

2 October 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, 12 OCTOBER 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 7 September 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, Matthews, Mockford, Salisbury, Watts Williams, Wilkinson, Wyan.

## DOCUMENT A

### Minutes of a meeting of the District Planning Committee held on 07 September 2017 from 2.00 p.m. to 3.55 p.m.

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

Ginny Heard  
Christopher Hersey  
Colin Holden  
\* Absent

Norman Mockford\*  
Edward Matthews\*

Anthony Watts Williams  
Peter Wyan

**Also Present:** Councillors Margaret Hersey, Andrew MacNaughton and Linda Stockwell.

The Chairman brought to the attention of Members the recent passing of Councillor Bob Mainstone who was a valued Member of the Planning Committee. The Chairman then invited Members, Officers and those in the public gallery to stand in a minute's silence in memory of Councillor Bob Mainstone.

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

None

**2. APOLOGIES FOR ABSENCE**

The Committee noted that apologies had been received from Councillor Edward Matthews and Councillor Norman Mockford.

**3. DECLARATIONS OF INTEREST**

Councillor Christopher Hersey declared an interest in DM/17/2271 as the site sits within his Ward. He stated that he comes to the meeting with open mind to consider the representations of the public speakers, Officers and Members of the Committee and is not predetermined.

**4. MINUTES**

The Minutes of 9th August 2017 were agreed as a correct record and signed by the Chairman.

**5. APPLICATIONS AND OTHER MATTERS CONSIDERED**

DM/17/0205 – Land Adjacent To Superstore, Hammonds Ridge, Burgess Hill, West Sussex, RH15 9LS

Susan Dubberley, Senior Planning Officer, introduced the Report for the erection of 51 dwellings (16 affordable) with new access, including access for the community facility. She explained how the site lies within the built up area of Burgess Hill situated east of the Tesco Superstore and because the Council cannot currently

demonstrate an agreed five year land supply paragraph 49 of the National Planning Policy Framework is applicable in this deliberation.

Paul Madge, local resident, spoke against the application. Tom Hayhurst, architect, spoke in favour of the application.

A Member believed the design of the flats was out-keeping with the local area so queried why the recommendation was to approve. A second Member also thought the design was disappointing.

The Chairman directed the Member to the report of the Urban Designer and asked the Senior Planning Officer to comment.

The Senior Planning Officer outlined how on the original scheme there were more houses which faced onto Tesco's car park however this was changed to flats and subsequently the design was changed in response to the design panel and Urban Designer's comments.

The Chairman then reiterated his point regarding the design stating to Members that they require planning reasons to refuse the application.

A Member brought to the attention of the committee an existing problem in the local area with parking. He described the parking at 8pm as being difficult as residents return home from work and park on the road causing an obstruction.

The Vice-Chairman commented on this detailing how the number of car parking spaces is suitable for this development and that Members cannot use an application to solve the issues of a previous application. The Chairman added that if residents have concerns around parking, it is the responsibility of the Police and not the Planning Committee.

One Member queried if the Urban Designer had made amendments to his initial Summary and Overall Assessment of the development in Appendix B in which he objected to the design of the scheme.

Susan Dubberley, Senior Planning Officer, confirmed to the Member that the Urban Designer had made amendments to his comments which were included in Appendix B of the Report. She states that he is now content with the design following amendments from the applicant which resulted from his initial comments.

As no other Members wished to speak, the Chairman then moved the application as recommended which was agreed unanimously.

## **RESOLVED**

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

DM/17/1329 – Land South West Of Handcross Primary School, London Road, Handcross, West Sussex, RH17 6HB

Steve Ashdown, Team Leader for Major Development & Investigations, introduced the Report for a reserved matters application for 75 dwellings and drew Member's

attention to the Agenda Update Sheet. He outlined how the following application DM/17/1331 is subject to the outcome of the current application being discussed. This is due to an issue with the clustering where only 20 affordable dwellings instead of 23 dwellings could be provided in the current scheme however the following application on the agenda aims to make up the shortfall from this application. The Team Leader for Major Development & Investigations added that the Urban Designer has no objection to the application and although more of trees will have to be removed than originally expected, the Tree Officer is also content.

The Chairman noted that there were no speakers and Members were content with the application so moved to the recommendation which was agreed unanimously. Members also agreed to delegate their powers to officers in regard to resolving the issue with the overspill of affordable housing through a Section 106 variation.

## **RESOLVED**

That Reserved Matters consent be granted, subject to the conditions listed at Appendix A.

DM/17/1331 – Land South West Of Handcross Primary School, London Road, Handcross, West Sussex, RH17 6HB

Steve Ashdown, Team Leader for Major Development & Investigations, introduced the Report for 21 dwellings with 9 affordable housing units which include 3 additional units from the previous application above what was required by the existing policy. This was required as a result of the outcome of the previously approved application. He added that following the comments made by the Urban Designer to put the flats together the applicants are willing to make the requested changes to their application.

