lines, the avoidance of pastiche, as well as the overall order and massing (even if some of the frontages are a little plain). For these reasons, I withdraw my previous objection to the application. I would nevertheless recommend that a condition is included requiring the detailed design (1:20 scale) of the entrance canopies and Juliet balconies (to secure the quality of the design), as well as the standard conditions covering facing materials and landscaping including boundary treatment.

Layout

This is an awkward left-over site, and the proposed layout plays a positive role in repairing the fragmented townscape by screening the ugly rear-side of the adjacent Wates development while incorporating building frontages that provide some much needed enclosure and natural surveillance over the vast adjacent Tesco's car park. The layout also appropriately defines and fronts-on the access roads which have been sensibly organised so they integrate the existing pedestrian connections. The layout has also been designed to allow access to the land parcel allocated for community use. The car parking is mostly successfully integrated as parallel on street spaces or, rear court parking which is sensibly organised with flats over garages both overlooking and defining these spaces.

Unlike the other two blocks of flats, the subdivision of the rear garden serving units 14-19 has not been shown and some defensible garden space is required for the ground floor flats.

Elevations and Massing

The revised elevations are the result of a series of iterations and represent an improvement upon the original application drawings that were poorly articulated and ordered.

The street frontages facing the west boundary are appropriately scaled at 2.5 and 3 storeys to allow sufficient level of enclosure over the large open car park; while the 2 storey height of the rest of the scheme echoes the scale along Hammonds Ridge.

Unlike the original submission, the elevations can be commended for avoiding the ubiquitous pastiche language and the cleaner lines of the buildings provide a more honest expression of the modern dwellings that lie behind the facades.

The street elevations are better organised into consistent building groupings that provide some underlying rhythm and order; they are given additional interest by the gable bays that characterise many of the building frontages, and are satisfactorily employed to book-end the terraced houses and the blocks of flats. In other respects the individual facades are reliant for articulation on the contrast of brick with render and the use of vertical window groupings, that provide well-ordered, if rather unexciting facades.

MSDC Leisure

Thank you for the opportunity to comment on the plans for the development of 48 residential dwellings on Land Adjacent To Superstore, Hammonds Ridge, Burgess Hill on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the Local Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

Capenors neighbourhood equipped area for play, owned and managed by the Council, is the nearest approximately 400m from the development site. This facility will face increased demand from the new development and a contribution of £50,452 is required to make improvements to play equipment (£39,312) and kickabout provision (£11,140). These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £48,678 is required toward sports pitch drainage at Southway Recreation Ground (IDP Ref: BH56).

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £21,145 is required toward a new community building adjacent to the development site or to make improvements to Sidney West in Burgess Hill.

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.

Design Panel Comments

The Panel's Comments dated 27/02/2017.

The Panel agreed that insufficient changes had been made to address its previous concerns. The exception to this is in relation to: (a) the provision of a footway at the right angle bend of the through-road that now makes this safer for pedestrians; (b) front of the houses now incorporate modest thresholds. It was also agreed that it was premature to comment on the relationship to the potential community centre.

The Panel's previous comments in other respects are still largely relevant. The elevations are poor: the pastiche styling is unimaginative, ubiquitous-looking and suffers from a lack of architectural integrity. While there is more 3 storey frontage than before on the western boundary, the lop-sided façade on plots 2-3 is incongruous and there is still a significant element of 2 storey frontage that does not satisfactorily enclose the large space of the car park surrounding the Tesco's superstore. Some of the floorplans were questioned including tables incongruously squeezed-in to oversized kitchens.

Overall Assessment

Object

Design Panel comments on amendments dated 23rd May

The panel agreed the revised drawings were an improvement upon the original application proposals. The layout now worked well on this tricky irregular site and the 2 and 2.5 storey houses are now acceptable, but the more deeply set garages were unfortunate and felt to be an unfortunate move. The scheme also addressed the panel's comments about the need for more height and enclosure facing the large expanse of the Tesco's car park.

Unfortunately, while the internal layout had been improved, the 3 storey blocks of flats have unacceptably poor elevations that are unduly bland. The roof pitch was generally felt to be too steep, the fenestration is poorly organised, and the different window sizes together with the off-centre front entrance undermine the intended order and symmetry. The absence of articulation in the rear elevation (which will be visible from Hammonds Ridge) results in monolithic and utilitarian-looking façades.

Overall Assessment

On balance the panel support this scheme subject to the blocks of flats being re-designed and acceptable to MSDC's Urban Designer.

Housing Comments

The applicant is proposing a development of 51 dwellings which gives rise to an onsite affordable housing requirement of 30%. The applicant is providing 31% affordable housing (16 units) which will take the form of 12 x 2 bed flats for rent and 2 x 1 bed flats

and 2 x 3 bed houses for shared ownership. This reflects our required tenure split of 75% rented and 25% shared ownership and will meet a range of housing needs. The affordable housing units have been located in accordance with our clustering policy of no more than 10 units per cluster and the applicant has adopted a tenure blind approach which will assist with social integration on the scheme.

Arboriculturist

Having reviewed the submitted documents, I must raise some concerns with the current proposals in relation to the existing trees on site and potential adverse effects that could be caused by this development...

T3 is a large, 'A' category tree located to the very south of the site. It is shown to be in very close proximity to plots 4 and 5 and this will inevitably place pressure on the tree for a large reduction, or possibly felling; either during or post construction. This is largely down to the shading it will cast over the building and seasonal nuisance issues that will be exacerbated by its proximity. Alleged or actual damage to property may occur (including indirect damage such as subsidence) and due to its size, fear of failure could also induce further pressure on the tree. A lack of growth provision has also been made for T4 and this is even close to plot 4/5. These Oaks have excellent amenity value and therefore any development surrounding these trees should look to enhance them, not create an unrealistic relationship which may lead to their removal in the not too distant future.

Another awkward juxtaposition exists between T9 and proposed plot 37. If the dwelling is constructed here it is likely to suffer from considerably lower light level than its neighbours, as well as excessive seasonal nuisance (given it is almost sitting under the tree) and this will also have similar effects to that of T3 (and in the future T4), with large reductions or felling being requested and the possibility of alleged or actual damage to property or fear of failure.

Very little thought to growth provision has also been made for T10 and T11, which although are outside of the application boundary; may still suffer from issues similar to those within the site and should be given just as much consideration.

Accordingly, I must object to this application.

WSCC Flood Risk Management

West Sussex County Council (WSCC), 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.

Flood Risk Summary

Modelled surface water flood risk Low risk

Comments: Current uFMfSW mapping shows the proposed site being at low risk from surface water flooding.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events. However the surface water management strategy should consider this risk and any suitable mitigation measures if appropriate.

Any existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.

Modelled ground water flood risk susceptibility Low risk

Comments: The area of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.

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.

Records of any historic flooding? No

Comments: We do not have any records of historic flooding within the confines of the proposed site 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.

Ordinary watercourses near the site? Yes

Comments: Current Ordnance Survey mapping shows an ordinary watercourse approximately 75m to the east of site.

No development should take place within 3m of any ordinary watercourse. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District Council.

Future development - Sustainable Drainage Systems (SuDs)

The FRA included with this application proposes that permeable paving/below ground attenuation with a restricted outfall to the main sewer would be used to control the run off from the development to pre-development Greenfield run-off rates.

While this method would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents no consideration within the FRA has been given to alternative SuDs features. In particular, SuDs landscaping which could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst having surface water benefits too.

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.

As the proposed drainage system is to connect to the main sewer, both the point of connection and discharge rate will need to be agreed with Southern Water.

When determining Greenfield peak flow runoff rates, the total site area should be used i.e. the whole area within the 'red line' boundary being considered for planning and development. Section 3.1 of the FRA states that 'The existing site is approximately 1.34ha in size' (and the application form confirms this figure) whereas the greenfield runoff rate calculations included in section 5.2 and in Appendix F considers the site area as being 0.699ha.

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.

MSDC Contaminated Land

The site is adjacent to land which has the potential for contamination (industrial estate and works) and the development includes areas of sensitive proposed end use. Consequently there is a need for further ground contamination investigation. As such I would suggest the following condition is appropriate:

Land Contamination - 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, in addition to the assessment provided with the planning application, 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

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.

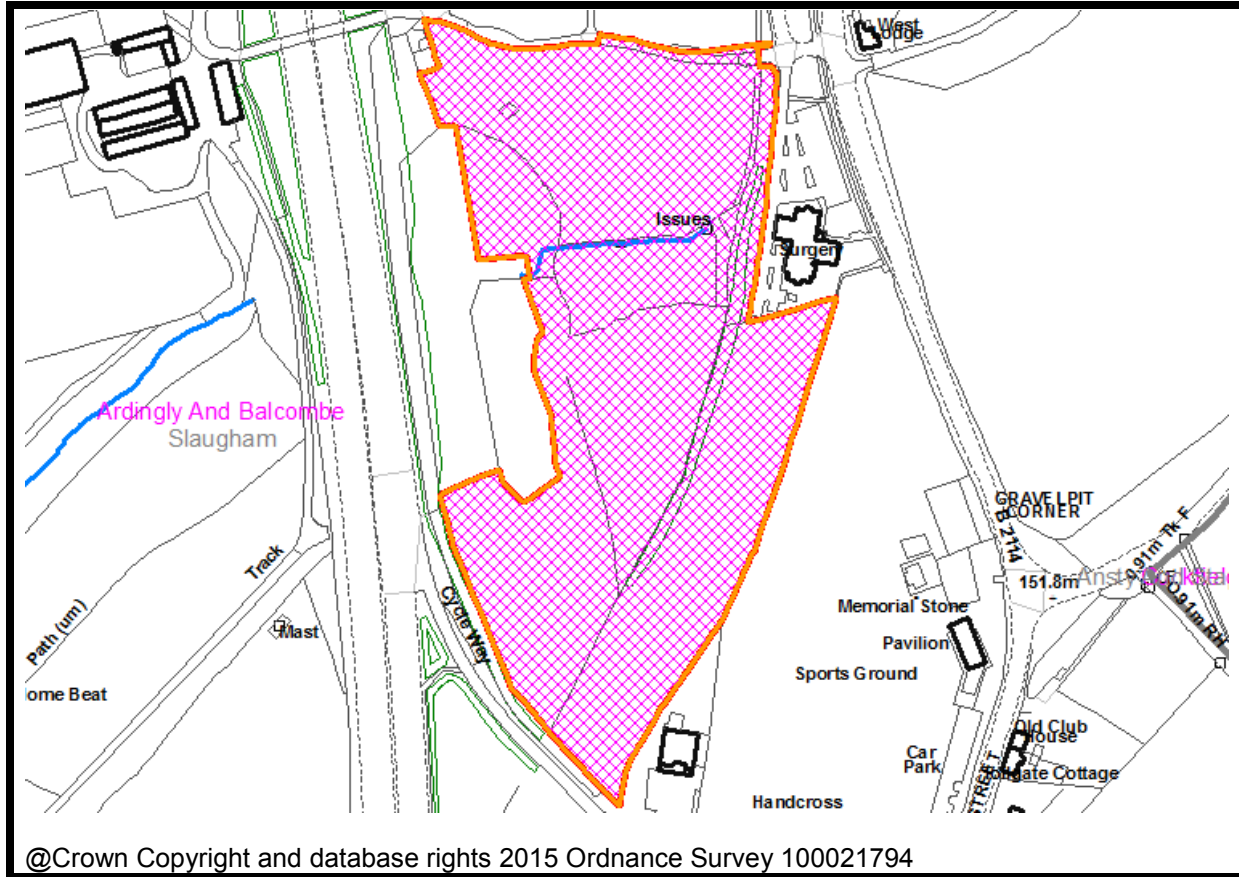
4. Reporting of Unexpected Contamination

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.

2. DM/17/1329



**LAND SOUTH WEST OF HANDCROSS PRIMARY SCHOOL LONDON ROAD
HANDCROSS WEST SUSSEX
RESERVED MATTERS APPLICATION IN RELATION TO OUTLINE APPLICATION
12/4032/OUT, FOR ACCESS, LANDSCAPING, LAYOUT AND SCALE.
MR M SUGGITT**

POLICY: Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation / Planning Agreement / Planning Obligation / Planning Agreement / Planning Obligation / Planning Agreement / Planning Obligation / Planning Agreement / Planning Obligation / Planning Agreement / Planning Obligation / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) / Sewer Line (Southern Water) / Sewer Line (Southern Water) / Sewer Line (Southern Water) / Sewer Line (Southern Water) / Sewer Line (Southern Water) / Sewer Line (Southern Water) / Sewer Line (Southern Water) / Tree Preservation Order / Highways and Planning Agreement (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 27th June 2017

WARD MEMBERS: Cllr Gary Marsh / Cllr Andrew MacNaughton /

CASE OFFICER: Mr Stephen Ashdown

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

Reserved matters approval is sought for the erection of 75 dwellings, 20 of which will be affordable, pursuant to an outline planning permission issued by the Secretary of State following the Council's refusal of planning application 12/04032/OUT. The outline consent also dealt with the issue of access and as such the matters for consideration as part of this proposal relate to the layout, appearance, scale and landscaping of the development.

It should be noted that a separate 'full' application for the erection of 21 dwellings on part of the overall site granted outline consent, but not forming part of the red line site of this application, is reported elsewhere on this agenda under reference DM/17/1331.

The resulting scheme is considered acceptable in layout and design terms. It would create an acceptable residential environment with no significant impact upon amenity enjoyed by existing or future residents. The proposal will result in the loss of a number of trees but the applicants have sought to retain those with significant public amenity and with compensatory planting it is considered that the proposal is acceptable with regard to this matter and accords with all relevant Development Plan policies, as well as the broader requirements of the NPPF.

This Reserved Matters application is recommended for approval.

RECOMMENDATION

It is recommended that Reserved Matters consent be granted, subject to the conditions listed at Appendix A.

SUMMARY OF REPRESENTATIONS

Two of representation received making the following comments;

- Access needs to be from the adjacent roundabout south of the school and doctors surgery.
- A further traffic survey should be made.
- Some roof pitches are too high.
- If possible more social housing should be provided.
- Local materials should be used.
- Site enclosed.

SUMMARY OF CONSULTEES

MSDC Urban Designer

This scheme contributes positively to Handcross by orientating the layout so they face on to the west side of the existing recreation area. As a result it should complement existing frontages (on the former Fountains Inn site) to the south and allow the existing recreation area to become more of a focus within the village. Disappointingly a number of trees will be lost on the western boundary to facilitate this scheme, however in other respects the layout successfully deals with the awkward topography, large number of trees and proximity to the A23; in particular, the layout accommodates many of the existing trees, and appropriately incorporates them within the public realm. The elevations have now been improved and provide some diversity adopting a more contemporary language on the larger southern part of the site that contributes to giving the scheme some individuality. By contrast the traditional approach applied to the houses on the northern edge has a more ubiquitous / pastiche feel and does not convincingly reflect the character of the existing Hoadlands estate. Overall however this is now an acceptable scheme and I therefore withdraw my objection but would recommend conditions are included requiring the following information to secure the design quality.

Mid Sussex Design Review Panel

Support subject to changes that address the comments made comments and the revised building designs being acceptable to MSDC's Urban Designer.

MSDC Housing

To be reported.

MSDC Drainage

No objection.

MSDC Tree and Landscape Officer

No objection.

WSSC Highways

No objection.

Sussex Police

No objection.

SLAUGHAM PARISH COUNCIL

No objection but SPC require 1) stock fencing between the site and the recreation ground, 2) a shingle pathway to be built along the fencing and extended at the NE end to the High Street, 3) an exit to the High Street by the doctor's surgery. This is to provide an all-weather pathway for residents and to control dog movement between the site and recreation ground.

INTRODUCTION

This application seeks Reserved Matters consent for the erection of 75 on land south west of Handcross Primary School, London Road, Handcross. The submitted details are submitted to pursuant to decision by Secretary of State to allow and appeal against the Council's decision to refuse application 12/04032/OUT.

RELEVANT PLANNING HISTORY

Outline planning permission was granted by the Secretary of State, by virtue of a letter dated the 1st May 2014, following the Council's refusal of application 12/04032/OUT for the erection of up to 75 dwellings and a 60 bed care home. All matters were reserved expect for access.

A separate scheme for the erection of up to 96 dwellings, including a 60 bed care home, which included the existing village site was considered at the same time and similarly allowed by the Secretary of State. This consent has now lapsed.

SITE AND SURROUNDINGS

The site subject to this REM application site covers approximately 4.0ha and is formed of three parcels of land that include the former A23, a wooded ghyll and former grazing land. Apart from the land associated with the former A23, the site is undulating with a number of mature trees dominating the area adjacent to the existing Hyde estate drive. The site is

bounded and subdivided by a series of tree lines and hedgerows. A section of the site is covered by a Tree Preservation Order.

An area of approximately 0.5ha to the western side of the site, adjacent to the A23, is the subject of a separate 'full' application, which is reported elsewhere on this agenda.

To provide the wider context, the site lies to the north of Handcross village, falling outside the defined built up area boundary and within the High Weald Area of Outstanding Natural Beauty (AONB). It is south of Handcross primary school and row of cottages on Hoadlands, with the GP surgery to the north east, along with the recreation ground.

APPLICATION DETAILS

The proposal seeks Reserved Matters consent for the erection of 75 dwellings pursuant to appeal decision by the Secretary of State, as set out earlier. The submitted details relate to the layout, appearance, scale and landscaping of the scheme. Matters relating to the access of the site were considered acceptable in principle as part of the appeal decision and subject to the submission of further details via the condition discharge process.

The proposal consists of the erection of 75 dwellings consisting of detached, semi-detached, terraced and apartments in the following mix;

18 x 2 bed apartment (private)
2 x 2 bed house (private)
16 x 3 bed house (private)
19 x 4 bed houses (private)

and;

6 x 1 bed apartment (affordable)
6 x 2 bed apartment (affordable)
7 x 2 bed house (affordable)
1 x 3 bed houses (affordable)

The design approach is of a traditional nature, with some contemporary features/detailing. Proposed materials include red brick, horizontal boarding, graphite boarding and red clay or grey slate affect roof tiles.

In terms of parking provision, 160 spaces are being provided that will be made up of allocated residential spaces, unallocated residential spaces and unallocated visitor spaces. Cycle parking is also proposed for each unit.

LIST OF POLICIES

Mid Sussex Local Plan

B1 (Design)
B3 (Residential Amenity)
B7 (Trees and Development)
B23 (Noise Pollution)
C4 (Area of Outstanding Natural Beauty)
T5 (Car Parking)
T6 (Cycle Parking)
CS13 (Drainage)

Slaugham Neighbourhood Plan

There is currently no draft Plan.

Mid Sussex District Plan

The Submission District Plan 2014 -2031 was submitted for Examination on the 17 August 2016 and the Examination hearings have taken place. In his concluding comments to the District Plan Examination on 26th July 2017, the Inspector considered that there were grounds to proceed with adoption of the District Plan.

There now follows a transitional period before the District Plan is formally adopted, anticipated January 2018. Before adoption, further work related to Sustainability Appraisal and the Habitats Regulations must be completed, and the District Plan will be subject to consultation on the Main Modifications that are required in order to make the plan sound.

Relevant policies, and weight that can be attached to them, include:

DP14 - High Weald AONB (significant weight)
DP18 - Securing Infrastructure (little weight)
DP19 - Transport (little weight)
DP24 - Character and Design (little weight)
DP25 - Dwellings Space Standards (significant weight)
DP28 - Housing Mix (little weight)
DP29 - Affordable Housing (little weight)
DP36 - Trees, Woodland and Hedgerows (some weight)
DP37 - Biodiversity (some weight)
DP41 - Flood Risk and Drainage (some weight)

National Policy and Legislation

National Planning Policy Framework (NPPF) (March 2012)

The NPPF 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. An overall aim of national policy is to 'boost significantly the supply of housing.'

With specific reference to decision-taking the document provides the following advice:

Para 187 states that 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.

National Planning Policy Guidance

Technical Housing Standards

The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019

ASSESSMENT

As this is a Reserved Matters submission, the principle of development has already been established. As part of that consideration, the issue of access was also considered so it is not within the scope of the matters before members to reconsider these points.