The Chairman noted that there were no speakers and Members were content with the application so moved to the recommendation which was agreed unanimously.

## **RESOLVED**

That permission be granted, subject to the conditions listed at Appendix A and a Section 106 agreement to include the affordable homes as described.

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

Steve Ashdown, Team Leader for Major Development & Investigations, introduced the Report for an outline application for 43 dwellings and 3 custom build plots. He drew Member's attention to the Agenda Update Sheet and outlined how all matters, apart from access, are reserved.

The Chairman began the discussion by querying whether the self-build plots will require a second application.

The Team Leader for Major Development & Investigations confirmed that they would be subject to a further Reserved Matter submission.

Councillor Margaret Hersey, Member of Lindfield Parish Council, spoke against the application.

Hilary May, local resident, and Gil Kennedy, Chairman of the Lindfield Preservation Society, spoke against the application.

Andrew Munton, applicant, and Robert Pummey, architect, spoke in favour of the application.

Councillor Linda Stockwell, Ward Member for High Weald, spoke against the application.

The Chairman reiterated his previously point by stating that any planning application should address the issues that the application causes and that an application cannot be used to solve existing problems.

A Member mentioned that in a 2016 SHLAA assessment this was listed as a 3 tick site however he raised concerns regarding access with only one access route provided in the scheme.

Another Member took issue with the access of the development with vegetation having to be removed and flattened to create the access. He added that the Lindfield Neighborhood Plan has been made following comment from the Planning Inspector so it should be given weight in the discussion.

Tom Clark, Solicitor to the Council, explained that the Lindfield Neighborhood Plan did not allocate any housing supply so could not be given full weight in the discussion. He informed Members that they must make a balancing exercise as described in Paragraph 14 of the NPPF.

The Team Leader for Major Development & Investigations added that the design of the access is in accordance with national standards. In respect to impact on the character of the area through the loss of vegetation he made reference to the Penland Farm scheme that was allowed on appeal, despite the impact of significant highway infrastructure on the appearance of the area. Furthermore, he mentioned the previous application on the site was withdrawn following concerns raised by officers but this current application has addressed those concerns as no objections have been raised by those same officers.

A Member believed there to be no planning reason for refusal but wanted confirmation that the area of the access road would not be subject to any development.

Tom Clark, Solicitor to the Council, confirmed that within the S106 agreement the land would be kept as it is and could come under Council ownership, however these matters would be for discussion as part of the S106 Agreement.

Nick Rogers, Business Unit Leader for Development Management, suggested that following the speakers comments he recommends a condition in relation to site levels and the completion of a land stability report.

The Vice-Chairman commented that there would be a character impact on High Beech Lane and fears for the access however WSCC Highways have approved so he is content.

A Member requested clarification on the contents of condition 10.

The Team Leader for Major Development & Investigations explained how the final details regarding drainage would be confirmed at a later date as part of the condition however drainage officers are content with the plans.

The Chairman noted that there were no more speakers and Members had not moved a motion to refuse the application so moved to the recommendation which was agreed with 5 in favour and 2 against.

### **RESOLVED**

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.

### **6. ITEMS CONSIDERED URGENT BUSINESS**

None.

Chairman.

**MID SUSSEX DISTRICT COUNCIL**

**DISTRICT WIDE PLANNING COMMITTEE**

**12 OCT 2017**

**INDEX TO ITEMS REPORTED**

**PART I - RECOMMENDED FOR APPROVAL**

<b>ITEM</b>	<b>REFERENCE</b>	<b>LOCATION</b>	<b>PAGE</b>
1	DM/17/2534	Land East Of Brighton Road, Brighton Road, Pease Pottage, West Sussex, RH11 9YA	9 - 35
2	DM/17/2570	No's 15 And 39 Crawley Down Road, Felbridge, East Grinstead, West Sussex, RH19 2NT	36 - 83

**PART II - RECOMMENDED FOR REFUSAL**

<b>ITEM</b>	<b>REFERENCE</b>	<b>LOCATION</b>	<b>PAGE</b>
None	N/A		

**PART III – OTHER MATTERS**

<b>ITEM</b>	<b>REFERENCE</b>	<b>LOCATION</b>	<b>PAGE</b>
None	N/A		



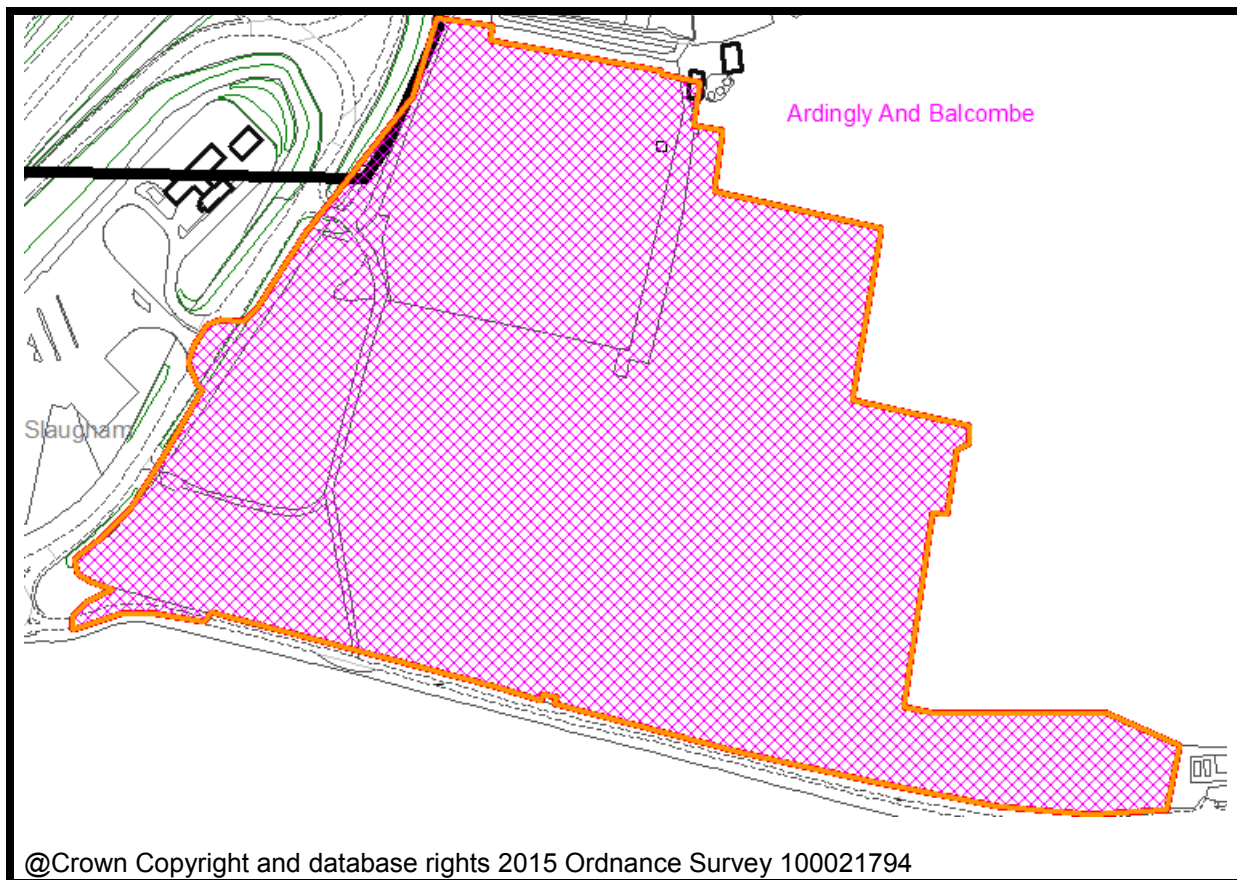
# MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

12 OCT 2017

PART I - RECOMMENDED FOR APPROVAL

1. DM/17/2534



**LAND EAST OF BRIGHTON ROAD, BRIGHTON ROAD PEASE POTTAGE WEST SUSSEX  
RESERVED MATTERS APPLICATION FOR DETAILS OF THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOLLOWING OUTLINE PERMISSION DM/15/4711 OF PHASE 1 FOR THE CONSTRUCTION OF 156 DWELLINGS, 24-BED CARE FACILITY, COMMUNITY HUB WITH ASSOCIATED ACCESS, PARKING OPEN SPACE AND ASSOCIATED INFRASTRUCTURE AND EARTHWORKS.  
THAKEHAM HOMES AND MR G W BRIDGES**

POLICY: Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / High Pressure Gas Pipeline / Land Compensation Act Notice / Land Compensation Act Notice / Major Hazard Site / Major Hazard Site / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Aerodrome Safeguarding (CAA) / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 14th September 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 Reserved Matters approval as detailed above.

### **EXECUTIVE SUMMARY**

Reserved matters approval is sought for the erection of 156 dwellings, 48 of which will be affordable, a 24 bed hospice building and community hub pursuant to an outline planning permission DM/15/4711 issued via a decision notice dated the 28th November 2016. 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.

The proposals represent the first phase of a larger development consisting of a range of dwellings types, including an appropriate affordable mix, a 24 bed hospice facility and a community hub (which consists of a small shop, meeting rooms and a café). The resulting scheme is considered acceptable in layout and design terms. It would create an acceptable residential environment within the High Weald AONB with an appropriate landscape strategy to mitigate the long term impact of the proposals.

Furthermore, the proposals are considered acceptable in highways and drainage terms and suitable conditions are suggested to cover points of detail arising from the submitted reserved matters.

It is considered that the submitted details are consistent with the outline planning permission 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 approval of the Reserved Matters application be granted subject to the conditions and informatives set out in Appendix A.