With this in the mind the main the main issues that need to be considered in the determination of this application are as follows;

- Layout and Design
- Impact on Trees/Landscaping
- Residential Amenity
- Affordable Housing
- Ashdown Forest
- Planning Balance and Conclusion

Layout and Design

Policy B1 of the MSLP requires a high standard of design, construction and layout in new developments with a sensitive approach to urban design to demonstrate and show,

amongst other things, that adequate consideration has been given to the spaces between and around buildings. Policy B2 requires new housing estates to establish a design concept for the layout of the site, introduce a variety of design types and reflect local distinctiveness, amongst other things. These requirements are carried forward and reflected in policy DP24 of the District Plan Submission Version.

The NPPF advocates high quality design (paragraph 17) and goes on to state that planning decisions should not attempt to impose architectural styles (paragraph 60). Furthermore, paragraph 61 states *"although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the considerations between people and places and the integration of new development into natural, built and historic environment"*.

The scheme has been carefully considered by your Urban Designer and the Design Review Panel and their full comments can be found in appendix B to this report.

The northern part of the site that front onto the Hoadlands estate road is the subject of a private design code between the applicant and the previous land owner (The Hyde Estate), which sets out parameters for the development forms, architecture and public realm provision. This area has been designed to complement the existing estate cottages to the north, with 10 detached and semi-detached dwellings arranged in a linear/semi-circular arrangements, along with an area of green space.

The remainder of the site is relatively challenging to set out with divided land parcels, mature trees and differing levels, however, in the main the applicants have managed to successfully navigate these issues. The applicants has organised the houses on the eastern side of the site so that that face the western side of the existing recreation ground, which will make this space more of a focus within the village.

The proposed dwellings will all be two storeys in height, with the proposed flats being three storeys in height. This is consistent with what was envisaged at the outline application stage.

The design of the northern part of the site is more traditional, with red brick and red hanging clay tiles shown. The remainder of the site is more self-contained and more contemporary detailing is shown utilising a palette of materials that will be include brick, white and grey weatherboarding and clay and slate effect roof tiles.

It is considered that the development complies with the National Space Standards.

The applicant has undertaken amendments to the scheme in order to try and address concerns raised by officers relating to detailed design matters and the impact of the layout on various mature trees. The later point will be addressed in more detail in the following section. In respect of the scheme before members the urban designer has stated the following;

This scheme contributes positively to Handcross by orientating the layout so they face on to the west side of the existing recreation area. As a result it should complement existing frontages (on the former Fountains Inn site) to the south and allow the existing recreation area to become more of a focus within the village. Disappointingly a number of trees will be lost on the western boundary to facilitate this scheme, however in other respects the layout successfully deals with the awkward topography, large number of trees and proximity to the A23; in particular, the layout accommodates many of the existing trees, and appropriately incorporates them within the public realm. The elevations have now been improved and provide some diversity adopting a more contemporary language on the larger southern part of the site that contributes to giving the scheme some individuality.

It is noted that your Urban Designer has some reservations regarding the quality of the traditional approach in the northern part of the site, but overall he does not raise an objection to the proposals as now presented.

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

Impact of Trees/Landscaping

Part of the site is subject to a Tree Preservation Order, SV/02/TPO/92, which covers mainly the northern part of the site, including the woodland ghyll. There are also a number of mature trees that are not subject to a TPO, which sit along, but outside, the sites' eastern boundary. They are extremely prominent in the wider public views across the recreation ground.

In respect of the policy context, Policy B7 of the Mid Sussex Local Plan seeks to protect trees which are of significant public amenity value. Policy B1 requires new developments to provide new planting appropriate to the site and its location.

The application has been supported by an Arboricultural Impact Assessment and a tree protection plan that has been the subject of careful consideration by your tree officer. Further supporting information has been forwarded during the course of the application following concerns raised about the impact/relationship of certain aspects of the proposed development with the trees.

In order to facilitate the development it has been identified that a total of 49 trees will need to be removed that are made up of Grade A trees (5), Grade B trees (28), Grade C Group (1), Grade C trees (11) and Grade U (5). The applicants have sought to retain the trees with the highest public amenity value.

Amendments have been sought to the layout of the scheme that has resulted in an improved relationship between the properties identified as plots 63 - 67 and the trees on

either side. Previous concern was expressed about the degree of overshadowing and future pressure to fell, particularly with regard to the trees to the eastern boundary. This resulted in the removal of one plot from this area. Officers are now content with this relationship.

It has been identified that plots 58 - 61 may suffer from some shadowing as a result of the relatively short gardens and the proximity of mature trees to the east, but given the orientation of the south and the unhindered south-westerly aspect, it is not considered that this relationship is unacceptable.

The positioning of plots 11 - 22, coupled with the positioning of a large surface water attenuation tank, will result in a significant number of trees being removed from the existing small woodland area (which is covered by the area TPO). Additional planting around the edge of the attenuation tank, along with some planting on top of it, will help to compensate the impact of the tree loss in this area.

The Council's Tree and Landscape Officer has confirmed that previous concerns have now been addressed.

The final detail of the proposed landscaping scheme for the site will be secured through condition.

Overall, it is considered that the impact of the proposed development on the existing trees is acceptable and that the application complies with policy B7 of the Mid Sussex Local Plan.

Residential Amenity

Policy B3 of the MSLP seeks to protect residential amenity and states that new development will not be permitted if significant harm to amenities is likely to be created by noise and disturbance, amongst other potential issues. Policy B23 deals specifically with noise pollution and sets out that development will only be permitted where appropriate noise attenuation measures will be incorporated reduce the impact on adjoin land-uses to acceptable levels.

One of the main impacts in relation to this issue arises from traffic noise from the A23 to west, which could potentially affect future occupier's amenity. This matter is subject to a condition attached to the outline planning permission and will be subject to further technical consideration by your Environmental Protection Officers as part of the condition discharge process. There is nothing within the proposed layout to suggest that this will be particular issue and no comments have been made by your Environmental Protection Officer specifically about this application.

The relationships between the proposed properties are considered acceptable and given the distances involved, the proposed units in the northern part of the site will not have any direct impact on amenities of the existing Hoadlands Cottages.

It is considered that the application complies with policies B3 and B23 of the Mid Sussex Local Plan.

Affordable Housing

In line with the Council's adopted policy, H4 of the Mid Sussex Local Plan, the outline planning approval secures 30 per cent affordable housing on the site, which would equate to 23 units.

In order to address issues associated with clustering, and to achieve better integration across the site, the applicants are proposing only 20 affordable units as part of this application, with the remaining balance being provided on the applicant's adjacent site, that is being considered by the Council under DM/17/1331 and reported elsewhere on this agenda.

At the time of writing the report the final comments of the Council's Housing Officer are still awaited (members will be updated at committee) however, the approach is considered acceptable in principle subject to the officers agreeing appropriate wording within the associated S106 Legal Agreement that is currently in draft form and subject to ongoing discussions.

Subject to the above, it is considered that the application complies with Policy H4 of the Mid Sussex Local Plan.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of significant effects. A screening assessment sets out the basis for this conclusion

Conclusions

The resulting scheme is considered acceptable in layout and design terms. It would create an acceptable residential environment with no significant impact upon amenity enjoyed by existing or future residents. The proposal will result in the loss of a number of

trees but the applicants have sought to retain those with significant public amenity and with compensatory planting it is considered that the proposal is acceptable with regard to this matter and accords with all relevant Development Plan policies, as well as the broader requirements of the NPPF.

This Reserved Matters application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

1. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls and roofs of the proposed dwellings have been submitted to and approved by the Local Planning Authority. The scheme shall only be implemented in accordance with the 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 and Policy DP24 of the Submission Version District Plan 2014-2031.

2. 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 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 CDNP05 of the Neighbourhood Plan and Policy DP24 of the Submission Version District Plan 2014-2031.

3. 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 CDNP05 of the Neighbourhood Plan and Policy DP24 of the Submission Version District Plan 2014-2031.

4. No dwelling shall be occupied until the car parking spaces serving the respective dwelling have been constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated use.

Reason: To ensure adequate parking provision is provided for properties and to accord with Policy T5 of the Mid Sussex Local Plan and Policy DP19 of the Submission Version District Plan 2014-2031.

5. 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 Policy T6 of the Mid Sussex Local Plan and Policy DP19 of the Submission Version District Plan 2014-2031.

6. No development shall take place until details of proposed screen walls/fences and/or hedges have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences or hedges associated with them have been erected or planted.

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

7. Prior to the commencement of development details of the following shall be submitted to and approved in writing with the Local Planning Authority;
 - 1:20 scale drawings of the contemporary detailing, including the entrance doors / canopies and flat-topped projecting bays
 - Detailed drawings showing the design and integration of the roof-top solar panels

The scheme shall only be implemented in accordance with the approved details'

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

8. 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 Applications".

Reason: For the avoidance of doubt and in the interest of proper planning.

INFORMATIVES

1. 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

APPENDIX B – CONSULTATIONS

MSDC Urban Designer

This scheme contributes positively to Handcross by orientating the layout so they face on to the west side of the existing recreation area. As a result it should complement existing frontages (on the former Fountains Inn site) to the south and allow the existing recreation area to become more of a focus within the village. Disappointingly a number of trees will be lost on the western boundary to facilitate this scheme, however in other respects the layout successfully deals with the awkward topography, large number of trees and proximity to the A23; in particular, the layout accommodates many of the existing trees, and appropriately incorporates them within the public realm. The elevations have now been improved and provide some diversity adopting a more contemporary language on the larger southern part of the site that contributes to giving the scheme some individuality. By contrast the traditional approach applied to the houses on the northern edge has a more ubiquitous / pastiche feel and does not convincingly reflect the character of the existing Hoadlands estate. Overall however this is now an acceptable scheme and I therefore withdraw my objection but would recommend conditions are included requiring the following information to secure the design quality:

- 1:20 scale drawings of the contemporary detailing, including the entrance doors / canopies and flat-topped projecting bays
- Detailed drawings showing the design and integration of the roof-top solar panels
- The design of the east and west elevations of flat block 2
- The design of the return flanks of houses 63-65 facing the adjacent open spaces.
- Details of the facing materials
- Detailed landscape plan including boundary treatments.

(NB: My design observations on the planning application for the adjacent 21 dwellings (DM/17/1331) that comprise phase 2 are separately drafted)

Layout

The site is reasonably well screened by boundary trees from the surrounds; nevertheless because of its proximity to the A23 and existing buildings, it already has a partially urbanised backdrop.

With a large number of mature trees, divided land parcels and different levels, this is a challenging site to plan. The site access road is mostly well configured and sensitively navigates the levels while retaining mature trees.

The highly attractive woodland area dividing the north and south parts of the development will be eroded by flat block 1 and the proposal to locate an attenuation tank in the sunken area to the north of plots 34-36; I nevertheless defer to Ryan Lloyd who has raised no objections to the redesigned landscape proposal that accommodates replacement trees around the edge of the tank and smaller trees above it.

On the south-east side the houses and gardens were previously overshadowed by attractive boundary trees. This has now been re-organised with the houses and gardens pulled away from the attractive boundary trees adjacent to the recreation ground.

The houses on plots 58-5 and flat block 5 are attractively organised in the form of a square around a retained mature tree; the revised drawings have increased the proportion of soft landscaped open space and reduced the parking within the square; it is important for the block of flats to have this attractive aspect to the north (on to which most of the principal rooms face) as the other side is the busy/noisy A23 slip-road. The parking is now more discreetly positioned in two rear court areas both sides of the block of flats; conjoining the two previously separate blocks into one should allow it to act as a noise barrier to some extent while also defining and making more efficient use of space. The bin / bike store serving the blocks of flats here and elsewhere are now better organised so they no longer interfere with the thresholds of the ground floor flats; the detailed landscaped drawings nevertheless will need to show the design of the defensible areas around all of the blocks.

Block 1's western threshold has been improved with a hedgerow which screens the pumping station and softens the parking area.

The sunken woodland area between block 1 and plots 1-10 suffers from limited natural surveillance with the houses backing-on to it; and the exposed rear boundaries will need to be carefully designed in terms of both appearance and surveillance. Consideration may also need to be given to raising tree canopies.

The gates on the access road in front of plots 1-10 appear to be unnecessary adding clutter and undermining a sense of permeability. I would like this to be omitted from the final landscape plan. The triple bank of car parking and deeply set-back garages between plots 4 and 5 also present a poor appearance along the Hoadlands frontage and disrupts the rhythm of houses.

Elevations

The Hoadlands part of the scheme is let-down by its pastiche language; however the offending fake chimneys have been removed, and although they fall short of the quality of the existing Hoadlands houses, they are limited to the smaller part of the site and the elevations are satisfactory enough, if unexciting and ubiquitous. On the main southern part of the site, the more contemporary-looking houses have been improved with additional features and better composed frontages.

In particular the gable fronted houses sit more harmoniously together now they have consistent roof pitches (and this applies to the northern part of the site too).

The flat-topped projecting window bays and canopies give the contemporary- designed houses clean lines and visual interest. The introduction of the Laurel marker buildings has provided some more variety, while the composition of the gable-fronted Mortimer and the FOG's have been improved with better window-positioning.

The houses also benefit from better groupings, although the application of facing materials suffers from being rather random in some cases, and the application of different facing treatments on the same house types has the effect of undermining the architectural integrity particularly when they are situated nearby; for this reason I would like a condition to cover the facing materials.

The prominent return flanks of the houses on plots 65-67 could still do more to address the open spaces; there seems to be scope for additional windows serving bedrooms and kitchens that would give these elevations a fuller face.

The blocks of flats have been improved. On block 1, the south/street elevation now benefits from larger French windows and Juliet balconies. On block 5 (formerly 4 and 5), the elongation of the frontage resulting from the conjoining of the 2 previous blocks has given the front elevation more underlying order and rhythm, while the gables at both ends provides a more satisfactorily bookend composition. Block 2 benefits from a more rationalised roofline, however the west elevation is still unfortunately austere in appearance with a poorly positioned downpipe and the preponderance of small windows; this could be improved if the flat lobby areas were given a double window which would also make the interior more light and airy (NB: the wheelchair flat entrance is uncomfortably constrained because of the proximity of the cupboard behind the door). On the east elevation, the stairwell windows are clumsily positioned at mid-floor level. The block would also be better integrated and less prominent if it matched the black boarded finish of block 1.

I also have concerns about the solar panels on the roof of all the blocks; unless an integrated system is used, these could look very clumsy and prominent.

Mid Sussex Design Review Panel

The Panel liked the layout and agreed that it had progressed since the pre-application stage. Unfortunately the quality of the house design was disappointing, and characterised by the usual ubiquitous watered-down version of the traditional vernacular. The different gable pitches were a particularly incongruous element.

The two different "character areas" need to be more different; they are too reliant on varying the facing materials.

The panel would like to see a more overt contemporary approach in the southern part of the site. Some parts of the precedent images (on the Park Edge character area slide) show how contemporary detailing can combine well with a traditional building profile (i.e. with pitched roofs) to create a more distinctive design and avoid tired pastiche forms.

Overall Assessment

Support subject to changes that address the above comments and the revised building designs being acceptable to MSDC's Urban Designer

MSDC Housing

To be reported.

MSDC Drainage

I have had a number of conversations with the Ardent Engineers for this proposed development and my concerns regarding the drainage strategy for this site.

It has been shown that there will be a significant delay within the system from when rain falls onto the site to when it reaches the final discharge point at the end of the conveyance swale. So for the lower intensity, higher frequency, rainfall events there should have no notable impact. Additionally, the higher intensity but less frequent storms will show a clear reduction in run-off from the site. And this is acceptable.

The position of the proposed conveyance swale has been adjusted to ensure flow.

Due to the constraints from the awkward topography of the site, root protection areas, and the need for attenuation, the only appropriate position for the attenuation tank would be the green area central to the site and prior to the existing watercourse.

Adoption of foul drainage on the site should be possible alongside the formal adoption of the roads. Southern Water have identified available capacity within the local system to accommodate foul flow from the proposed development. A Section 98 Sewer Requisition application has been initiated with Southern Water, with final details to be agreed at detailed design stage.

It has been acknowledged that an Ordinary Watercourse Consent (OWC) application will be made with MSDC at the detailed design stage.

We are satisfied that the submitted details have addressed my initial concerns for this proposed development.

MSDC Tree and Landscape Officer

Having reviewed these documents, I can confirm that the amendments to the original proposals are far more satisfactory and do address a number of my concerns.

Of course, an updated AIA and Detailed landscaping scheme (to include exact size, quantities and planting positions) will be required; but if needed can be secured by condition

WSSC Highways

For the REM application, it's not clear if the internal roads are being offered for adoption or not. Either way as Matthew has confirmed in his formal comments, there are no issues with the geometry of the proposed carriageways and footways. Detailed matters covering gradients and drainage will be considered as part of any s278 or s38 agreements with WSSC.

Sussex Police

The National Planning Policy 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 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.

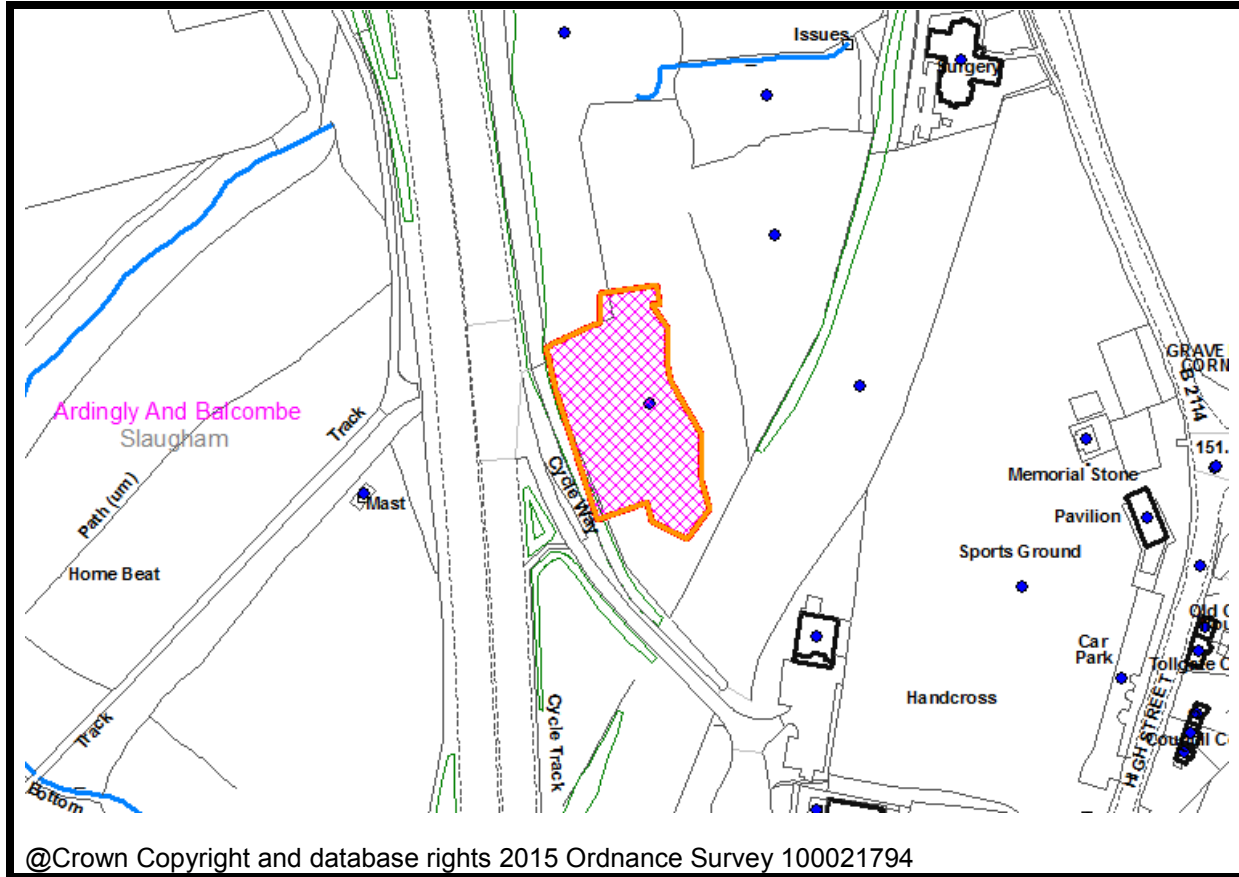
In general terms I support the proposals in this application which will create access to the development from Hoadlands, then lead to a series of cul de sacs with no through route, This will give residents a sense of ownership and community and will serve to deter trespass. The orientation of the dwellings will allow for overlooking and good natural surveillance of the road and footpath layout, car parking, communal areas and public open space. Provision has been made for car parking in a mix of garages, in curtilage parking, small overlooked parking courts and adjacent to the road. I would encourage the applicant to consider all opportunities to include within the design and layout of the development appropriate measures to create a safe and secure environment, using the principle 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.

The Crime and 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 of 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 and Disorder Act.

3. DM/17/1331



**LAND SOUTH WEST OF HANDCROSS PRIMARY SCHOOL LONDON ROAD
HANDCROSS WEST SUSSEX
PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING OF 21 DWELLINGS
WITH ASSOCIATED CAR PARKING AND LANDSCAPING, ACCESSED VIA PHASE
1 OF OUTLINE PERMISSION REF. 12/04032/OUT.
MR M SUGGITT**

POLICY: Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts /
Countryside Area of Dev. Restraint / Planning Agreement / Planning
Obligation / Planning Agreement / Planning Obligation / Planning Agreement
/ Planning Obligation / Planning Agreement / Planning Obligation / Planning
Agreement / Planning Obligation / Planning Agreement / Planning Obligation
/ Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA)
/ Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) / Tree
Preservation Order / Highways and Planning Agreement (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 12th July 2017

WARD MEMBERS: Cllr Gary Marsh / Cllr Andrew MacNaughton /

CASE OFFICER: Mr Stephen Ashdown

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 permission for the development of the application site for 21 dwellings. The site is part of a wider development that was granted outline consent on appeal by the Secretary of State for the erection of up to 75 dwellings and a 60 bed care home. The Reserved Matters submission for the 75 dwellings is reported elsewhere on this agenda (DM/17/1329) and this application represents the area that was previously to be developed for the care home.

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).

The Council's district plan is at an advanced stage and the Council believes that it has established a 5-year supply through this process. However, as this position remains subject to the Inspector's Final Report, the Council is not able to fully rely on this position at the present time. This means relevant policies for the supply of housing should still be regarded as not up-to-date (paragraph 49 NPPF). In these circumstances paragraph 14 of the NPPF and the presumption in favour of sustainable development applies.

This 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.

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 21 dwellings, of which 9 will be affordable, 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 (also within the High Weald AONB), where development would normally be restricted under the relevant Local 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. The fact that development of the site has previously been deemed acceptable also diminishes the weight further. In addition, it has been identified that there will be some exceedance of noise levels to amenity areas associated with the new properties and the back-to back relationship in relation one specific plot is less than would normally be expected. It is considered that these issues should be considered as minor adverse impacts.

There will however be a neutral impact in respect of a number of issues such as highways, drainage, ecology and infrastructure.

The proposal is therefore deemed to comply with the requirements of Policies B1, B3, B7, B23, C5, H4, T4, T5, T6, CS13 and G3 of the Mid Sussex Local Plan and policies DP18, DP19, DP24, DP36, DP37 and DP41 of the Submission Version District Plan 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 impacts of the scheme on the AONB and future residential amenity, officers conclude the balance falls in favour of supporting the scheme. That is because, as per the para 14 balancing exercise, it is considered that this proposal would not result in significant and demonstrable harm that would outweigh the benefits of providing what would be a contribution to the Council's current housing supply. Planning permission should therefore be granted.

RECOMMENDATION

It is recommended that permission be granted, subject to the conditions listed at Appendix A.

SUMMARY OF REPRESENTATIONS

Four letters of representation received making the following comments;

- Access needs to be from the adjacent roundabout south of the school and doctors surgery.
- A further traffic survey should be made.
- Some roof pitches are too high.
- If possible more social housing should be provided.
- Local materials should be used.
- Site enclosed.
- Lack of infrastructure

- Lack of parking.
- High Street will be congested with traffic.
- Overdevelopment in an area of outstanding Natural Beauty.
- Lots of other houses are being built within the parish, no need for this additional 21.

SUMMARY OF CONSULTEES

MSDC Urban Designer

The scheme is acceptably laid-out in respect of the mature trees and central open space in phase 1; the arrangement and design of the terraced houses also work well. However the design of the blocks of flats and spaces around them has now been improved. For these reasons, I withdraw my objection to this application in its current form but would recommend conditions.

Mid Sussex Design Review Panel

Support subject to changes that address the above comments and the revised building designs being acceptable to MSDC's Urban Designer.

MSDC Housing

No objection.

MSDC Drainage

No objection.

MSDC Tree and Landscape Officer

No objection.

MSDC Community and Leisure Officer

No objection.

MSDC Contaminated Land Consultant

No objection.

MSDC Environmental Protection

No objection, although outdoor amenity space will slightly exceed the guideline noise levels.

WSSC Highways

No objection.

Southern Water

No objection.

Gatwick Airport

No objection.

NATS

No objection.

SLAUGHAM PARISH COUNCIL

No objection, but SPC feels strongly that car parking provision is inadequate (less than 2 spaces per dwelling). Could impact on SPC's own car park at the Pavilion, Handcross. The situation could be rectified by reducing the number of planned dwellings and using the land so released for parking to maintain a ratio of 2 spaces per dwelling.

INTRODUCTION

This application seeks consent for the erection of 21 dwellings on land consented for the construction of a 60 bed care home under a wider outline planning permission on land south west of Handcross Primary School, London Road, Handcross.

RELEVANT PLANNING HISTORY

The application site was included as part of development proposals considered under outline application 12/04032/OUT for the erection of up to 75 dwellings and a 60 bed care home. All matters were reserved expect for access. The application was refused consent by the Council under a notice dated 30th April 2013 but following a subsequent appeal considered by means of a public inquiry, the Secretary of State allowed the appeal under a letter dated the 1st May 2014.

A separate scheme for the erection of up to 96 dwellings, including a 60 bed care home, which included the existing village site was considered at the same time and similarly allowed by the Secretary of State. This consent has now lapsed.

SITE AND SURROUNDINGS

The application site covers approximately 0.5ha and is a small open field bounded to the north by an existing tree belt and to the west by a further tree belt and the A23. It is located in the western section of a wider development site that has outline planning permission for up to 75 dwellings.

To provide the wider context, the site lies to the north of Handcross village, falling outside the defined built up area boundary and within the High Weald Area of Outstanding Natural Beauty (AONB). It is south of Handcross primary school and row of cottages on Hoadlands, with the GP surgery to the north east, along with the recreation ground.

APPLICATION DETAILS

The proposal seeks planning permission for the erection of 21 dwellings and while this is a separate 'full' application, it has been forwarded and designed to respond to the wider development of the site granted outline consent by the Secretary of State and subject to a Reserved Matters application DM/17/1329, reported elsewhere on this agenda.

The proposed scheme will be accessed via internal road that links directly to the wider development, with four units located to the north and south of the road. Two apartment blocks will be located on the western boundary of the site, containing a total of nine units.

The proposed housing mix would contain the following;

2 x 2 bed houses (private)
10 x 3 bed houses (private)

and

9 x 2 bed apartments (affordable)

It should be noted that with regard to the affordable housing provision, three additional units are being proposed within this application. These additional units are a result of changes to the layout of the adjacent wider development site to ensure that there is suitable integration across the site. This has been agreed in principle with officers and subject to appropriate wording with the S106 Legal Agreement.

The proposal will consist of a mix of detached, semi-detached and terraced properties, all of which will be two storeys in height. The proposed two apartment blocks to the western side of the site will be three storeys in height. The design approach is of a traditional nature, with some contemporary features/detailing. Proposed materials include red brick, horizontal boarding, graphite boarding and red clay or grey slate affect roof tiles.

In terms of parking provision, 38 spaces are being provided that will be made up of allocated residential spaces (27), unallocated residential spaces (7) and unallocated visitor spaces (4). A total of 27 cycle parking are also proposed.

LIST OF POLICIES

Mid Sussex Local Plan

B1 (Design)
B3 (Residential Amenity)
B7 (Trees and Development)
B23 (Noise Pollution)
C1 (Countryside)
C4 (Area of Outstanding Natural Beauty)
C5 (Nature Conservation)
T4 (Transport and Development)
T5 (Car Parking)
T6 (Cycle Parking)
CS13 (Drainage)
G2 (Sustainable Development)
G3 (Infrastructure Development)

Slaugham Neighbourhood Plan

There is currently no draft Plan.

Mid Sussex District Plan

The Submission District Plan 2014 -2031 was submitted for Examination on the 17 August 2016 and the Examination hearings have taken place. In his concluding comments to the District Plan Examination on 26th July 2017, the Inspector considered that there were grounds to proceed with adoption of the District Plan.

There now follows a transitional period before the District Plan is formally adopted, anticipated January 2018. Before adoption, further work related to Sustainability Appraisal and the Habitats Regulations must be completed, and the District Plan will be subject to consultation on the Main Modifications that are required in order to make the plan sound.

Relevant policies, and weight that can be attached to them, include:

DP10 - Protection of the Countryside (significant weight)
DP14 - High Weald AONB (significant weight)
DP18 - Securing Infrastructure (little weight)
DP19 - Transport (little weight)
DP24 - Character and Design (little weight)

DP25 - Dwelling Space Standards (significant weight)
DP28 - Housing Mix (little weight)
DP29 - Affordable Housing (little weight)
DP36 - Trees, Woodland and Hedgerows (some weight)
DP37 - Biodiversity (some weight)
DP41 - Flood Risk and Drainage (some weight)

National Policy and Legislation

National Planning Policy Framework (NPPF) (March 2012)

The NPPF 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. An overall aim of national policy is to 'boost significantly the supply of housing.'

With specific reference to decision-taking the document provides the following advice:

Para 187 states that 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.

National Planning Policy Guidance

Technical Housing Standards

The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- The principle of development;
- Impact on Area of Outstanding Natural Beauty
- Layout and Design
- Access and Transport

- Ecology/Biodiversity
- Residential Amenity
- Affordable Housing
- Ashdown Forest
- Infrastructure
- Whether the proposal would be sustainable development; and
- Planning Balance and Conclusion

Principle of Development

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

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

"In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations."*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Using this as the starting point the development plan in Mid Sussex consists of the Small Scale Housing Allocations Document (2008) and the Mid Sussex Local Plan (MSLP) (2004).

The National Planning Policy Framework (NPPF) is a material consideration. 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."

The Council's district plan is at an advanced stage and the Council believes that it has established a 5-year supply through this process. However, as this position remains subject to the Inspector's Final Report, the Council is not able to fully rely on this position at the present time.

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.

The recent Written Ministerial Statement of December 2016, which deals Neighbourhood Plan and housing land supply, is normally a material consideration in the determination of applications. However, the fact that there is currently no draft Neighbourhood Plan for the Parish means that the Statement is not applicable in this instance.

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 currently applies as the Council cannot demonstrate a 5 year supply of deliverable housing. The approach that must 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.

In light of the above, this development must be assessed against the 3 limbed definition of sustainable development at paragraph 7 of the NPPF. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 14 balance. If however the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused.

Therefore the key test that must be undertaken therefore when assessing this application is as set out within para 14 of the NPPF.

The fact that the principle of development of the site has been considered acceptable by the Secretary of State is a material consideration. While, through the phasing of the wider development, this part of the site was identified for the care home, there has been no Reserved Matter Submission to bring this forward (which demonstrates a lack of market interest) and as such alternative uses should be considered on their merits.

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.

Impact on Area of Outstanding Natural Beauty

The proposal lies with the High Weald Area of Outstanding Natural Beauty. The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

Paragraph 115 of the NPPF states that "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." A similar ethos is found at local level where Policies C4 of the Mid Sussex Local Plan and DP18 of the Submission Version District Plan require proposals preserve or enhance the AONB.

Given that the site has been previously deemed acceptable for development and will form part of a wider residential development, it is not considered that the proposal would give

rise to any unacceptable landscape impacts. Furthermore, in considering the impact of development on the AONB, the Secretary of State took into account its statutory importance and still arrived at a decision that the construction of up to 75 dwellings and a 60 bed care home (across the wider site that including the application site) was acceptable.

Any development in the AONB will have an impact and this will need to be taken into account in the overall planning balance. However, it is considered that given the planning history, any impact would be extremely minor and very localised.

Layout and Design

Policy B1 of the MSLP requires a high standard of design, construction and layout in new developments with a sensitive approach to urban design to demonstrate and show, amongst other things, that adequate consideration has been given to the spaces between and around buildings. Policy B2 requires new housing estates to establish a design concept for the layout of the site, introduce a variety of design types and reflect local distinctiveness, amongst other things. These requirements are carried forward and reflected in policy DP24 of the District Plan Submission Version.

The NPPF advocates high quality design (paragraph 17) and goes on to states that planning decisions should not attempt to impose architectural styles (paragraph 60). Furthermore, paragraph 61 states *"although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the considerations between people and places and the integration of new development into natural, built and historic environment"*.

The scheme has been considered in the context of the adjacent wider development proposals considered elsewhere on this agenda under application DM/17/1329. It has been carefully considered by your Urban Designer and the Design Review Panel and their full comments can be found in appendix B to this report.

The layout is considered acceptable and addresses the mature trees and open space shown in the Reserved Matters submission for the wider site. It's considered that the proposed terraces work well and with the car parking for the flats placed at either end of the building, the applicants have attempted to limit the amount of front threshold car parking.

The proposed dwellings will all be two storeys in height, with the proposed flats being three storeys in height. This is consistent with what is shown on the adjacent wider site and envisaged at the outline application stage.

No objection is raised by your Urban Designer.

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

Access and Transport

The application is supported by a Transport Statement that reviews the highway consequences of the development proposed. In respect of the policy position;

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.

It is proposed that the proposal will be accessed via the adjacent wider residential site that will utilise a proposed new access arrangements for the wider site that have been approved in principle as part of the outline approval. This includes the provision of a new access onto the private Hoadlands estate road before entering the public highway at the current T-junction that also serves the GP surgery and Primary school, as well as the Hoadlands Estate.

In commenting on the application, the Local Highways Authority have stated the following;

'In terms of traffic, whilst the proposed residential units would give rise to additional trips in the network peak hours compared with approved care home, evidently the increases are not significant. Any additional trips would quickly disperse across the local highway network.'

The proposed units are to be accessed in the same way as the approved care home, namely via the approved residential development. The principle of this arrangement is acceptable. The overall acceptability of the accesses within the site should be determined holistically as part of the reserved matters application presently under consideration; this especially relevant to this application given that the proposed units can only be accessed via the wider development site. The various accesses are noted as being outside the red edging for the current application in any case'.

There is no objection to the application from the Highways Authority in respect of impact on the local highway network or highway safety matters.

With regard to accessibility, the site is well located and within reasonable walking distances to a range of shops and services within the village. A pedestrian link to the recreation ground is to be provided via the wider development site and the accessibility of the site to the village and its facilities has not been an issue raised previously with the consented development on the site.

The Local Highway Authority have considered the level of proposed parking provision and have not raised an objection. To comply with Policy T6 of the MSLP, the applicant is also proposing the provision of an appropriate number of cycle parking spaces that will be secured through a suitably worded condition.

In light of the above it is considered that the application complies with paragraph 32 of the NPPF, Policies T4, T5 and T6 of the Mid Sussex Local Plan and Policy DP19 of the Submission Version District Plan.

Ecology/Biodiversity

The application has been supported by an Ecology Appraisal that includes habitat and protected species survey results, an assessment of the proposals effects and mitigation proposals.

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).

In respect of the policy context, paragraph 109 of the NPPF highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible. In determining planning applications, paragraph 118 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which include the following;

- 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.

Policy C5 of the Mid Sussex Local Plan, states development will only be permitted where the proposals minimises the impact on features of nature conservation importance and that the weight attached to nature conservation interests will reflect the relative significance of the designation.

At the time of the wider development site was considered, the impact of development on the ecology and biodiversity of the site was taken into account and a condition requiring the submission (and approval) of how the recommendations of the then submitted Ecology Assessment would be complied with was attached to the decision letter.

The supporting information seeks to verify the findings of the previous ecology surveys and make recommendations to adjust any of the previously agreed avoidance and mitigation measures to the accommodate the latest design layout. The conclusions of the report state;

'The Phase 2 site will result in the loss of only a small amount of a habitat that is common in the surrounding landscape, and this small effect will be mitigated by the enhancement of retained habitats and the creation of garden habitats.

'Whilst some protected species and other wildlife use the Phase 2 site, it will be possible to avoid construction stage impacts and for the development to result in a net enhancement for biodiversity'.

In terms of the NPPF and the principles set out in para118, planning permission should be refused only where significant harm from a development cannot be avoided, adequately mitigated or as a last resort, compensated for.

Given the planning history of the site and having due consideration for the submitted information in support of the application, the proposal's impact on the ecological/biodiversity value of the site can be appropriately mitigated (and controlled with conditions) and as a result the proposal complies with relevant development plan policies and the principles of the NPPF in this respect.

Residential Amenity

The main impact in relation to this issue arises from traffic noise from the A23 to west, which could potentially affect future occupier's amenity. The application has been supported by a Noise Assessment that has been considered by your Environmental Protection Officer.

Policy B3 of the MSLP seeks to protect residential amenity and states that new development will not be permitted if significant harm to amenities is likely to be created by noise and disturbance, amongst other potential issues. Policy B23 deals specifically with noise pollution and sets out that development will only be permitted where appropriate noise attenuation measures will be incorporated reduce the impact on adjoin land-uses to acceptable levels.

In considering the submitted Noise Assessment, your Environmental Protection Officer has stated;

'This development is close to the A23 trunk route and traffic noise is significant at the site. The acoustic report submitted by Hodkinsons is noted and its conclusions accepted. It recommends a scheme of mitigation comprising acoustic barrier fencing, upgraded glazing and mechanical ventilation to allow windows to remain closed to meet recommended noise levels. Even with mitigation, outdoor amenity space will slightly exceed the upper guideline noise levels at some locations and although this in itself is not necessarily a reason for refusal, it should be considered when balancing the need for housing against other factors'.

It should be noted that this part of the wider site was shown to be developed with a Care Home and as such a similar impact would have resulted on any amenity space associated with that facility. Furthermore, no formal objection has been raised with regard to this issue.

It is noted that the arrangement between plot no.95 and no.'s 92/93 is not ideal as the back to back distances are slightly below the normal minimum of 20m that could normally be expected. It is appreciated that there is a degree of 'buyer beware' and that potential future occupiers need not proceed if they are unsatisfied with it. The relationship between all the other proposed dwellings is considered acceptable.

It is clear that there will, to a degree, an impact, on future residential amenity through noise generated by the A23 and the relationship between plot 95 and no.'s 92/93 and these will need to be taken into account in the overall planning balance.

Affordable Housing

In line with the Council's adopted policy, H4 of the Mid Sussex Local Plan, the applicants are proposing to provide 30 per cent affordable housing, which would equate to 6 units. These units will consist of 6 x 2 bed flats for affordable rent.

To address clustering and integration issues within the wider development site (DM/17/1329), the applicants are proposing to provide an additional 3 affordable units (3 x 2 bed flats for shared ownership) within this current application site, to take the total to 9 units. Suitable wording in the S106 Legal Agreement will ensure that the overall provision of affordable housing across the whole site is provided and provided in a timely manner.

It is considered that the application complies with Policy H4 of the Mid Sussex Local Plan.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of significant effects. A screening assessment sets out the basis for this conclusion

Infrastructure

The NPPF 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 impacts through planning conditions."

and;

"Planning obligations should only be sought where they meet all 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 the costs of additional infrastructure required to service their development and mitigate their impact. These are usually 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 set above as part of the paragraph 204 of the NPPF.

It is recognised that the issue of infrastructure has featured in the representations received.

A Section 106 Legal Agreement is being pursued to secure financial contributions, as well as affordable housing. The following heads of terms is pursued;

- Financial contribution towards Primary education of £51,175
- Financial contribution towards Secondary education of £55,077
- Financial contribution towards Libraries of £5,746
- TAD contribution of £48,084
- Formal sport contribution to be confirmed
- Community Building Contribution to be confirmed
- Local Community Infrastructure contribution to be confirmed.

An update will be provided at the committee in relation to appropriate level of contributions to be sought and the projects against which they will be secured.