## **SUMMARY OF CONSULTEES**

### **MSDC Urban Designer**

The perimeter block arrangement ensures that building frontages face the public realm and landscape features; the substantial main open space, modestly described as the village green provides an appropriate central focus for this and future phases. This scheme commendably avoids the ubiquitous pseudo-traditional Sussex vernacular, and the contemporary-styled frontages benefit from some individuality that contributes to giving the scheme a sense of place; and the most prominent elevations facing the entrance boulevard and main open space work reasonably well. While the position of the hospice building is not ideally suited in terms of the topography of the site and the relationship with the AONB to the south, the proposed tree planting should screen it sufficiently over time.

No objection subject to conditions.

### **Mid Sussex Design Panel**

Particularly given its AONB and strategic site status, the panel agreed that this proposal was a missed opportunity to deliver something of quality, and it was disappointing that the scheme had not been significantly progressed since it was previously presented to them. Previous comments were still relevant. Because their previous comments have not been satisfactorily addressed, the panel cannot support the scheme (see appendix B).

### **WSCC Highways**

No Objection.

### **MSDC Housing**

No objection.

### **MSDC tree and Landscapes**

No objection.

## **MSDC Drainage**

We are satisfied that the proposed development will not create or exacerbate existing flood risk associated with this site and area. This development appears to be carefully considered and looks to provide opportunity to reduce flood risk to downstream areas and treat run-off water quality.

## **SUMMARY OF REPRESENTATIONS**

One letter of objection received from the High Weald AONB Unit making the following comments;

- Now the principle has been agreed it is vital that the details of the proposals are of exceptional quality and conserve and enhance the character of the High Weald AONB.
- Neither the Design Statement nor the Landscape Design Statement reference the High Weald AONB at all and the designs selected for this site appear to have no overall vision or relationship to the historic settlement pattern of the High Weald AONB.
- Proposal is for an urban form of development more akin to a new neighbourhood for Crawley rather than a new village for the High Weald.
- The application is contrary to objectives S1, S2 and S3 of the High Weald AONB Management Plan and does not conserve and enhance the natural beauty of the High Weald AONB contrary to Section 85 of the Countryside and Rights of Way Act and the NPPF paragraph 115.
- In the event that the Council considers the application acceptable, a number of conditions are suggested.

## **SLAUGHAM PARISH COUNCIL OBSERVATIONS**

None received.

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## **Introduction**

This application seeks Reserved Matters approval for 156 new dwellings with associated facilities, a 24 bed hospice facility and a community hub including meeting rooms, café and shop. This represents the first phase of a wider development of around 600 dwellings granted outline planning permission under reference DM/15/4711 on land at Hardriding Farm, Pease Pottage. Vehicular access to the site via a new roundabout, with a secondary access point to Parish Lane, was approved at outline permission stage, with all other matters being reserved.

## **Relevant Planning History**

Outline planning permission (DM/15/4711) was granted on the 28th November 2016. It established the principle of development for up to 619 dwellings on site (condition 7), along with a 48 bed hospice, a primary school and a community hub (including a shop, café and meeting room). Significant areas of open space, landscape and ancient woodland buffers are also to be provided.

## **Site and Surroundings**

Phase one is located in the south/south-western part of the much larger site and covers approximately 12.6 hectares. The entire site is located within the High Weald Area of Outstanding Natural beauty.

Immediately to the west, between the application site and the M23, is Pease Pottage Motorway Services which contains a small number of retail/café units. The southern boundary of the site is defined by Parish Lane, beyond which lies agricultural land.

An area of ancient woodland, known as Tilgate Forest, forms the eastern and north-eastern boundaries of the wider site, but these do not immediately bound the extent of this Phase one application.

## **Application Details**

This proposed application represents the first phase of the development of the wider site granted planning permission under outline consent DM/15/4711. The application seeks to address the matters associated to the layout, appearance, scale and landscaping of this part of the development. Members will recall that the matter of access was dealt with at the outline stage and does not form part of the consideration of this application.

The details before members include the following;

- The provision of 156 residential units, including 48 affordable units
- A 24 bed hospice facility
- A Community Hub, including meeting rooms, café and shop and;
- Open space provision

The submitted details show that the applicants are pursuing the following mix;

24 x One Bed Units (18 affordable)  
68 x Two Bed Units (22 affordable)  
47 x Three Bed Units (8 affordable)  
17 x Four Bed Units

The proposed affordable housing provision equates to 30 per cent, in line with the requirements of the S106 Agreement associated with the outline planning permission.

The submitted details show that the scale of the development ranges across the phase, depending upon its sensitivity in the wider landscape. Buildings heights range from one storey through to three storey.

The application submission is supported by a Design and Access Statement that sets out the design strategy for the site, which along with the individual plots details, show two different character areas are being promoted within this phase.

In terms of landscaping, the application contains details of part of a large open green space that will help characterise the central part of the site and act as the main open space for the entire development. The delivery of this will be split with a later phase.

## **List of Policies**

### **Mid Sussex Local Plan**

C4 - Area of Outstanding Natural Beauty  
B1 - Design  
B2 - Residential Estate Development  
B3 - Residential Amenities  
B7 - Trees and Development  
B9 - Crime prevention and Design  
B23 - Noise Pollution  
H4 - Affordable Housing  
T4 - Traffic Management  
T5 - Parking Standards  
T6 - Cycle Parking

### **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:

DP9a - Pease Pottage (some weight)  
DP14 - High Weald AONB (significant weight)  
DP19 - Transport (little weight)

DP24 - Character and Design (little weight)  
DP25 - Dwelling Space Standards (little weight)  
DP27 - Noise, Air and Light Pollution  
DP28 - Housing Mix (little weight)  
DP29 - Affordable Housing (little weight)  
DP36 - Trees, Woodland and Hedgerows (some weight)  
DP39 - Sustainable Design and Construction (little weight)

## **Slaugham Parish Council**

No draft Plan.

## **National Policy**

### **National Planning Policy Framework (NPPF)**

The NPPF sets out the government's policy to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently.

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

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

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

### *Technical Housing Standards*

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

S1 Objective: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside.

S2 Objective: To protect the historic pattern of settlement.

S3 Objective: To enhance the architectural quality of the High Weald.

## **Assessment (Consideration of Key Issues)**

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 this point.

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 Area of Outstanding Natural Beauty
- Residential Amenity
- Highways and Parking Matters
- Affordable Housing
- Drainage
- Landscaping
- 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.

In terms of the layout, the applicants have adopted a series of perimeter blocks that ensures that the buildings face the public realm and landscape features. The proposals include part of the main open space for the whole site (the remainder will follow in subsequent REM submissions) which provides an appropriate central focus for the development. It is considered that the layout is acceptable.



Having regard to the design approach, the applicants have pursued two different architectural styles to give the northern and southern part of the phase their own distinctive character. Your Urban Designer has provided detailed comments on the various different components of the scheme however, in conclusion on the issue overall he states;

*"This scheme commendably avoids the ubiquitous pseudo-traditional Sussex vernacular, and the contemporary styled frontages benefit from some individuality that contributes to giving the scheme a sense of place; and the most prominent elevations facing the entrance boulevard and main open space work reasonably well. While the hospice building is not ideally suited in terms of the topography of the site and the relationship with the AONB to the south, the proposed tree planting should screen it sufficiently over time."*

The proposals include details of the hospice facility and the community hub, which will form the central community elements of the overall development. It is considered that their design, form and scale are acceptable.

Having regard to the scale of the proposed buildings, it has been recognised that the southern part of the site, adjacent to Parish Lane, is the most sensitive in landscape terms and in response the proposals in this area consist of one and two storey buildings, while the centre of Phase one consists of two and three storey buildings. This is in accordance with the approved Building Height Parameter Plan.

The Urban Designer has requested conditions to cover some points of detail and these are reflected in the conditions listed in appendix B.

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 policies B1 and B2 of the Mid Sussex Local Plan and Policies DP9a and DP24 of the Mid Sussex District Plan Submission Version.

### **Impact of on the Area of Outstanding Natural Beauty**

The proposal lies within 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'*. Section 85 of the Act places a duty on all public bodies and statutory undertakers to *'have regard'* to the *'purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'*.

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 DP14 of the Submission Version District Plan where the aim to conserve and enhance natural beauty is regarded as the overall priority and only proposals which comply with this will be permitted.

The High Weald AONB Management Plan 2014-2019 is a material consideration that should be taken into account. The relevant objectives, as identified with the representation received from the High Weald Unit, have been set out in the earlier section of the report. Members should have regard to these in taking any decision.

The principle of development within the AONB has been established with the granting of the outline planning permission and a development of this overall significance will undoubtedly have an impact and this was recognised at the time the previous application was determined.

Your Tree and Landscape Officer has considered the details put forward by the applicants to address the sensitive southern boundary of the site with Parish Lane, along with internal landscape arrangements. As set in his comments, he considers the overall masterplan is generally acceptable, however, further consideration should be given to the use of further native broadleaf planting and a suitable landscaping condition is suggested.

Your Urban Designer is content with the proposed layout and design of the scheme and given the overall size of the development, it is encouraging that the applicants have as part of phase one introduced differing design languages with the aim of creating separate character areas.

Having regard for the representations from the High Weald AONB Unit, it is considered that as far as a development of this size and scale is concerned the proposed design and layout aim to conserve and enhance the natural beauty of the area as much is possible, given that the principle of development has already been accepted. In this regard, it is felt that the objectives S1, S2 and S3 of the AONB Management Plan are not conflicted with.