A Section 106 Legal Agreement, to off-set the impact caused by the proposed development on local infrastructure, is an acceptable mechanism by any concerns on this issue can be addressed to a point where it would not be appropriate to refuse planning permission on these grounds alone.

Officers are satisfied that the above heads of terms and contributions, once confirmed, will have been calculated in accordance with the Council's adopted Supplementary Planning Document 'Infrastructure and Development' and comply with tests set out in the CIL Regulations and comply with the principles set out in the NPPF and policies G3 and H4 of the Mid Sussex Local Plan.

Other Matters

In matters relating to drainage, contaminated land and airport safeguarding, no objections have been received from the relevant consultee and any issues arising can be adequately addressed through the imposition of appropriate planning conditions. Furthermore, it is considered that the development complies with the National Space Standards.

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, constitute 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 economic dimension is met by this proposal owing to the New Homes Bonus, the provision of construction jobs and an increased population likely to spend in the community.

The 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 21 dwellings on the site, 6 of which will be affordable, will make a positive contribution to the district's housing supply.

It is therefore considered that the development meets the social role of sustainable development.

The Environmental Role

There is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. Within AONB's there is a need to conserve and enhance natural beauty. The development of any greenfield site would have an impact on the intrinsic character of the countryside, and the AONB in this case, however it needs to be remembered that the development of the site has already been deemed acceptable and the proposals would not worsen this situation. The site is well contained and wider views will be restricted and measures to increase biodiversity across the whole site can be secured.

It is therefore considered that the development meets the environmental of sustainable development.

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.

The Council's district plan is at an advanced stage and the Council believes that it has established a 5-year supply through this process. However, as this position remains subject to the Inspector's Final Report, the Council is not able to fully rely on this position at the present time. This means relevant policies for the supply of housing should still be regarded as not up-to-date (paragraph 49 NPPF).

In the light of para.59 of the 'Hopkins Homes' Supreme Court judgement mentioned above, the lack of a demonstrable land supply 'is enough to trigger the operation of the second part of paragraph 14' and the presumption in favour of sustainable development.

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 21 residential units, of which 9 units will be affordable, 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 within the High Weald AONB, where development would normally be restricted under the relevant Local 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. The fact that development of the site has previously been deemed acceptable also diminishes the weight further. In addition, it has been identified that there will be some exceedance of noise levels to amenity areas associated with the new properties and the back-to back relationship in relation one specific plot is less than would normally be expected. It is considered that these issues should be considered as minor adverse impacts.

There will however be a neutral impact in respect of a number of issues such as highways, drainage, ecology and infrastructure.

The proposal is therefore deemed to comply with the requirements of Policies B1, B3, B7, B23, C5, H4, T4, T5, T6, CS13 and G3 of the Mid Sussex Local Plan and policies DP18, DP19, DP24, DP36, DP37 and DP41 of the Submission Version District Plan 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 impacts of the scheme on the AONB and future residential amenity, officers conclude the balance falls in favour of supporting the scheme. That is because, as per the para 14 balancing exercise, it is considered that this proposal would not result in significant and demonstrable harm that would outweigh the benefits of providing what

would be a contribution to the Council's current housing supply. 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.

2. 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 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 and Policy DP24 of the Submission Version District Plan 2014-2031.

3. 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 Policy T6 of the Mid Sussex Local Plan and Policy DP19 of the Submission Version District Plan 2014-2031.

4. No development shall take place unless and until details of the layout and specification of and construction programmes for the roads, footpaths and casual parking areas, the foul and surface water drainage and means of disposal have been submitted to and approved by the Local Planning Authority. No house shall be occupied until it is provided with access constructed in accordance with such approved details to the established highway network.

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

5. 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.
- Scheme to minimise dust emissions from the site

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety and to accord with Policies B3 and T4 of the Mid Sussex Local Plan and policy DP19 of the Submission Version District Plan 2014-2031.

6. No development shall take place until details of proposed screen walls/fences and/or hedges have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences or hedges associated with them have been erected or planted.

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

7. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance 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. 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 Submission Version District Plan 2014 - 2031.

8. No phase of development shall take place until details of existing and proposed ground and building levels for that phase have been submitted to and approved in writing by the local planning authority, and development shall 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 and to accord with Policy B1 of the Mid Sussex Local Plan and Policy DP24 of the Submission Version District Plan 2014 - 2031.

9. No development shall take place until a scheme showing the means of complying with the summary recommendations of the Engain Ecological Appraisal dated the 24th March 2017 have been submitted to and approved in writing by the local planning authority. The scheme shall only be carried out in accordance with the approved details.

Reason: To protect the ecological value of the site and to accord with Policy C5 of the Mid Sussex Local Plan and Policy DP37 of the Submission Version District Plan 2014 - 2031.

10. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with Policy CS21 of the Mid Sussex Local Plan.

11. The development hereby permitted shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (10)c that any remediation scheme required and approved under the provisions of conditions (10)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (10)c.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with Policy CS21 of the Mid Sussex Local Plan.

12. 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 building(s)/extension(s) 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 and Policy DP24 of the Submission Version District Plan 2014 - 2031.

13. Prior to the commencement of the development hereby permitted, a scheme for protecting the proposed development from noise, that implements the measures (additional screening, glazing specification and mechanical ventilation) described in Section 6 of the Hodkinson acoustic report, reference Handcross Phase 2, dated 17 Mar 2017 shall be submitted and approved in writing by the Local Planning Authority.

No specific dwelling, which is identified within and forms part of the approved scheme, shall be occupied until the specific measures with the approved scheme associated with that dwelling have been installed. The dwelling shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of future occupiers and to comply with policies B3 and B23 of the Mid Sussex Local Plan.

14. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls and roofs of the proposed swellings 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 and Policy DP24 of the Submission Version District Plan 2014 - 2031

15. 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 CDP05 of the Neighbourhood Plan and Policy DP24 of the Submission Version District Plan 2014-2031.

16. No dwelling shall be occupied until the car parking spaces serving the respective dwelling have been constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated use.

Reason: To ensure adequate parking provision is provided for properties and to accord with Policy T5 of the Mid Sussex Local Plan and Policy DP19 of the Submission Version District Plan 2014-2031.

17. 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 and to accord with Policy B3 of the Mid Sussex Local Plan.

18. No external lighting of any areas outside the private curtilage of individual properties shall be installed except in accordance with details that have first been approved in writing by the local planning authority.

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

19. 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 Applications".

Reason: For the avoidance of doubt and in the interest of proper planning.

INFORMATIVES

1. 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

APPENDIX B – CONSULTATIONS

MSDC Urban Designer

The scheme is acceptably laid-out in respect of the mature trees and central open space in phase 1; the arrangement and design of the terraced houses also work well. However the design of the blocks of flats and spaces around them has now been improved. For these reasons, I withdraw my objection to this application in its current form but would recommend conditions are included requiring the following information to secure the design quality:

- 1:20 scale drawings of the contemporary detailing, including the entrance doors / canopies and flat-topped projecting bays
- Detailed drawings showing the design and integration of the roof-top solar panels
- The configuration and design of flat block 3 and 4
- Details of the facing materials
- Detailed landscape plan including boundary treatments.

Layout

The layout works well in the following respects:

- Plots 78 and 94 features return elevations that address their corner positions and appropriately face the mature trees and open space located in phase 1.
- The terraced houses and their threshold parking benefit being formally organised as a consistent / mirrored grouping, with the thresholds incorporating a regular run of trees and soft landscaping.
- The area around the blocks of flats has been re-designed with a larger grassed threshold around block 4 which is now consistently aligned in parallel with the front elevation and garden boundaries of 81 and 91, and the re-positioned car parking has enabled the hard-standing to be reduced.
- The interior of the blocks have been reorganised so all the principal rooms face eastwards and not onto the busy A23.
- The Bramble house types on plots 95 and 96 have been re-configured as detached houses, which allows plot 95 to have a return frontage facing the open space on the north east side

However, I still have the issues with the blocks of flats. The parking area to the south still has limited natural surveillance from block 4, with only a small landing window, and the relative absence of windows still makes it appear like a dead-hand. Furthermore the double windows on the north elevation of block 4 and south elevation of block 3 directly face/overlook each other, and the adjacent balconies also directly overlook each other. These issues can be resolved by handing block 4 which would enable the flank living room windows to face / overlook the car park and benefit from the southerly orientation (the proximity of the bin store may though necessitate omitting the ground floor window). The re-positioned balconies will also more satisfactorily punctuate the end of the building

and the hierarchy of the building is better served with the boarding articulating the balconies rather than the stairwell. As with block 5 (on phase 1), I would also recommend that the 2 blocks are conjoined to act as a sound barrier, as there is no need for windows facing brick walls, and it will allow much-needed defensible space to give some protection to the north aspect of the ground floor flat on block 3.

Elevations

The white weather-boarded treatment of the block of flats makes it stand-out particularly in relation to the black boarding of the Meadow house types, and I think this would be better with the black finish. I also have concerns about the solar panels on the roof of all the blocks; unless an integrated system is used, these could look clumsy and prominent.

Taken alone, the houses on plots 78-81 and 91-96 are generally well articulated and benefit from a consistent grouping. The ground floor projecting window bays and canopies are well employed (notwithstanding the over-reliance on this approach on phase 1).

The steeper pitch on the Meadow house types makes them better proportioned and allows them to conceal the predominantly blank gabled flanks on plots 79 and 83.

The front elevation of the semi-detached Darwell on plots 76-77 has been improved with the incorporation of larger windows on the gabled front projection and the smaller windows in the recessed part of the frontage.

Mid Sussex Design Review Panel

The Panel liked the layout and agreed that it had progressed since the pre-application stage. Unfortunately the quality of the house design was disappointing, and characterised by the usual ubiquitous watered-down version of the traditional vernacular. The different gable pitches were a particularly incongruous element.

The two different "character areas" need to be more different; they are too reliant on varying the facing materials.

The panel would like to see a more overt contemporary approach in the southern part of the site. Some parts of the precedent images (on the Park Edge character area slide) show how contemporary detailing can combine well with a traditional building profile (i.e. with pitched roofs) to create a more distinctive design and avoid tired pastiche forms.

Overall Assessment

Support subject to changes that address the above comments and the revised building designs being acceptable to MSDC's Urban Designer

MSDC Housing

The applicant is proposing a development of 21 dwellings on Phase 2 of this scheme which gives rise to an onsite affordable housing requirement of 6 units (30%). It is agreed that our policy requirement in relation to a tenure split of 75% rented and 25% shared ownership will be met across the combination of both this application and Phase 1 of the scheme (DM/17/1329). The affordable housing on Phase 2 will consist of 6 x 2 bed flats for shared ownership. Consideration has been given to the location of the affordable units in relation to those provided on Phase 1, achieving a satisfactory level of social integration across both Phases.

MSDC Drainage

I have had a number of conversations with the Ardent Engineers for this proposed development and my concerns regarding the drainage strategy for this site.

It has been shown that there will be a significant delay within the system from when rain falls onto the site to when it reaches the final discharge point at the end of the conveyance swale. So for the lower intensity, higher frequency, rainfall events there should have no notable impact. Additionally, the higher intensity but less frequent storms will show a clear reduction in run-off from the site. And this is acceptable.

The position of the proposed conveyance swale has been adjusted to ensure flow.

Due to the constraints from the awkward topography of the site, root protection areas, and the need for attenuation, the only appropriate position for the attenuation tank would be the green area central to the site and prior to the existing watercourse.

Adoption of foul drainage on the site should be possible alongside the formal adoption of the roads. Southern Water have identified available capacity within the local system to accommodate foul flow from the proposed development. A Section 98 Sewer Requisition application has been initiated with Southern Water, with final details to be agreed at detailed design stage.

It has been acknowledged that an Ordinary Watercourse Consent (OWC) application will be made with MSDC at the detailed design stage.

MSDC Tree and Landscape Officer

Having reviewed the submitted documents, I can confirm I am largely satisfied with the proposals, however; Plots 078 and 094 will need to be placed slightly further back to enable adequate growth provision to be made for the newly planted trees.

MSDC Contaminated Land Consultant

It is noted that the outline planning permission 12/04032/OUT granted under appeal AP/13/0039 includes a condition relating to contaminated land, however it is considered that the wording of the condition is unachievable. As such, given the sensitivity of the proposed end use, and the potentially contaminative historic uses within the vicinity, we request that the following conditions relating to contaminated land are placed on any permission granted under this application:

(i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:

a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;

and unless otherwise agreed in writing by the LPA,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.

(ii) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has

been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (i)c.

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

MSDC Environmental Protection

This development is close to the A23 trunk route and traffic noise is significant at the site. The acoustic report submitted by Hodkinsons is noted and its conclusions accepted. It recommends a scheme of mitigation comprising acoustic barrier fencing, upgraded glazing and mechanical ventilation to allow windows to remain closed to meet recommended noise levels. Even with mitigation, outdoor amenity space will slightly exceed the upper guideline noise levels at some locations and although this in itself is not necessarily a reason for refusal, it should be considered when balancing the need for housing against other factors. Accordingly, 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.

- Prior to the commencement of the development hereby permitted, a scheme for protecting the proposed development from noise, that implements the measures (additional screening, glazing specification and mechanical ventilation) described in Section 6 of the Hodkinson acoustic report, reference Handcross Phase 2, dated 17 Mar 2017 shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents.

WSSC Highways

The Local Highway Authority are aware that a separate reserved matters application (DM/17/1329) is under consideration covering those detailed matters forming part of the outline consent 12/04032. Comments made here relate only to the 21 dwellings proposed to replace the 60 bed care home approved as part of the outline consent.

The application is supported by way of a transport statement. This reviews the highway consequences of the development now proposed. In terms of traffic, whilst the proposed residential units would give rise to additional trips in the network peak hours compared

with approved care home, evidently the increases are not significant. Any additional trips would quickly disperse across the local highway network.

The proposed units are to be accessed in the same way as the approved care home, namely via the approved residential development. The principle of this arrangement is acceptable. The overall acceptability of the accesses within the site should be determined holistically as part of the reserved matters application presently under consideration; this especially relevant to this application given that the proposed units can only be accessed via the wider development site. The various accesses are noted as being outside the red edging for the current application in any case.

A Stage One Road Safety is also provided with the current application. Given that this reviews the wider site, again, this should be considered as part of DM/17/1329.

The only comment regarding the layout of the proposed 21 dwellings, is the awkward angle of the parking spaces shown for plot 95. This is not ideal and would result in vehicles manoeuvring in the access that serves a number of other dwellings. Consideration should be given to altering the layout of these spaces.

It's noted that parking has been considered for the site as a whole. As the proposed 21 dwellings cannot be brought forward independently (these are entirely reliant upon access through the adjoining development), considering the parking in this way is accepted. It appears that no unallocated parking spaces are proposed as part of the 21 dwellings. Should these units not be provided, they would not unduly affect parking provision across the wider site.

Whilst there is no overall objection to the principle of the proposed development, consideration should be given to the altering the layout of the parking spaces for plot 95.

Southern Water

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.

The proposed development is some distance from the nearest public foul sewer. The applicant should assure himself that he has adequate rights to utilise the intervening private drainage systems. Otherwise the connection to the public sewerage system could be requisitioned under the terms of the Water Industry Act.

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 Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to soakaways/swales.

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."

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.

Gatwick Airport

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 30th August 2017

WARD MEMBERS: Cllr Chris Hersey / Cllr Linda Stockwell /

CASE OFFICER: Mrs Joanne Fisher

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

Outline planning permission is sought for the erection of 43 (one, two, three, four and five bedroom) dwellings and three self / custom build plots (use class C3) with associated infrastructure, landscaping and access at land to the East Of High Beech Lane / land north of Barrington Close, Lindfield. Matters for consideration at this outline stage relate to access with all other matters (appearance, scale, landscaping and layout) reserved at this stage.

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).

The Council's district plan is at an advanced stage and the Council believes that it has established a 5-year supply through this process. However, as this position remains subject to the Inspector's Final Report, the Council is not able to fully rely on this position at the present time. This means relevant policies for the supply of housing should still be regarded as not up-to-date (paragraph 49 NPPF). In these circumstances paragraph 14 of the NPPF and the presumption in favour of sustainable development applies.

This 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.

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 up to 46 new houses 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 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.

There would also be a limited adverse impact on the landscape as a result of the proposed development on a greenfield site but this is an inevitable outcome of building on an undeveloped site.

There will however be a neutral impact in respect of a number of issues such as drainage, sustainability, preserving the character of the area, not significantly affecting neighbouring residential amenity and highway safety.

The proposal is therefore deemed to comply with the requirements of Policies C1, C6, B1, B7, H2, H4, T4 and CS13 of the Mid Sussex Local Plan, Policies DP5, DP10, DP19, DP24, DP28, DP29, DP36, DP37 and DP41 of the submission District Plan 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 landscape and the character of the area, Officers conclude the balance falls in favour of supporting the scheme. That is because, as per the para 14 balancing exercise, it is considered that the limited adverse impacts would not significantly and demonstrably outweigh the benefits of providing what would be a contribution to the Council's housing supply. Planning permission should therefore be granted.

RECOMMENDATION

It is recommended that planning permission be approved subject to the completion of a S106 Legal Agreement to secure affordable housing and infrastructure contributions and the conditions set in Appendix A.

SUMMARY OF REPRESENTATIONS

1 letter of SUPPORT - proposed access will include traffic calming measures which will benefit users of junction of By Sunte.

1 letter of COMMENTS - regarding the design of the access onto High Beeches Lane.

80 letters of OBJECTION received concerning the following points:

- Geological nature of site of underground springs and displacement of ground water upon neighbouring properties and subsidence;
- Dangerous entrance near to Golf Club;
- Significant negative impact on traffic and road safety;
- Safety of pedestrians leaving / walking on High Beeches Lane as it is a dangerous and busy road;
- Exacerbate existing flood risk on land south of site;
- No housing need;
- Contrary to Lindfield adopted Neighbourhood Plan which excludes development beyond the built up area;
- Violates the District Plan as not allocated in the Neighbourhood Plan;
- No benefits to development under the 3 dimensions to sustainable development;
- Adverse impacts would significantly and demonstrably outweigh any benefits of scheme;
- Unsuitable location;
- Potential for further greenfield development which will result in precedent for development into farmland to east and north as well as Golf Club to west;
- Loss of vegetation and change character of area;
- Change to area and urbanisation along High Beeches Lane;
- Creeping suburbanisation;
- Additional traffic and impact on access to Lindfield and Haywards Heath;
- Visually intrusive;
- Risk of flooding;
- Pressure on local community and infrastructure already under huge strain;
- Static pond at lower end of site would be a breeding ground for insects and vermin during summer months;
- Risk of blockages and overflow of surface water routed through Portsmouth Wood Close;
- Ground surrounding unstable and suffers from subsidence;
- Lacks access to buses and would encourage more car flow;
- Problems of parking in and around village;
- Field is home to variety of animals and birds which would destroy wildlife habitats;
- Planning Inspector concluded site should not be permitted for development in 1988 and 2003;
- Level of site is higher than surrounding houses resulting in loss of privacy, overlooking and new development would be visually overbearing;
- Lindfield has taken its fair share of building in recent years;
- Infilling would damage Wealden character of the area;
- Loss of rural outlook provided by field;
- Extend village further northwards;
- Destroy character of area by additional housing, lighting, pedestrian access and traffic;
- No alternative transport proposals for development - far from local amenities;

- Threat to woodland and protected trees;
- Abuts Ancient Woodland;
- Does not address needs of community;
- Noise and dust pollution/disturbance of construction and after completion;
- Lack of pedestrian walkways along road past Golf Course;
- Drainage and flooding survey still incomplete and does not include impact of potential increased water-run off down Portsmouth Wood Drive;
- Further change and urbanisation of site.

SUMMARY OF CONSULTATIONS

(Full responses from Consultees are included at the end of this report as Appendix B)

WSSC Highways Authority

No objection subject to conditions.

WSSC Planning Officer

Contributions required by formula in relation to school infrastructure contribution, library infrastructure contribution and transport (TAD) contribution.

Landscapes Consultant (East Sussex County Council)

It is recommended that the proposed development can be supported subject to the detailed design and full implementation of tree protection measures and the illustrated landscape strategy.

Ecology Consultant (Calyx Environmental Ltd)

No biodiversity policy grounds for refusal or amendment. Condition recommended.

Heritage Consultant (Surrey County Council)

No objection subject to condition.

MSDC Planning Policy

No objection.

MSDC Urban Designer

Observation and initial comments on the layout only.

MSDC Drainage

No objection subject to conditions.

WSCC Flood Risk Management

No objection subject to conditions.

MSDC Housing Officer

No objection.

MSDC Leisure Officer

Leisure contributions of the following required as part of the development:

- Children's playing space - provision of a LEAP on site and full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition.
- Formal Sport - contribution of £45,725 is required toward pitch drainage at Hickmans Lane Recreation Ground.
- Community Buildings - contribution of £19,862 is required to make improvements to the King Edward Hall in Lindfield.

MSDC Tree Officer

No objections.

MSDC Environmental Protection Officer

No objections subject to conditions.

MSDC Contaminated Land Officer

No objection subject to condition.

MSDC Street Name and Numbering Officer

Informative.

Sussex Police

No detailed comments to make at this stage.

LINDFIELD RURAL PARISH COUNCIL OBSERVATIONS

(Full response from Lindfield Rural Parish Council is included at the end of this report as Appendix B)

The Parish Council strongly objects to this application on the following grounds:

The proposed site is outside the current built up area boundaries of recognised settlements. The application is in contradiction to the Lindfield and Lindfield Rural Neighbourhood Plan and MSDC planning policies. The site is unsuitable due to drainage and stability issues and is unsustainable due to access to the site and distance from available services resulting on reliance on car travel.

Access and Transport

The site is located in a sunken rural lane, overhung by large trees. As it is the exit from Lindfield Village/ Haywards Heath travelling towards Ardingly traffic is fast moving despite the restrictions, visibility is poor and there are no footpaths to the site. Should a footpath be constructed, due to the steep gradient and bends in the road walking would be hazardous at best; and use by those less abled or using mobility scooters would be challenging, if not impossible.

The creation of a wide access road to the site from High Beech Lane will be out of keeping with the rural aspect of the Lane and its location, leading to urbanisation of the area. Despite the suggestions of "improvements" to the access it will still be onto a narrow Lane with poor visibility and no street lighting. If lighting were introduced this would lead to urbanisation of the countryside area and light pollution. The removal of the "drove way" banks and trees will destroy the rural character forever creating an urbanisation sprawl.

Affordable Housing

The previous West Sussex County Council response made it clear that currently there is no spare capacity at primary/secondary schools within the catchment area. It was suggested that contributions should be made to Northlands Wood Primary school which may accommodate pupils with expansion (not in Lindfield). Northlands Wood Primary School is located at Beech Hill in Haywards Heath. This school is 2.6 miles (4.2km) distant from the site; a ten-minute drive (additional traffic permitting), or an hour walk for small children.

The local doctor's surgery also is full to capacity, travel to Northlands Wood Surgery would be necessary.

Therefore, the easily accessed services, which it is indicated may be reached on foot are not in fact accessible. This would have particular impact on residents in social housing who are likely to be on lower incomes and unable to afford or would be disadvantaged by the cost of travelling to essential services.

National Planning Policy Framework (NPPF)

The proposal will not contribute to the achievement of sustainable development in the area in accordance with the NPPF guiding principles relating to economic, social and environmental impact.

LINDFIELD PARISH COUNCIL OBSERVATIONS

(Full response from Lindfield Parish Council is included at the end of this report as Appendix B)

The Parish Council concludes that the proposal is not sustainable, not least by the lack of local infrastructure, which as stated above, cannot be mitigated by money. There are no substantive or economic benefits from the proposal, and any there are will merely be transient, such that they should carry very limited weight. There are no social benefits, as apart from an element of so called affordable housing, it will merely add to the supply of expensive middle and high earner large detached properties in this part of West Sussex. It will simply add to Haywards Heaths growing reputation as a dormitory /commuter town. There are evidently no environmental benefits, as clearly set out above. It is therefore clear on any objective analysis, that the adverse impacts of approving the application, significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. **The application should therefore be refused.**

Introduction

Outline planning permission is sought for the erection of 43 (one, two, three, four and five bedroom) dwellings and three self / custom build plots (use class C3) with associated infrastructure, landscaping and access at land to the east of High Beech Lane / land north of Barrington Close, Lindfield. Matters for consideration at this outline stage relate to access with all other matters (appearance, scale, landscaping and layout) reserved at this stage.

Relevant Planning History

The site was considered as part of the Councils Small Scale Housing Allocation Development Plan Document (DPD) (2006). However, due to inadequate consultation in relation to sustainability appraisal, the site was not considered suitable to be included in the DPD. Notwithstanding this, the Inspectors report noted that the site does have merits for development as existing built development backs on to the land on three sides and there are protected trees along the southern and western boundaries screening the site from most public views. In addition the Inspector considered that the site is little visible in the wider landscape of the countryside and its containment would significantly mitigate the visual impact of any built development

The site has recently been assessed in the 2016 Strategic Housing Land Availability Assessment (SHLAA) (site 151). The SHLAA is a comprehensive study of the availability, suitability and likely viability of land to meet the identified need for housing. It forms part of the evidence base and background information to inform the preparation of the Mid Sussex Local Development Framework. This is a background paper only and it is not a statement of Council policy and does not allocate land. Once completed, it will form a key part of the evidence base for the Council's development plan documents and will be used to help inform judgements on the future development and the allocation of land for housing.

The assessment of this site within this 2016 SHLAA indicates that it is suitable for development as it is well related to the existing built up area boundary and is enclosed by built development on three sides. It considers that development would have a limited impact on surrounding countryside. In addition, it considers that the site relates fairly well to existing services and facilities, however without a footpath link through Portsmouth Wood Close, the site will be less accessible to these services. The SHLAA identifies that the site would require allocation through relevant Neighbourhood Plan or DPD. However, the site has not been identified as an allocated site in the made Lindfield and Lindfield Rural Neighbourhood Plan which does not allocate any sites for development.

Outline planning permission was recently withdrawn under reference DM/16/2333 for the erection of 49no. one, two, three, four and five bedroom dwellings (use class C3) with associated infrastructure, landscaping and access. All matters to be reserved apart from access. This application was withdrawn following officer concerns in relation to the impact on the character of High Beeches Lane through the loss of trees and vegetation and drainage issues.

Site and Surroundings

The site itself is a field with vegetation and trees on the boundaries with further fields to the north. The site slopes to the west and south, with a significant change in levels with the dwellings beyond the site at a lower level.

The proposed access is to be from High Beeches Lane. This is a classified 'C' road which retains a rural character with trees and vegetation along the highway. The land to the east of this lane is set at a higher level and currently forms fields.

The site is situated on the edge of the development boundary of Lindfield and on the edge of existing housing development to the eastern, western and southern boundaries. These dwellings are set at a lower level and have vegetation on their boundaries. A number of the trees on the southern and western boundaries are subject to Tree Preservation Orders.

The site is contiguous with the development boundary of Lindfield on part of the eastern and western boundaries and along the whole of the southern boundary of the site.

The application site is situated within the Countryside Area of Development Restraint as defined in the Mid Sussex Local Plan.

Application Details

Outline planning permission is sought for the erection of up to 43 one, two, three, four and five bedroom dwellings and three self / custom build plots (Use Class C3) with associated infrastructure, landscaping and access at land to the east of High Beech Lane / land north of Barrington Close, Lindfield. All matters to be reserved except for access.

Matters for consideration at this outline stage relate to access with all other matters (appearance, scale, landscaping and layout) reserved at this stage.

Plans show that the development will be accessed off High Beeches Lane to the north-west of the site and will form a long access road set within a parkland setting. The access will remove minimal trees and vegetation currently along High Beeches Lane and the development would incorporate further tree and vegetation planting from the access along the new vehicle driveway into the development.

As part of the development, the proposal is to provide 3no self / custom build dwellings. The Government requires Local Authorities to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding as set out in the Self-build and Custom Housebuilding Act 2015. The Agent has identified that there is a clear need for self/ custom build plots to be provided for within the District as there are currently in excess of 300 individuals / association on the Councils register.

An illustrative masterplan has been provided as part of the scheme. However, this is not a material consideration as this application is only looking at the principle and means of access of the development. Notwithstanding this, the illustrative plan shows that this development could be accommodated within the main field to the east of Portsmouth Wood Close with development set within an estate style development with one vehicular access into the site from High Beeches Lane set within a parkland setting with further tree and vegetation screening around the highway and also the northern boundary of the site.

The application has been accompanied with the following supporting documents:

- Design and Access Statement;
- Planning Statement;
- Sustainability and Energy Statement;
- Transport Statement;
- Phase 1 Habitat Survey & Protected Species Report;
- Tree Survey, Arboricultural Impact Assessment and Method Statement;
- Flood Risk Assessment;
- Flood Risk and Surface Water Run-Off Assessment;
- Affordable Housing Statement;

- Archaeological Desk Based Assessment;
- Ground Investigation Report;
- Phase II Ground Investigation Report;
- Self / Custom Build note; and
- Utilities Statement.

List of Policies

Mid Sussex Local Plan

G1 - Sustainable Development)
 G2 - Sustainable Development)
 G3 - Infrastructure Requirements)
 C1 - Countryside
 C6 - Trees, Hedgerows and Woodlands
 B1 - Design
 B3 - Neighbouring Amenity
 B4 - Energy and Water Conservation
 B7 - Trees and Development
 H2 - Density and Dwelling Mix
 H4 - Affordable Housing
 T4 - New Development
 T5 - Parking Standards
 T6 - Cycle Parking
 CS13 - Land Drainage

Neighbourhood Plan

The Lindfield and Lindfield Rural Neighbourhood Plan is a 'made' plan. It carries full weight in the determination of planning decisions.

Relevant policy:

Policy 1 - A Spatial Plan for the Parishes

District Plan

The Submission District Plan 2014 -2031 was submitted for Examination on the 17 August 2016 and the Examination hearings have taken place. In his concluding comments to the District Plan Examination on 26th July 2017, the Inspector considered that there were grounds to proceed with adoption of the District Plan.

There now follows a transitional period before the District Plan is formally adopted, anticipated January 2018. Before adoption, further work related to Sustainability Appraisal and the Habitats Regulations must be completed, and the District Plan will be

subject to consultation on the Main Modifications that are required in order to make the plan sound.

Relevant policies include:

- DP5 - Housing (Little weight)
- DP10 - Protection and enhancement of countryside (Significant weight)
- DP19 - Transport (Little Weight)
- DP24 - Character and Design (Little Weight)
- DP27 - Noise, Air and Light Pollution (Some weight)
- DP28 - Housing Mix (Little Weight)
- DP29 - Affordable Housing (Little Weight)
- DP36 - Trees, Woodlands and Hedgerows (Some weight)
- DP37 - Biodiversity ((Some weight)
- DP41 - Flood Risk and Drainage (Some weight)

National Policy and Legislation

National Planning Policy Framework (NPPF) (March 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:

Para 187 states that 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.

National Planning Policy Guidance

Technical Housing Standards

Assessment (Consideration of Key Issues)

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- The principle of development;
- Highways;
- Impact on the character of the area;
- Ecology and trees;
- Drainage and flooding;
- Impact on amenities of surrounding occupiers;
- Infrastructure;
- Ashdown Forest;
- Whether the proposal would be sustainable development; and
- Planning Balance and Conclusion.

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), and the Lindfield and Lindfield Rural Neighbourhood Plan.

The National Planning Policy Framework (NPPF) is a material consideration. 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."

The Council's district plan is at an advanced stage and the Council believes that it has established a 5-year supply through this process. However, as this position remains subject to the Inspector's Final Report, the Council is not able to fully rely on this position at the present time.

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 this local plan policy, 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 and due to the fact that the Neighbourhood Plan does not allocate any sites.

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 currently applies as the Council cannot demonstrate a 5 year supply of deliverable housing. The approach that must be taken is that the development is assessed against paragraph 14 to see whether any adverse impacts of granting consent would significantly and demonstrably outweigh the benefits of doing so. The weight to be given to saved policies of the MSLP will need to be assessed against the degree of conformity with the NPPF.

In light of the above, this development must be assessed against the 3 limbed definition of sustainable development at paragraph 7 of the NPPF. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 14 balance. If however the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused.

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 14 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.

Assessment of main issues

Access, Parking and Impact on Highway Safety

Paragraph 32 of the National Planning Policy Framework states:

"All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit 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."*

In addition, Policy T4 of the Local Plan seeks to ensure that all new development do not cause an unacceptable impact on the local environment in terms of road safety and increased traffic. Policy T5 seeks to ensure that adequate parking is provided in relation to development proposals. A similar aim is in policy DP19 of the MSDP.

The proposed access into the site is to the north-west of the main development area, accessed via a new priority junction onto High Beeches Lane. The posted speed limit in the vicinity of the access is 30mph. For non-motorised road users, two access points are proposed; one adjacent to the proposed access road onto High Beeches Lane and another onto Portsmouth Wood Close. There are currently no footways along High Beeches Lane in the immediate vicinity of the access onto this. Further works are shown within the highway to provide a link to the existing footway on the western side of the High Beeches Lane by the Golf Club. This route then continues southwards. The Portsmouth

Wood Close pedestrian access is indicatively shown as a ramped arrangement due to the level differences between the site and the Close which are substantial.

A scheme of traffic management is proposed on High Beeches Lane in the vicinity of the proposed vehicular access. These details comprise improved gateway features (signing and lining) for the start of the 30mph speed limit and a vehicle activated sign on the southbound approach to the proposed access. The measures as detailed, would need to be secured as a s106 obligation and delivered by the applicant as a s278 agreement.

The Highways Authority has not raised any objections to the application proposal subject to conditions. In their detailed comments, they conclude that *"the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. The LHA are satisfied that based on the information presented that a severe impact would not result from this development."*

Concerns have been raised by residents over the increase in traffic and vehicle movements. It is considered that the development would not result in an unacceptable impact in highway safety. Whilst the development would generate additional traffic on the local highway network, the Highways Authority considers that vehicle movements will quickly disperse and be negligible in relation to existing background traffic.

The NPPF seeks to encourage development in sustainable locations. The NPPF however acknowledges opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The site is on the edge of the built-up area. Understandably this influences walking and cycling times to nearby services. There are still services within reasonable walking and cycling distance. There are also continuous footways on key routes towards local services. It is therefore considered that the site is within a relatively sustainable location due to its proximity to the development boundary of Lindfield.

Consequently the application is deemed to comply with Policies T4 and T5 of the Mid Sussex Local Plan, Policy DP19 of the Draft District Plan and the aims of the NPPF.

Impact to the character of the area

The site falls outside of the built up area (within the countryside). One of the core planning principles of the NPPF is to *"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 within it."* It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area.

The site currently consists of two fields with trees and vegetation on the boundaries. The land slopes to the south and also to the west. To the east, west and south of the site is residential estate development and the development boundary of Lindfield. In addition, to

the north-west is High Beeches Lane which is the main highway leading from Lindfield to Ardingly. This is of a verdant nature. Opposite the proposed access is Haywards Heath Golf Course which is screened by trees and vegetation. The access to the Golf Course is on the opposite side of the lane to the application site set to the south of the proposed access. The access to the Golf Course consists of a brick wall to either side of the access and a wide access to accommodate two vehicles.

The site falls outside of the High Weald Area of Outstanding Natural Beauty. However, it sits within the High Weald Fringes Landscape Character area 10, as defined by the Mid Sussex District Landscape Character Assessment (2004). The key characteristics of this area which are relevant to the site are:

- Densely-wooded southern flanks of the High Weald Forest Ridge, dissected gentle gill streams draining west to the River Adur and east to the River Ouse. Includes the settlements of Cuckfield, Haywards Heath and Lindfield.
- Significant woodland cover, a substantial portion of it ancient, and a dense network of shaws, hedgerows and hedgerow trees.
- Pattern of small, irregular-shaped assart fields and larger fields, and small pockets of remnant heathland.
- Some busy lanes and roads including A and B roads bounding the area to the west, and other roads crossing north to south.

The site has characteristics which are typical of the High Weald AONB landscape and in particular the small irregular shaped fields with well-defined and wooded field boundaries. Notwithstanding this, the site is not considered to be valued landscape in the context of the NPPF. In addition, the character of High Beeches Lane is of a rural sunken lane enclosed by dense tree cover.

It is acknowledged that the proposed access will change the character of the lane in this location and would have a suburbanising effect. However, it would also be seen in close proximity to other accesses along the lane to the south and the entrance to Haywards Heath Golf Course. The proposed access onto High Beeches Lane would require the removal of some trees to accommodate the access road and sight lines. In order to mitigate the impact of the access from both the highways and through the existing field leading to the proposed housing development additional planting is proposed. As such it is considered that whilst there would be a change to the character of the lane through the formation of a new access, its environmental harm will be limited through additional planting proposed. Therefore, it is considered that High Beeches Lane will still retain its verdant character in the vicinity of the site.

The proposed landscape strategy would provide an opportunity to create new parkland to the north west of the site with the benefit of public open space. The woodland associated with this will provide a well-defined edge between the proposed development and countryside to the north. If the development were to be approved a long term management plan should be required as a condition in order to conserve and enhance the existing trees and woodland and any new planting in perpetuity. This should include

positive management and replanting where necessary of the trees to be retained on either side of the access onto High Beeches Lane.

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. This landscape impact is limited. The Council's Landscape Consultant has considered the application and supports the development subject to the detailed design and full implementation of tree protection measures and the illustrated landscape strategy.

The development would form an in-fill to the current built-up area of Lindfield which is set around the site between Portsmouth Wood Close to the west, Portsmouth Wood Drive and Barrington Close to the south and also Savill Road to the east. The site is contiguous with the existing development boundary and would result in a suitable extension to the settlement of Lindfield and create a defensible northern boundary to the settlement. Due to the levels of the land further to the north of the site, wider views of the development would be limited and mitigated by the proposed planting.

As the application is for outline permission the precise design layout and details of hard and soft landscaping will be considered at the reserved matters stage. However, the illustrative plan indicates that the development would be screened on the northern boundary with the wider countryside by tree and vegetation planting.

The proposal is thereby considered to comply with Policy C1 of the Local Plan, Policy DP10 of the Draft District Plan, and the aims of the NPPF.

Ecology and Trees

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).

In respect of the policy context, para 109 of the NPPF highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible.

In addition, 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."*

Policy C5 of the Mid Sussex Local Plan, states development will only be permitted where the proposals minimise the impact on features of nature conservation importance and that the weight attached to nature conservation interests will reflect the relative significance of the designation.

The applicant has submitted a Phase 1 Habitat and Protected Species Survey Report to accompany the application. This identifies that the site has potential for nesting birds, hedgehogs, badgers and bats and that Dormice have been recorded using the hedgerows close to the site. A single grass snake was recorded during the reptile presence/likely absence survey indicating that the site supports a low population of the species. Great crested newt surveys were found to be absent from the only pond within 250m of the site and the site is considered to be unconstrained by the species. It concludes that the new formal landscaping scheme within the development footprint will protect and enhance the existing hedgerows and provide a mosaic of habitats which will be valuable to local wildlife. In addition the proposal will result in an increase in variety of habitats on site post development.

The Council's Ecologist Consultant has considered the proposal. He has raised no objections to the proposal and considers that there are no biodiversity policy reasons for refusal, subject to the reserved matters application being supported by a number of details secured by a condition.

In respect of trees, to the western and southern boundaries of the site are a number of trees which are protected by Tree Preservation Orders. As the application is outline with all matters reserved except access, it is difficult to fully consider the impact on these trees. However, the illustrative plan shows that development would be set away from the boundaries. The full impact to the trees would need to be fully considered at any subsequent reserved matters stage.

In respect of the trees along High Beeches Lane, whilst there would be some trees removed, these are not subject to a Tree Preservation Order. The Council's Tree Officer has considered the application and raises no objection to the principle. He considers that the *"entrance from High Beeches Lane has been improved to allow further trees to be*

retained. Whilst it is regretted that these will be lost, the character of the area shall largely be retained thanks to mitigation planting ensuring the area adopts a woodland feel. This is also valuable for wildlife and carbon sinking."

Residents have raised concerns on the loss of Ancient Woodland. However, the site and its boundaries do not form part of Ancient Woodland. Therefore there would be no loss of such a habitat through this development.