Your officers have noted the conditions suggested by the AONB Unit and it should be noted that facing/finishing materials are subject to a condition on the outline consent (condition 20) and will be subject to further consideration as part of the condition discharge process. Furthermore, condition 26 of the outline consent deals with lighting for each phase and details will need to be submitted and agreed prior to commencement on site with regard to this matter.

It is considered that the application complies with Policy C4 of the Mid Sussex Local Plan, policies DP9a and DP14 of the Submission Version District Plan, the relevant sections of the NPPF and the High Weald AONB Management 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. The Policy seeks to protect future occupier amenity 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.

The proposed development will not have any direct physical impact on any existing neighbouring property to the detriment of their amenities. Moreover, it is considered that the layout is and design of the buildings ensures that a suitable living environment for future occupiers is created and this includes ensuring that all properties comply with the relevant National Space Standards for Dwellings.

Condition 19 of the outline consent seeks to protect properties from any noise generated pollution and details will be considered under the discharge of condition process of any relevant property affected.

The proposal complies with policies B3 and B23 of the Mid Sussex Local Plan and Policies DP9a and DP24 of the Submission Version District Plan.

## **Highways and Parking Matters**

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

Matters of access were approved at the outline application stage and the access onto Brighton Road and Parish Lane will be subject to a separate S278 Agreements with the Local Highway Authority. These matters of principle are not for consideration as part of this application.

The submitted layout shows that the proposed adoptable highways areas will take the form of segregated carriageways (of 5.5 to 6 metres wide) and footways (2 metres in width). Shared surfaces of approximately 4.8 metres in width are predominantly shown for unadoptable areas. The Local Highway Authority have confirmed that the general carriageway, foot/cycle way and parking space widths are acceptable and in accordance with published guidance.

Parking will be provided across the site by a range of means garages, on plot parking, rear parking courts and road side spaces to cater for the residential needs of future owners. While content with the total provision being proposed by the applicants, the Local

Highways Authority did make a number of comments on matters associated with the parking strategy submitted, including the distribution of spaces across and site and school parking demands. The applicants have submitted further information to address the points raised, which include the provision of visitor parking closer to the spine road. On the matter of the school parking demand, the Local Highway Authority has stated the following;

*'Based on information presented with the outline permission, the school is intended to fulfil the demands for primary school places generated by the development. The majority of trips should therefore take place by sustainable modes given that trips will be contained within the development site. Nevertheless, provision for parent parking is included.*

*To ensure that this parking is kept available for school related parking, further measures would be needed (such as enforceable limited waiting times during school hours). Again, similar to the prevention of parking along the spine road, there's no apparent reference to the implementation of measures. Given the potential impacts should this parking not be available, it is recommended that a condition is imposed requiring details of parking management for the school'.*

The Local Highway Authority has not raised an objection to the application, subject to conditions.

Officers are satisfied that the application complies with policies T4, T5 and T6 of the Mid Sussex Local Plan and Policies DP9a and DP19 of the Submission Version District Plan.

### **Mix of units, sizes and affordable housing**

The proposal involves the erection of 156 dwellings of which 48 would be affordable units, which represents 30 per cent of the total number contained within this application.

The proposed affordable dwelling mix is as follows:

18 x one bed flats for affordable rent  
13 x two bed flats for affordable rent  
3 x two bed houses for affordable rent  
2 x three bed houses for affordable rent

and;

6 x two bed houses for shared ownership  
6 x three bed houses for shared ownership

Your Housing Officer has considered the application and has made the following comments;

*'This mix will meet a broad range of housing needs and in particular will help to address the high demand for smaller units of affordable rented accommodation in the district. Consideration has been given to our clustering policy and the affordable units are well integrated across the Phase. This level of integration combined with a tenure blind approach will achieve a good level of community cohesion which will assist in creating a sustainable neighbourhood'.*

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

6 x one bed flats  
3 x two bed flats  
43 x two bed houses  
39 x three bed houses  
17 x four houses

All the proposed units, both private and affordable, achieve the required national space standards for dwellings.

The application complies with Policy H4 of the Mid Sussex Local Plan and Policies DP9a, DP25, DP28 and DP29 of the Submission Version District Plan.

## **Drainage**

Policy CS13 of the Local Plan seeks to ensure that sites on which new development is provided can be adequately drained. Drainage was the subject of various conditions attached to the outline consent. In support of this application, a Drainage Statement has been submitted that has been carefully considered by your Drainage Officer.

There is a public foul water system located to the west of the site and it is proposed that the Phase One foul flow will be discharged into this sewer, via a foul water pumping station. It is proposed that the foul drainage system will be constructed for adoption by Thames Water, including the proposed foul pumping station.

In terms of surface water, the design utilises piped methods to convey water to the proposed SuDS features (grass swales), which in turn will discharge to the proposed infiltration and attenuation basins along the southern boundary of the site. The identified three points of discharge from the site itself are a watercourse to the southeast of the site, a highway ditch to the south and a public surface water sewer to the southwest of the site.