It is thereby considered that the application complies with Policies C5, C6 and B7 of the Local Plan, Policies DP36 and DP37 of the draft District Plan, paras 109 and 118 of the NPPF.

Drainage and Flooding

The proposed development is within Flood Zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk. However, there are historic records of flooding occurring in this area.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to conditions. He advises that as this is an outline application that seeks approval of the principle of the proposed development, that *"it has been shown that the development can manage surface water run-off from the development without creating or exacerbating local flood risk."* Details of such drainage can be controlled by condition.

The Drainage Engineer notes that *"Under existing conditions, there is some flood risk associated to properties that abut the site. This appears to be as a result of the clayey ground conditions and the relatively steep incline of the site. The proposed development intends improve this situation by capturing surface water run-off and attenuating it on site for all storm events up to the 1:100 year storm plus an extra 40% capacity for possible climate change. This means that the existing properties that abut the site will be less likely to flood after the proposed development."*

It is therefore considered that the proposal is acceptable in terms of drainage. The proposal is thereby considered to comply with policy CS13 of the Local Plan and policy DP41 of the Draft District Plan.

Impact to the amenities of surrounding and future occupiers of the development

Policy B3 of the Mid Sussex Local Plan seeks to protect neighbour amenity and states:

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

As this application only seeks permission for the principle of the development and the means of access it is difficult to examine relationships with existing residents at this stage.

However, illustrative plans have been submitted for the proposal showing a potential layout of the development. These do not form part of the application and concerns are raised over this by the Urban Designer. The layout and scale are to be matters in relation to any subsequent reserved matters stage where this would need to be fully considered. Notwithstanding this, the illustrative plans show the development could be accommodated within the site without resulting in detriment to the neighbouring amenities on the eastern, western or southern boundaries.

However, these relationships would be considered further at any subsequent reserved matters stage.

Infrastructure / Affordable Housing

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:

Education (Primary) - formula

Education (secondary) - formula

Library - formula

Transport (TAD) - formula

District Council Contributions

Formal Sport: £48,675 (Hickmans Lane Recreation Ground)

Community Buildings: £19,862 (King Edward Hall, Lindfield)

Local Community Infrastructure Contribution: £25,866 (Lindfield Common car park re-surfacing)

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 up to 46 dwellings giving rise to a requirement for 14 affordable housing units (30%). The Councils Housing Officer is satisfied with the mix and tenure split of affordable housing that is to be provided. 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 32 market units, 3 of these are to be self / custom build.

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of significant effects. A screening assessment sets out the basis for this conclusion.

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, constitute 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 proposal would also result in financial contributions towards school infrastructure for Harlands Primary School and Oathall Community College, the extension of Haywards Heath Library, transport contributions on pedestrian, cycle and traffic safety improvements at the junction of Lewes Road and High Street, Lindfield; establishing a dedicated safe cycle route from Scaynes Hill to Lindfield and traffic calming works across Lindfield. In addition, there would be leisure contributions towards formal sport for pitch drainage at Hickmans Lane Recreation Ground and community buildings to make improvements to the King Edward Hall in Lindfield; as well as Local Community Infrastructure Contribution towards Lindfield Common car park re-surfacing.

The economic dimension is met by this proposal owing to the New Homes Bonus, the provision of construction jobs and an increased population likely to spend in the community.

The 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 up to 46 dwellings on the site will make a minor but positive contribution to the district's housing supply.

It is therefore considered that the development meets the social role of sustainable development.

The Environmental Role

The environmental role as set out in para 7 of the NPPF requires developments to contribute *"to protecting and enhancing our natural, built, and historic environment"*.

There is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. While there are clearly detailed matters that need to be carefully considered, for the purposes of this application it is considered that the proposal would result in a suitable extension to the settlement of Lindfield and create a defensible northern boundary to the settlement. Due to the levels of the land further to the north of the site, views of the development would be limited and mitigated by the proposed planting. As such, the development would not result in significant detriment to the character of the countryside and the wider area. Whilst the formation of the access on to High Beeches Lane will result in a suburbanising effect on the character of the lane, its impact will be minimised through the retention of trees and vegetation as well as additional tree planting to compensate for the loss of trees to the new access. This new access would also be seen in context with other accesses to the south of the site. As such it is considered that the access would seek to retain the verdant character of this lane and would not result in significant detriment to the character of the area.

It is therefore considered that the proposal satisfies the environmental dimension of sustainable development.

The NPPF makes it clear that the three dimensions to sustainable development are to be sought jointly and simultaneously. As the proposal is considered to fulfil all three of these roles for the reasons as set out above, it is considered that the proposal can be considered to be a sustainable development as defined by the NPPF.

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.

The Council's district plan is at an advanced stage and the Council believes that it has established a 5-year supply through this process. However, as this position remains subject to the Inspector's Final Report, the Council is not able to fully rely on this position at the present time. This means relevant policies for the supply of housing should still be regarded as not up-to-date (paragraph 49 NPPF).

In the light of para.59 of the 'Hopkins Homes' Supreme Court judgement mentioned above, the lack of a demonstrable land supply 'is enough to trigger the operation of the second part of paragraph 14' and the presumption in favour of sustainable development.

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 up to 46 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. In addition, the proposal will provide 3 self/custom build dwellings which is a requirement for Local Authorities as set out under the Self-build and Custom Housebuilding Act 2015. 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 local 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

There will however be a neutral impact in respect of a number of issues such as drainage, sustainability, preserving the wider landscape character of the area, not significantly affecting neighbouring residential amenity and highway safety.

The proposal is therefore deemed to comply with the requirements of Policies C1, B1, B7, H2, H4, T4 and CS13 of the Mid Sussex Local Plan, Policies DP5, DP10, DP19, DP36, DP37 and DP4 of the submission District Plan 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 landscape and the character of the area; Officers conclude the balance falls in favour of supporting the scheme. That is because, as per the para 14 balancing exercise, it is considered that this proposal would not result in significant and demonstrable harm that would outweigh the benefits of providing what would be a contribution to the Council's current housing supply. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. Approval of the details of the appearance, landscaping, layout and scale of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted must be begun either not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

2. Prior to the submission of the first reserved matters application(s) a site-wide phasing plan including the phasing of the self / custom build plots shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with this plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail.

Approved Plans

3. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

Pre-commencement conditions

4. No development shall take place, 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 Policy T4 of the Mid Sussex Local Plan and Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version .

5. No development shall commence until visibility splays of 2.4 metres by 70 metres have been provided at the proposed site vehicular access onto High Beeches Lane 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 Policy T4 of the Mid Sussex Local Plan and Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

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

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

7. Prior to development, of any phase, or any preparatory work and to support the Reserved Matters application, construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to, and approved in writing by, the local planning authority. The scheme as approved shall be operated at all times during the demolition/construction phases of the development.

Reason: To protect the amenity of local residents from dust emissions and to accord with Policy B3 of the Mid Sussex Local Plan and Policy DP27 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

8. Prior to development of each phase, or any preparatory work and to support the Reserved Matters application, by the following details shall be submitted:

- An updated ecological assessment of the detailed layout / reserved matters proposals and proposed measures to avoid /protect, mitigate and compensated for any significant impacts on wildlife and habitats during site clearance and construction;
- a lighting plan showing measures to be used to minimise light pollution of wildlife habitats and light sensitive species, including bats;
- detailed proposals for habitat enhancements and a long-term habitat management plan (which may be integrated with a landscape management plan), including details for provision of funding, monitoring, updating and identification of the organisation or other body responsible for its delivery

If, for any reason, there is a delay greater than 18 months between the date of this decision and the submission of the reserved matters application, the ecological details shall be supported by an updated ecological impact assessment report or evidence that there have been no significant ecological changes within the zone of influence.

The approved details shall be implemented in full, unless otherwise agreed in writing by the local planning authority.

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.

9. No phase shall commence, until the applicant, or their agents or successor in title, 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. The development shall only be implemented in accordance with the approved details.

Reason: In order to ensure that archaeological heritage assets will be conserved and properly recorded (as appropriate) before development and to accord with B18 of the Mid Sussex Local Plan.

10. Prior to the commencement of each phase the details of the proposed foul and surface water drainage and means of disposal for that phased shall be submitted and approved in writing by the Local Planning Authority. This includes details of the proposed method of surface water disposal and all supporting permissions and agreements of connection. No dwelling within that phase shall be occupied until such time as the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance 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. 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 Pre-Submission District Plan (2014 - 2031)

11. No phase shall commence 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 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 and Policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

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

13. No phase shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of materials and finishes to be used for external walls and roofs of the proposed dwellings have been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy B1 of the Mid Sussex Local Plan and Policy DP24 of the Pre- Submission Draft District Plan.

14. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The

remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: 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.

15. No phase shall commence until a landscape management plan for that phase, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to and approved in writing by the LPA. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the LPA. The scheme shall include the following elements:

- details on the conservation and enhancement of existing trees and woodland on the site;
- detail extent and type of new planting including that on either side of the access onto High Beeches Lane, (NB planting to be of native species);
- details of maintenance regimes;
- details of any new habitat created on site;
- details of management responsibilities

Reason: In order to conserve and enhance the existing trees and woodland and any new planting in perpetuity, and for the enhancement of the nature conservation value of the site and to accord with Policy C5 of the Mid Sussex Local Plan and Policy DP36 of the Pre- Submission Draft District Plan.

Construction Phase

16. 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 and to accord with Policy B3 of the Mid Sussex Local Plan and Policy DP24 of the Pre-Submission Draft District Plan.

17. No burning of demolition or construction waste material shall take place on the site.

Reason: To protect the amenity of neighbouring residents and to accord with Policy B3 of the Mid Sussex Local Plan and Policy DP24 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

Pre-occupation conditions

18. No dwelling shall be occupied until such time as a footway has been provided from the development to High Beeches Lane in accordance with plans and details submitted to and approved by the Local Planning Authority. Such details shall also include the provision of suitable dropped pedestrian crossing points across High Beeches Lane.

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

INFORMATIVES

1. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <http://www.midsussex.gov.uk/9276.htm> (Fee of £97 will be payable). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
2. 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.
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 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

APPENDIX B – CONSULTATIONS

Heritage - Surrey County Council

I have no change to make to my comments on a previous application for this site (DM/16/2333) of 29/06/2016, copied below for reference:

The Archaeological Desk-Based Assessment produced by CgMs Consulting and submitted with this application forms the first stage of the archaeological scheme of work necessary to safeguard any archaeology that may be present on the site. The Assessment concluded on the basis of the available information, that the archaeological potential was low, but also recognised that this conclusion was based on very limited archaeological investigation in the area. I would therefore more accurately describe the archaeological potential as 'unknown'. Particularly given this lack of archaeological research in the area, it is disappointing to note that there has been no analysis of aerial photographs, or LiDAR data as part of the production of the Assessment. Analysis of aerial photographs has the potential to reveal the presence of archaeological earthworks, and for this site I would have expected the Assessment to include a full review of those available.

Nonetheless given the potential for previously unknown heritage assets to be present on the site, that the site is of a significant size, and that the proposed development will lead to the destruction of any archaeological assets that may be present, in line with the National Planning Policy Framework and policy B18 of the Mid Sussex Local Plan, I recommend further archaeological work is required. In the first instance, the archaeological work should comprise an archaeological evaluation trial trenching exercise within those areas of the site where groundworks proposed as part of the development have the potential to impact on archaeological assets. This may include areas proposed for landscaping, parking, and access, as well as the area proposed for residential development. The evaluation will aim to establish rapidly what archaeological assets are and may be present, and the results of the evaluation will enable suitable mitigation measures to be developed. I will need to agree a specification for the evaluation before the trenching can begin.

Given that the Assessment does not indicate remains of a significance to warrant preservation in-situ on the site, I do not recommend that the archaeological work need be

carried out in advance of planning permission; but in this instance would 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.'

Signed: Alex Egginton, Archaeological Officer

WSSC Highways Authority

West Sussex County Council, in its role as Local Highway Authority, has previously issued comments on a similar planning application for this location. This was submitted under DM/16/2333/OUT. No highway objections were raised to this application.

In summary, with the exception of the slight relocation of the vehicle access and the reduction in the total number of units, the current application, in highway terms at least, remains identical to that commented upon previously. The LHA's comments made on DM/16/2333/OUT therefore remain applicable and are largely repeated below.

The application is supported with a Transport Statement (TS), the scope of which has been agreed with the Local Highway Authority (LHA). Outline planning permission is sought with only matters of access to be approved at this stage.

The site is proposed to be accessed via a new priority junction onto High Beeches Lane. The proposed vehicular access is being relocated a short distance southwards of the location previously shown. The re-siting by such a small degree does not affect the principle of the previously accepted access.

The posted speed limit in the vicinity of the access is 30mph. The speed survey data summarised within the report however indicates higher 85th percentile vehicle speeds. The recorded 85th percentile speeds have therefore been used for the stopping sight distances (SSDs)/visibility splays for the proposed junction.

The summarised 85th percentile speeds have been quoted as 40.5mph northbound and 41.5mph southbound. In accordance with current guidance, the recorded speeds have been adjusted to wet weather speeds. Whilst the speed design is noted, the raw speed survey data should be provided.

Notwithstanding the lack of raw speed data, the SSDs are based upon the guidance within Manual for Streets. It is acknowledged that MfS2 suggests the use of Design Manual for Roads and Bridges SSD parameters where speeds are over 40mph for the majority of the day. In this location, the posted speed limit is still 30mph, recorded speeds

are only just over 40mph, and taking account of the context of the area, MfS rather than the Design Manual for Roads and Bridges (which relates more to the design of high speeds, heavily trafficked roads) is considered the more appropriate design guidance. Visibility splays of 2.4 by 70 metres are demonstrated. These comply with the MfS SSD requirements in light of the recorded vehicle speeds.

For non-motorised road users, two access points are proposed; one adjacent to the proposed access road onto High Beeches Lane and another onto Portsmouth Wood Close. There are no footways along High Beeches Lane in the immediate vicinity of the access onto this. Further works are shown within the highway to provide a link to the existing footway on the western side of the High Beeches Lane. This route then continues southwards.

The Portsmouth Wood Close access is indicatively shown as a ramped arrangement. This is understandable as the level differences between the site and the Close are substantial. It is assumed that the applicant has sufficient controls to alter the existing retaining structure on Portsmouth Wood Close as well as to create a ramp into the site that is compliant with the requirements within Inclusive Mobility. The exact details of this will form part of the reserved matters application.

A scheme of traffic management is proposed on High Beeches Lane in the vicinity of the proposed vehicular access. These details comprise improved gateway features (signing and lining) for the start of the 30mph speed limit and a vehicle activated sign on the southbound approach to the proposed access. The measures as detailed, which would need to be secured as a s106 obligation and delivered by the applicant as a s278 agreement, are considered proportionate and related to the proposed development.

The applicant should note that WSCC have recently adopted further guidance on the installation of vehicle activated signs. This includes specific criteria on the siting and location of this type of signage. As part of the detailed design, it will be necessary for the applicant to review the VAS sign against this guidance.

All of the highway works are reviewed as part of a Stage One Road Safety Audit. Although the RSA raises a number of problems, these have all been accepted by the scheme designer or are matters to be reviewed as part of the detailed design. the Audit raises no fundamental issues with the highway works proposed.

The TS includes estimates of potential traffic generation. These are based upon TRICS data. TRICS is a large database of traffic surveys from other completed developments. The database can be refined so as to use sites that are comparable with the development proposed. The TRICS outputs should have been provided to support the trip rates summarised in the TS.

Even so, based on the data within the TS, the development is forecast to generate 21 (6 arrivals, 16 departures) two way vehicle trips in the AM network peak period, and 23 (15 arrivals, 7 departures) in the PM network peak. It is standard practice to consider the

impact of the development during the network peak hour as these are most sensitive to change. Given the number of vehicle movements at peak times, the threshold included within the WSCC TA Guidance to require off-site junctions to be assessed in terms of capacity is not met. Whilst the site will generate additional traffic on the local highway network, vehicle movements would quickly disperse and would be negligible in light of existing background traffic.

The site lies on the edge of the build-up area. Understandably this influences walking and cycling times to nearby services. There are still services within reasonable walking and cycling distance. There are also continuous footways on key routes towards local services. A Travel Plan Statement is also proposed to highlight alternative travel options to future residents.

Paragraph 32 of the National Planning Policy Framework requires plans and decisions to take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. Whilst the limitations of the site (due primarily to the location) are acknowledged, for some journey purposes residents would have a realistic choice of travel options.

Matters relating to the on-site layout are taken as indicative at this stage. As observations,

- In principle a shared surface access road would be appropriate given the light traffic flows. The applicant may wish to reconsider the inclusion of what are presumed as raised features within this.
- Features along the road edge would need to be set back to avoid being struck by passing vehicles and to provide space for pedestrians to step out of the path of oncoming vehicles should the need arise.
- Car parking within the development would be informed by the proposed mix and tenure of dwellings. Unallocated/visitor parking would need to be provided throughout the development.
- Turning for the standard refuse vehicle used by the District Council should be provided to ensure that this can manoeuvre and turn within the site.
- Greater consideration needs to be given to the integration of the pedestrian routes within the development. Neither of the two routes at present are well overlooked and both pass through open space. There may be perceived safety issues with the use of these routes especially during darkness.

In conclusion, the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. The LHA are satisfied that based on the information presented that a severe impact would not result from this development.

No highway objection would be raised.

If minded to permit this application the following conditions / informatives / obligation are recommended.

Access

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

Reason: In the interests of road safety.

Visibility

No development shall commence until visibility splays of 2.4 metres by 70 metres have been provided at the proposed site vehicular access onto High Beeches Lane 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.

Construction Management Plan

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

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

Reason: In the interests of highway safety and the amenities of the area.

Footway onto High Beeches Lane

No dwelling shall be occupied until such time as a footway has been provided from the development to High Beeches Lane in accordance with plans and details submitted to and approved by the Local Planning Authority. Such details shall also include the provision of suitable dropped pedestrian crossing points across High Beeches Lane.

INFORMATIVE

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.

S106 OBLIGATION

No dwelling shall be first occupied until the scheme of traffic management works indicatively shown on drawing number 12/1205/SK04 Revision C or other such works as agreed with the Local Highway Authority have been implemented.

WSSC Planning Officer

Without prejudice to the informal representations of the County Council in respect of the above planning proposal, I am writing to advise you as to the likely requirements for contributions towards the provision of additional County Council service infrastructure, other than highways and public transport that would arise in relation to the proposed development.

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.

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

The advice is as follows:

1. School Infrastructure Contribution

1.1 The Director for Children and Young People's Services advises that it appears that at present primary and secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested. However, the situation will be monitored and further advice on all of the main education sectors, (i.e.

Primary/Secondary/Further Secondary) should be sought if this planning application is to be progressed.

1.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings, with a 33% discount, for occupation by persons already residing in the education catchment area; the County Council's adopted floorspace standard for education provision; and the estimated costs of providing additional education floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the School Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

DfE Figure x ACP = School Infrastructure Contribution where:

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of dwellings, less any allowance for affordable dwellings, as approved by a subsequent reserve matters planning application. The following criteria are used to generate a child product:

	Dwelling Size		Occupancy
	House		Flat
1 bed	= 1.5		1.3
2 bed	= 1.9		1.9
3 bed	= 2.5		2.4
4+ bed	= 3.0		2.8

Using the above occupancy rates to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 7 year groups for primary (years R to 6) and 5 for secondary (years 7 to 11). For Sixth Form, a factor of 0.54 is applied to the Child Product figure as this is the average percentage of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

DfE Figure = Department for Education (DfE) school building costs per pupil place (for pupils aged 4 to 16) as adjusted for the West Sussex area applicable at the date when the

School Infrastructure Contribution is paid (which currently for the financial year 2014/2015 are - Primary £15,558, Secondary £23,442, Further Secondary £25,424), updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.3 The contributions generated by this proposal shall be spent on expansion at Harlands Primary School.

The contributions generated by this proposal shall be spent on a permanent solution to the temporary huts at Oathall Community College.

2. Library Infrastructure Contribution

2.1 The County Librarian advises that the proposed development would be within the area served by Haywards Heath Library and that the library would not currently be able to adequately serve the additional needs that the development would generate.

However, a scheme is approved to provide additional floorspace at the library. In the circumstances, a financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

2.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings (by which we mean Social Rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the library's catchment area; the County Council's adopted floorspace standard for library provision; and the estimated costs of providing additional library floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Libraries Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$L/1000 \times AP = \text{Libraries Infrastructure Contribution}$ where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of dwellings, less any allowance

for affordable dwellings, as approved by a subsequent reserve matters planning application. The following figures are given as a guideline:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

L/1000 = Extra library space in sqm. per 1,000 population x the library cost multiplier (which currently for the financial year 2016/2017 are 30sq.m and £4,560 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on the extension of Haywards Heath Library. Should the funds required for this scheme be greater than the S106 monies collected, the contributions should be spent on the significant internal redesign of Haywards Heath Library.

3. Transport (TAD) Contribution

3.1 The Total Access Demand Contribution will be calculated by the County Council in accordance with the following formula:

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution = (C - D) x E, where:

C (Total Access) = (A (number of dwellings) x B (Occupancy per dwelling)) using the following figures as a guideline:

	Dwelling Size	Occupancy
	House	Flat
1 bed	= 1.5	1.3
2 bed	= 1.9	1.9
3 bed	= 2.5	2.4
4+ bed	= 3.0	2.8

D = Parking Spaces provided by the residential development element of the Proposed Development

E = Standard multiplier of £600

Infrastructure Contribution = D x F, where:

D = Parking Spaces provided by the residential development element of the Proposed Development

F = Standard multiplier of £1200

Where affordable dwellings are involved, the appropriate discount is applied to the population increase (A x B) before the TAD is formulated.

The contributions generated by this proposal shall be spent on:

- Pedestrian, cycle and traffic safety improvements at the junction of Lewes Road and High Street, Lindfield.
- Establish a dedicated safe cycle route from Scaynes Hill to Lindfield
- Traffic Calming works across Lindfield

General points

Please ensure that the applicants and their agents are advised that any alteration to the housing mix, either size, nature or tenure, may generate a different population and 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.

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.

Review of the contribution towards the provision of additional County Council services should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

Should you require further general information or assistance in relation to the requirements for contributions towards the provision of County Council service infrastructure please contact, in the first instance, the Planning Applications Team officer, named above.

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.

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

Landscapes Consultant (East Sussex County Council)

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. 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 Character and Visual Context and Potential Impacts

1. The site sits within the High Weald Fringes Landscape Character area 10, as defined by the Mid Sussex District Landscape Character Assessment (2004). The key characteristics of this area which are relevant to the site are:

- Densely-wooded southern flanks of the High Weald Forest Ridge, dissected gentle gill streams draining west to the River Adur and east to the River Ouse. Includes the settlements of Cuckfield, Haywards Heath and Lindfield.
- Significant woodland cover, a substantial portion of it ancient, and a dense network of shaws, hedgerows and hedgerow trees.
- Pattern of small, irregular-shaped assart fields and larger fields, and small pockets of remnant heathland.
- Some busy lanes and roads including A and B roads bounding the area to the west, and other roads crossing north to south.

5. The site has characteristics which are typical of the High Weald AONB landscape and in particular the small irregular shaped fields with well-defined and wooded field boundaries. The site is not considered to be valued landscape in the context of the NPPF. The site is of local landscape value as undeveloped land with some historic features, including mature trees and hedges on the boundaries. The rural character of the site is reduced by the presence of the residential development on three sides.

6. The character of High Beeches Lane is of a rural sunken lane enclosed by dense tree cover. The proposed access will change the character of the lane in this location and would have a suburbanising effect. This needs to be considered in the context of other development along the lane to the south and the entrance to Haywards Heath Golf Course. The proposed access onto High Beeches Lane would require the removal of some trees to accommodate the access road and sight lines. These trees are a self-seeded mix of ash, oak and birch which are of value as a group of trees, but there are no veteran or irreplaceable specimens in the group. These trees do require enhanced management to ensure the long term health and vitality of individual specimens and to prevent overcrowding. It is noted that the design of the access will minimise tree loss along the lane and the landscape strategy will provide new tree planting within the site to compensate for the loss of trees to the new access.

7. It is acknowledged that the majority of trees and woodlands and field boundary features would be conserved as part of the landscape strategy and that the development would have a low impact on these. All trees and other vegetation to be retained should be protected during construction in accordance with the submitted Tree Protection Plan and BS 5837:2012, Trees in Relation to Design, Demolition and Construction.

8. The proposed landscape strategy would provide an opportunity to create new parkland to the north west of the site with the benefit of public open space. The woodland associated with this will provide a well-defined edge between the proposed development and countryside to the north. If the development were to be approved a long term management plan should be required as a condition in order to conserve and enhance the existing trees and woodland and any new planting in perpetuity. This should include positive management and replanting where necessary of the trees to be retained on either side of the access onto High Beeches Lane.

9. The extensive tree planting within the development in the Green infrastructure spaces and as street trees is welcomed. Careful consideration needs to be given to the specification of trees and that appropriate species are selected adjacent to houses and as street trees. The woodland areas should be comprised of mixed native woodland trees and understorey shrubs. Native species planting should be of locally characteristic species for this part of the weald. Proposed hedges should be of mixed native species to help to integrate the development into the local area and maximise the potential wildlife value.

10. As the application is for outline permission the precise design layout and details of hard and soft landscaping can be reviewed at the detailed application stage. It is acknowledged that the proposed development is of a low density and would on the whole conserve the key characteristic landscape features of the site.

11. The proposal to have more informal road layouts to reflect the rural location is welcomed. The avoidance of formal kerbs, pavements and tarmac surfacing to create a home zone or shared surface character would be appropriate in this setting.

12. The site is of low visual sensitivity as there are no views into the area from public roads or footpaths. There would be glimpses across the site from adjacent residential properties. The proposed retention of existing vegetation on the site boundaries and the landscape strategy to reinforce these boundaries with additional planting should mitigate these potential visual impacts.

Conclusion and Summary Recommendations

13. It is recommended that the proposed development can be supported subject to the detailed design and full implementation of tree protection measures and the illustrated landscape strategy.

Ecology Consultant (Calyx Environmental Ltd)

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject the reserved matters application being supported by the following details:

- An updated ecological assessment of the detailed layout / reserved matters proposals and proposed measures to avoid /protect, mitigate and compensated for any significant impacts on wildlife and habitats during site clearance and construction;
- a lighting plan showing measures to be used to minimise light pollution of wildlife habitats and light sensitive species, including bats;
- detailed proposals for habitat enhancements and a long-term habitat management plan (which may be integrated with a landscape management plan), including details for provision of funding, monitoring, updating and identification of the organisation or other body responsible for its delivery

If, for any reason, there is a delay greater than 18 months between the date of this decision and the submission of the reserved matters application, the ecological details shall be supported by an updated ecological impact assessment report or evidence that there have been no significant ecological changes within the zone of influence.

The approved details shall be implemented in full, unless otherwise agreed in writing by the local planning authority.

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.

Heritage Consultant (Surrey County Council)

I have no change to make to my comments on a previous application for this site (DM/16/2333) of 29/06/2016, copied below for reference:

The Archaeological Desk-Based Assessment produced by CgMs Consulting and submitted with this application forms the first stage of the archaeological scheme of work necessary to safeguard any archaeology that may be present on the site. The Assessment concluded on the basis of the available information, that the archaeological potential was low, but also recognised that this conclusion was based on very limited archaeological investigation in the area. I would therefore more accurately describe the archaeological potential as 'unknown'. Particularly given this lack of archaeological research in the area, it is disappointing to note that there has been no analysis of aerial photographs, or LiDAR data as part of the production of the Assessment. Analysis of aerial photographs has the potential to reveal the presence of archaeological earthworks, and for this site I would have expected the Assessment to include a full review of those available.

Nonetheless given the potential for previously unknown heritage assets to be present on the site, that the site is of a significant size, and that the proposed development will lead to the destruction of any archaeological assets that may be present, in line with the National Planning Policy Framework and policy B18 of the Mid Sussex Local Plan, I recommend further archaeological work is required. In the first instance, the archaeological work should comprise an archaeological evaluation trial trenching exercise within those areas of the site where groundworks proposed as part of the development have the potential to impact on archaeological assets. This may include areas proposed for landscaping, parking, and access, as well as the area proposed for residential development. The evaluation will aim to establish rapidly what archaeological assets are and may be present, and the results of the evaluation will enable suitable mitigation measures to be developed. I will need to agree a specification for the evaluation before the trenching can begin.

Given that the Assessment does not indicate remains of a significance to warrant preservation in-situ on the site, I do not recommend that the archaeological work need be carried out in advance of planning permission; but in this instance would 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."

MSDC Planning Policy

This site has been assessed in the Strategic Housing Land Availability Assessment (site 151). The assessment indicates that the site is suitable for development, subject to consideration of the proposed access and allocations through a relevant Neighbourhood Plan or DPD.

The site is not allocated within the Lindfield Neighbourhood Plan and is being considered ahead of the preparation of a site allocations DPD.

The District Plan Inspector identified that the Council has a 5.2 year housing land supply. The supply is based on the Liverpool approach, which distributes any unmet backlog need over the whole Plan period, and includes a 20% buffer. The Inspector noted that the housing land supply is not 'hugely comfortable', and that the Council should consider how its 5 year position could be strengthened through Policy Modifications.

The emerging District Plan is a material consideration in the decision making process. However, policies relating to housing in the District Plan are yet to be subject to public consultation, and until that consultation has been completed, respondents' comments reviewed and the Inspector has completed his report, they can be given little weight. The five year housing land supply position is also subject to the satisfactory completion of the Habitats Assessment, Sustainability Appraisal and Equalities Impact Assessment.

Paragraph 14 of the NPPF requires that local planning authorities '*should positively seek to meet the development needs of their area.*' In addition, paragraph 47 of the NPPF requires that '*local planning authorities should significantly boost the supply of housing.*' In this context, a five year housing land supply is a material consideration in the determination of planning applications, but so too is the Council's significant housing need and the general presumption in favour of sustainable development. This application needs to be determined on this basis.

Self - build plots

I note the possibility of some plots being provided as self-build, however this offer is not reflected in the description of the application or the supporting documents. Therefore it is not clear how such plots will be delivered based on the information.

The District Council maintains a self-build and custom housebuilding register, the housing team will be able to advise how many people have registered their interest.

The emerging District Plan makes provision of custom build and self-build plots to ensure that demands for self-build and custom housebuilding are met. Policy DP28: Housing Mix states that housing development will make provision for different group including serviced plots for self-build. The little weigh can be given to this policy at it has significant major amendments which will be subject to main modification consultation.

The policy DP 9: Strategic allocation at Burgess Hill seeks the provision of serviced self-build plots (if applicable i.e. if there is demand).

The Council will also be preparing a Site Allocations DPD which will allocated land for housing, and provides an opportunity to allocate land for the purposes of self-build and custom housebuilding.

Therefore whilst the offer of the provision of self- build plots is welcomed it is unclear how these will be delivered in practice. It may be worth considering if this issue could be addressed at reserved matters stage.

MSDC Urban Designer

This is an outline scheme in which appearance, design, landscaping and scale are reserved matters. Being an outline proposal, the scheme is short on drawings, with only an indicative layout being supplied. This makes it difficult to assess its design merits in detail. These observations are therefore initial comments on the layout only (they do not assess the impact upon the landscape beyond the red line boundary as this is for the case officer / our landscape consultant and arboriculturist to assess).

The proposed layout has a similar approach previous to the previous outline application (DM/16/2333). Effort has been made to address my previous criticisms, but the layout is still unconvincing because the main open space / play area and footpath connection to the existing built-up area is predominately located at the rear of the houses where it will not benefit from the level of overlooking / natural surveillance that it would if they were located at the front of houses, and because it is less integrated / more hidden-away from the rest of the public realm, these areas risk feeling like semi-private space. The DAS suggests there will be enough overlooking between gaps in the vegetation and two of the houses to the south of the play area have been re-orientated so they face more towards the play area. The latter now unfortunately back-on to the access road and the southern approach to the play area; their gardens also look uncomfortably squeezed-in for such large houses. Elsewhere it will be difficult to control the level of planting at the rear of houses, and the level of surveillance. In conclusion the underlying problems of this arrangement still remain, and the attempts to resolve it generate further issues.

The open area (referred to as parkland in the DAS) at the site entrance is less likely to attract recreational use because the access road runs through it, and it is peripherally positioned for pedestrians.

Although the houses on the east and west side still back-on to, and screen, the adjacent mature tree belts, an attempt has been made to re-orientate the buildings on the southern boundary so they face the attractive tree belt. However, as a consequence the layout is confusing in this area with some buildings facing the access road to the north and others facing the tree belt to the south. The plot boundary of the house in the south east corner is not clear, and nor is the extent of public access.

A car park has been incorporated in the south west corner of the site in place of a soft landscaped space that featured in the previous pre-application layout. The blocks of flats here feature predominately hard-edged thresholds and parking that is uncomfortably close to the building frontages, although the juxtaposition with the access road benefits from proposed trees and soft landscaping along the boundaries.

The further drawing now more clearly defines the public/private boundary edge in the south-east corner. However, it does not seem to offer natural surveillance over the public realm which also suffers from being a dead-end, and it therefore raises community safety concerns.

MSDC Drainage

No objection subject to conditions.

Summary and overall assessment

This is a resubmission of application DM/16/2333. We originally raised concerns regarding existing run-off and its association with flooding to the West Common Stream and properties downhill of the site. These concerns have been looked at by the developers, and 2D modelling has been undertaken to help identify the flood risk across all reasonable storm events. This highlighted that there are two main flow paths - west onto High Beech Lane and southeast to the rear of Savill Road; a third could manifest in higher storm intensities to the rear of Portsmouth Wood Close. The 1 in 1 year greenfield rate has been calculated to be 20.0 ls-1, with the 1:30 at 50.6 ls-1 and the 1:100 at 66.9 ls-1.

Under existing conditions, there is some flood risk associated to properties that abut the site. This appears to be as a result of the clayey ground conditions and the relatively steep incline of the site. The proposed development intends improve this situation by capturing surface water run-off and attenuating it on site for all storm events up to the 1:100 year storm plus an extra 40% capacity for possible climate change. This means that the existing properties that abut the site will be less likely to flood after the proposed development. In addition, the development proposes to discharge the attenuated surface water into the local surface water system at 10 ls-1 for all storm events up to the 1:100+cc. This is half the rate of the existing 1:1 greenfield rate; and as the existing run-off eventually drains to the local system via private drainage and roads, this is a significant betterment over the existing situation.

The exact location of where the 10 ls-1 discharge will be taken to is yet to be established. However, WSCC have indicated that they may be able to accept connection on the basis that the local highway system would be upgraded via S278 agreement; and Southern Water would accept connection into their system, but this too would require the laying of new pipes adjacent to the highway system.

As this is an Outline Application that seeks approval of the principle of the proposed development, we can confirm that we do not object as it has been shown that the development can manage surface water run-off from the development without creating or exacerbating local flood risk. However, the success of the proposal is dependent upon the appropriate means of disposing surface water. Therefore, we have amended the standard drainage condition for developments like this one to ensure that a suitable and

fully agreed means of surface water disposal is established prior to any construction. We will also require detailed plans and supporting calculations that support the design.

In addition to establishing the outfall, in order to meet with the condition this proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possibly methods. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change. As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing greenfield rates and follow natural drainage routes as far as possible.
- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk.

There are historic records of flooding occurring in this area.

Surface Water Drainage Proposals

It is proposed that the development will attenuate surface water with controlled discharge to local surface water networks at 10 ls-1.

Foul Water Drainage Proposals

It is proposed that the development will utilise existing local system.

Suggested Conditions

C18F - Multiple Dwellings

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. This includes details of the proposed method of surface water disposal and all supporting permissions and agreements of connection. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance 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. 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, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

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](#)

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 if 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 if 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.

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 detailed 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:	Low risk
<p>Comments: Current uFMfSW mapping shows the site is at a low risk from surface water flooding.</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>	

Modelled groundwater flood hazard classification:	Low risk
<p>Comments: The proposed development site is shown to be at low risk from groundwater flooding.</p> <p>This risk and appropriate mitigation should be considered in any future designs especially with regard to underground structures and utilities.</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/culverted watercourses within or in close vicinity to the site:	No
<p>Comments: Current Ordnance Survey mapping shows no ordinary watercourses within the site boundary.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>No development should take place within 5m of any ordinary watercourse and access of future maintenance must be considered during planning. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District or Borough Council.</p>	

Records of any historic flooding within the site or within close vicinity to the site:	Yes
Comments: We are aware that adjacent land/carrageway has been subject to historic flooding in the past.	

Future development - Sustainable Drainage Systems (SuDs)

The FRA/Drainage Statement included with this application proposes that attenuation with restricted discharge to the main sewer system/highway system would be used to restrict the runoff from the development. This method would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents. Further investigation and upgrade of the highway system will be necessary.

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 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development should 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 been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

MSDC Housing

The applicant is proposing a development of 46 dwellings which gives rise to an onsite affordable housing requirement of 30% (14 units). The proposed housing mix will meet a broad range of housing needs and consists of 2 x 1 bed, 7 x 2 bed and 5 x 3 bed dwellings. The tenure split will comply with current policy, with 75% of the properties to be provided as rented units and 25% as shared ownership. The applicant is adopting a tenure blind approach in order to aid social integration and create a sustainable development.

MSDC Leisure

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the Local Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

The developer has indicated that they intend to provide a LEAP on site and 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 £45,725 is required toward pitch drainage at Hickmans Lane Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £19,862 is required to make improvements to the King Edward Hall in Lindfield.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (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 Tree Officer

Having reviewed the submitted documents, I can confirm I am largely satisfied with the proposals. However before this application progresses to more than an outline, I would like to point out that the positioning of the two houses in the south west corner would not be acceptable; due to the shading and seasonal nuisance they are likely to incur.

Following on from this, the property and subsequent garage blocks in the north east corner of the site are uncomfortably close to the existing trees and do not seem to allow for much growth potential here. Meaning that the new occupiers will encounter issues fairly quickly.

The entrance from High Beeches Lane has been improved to allow further trees to be retained. Whilst it is regretted that these will be lost, the character of the area shall largely be retained thanks to mitigation planting ensuring the area adopts a woodland feel. This is also valuable for wildlife and carbon sinking.

MSDC Environmental Protection Officer

Environmental Protection has no objection to this application, subject to the conditions below.

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.

- Minimise dust emissions: Demolition/Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to, and approved in writing by, the local planning authority. The scheme as approved shall be operated at all times during the demolition/construction phases of the development.

Reason: To protect the amenity of local residents from dust emissions.

- 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.

MSDC Contaminated Land Officer

I have reviewed the following supporting information:

- Archaeological desk-based assessment. CgMs, May 2016, reference LM/22157;
- Ground investigation report. Reside, no date or reference;
- Phase II ground investigation report. Soils Limited, September 2016, reference 15740/GIR; and
- Letter report summarising gas and groundwater monitoring. Soils Limited, January 2017, reference 15740/LR/Rev1.02.

Based on the information presented, combined with information contained within the GIS, and the sensitivity and scale of the proposed development, it is recommended that the following precautionary condition is placed on any permission granted:

- If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected

contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

MSDC Street Name and Numbering Officer

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

Informative: Info29

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

Sussex Police

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.

Given that this outline application is only to determine the means of access and to seek approval in principle, I have no detailed comment to make at this stage. At the reserved matters stage I would encourage the applicant to update the Design and Access Statement to include appropriate measures for crime prevention and community safety using 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.

LINDFIELD RURAL PARISH COUNCIL OBSERVATIONS

The Parish Council strongly objects to this application on the following grounds:

The proposed site is outside the current built up area boundaries of recognised settlements. The application is in contradiction to the Lindfield and Lindfield Rural Neighbourhood Plan and MSDC planning policies. The site is unsuitable due to drainage and stability issues and is unsustainable due to access to the site and distance from available services resulting on reliance on car travel.