Your Drainage Officer has stated;

*'We are satisfied that the proposed development will not create or exacerbate existing flood risk associated with this site and area. This development appears to be carefully considered and looks to provide opportunity to reduce flood risk to downstream areas and treat run-off water quality'.*

The application complies with Policy CS13 of the MSLP and Policies DP9a and DP39 of the Submission Version District Plan. The drainage details will be fully resolved through the existing condition discharge process.

## **Landscaping**

The application submission is supported by a Landscape Design Statement, along with detailed landscaping drawing, which has been considered by your Landscape Officer.

In terms of the landscape strategy the applicants set out the following;

- Buffer planting will be incorporated along the southern and western boundary to enhance the visual barrier
- Planting of woodland and tree belts to create green corridors and biodiversity routes through the site
- A number of squares and neighbourhood spaces are located at intervals through the development
- The existing landscape boundary will be enhanced with new planting

Your Tree and Landscape Officer is content with the proposed masterplan and while detailed landscaping drawings have been submitted, he would like to see further broadleaf planting incorporated. To address this point, the standard landscaping conditions are suggested.

Officers are contents that at this stage the proposed landscaping strategy is acceptable and the application complies with policies B1, B2 and B7 of the Mid Sussex Local Plan and Policies DP9a, DP24 and DP36 of the Submission Version District Plan.

## **Conclusions**

The proposals represent the first phase of a larger development consisting of a range of dwellings types, including an appropriate affordable mix, a 24 bed hospice facility and a community hub (which consists of a small shop, meeting rooms and a café). The resulting scheme is considered acceptable in layout and design terms. It would create an acceptable residential environment within the High Weald AONB with an appropriate landscape strategy to mitigate the long term impact of the proposals.

Furthermore, the proposals are considered acceptable in highways and drainage terms and suitable conditions are suggested to cover points of detail arising from the submitted reserved matters.

It is considered that the submitted details are consistent with the outline planning permission 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 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 Policies B1, B2 and B7 of the Mid Sussex Local Plan, Policies DP24 and DP36 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

2. 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, B2 and B7 of the Mid Sussex Local Plan, Policies DP24 and DP36 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

3. No part of the school shall be first occupied until such time as plans and details covering the management of parking areas associated with the school have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of those measures that may be necessary to manage on-street parking demands associated with the school.

Reason: In the interests of highway safety and to accord with Policies T4 and T5 of the Mid Sussex Local Plan and Policy DP19 of the Mid Sussex District Plan 2014 - 2031 Submission Version.

4. Prior to the commencement of the construction of any dwellings hereby approved, 1:20 scale sections and elevation are to be provided of the typical design features (shown in the context of the wider elevations) that characterise the buildings design including the following features, shall be submitted to and approved in writing with the Local Planning Authority;

- (i) Projecting bay windows
- (ii) Brick detailing

- (iii) Entrance canopies
- (iv) Balustrading
- (v) Projecting gable frontage of the hospice and Hub building.
- (vi) Projecting entrance bays of the blocks of flats

The dwellings 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.

### **Approved Plans**

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

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

### **INFORMATIVES**

- 1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.



## APPENDIX B – CONSULTATIONS

### MSDC Urban Designer

#### Summary and Overall Assessment

The perimeter block arrangement ensures that building frontages face the public realm and landscape features; the substantial main open space, modestly described as the village green provides an appropriate central focus for this and future phases. This scheme commendably avoids the ubiquitous pseudo-traditional Sussex vernacular, and the contemporary-styled frontages benefit from some individuality that contributes to giving the scheme a sense of place; and the most prominent elevations facing the entrance boulevard and main open space work reasonably well. While the position of the hospice building is not ideally suited in terms of the topography of the site and the relationship with the AONB to the south, the proposed tree planting should screen it sufficiently over time.

As well as conditions to cover landscaping and facing materials, I would recommend the following conditions to address my concerns about the quality of the articulation, and to address the poor relationship of the rainwater downpipes and the projecting bay windows:

- 1:20 scale sections and elevations to be provided of the typical design features (shown in the context of the wider elevations) that characterise the building design including the:
  - (i) Projecting bay windows
  - (ii) Brick detailing
  - (iii) Entrance canopies
  - (iv) Balustrading
  - (v) Projecting gable frontage of the hospice and Hub building.
  - (vi) Projecting entrance bays of the blocks of flats
- The omission of rainwater downpipes serving projecting bay windows (NB: to provide appropriate run-off arrangement there will need to be a suitable amount of impermeable surface around the base of the buildings).

#### Layout

The overall arrangement of the site into a series of perimeter blocks ensures the dwellings face the public realm and secure the private realm while providing connectivity. Most of the streets that feature detached/semi-detached houses and blocks of flats benefit from consistent building lines and street enclosure with grass verges accommodating regular spaced trees that both soften and provide order (as the applicant's landscape consultant has advised, the tree planting will need to be properly coordinated with utilities and highway requirements to achieve the regular spacing).