The Proposed Site

The proposed site sits within the High Weald Fringes of Landscape Character area 10, as defined by the Mid Sussex District Landscape Character Assessment (2004). The key characteristics are:

- Densely-wooded southern flanks of the High Weald Forest Ridge, dissected streams draining west to the River Adur and east to the River Ouse.
- Significant woodland cover, a substantial portion of it ancient, and a dense network of shaws, hedgerows and hedgerow trees.
- Pattern of small assart fields and larger fields. The site is of local landscape value.
- As undeveloped landscape with historic features. The nature of High Beeches Lane is that of a sunken rural lane enclosed by dense tree cover, probably an ancient drove way.
- It is on the fringes of the High Weald AONB

The site is outside the current boundaries of the recognised settlements. In November 2015, Mid Sussex District Council issued a strategic land availability Assessment which viewed this site. It was stated that the site needed to be allocated via the Neighbourhood Plan which did not occur; as the site's suitability was rejected for the reasons detailed below:

"The site is considered to have low landscape capacity for development. This is due to the proximity of the ridge crest that creates a distinct boundary to this side of the town (LUC Assessment). This site extends 230m into countryside beyond the northernmost boundary of the built-up area and would be obtrusively visible from the wider area to the north.

Difficult access arrangements and potential significant impact on highway network in vicinity and distant to strategic routes. Lindfield High Street within 1.6km therefore only fair access to local services and facilities on foot. There are also some TPOs adjacent to the site to the south.

Town Wood Ancient Woodland borders to east. The site would require allocation through the relevant Neighbourhood Plan.

Development of this site would be harmful in landscape terms, and the role it plays in the setting of the town. Development would create an isolated incursion into the countryside which would not relate or integrate well with the existing settlement or its boundaries. Would extend the presence of built development, north along High Beech Lane forming unsympathetic ribbon-like development. Access likely to be onto High Beech Lane this would also be an issue."

The site is steeply sloped, criss-crossed with small streams and underground springs and there is a history of localised flooding with which local residents are well acquainted. The site sits on a natural fault line upon a mixture of Tunbridge Wells sand and clays. The site is similar to that at Franklands Village which was subject to landslip in the 1990's. Housing development there was evidently considered suitable until events proved otherwise.

Land stability Policy CS21 of the local plan stipulated that developments on areas of known or suspected land instability should only be permitted where it can be demonstrated that the site can be developed and used safely without adding instability of the site or adjoining land.

Para 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict contaminated or unstable land, where appropriate.

DP24 of the emerging District Plan stipulates that developments should be pedestrian-friendly, safe and well connected and should not cause significant harm to the amenities of existing nearby residents or future residents of dwellings. The applicants have sought to propose mitigating drainage measures, which will not address the local flooding issue. Indeed, the evidence of the flood risk assessment fails to correctly spell the sites supposedly considered and the ground investigation report is a desk-top exercise performed in Gloucestershire.

Some adjacent homes have been subject to subsidence and it is feared that this development will cause additional water run off which will impact on lower lying properties.

The site is approximately 10 miles from Ashdown Forest. The occupants of the proposed developments will be required to drive to all available services except perhaps to the small local grocery store/delicatessen. In Mid Sussex, most residents travel to work by car. About 25% travel to London, about the same percentage to Crawley/Gatwick and

about 15% to Surrey. To access these locations from this site will require travel via B2028 to link with M23 or across Ashdown Forest to link with the A22. The "Wealden case" and the accumulated impact of traffic pollution and increased human activity is relevant to this development, which added to other developments already permitted within the Parish would be environmentally detrimental.

Access and Transport

The site is located in a sunken rural lane, overhung by large trees. As it is the exit from Lindfield Village/ Haywards Heath travelling towards Ardingly traffic is fast moving despite the restrictions, visibility is poor and there are no footpaths to the site. Should a footpath be constructed, due to the steep gradient and bends in the road walking would be hazardous at best; and use by those less abled or using mobility scooters would be challenging, if not impossible.

The applicant's transport statement claims that schools are within walking distance. The report includes a school "Summerhill and Tavistock" which no longer exists. There are no vacant school places at local schools within walking distance. There are places at Northlands Wood School in Haywards Heath or in the village of Ardingly. Neither could be reached on foot and there are no direct public transport links to either location from this site. Car travel would be essential. The local secondary school currently has places for 11-16 year olds, but Central Sussex College (the sixth form college mentioned in the report) is due for closure and over 16's still in education will need to travel to Brighton or Horsham. There is no direct train or bus route to Horsham College from this site or from Hayward's Heath. The transport report also mentions Lindfield Medical Centre as being within walking distance, the nearest Doctors surgery taking new patients is at Northlands Wood. The Nuffield Hospital mentioned is a private hospital, not available to those without private medical insurance or able to pay.

The distances that occupants of the new homes will actually have to travel has therefore been underestimated. The reality is that the new occupants will have to drive to wherever they need to get to.

The creation of a wide access road to the site from High Beech Lane will be out of keeping with the rural aspect of the Lane and its location, leading to urbanisation of the area. Despite the suggestions of "improvements" to the access it will still be onto a narrow Lane with poor visibility and no street lighting. If lighting were introduced this would lead to urbanisation of the countryside area and light pollution. The removal of the "drove way" banks and trees will destroy the rural character forever creating an urbanisation sprawl.

Affordable Housing

It is indicated that the proposed development would include 14 "affordable homes" of mixed tenure. The comments made to support the suitability of the site for affordable homes is the available access to local services and facilities.

The previous West Sussex County Council response made it clear that currently there is no spare capacity at primary/secondary schools within the catchment area. It was suggested that contributions should be made to Northlands Wood Primary school which may accommodate pupils with expansion (not in Lindfield). Northlands Wood Primary School is located at Beech Hill in Haywards Heath. This school is 2.6 miles (4.2km) distant from the site; a ten-minute drive (additional traffic permitting), or an hour walk for small children.

The local doctor's surgery also is full to capacity, travel to Northlands Wood Surgery would be necessary.

Therefore, the easily accessed services, which it is indicated may be reached on foot are not in fact accessible. This would have particular impact on residents in social housing who are likely to be on lower incomes and unable to afford or would be disadvantaged by the cost of travelling to essential services.

Lindfield and Lindfield Rural Neighbourhood Plan (LLRNP)

The proposed development is contrary to the principles of the LLRNP. The LLRNP was formally made by Mid Sussex District Council on 23rd March 2016 and is supported by the District Plan. The principles of the Neighbourhood Plan are to encourage modest development inside the built-up boundary which can be accommodated without undermining the quality of life of local people; and to protect the special historic and landscape character of the parishes and their surroundings.

Paragraph 198 of the NPPF states that: "where a planning application conflicts with a neighbourhood plan that has been brought into force planning consent should not normally be granted."

The proposed site is outside the current built up area boundaries. The resistance to include the site as part of the LLRNP, through the examination process was supported by MSDC. The LLRNP supports development of housing windfall sites within the built-up boundary identified.

It is apparent that under paragraph 49 of the NPPF housing policies whether contained in a Local Development Plan or Neighbourhood Plan are considered "out of date" by virtue of the fact that the Local Planning Authority has no 5-year housing land supply, nevertheless such policies must be given significant weight.

Emerging District Plan

The Sustainability Appraisal for the District Plan has shown that the District can accommodate the level of housing required, taking into account environmental and other constraints. The significant proportion of proposed development is in the south of the district; the remainder of development will be delivered by other towns and villages to support their economic, infrastructure and social needs.

The Housing and Economic Development Needs Assessment estimates the number of houses needed for Lindfield Rural Parish over 17 years as being 204 homes; this equates to 12 homes per year for Lindfield Rural Parish. Homes under construction or which have planning consent now totals 461 homes, more than double the 17-year requirement. The recent response made by MSDC regarding the District Plan is that 876dpa should be agreed especially in light of the "Wealden case"; in which case, the Parish has already absorbed half of the annual requirement for the whole District. This proposed development is an encroachment into the countryside to provide housing that is not needed in this area.

The proposal does not meet the requirements of DP4, which states that development will only be permitted if it is appropriate both in scale and function to its location, including the character and amenities of the surrounding area. The Policy also states that the proposal should be in accordance with the relevant neighbourhood plan; clearly it is not in accordance with LLRNP. It is not in accordance with LLRNP as the site is outside the built-up boundary and does not protect the special historic and landscape character of the Parish. The proposal does not meet the objectives of Policy DP 10 which seeks to protect and enhance the countryside.

The proposal does not meet the requirements of Policy DP11, which seeks to prevent coalescence. In this case the development will create ribbon development between Lindfield and Ardingly.

National Planning Policy Framework (NPPF)

The proposal will not contribute to the achievement of sustainable development in the area in accordance with the NPPF guiding principles relating to economic, social and environmental impact.

Economic role

The MSDC District Plan has identified the right land of the right type in the District. This proposed development is not the right development in the right place.

Social role

This proposal does not provide the supply of housing to meet local needs and impacts upon the social and cultural well-being of Lindfield by developing housing with no essential services locally to support it. The only services available, especially to support those in social housing are not accessible by public transport from this point. i.e. there is no direct route to Princess Royal Hospital without a walk of at least a mile to the nearest bus link. Age UK centre for the elderly is not accessible by bus from this site and is 3 miles distant; and the nearest community centre is 1.5 miles away. This proposal will result in the creation of an isolated community, reliant on car travel for participation in any social activity.

Environmental role

This development destroys not enhances the natural and historic environment and damages biodiversity. This site is too far removed from available services and facilities; this will encourage car use and result in air pollution and congestion. The main access road is via problematic road junction with poor visibility. The site also presents potential localised flooding issues. This development is an unnecessary encroachment into the countryside.

The proposal will therefore not meet the requirements of Para 61 of the NPPF which states that planning policies and decisions should address the connections of people and places and the integration of new developments into the natural built and historic environment.

The proposal does not address the infrastructure deficit of providing more housing in Mid Sussex other than by allocating s106 (CIL) monies to mitigate the problems.

There are no environmental benefits as clearly set out. The adverse impacts of the proposals in this application significantly outweigh the benefits. This application should therefore be **refused**.

LINDFIELD PARISH COUNCIL OBSERVATIONS

This response focuses on the provisions of the National Planning Policy Framework (NPPF). This provides that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both planning and decision taking. For decision taking this means that where the development plan is absent, silent or relevant policies are out of date, 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 the NPPF taken as a whole, or where specific policies in this Framework indicate development should be restricted."*

Set out below is a series of adverse impacts (enshrined in Plan policy), which would significantly and demonstrably outweigh the benefits of the proposal, and which will demonstrate that the proposal is far from sustainable.

As regards the Mid Sussex Local Plan 2004:

- The proposal will not respect the character of the locality , contrary to Policy B1(a) , nor will it maintain or enhance the quality of the rural character of the District at the fringes of Lindfield, and the High Weald Area of Natural Outstanding Beauty immediately to the north of the site.
- The proposal is contrary to Policy B3 in that the proposal will lead to a loss of amenity, and potential overlooking of nearby or adjoining properties, despite mitigation by screening. Tree and hedge screening is generally ineffective in the summer months.

- The proposal is contrary to the objectives of Policy B6 in that the area is one of recreational, conservation, and wildlife value. This policy applies to private areas of open space.
- The proposal does not accord with Policy C1, which seeks to protect the countryside. The area is designated as a Countryside Area of Development Restraint, and there are no exceptional circumstances, which could justify such a development. It is noted that the Policy seeks to protect the countryside for its own sake. Indeed, it is submitted that this is a valuable green lung and natural green space between existing settlements to the east and west of the site. There remain deep concerns about compliance with Policy C6, in that the site has been shown to be a natural habitat for a number of animal species, and a location for a number of wildlife habitats in the area. Whilst it is noted that further work has been done by the applicant in this respect, it can only ever be presumed that proposed mitigation measures will work. There is no evidence to suggest that animal species will return to their former habitats, once they are consumed within a housing development. The environmental damage that will occur as a result of development in this area, contributes significantly to the unsustainability of this proposal.
- The significance of the traffic and road safety issues, which do not meet the objectives of Policy T4 of the 2004 Local Plan or of policies in the emerging District Plan, are particularly significant in this area. Developers and West Sussex County Council Highways, appear to view planning applications in isolation, but it is the cumulative effects of development in this part of mid Sussex that it putting an intolerable strain on the local road network, much of which is of course rural in nature. High Beech Lane is already a fast and well used road, and the proposal will simply create yet another dangerous junction within the confines of Lindfield. Indeed, this road is one of the focal points of the Parish Councils ongoing traffic survey. This has shown that traffic calming is already required to cope with existing use and capacity, and if the application is to succeed, additional measures suggested by the applicant to address the acknowledged issues, must be backed up by proper legal agreements, and be fully funded by the applicant.
- Policy C6 seeks to resist development resulting in the loss of trees. It now seems clear that the requirement to install visibility splays at the access road and at Roundwood Lane will require the removal of a number of trees, and lead to the urbanisation of what is currently a visually pleasing rural road. It is also noted that some of the new dwellings will be built right up against a line of Oaks bordering the site (just behind Barrington Close) , which are the subject of Tree Preservation Orders. Therefore, the possible long term, adverse effect on those trees of the development, needs to be properly addressed.
- Mid Sussex District Council has already accepted many of the above principles, because the site was originally assessed as unsuitable for development in its own Strategic Housing Land Availability Assessment study. The site is clearly not sustainable being situated far from local facilities and amenities, given that any that

could be regarded as nearby are already at capacity. This development is simply an opportunistic bolt on development on a green field site, with no ability for anything other than the use of vehicles as a means of getting around. There is no certainty or guarantee regarding the possibility of a pedestrian access into Portsmouth Wood Close, and High Beech Lane is devoid of safe pavement areas for pedestrians. It is noted that WSCC Highways appear to take the view that it will simply be a safe thing to attempt to cross the road, with a few indicative markings.

As regards the emerging District Plan:

- The proposal does not meet the requirements of Policy DP4, which state that development will only be permitted if it is appropriate in scale and function to its location, including the character and amenities of the surrounding area. If Lindfield is to retain its village status and character, and if the already overstretched amenities are not to collapse altogether, the application should be refused.
- The proposal fails to take account of Policy DP5, which sets out an informed and strategic basis for the future delivery of housing requirements across Mid Sussex, and which acknowledges the significant contribution of Neighbourhood Plans.
- The proposal does not meet the objectives of Policy DP 10, which seeks to protect and enhance the countryside (which is to be valued for its own sake).
- The proposal does not meet the objectives of Policy DP1 3 in that there can be no special justification for this development. It is not needed in the wider context of the strategic requirement for additional housing in the District. That need is recognised by most people, but it should be planned in a proper and orderly way, as set out in the emerging District Plan. It is clear that even the NPPF steers away from opportunist development for profit, in inappropriate and unsustainable locations.
- There are major issues regarding meeting the requirements of Policy DP41 as regards potential flooding issues. Underground water flows down Savill Road whenever it rains, throughout the year. The Water Board confirms that there are no water leaks from any of their pipes in this area. There is significant run-off of rainwater from the house driveways in this road area. Consequently, when it rains, water pours down the road like a river. It is understood that these underground springs occur due to a geological fault (where the sandstone ridge meets the clay subsoil). It is believed that this fault line runs across the top of the hill in Savill Road and then westwards across the field that the applicant wishes to build on. Objectors are extremely concerned that if just one episode of trench digging caused this underground spring to emerge - what would be the effect if the top of this hill were to be built over? It could displace the water underground, and new springs could then arise. There is also a history of land subsidence to properties on this wet hillside and in the immediate vicinity to the proposed building site. There is a grave concern that the situation, which occurred at Franklands Village, Haywards Heath where, it is believed that new build was constructed over an area of underground springs resulting in a massive subsidence to

the properties below it, will be repeated. The application should not succeed on this ground alone, until far more research has been done into the well-known and documented flooding problems in this area. It is no good the development site being nice and dry, if the flooding issue is simply exacerbated elsewhere. Indeed, it needs to be clear, by the attachment of appropriate conditions, that if developers propose mitigation measures, such as Sustainable Drainage Systems, then if such measures do not work (as increasingly seems to be the case, e.g. when balancing ponds overflow) the developer remains fully liable for the consequences. This needs to go further than simply ongoing maintenance and repair for a period of time.

As regards the National Planning Policy Framework (NPPF):

- The proposal will not meet the requirements of paragraph 61 of the NPPF, which states that planning policies and decisions should address the connections of people and places and the integration of new development into the natural, built, and historic environment.
- As regards the potential for flooding, the proposal does not meet the objectives of paragraphs 100 to 103 of the NPPF for the reasons stated above. The applicants Flood Risk Assessment may seek to address the potential problem of flooding within the site, but is very light on addressing the already pressing issue of surface water run-off, existing underground water pressure, and storm event water run-off, on existing roads and houses to the south of the site, in terms of the additional effects of building over the field at the top of the hill. Existing drainage capacity, which the report appears to rely on to resolve the issue, is already inadequate. The land is not flat, and given that water will always find its own level, there is clearly a valid concern.
- The proposal does not meet the objectives of paragraph 109 of the NPPF in that the natural environment will be neither conserved nor enhanced.
- The proposal does not accord with paragraphs 165 and 166 of the NPPF in that it fails to take into account the need to meet the demands of the natural environment.
- The proposal does not address the infrastructure deficit of providing more and more housing in Mid Sussex, other than by agreeing to allocate money to the problems. This does not help the aspirations and objectives of Policy DP18 of the District Plan. It is contended that s.106 monies (and/or CIL monies in the future) are simply not delivering the level of infrastructure requirements and improvements that are needed to make such developments anything like sustainable. The provision of such appropriate infrastructure and the weight being attached to the lack of it should be given very significant consideration, and is a matter stressed in the NPPF as a weighty planning matter. The provision of adequate infrastructure cannot be defined by the level of developer contributions, which then simply accumulate and sit in a section 106 pot. Actual infrastructure requirements must be properly addressed before any further large scale housing development is permitted, and indeed many objectors have referred to the severe pressures on existing services. It should be noted that Lindfield

has absorbed some 500 houses over the past 5 years (with possibly a further 200 on the way, if a planning appeal is upheld) with zero investment in associated infrastructure, such as school places, doctor's surgeries, social care, and community facilities. This alone makes any further high yield housing development unsustainable.

What then are the benefits? A small contribution towards some affordable housing, which Mid Sussex District Council has a well thought out strategy for delivering across the District, in consultation with communities through Neighbourhood Plans.

General comments:

- The Parish Council is aware that a decision for political reasons, not planning reasons, has been taken, despite conflicting case law, to attach limited (if any) weight to the Lindfield and Lindfield Rural neighbourhood Plan (LLRNP), which was made by MSDC on 23rd March 2016. It may therefore be that housing policies in the LLRNP are deemed to be out of date. However, it should be considered that paragraph 198 of the NPPF is not a housing policy, and in the context of the introductory paragraph above, is in fact a specific policy. This provides quite simply and plainly, where a planning application conflicts with a neighbourhood plan that has been brought into force, planning consent should not normally be granted. This must surely mean that exceptional circumstances have to apply for a decision maker to decide in favour of an application. The provision cannot just be ignored.
- In the Parish Councils submission, it is simply a matter of common sense, given that the District Plan is close to approval, and the Objectively Assessed housing Need agreed by the Planning Inspector, that the process of getting it right for the benefit of both current communities (and residents of the District), and for future inhabitants, which is encouraged by the NPPF, should not be undermined by having piecemeal development imposed on inappropriate locations across the District. One should not override the other. Accordingly, the needs of Mid Sussex should be spread across the district in a way which reflects the needs of future generations, without impacting on the needs of existing generations, towns and villages. Indeed, the Government has recognised the validity of the principle of prematurity, where a District Plan has made significant progress. This must surely be a point that MSDC would want to advance in its own interest.

For all of the above reasons, the Parish Council concludes that the proposal is not sustainable, not least by the lack of local infrastructure, which as stated above, cannot be mitigated by money. There are no substantive or economic benefits from the proposal, and any there are will merely be transient, such that they should carry very limited weight. There are no social benefits, as apart from an element of so called affordable housing, it will merely add to the supply of expensive middle and high earner large detached properties in this part of West Sussex. It will simply add to Haywards Heaths growing reputation as a dormitory /commuter town. There are evidently no environmental benefits, as clearly set out above. It is therefore clear on any objective analysis, that the adverse impacts of approving the application, significantly and demonstrably outweigh the

benefits, when assessed against the policies of the NPPF taken as a whole. **The application should therefore be refused.**