Other street frontages, particularly with terraced houses, typically feature right-angled forecourt parking which to some extent undermine street enclosure because of set-back / inconsistent building lines, and potentially result in hard-edged thresholds. However, this is mitigated by formalising the layout of the threshold areas and softening them through tree planting between the parking spaces.

The so-called "neighbourhood square" in the northern part of the site incorporates a tree-lined landscaped area that delineates the pedestrian realm. The curved division of the space is nevertheless oddly in opposition to the orthogonal shape of the square.

The layout of the southern part of the site is particularly sensitive because it slopes down towards the Parish Lane boundary, and consequently faces the AONB to the south potentially revealing the development more than it would otherwise. To mitigate this, the buildings on the southern side are predominantly single storey including the rear part of the hospice. In addition a large number of new trees are proposed in a sizeable buffer area that runs adjacent to the boundary that will hopefully, over time, screen much of the development, including the large car park serving the hospice, thereby helping to conserve the attractive rural character of the adjacent countryside. Particular care will nevertheless need to be given to the specification of the trees and the form of the soft landscaping along this side.

#### Entrance Boulevard / Street Elevation B and C

The 3 storey gable frontages with their projecting bays provide appropriately punctuated corners on plots 1 and 56 at the entrance point of the site, and also punctuate the SW corner of the main open space.

The street elevations are otherwise chiefly characterised by the repeated symmetrically configured / central gabled semi-detached houses that mirror each other on both sides of the street; this formation gives strong order and architectural interest that was previously missing (in the withdrawn application DM/15/4706). This formality is shown attractively echoed by regularly spaced tree planting on both sides of the street;

#### Gateway / Street Elevation E

The crescent-shaped layout of street elevation E facing the roundabout suggests strong formality that is not fully reflected in the elevations (although it is more ordered than the previous arrangement in withdrawn application DM/15/4706). However, this is not considered an issue, as once the length of the frontage and the landscaping around the roundabout is considered, the street elevation is unlikely to be read as a single unified frontage.

#### The Main Open Space / Village Green and Frontages

The contemporary styled gable projections that punctuate the facades of the hospice and the Hub Community Building contribute to interestingly designed frontages serving the

neighbourhood centre and defining the southern edge of the main open space. The Hub building now incorporates neater more rationalised dormer windows. As the DRP have advised, the position of the café and its threshold are not ideal because of its north facing aspect and the overshadowing of the 3 storey element on the west side. The landscaping of this area is also rather over-designed / busy.

On the west side of the main open space, the consistent frontages (65-70) generated by the replicated run of type 4H1b houses generates a strong rhythm and order, with the two type 3H9bf symmetrically punctuating the corners of the junction to the north. Unfortunately the order dissipates beyond this point.

The main open space is sensibly designed with a continuous line of trees close to its perimeter that supplement the existing mature trees that run approximately parallel to the edges; I would like to see new semi-mature large variety trees such as oaks; and wider spacing may therefore be needed (I will nevertheless defer to Ryan Lloyd on this). The play area seems rather squeezed into the NW corner, particularly as the rest of the space is undefined except for grass.

#### Other Comments on the Elevations

Two contrasting design approaches have been adopted to give the northern and southern parts of phase 1, their own distinctive character and I support this strategy in principle. The southern area design is characterised by the employment of extended canopies (that sometimes dovetail with bay windows), the timber detailing and especially their distinctive gables topped-off with chimney-like features. The DRP were critical of the latter as they feel it looks like a fake chimney; while I accept it suffers from an ambiguous appearance, it nevertheless contributes to giving the architecture some individuality (often missing in mass housing schemes), and the relatively high level of articulation positively contributes to the scheme especially as this typology is employed on all the main frontages (refer to The Main Open Space / Village Green and Frontages, Entrance Boulevard / Street Elevation B and C, Gateway / Street Elevation E). The rainwater downpipes have a clumsy relationship with the projecting canopies and bay windows that they serve; the small amount of roof makes the latter seem particularly unnecessary, and I would like to see them omitted; I would recommend a condition covering their omission, as well as a condition to ensure the detailing is carried through as proposed to secure the quality of the design.

The northern area design employs a more overtly contemporary approach, and is characterised by its more pared-back approach. This is relieved by the employment of corbelled eaves, areas of brick detailing and box bays and porches. I have particular concerns with this approach, as the frontages which do not incorporate the box bays and porches are at risk of looking bland / utilitarian, and employing different brick types does not in itself adequately address this (NB: so that it is in accord with the character of the wider area I would rather see a neutral brick employed in place of a buff/cream brick). I therefore recommend conditions to secure the quality of the design of this element too.

The blocks of flats have been improved since the withdrawn application proposal. They now benefit from front entrances which allow the buildings to properly address the street. The frontages also have a more cohesive design with less varied and better-ordered fenestration; this includes the square/flat-roofed projecting bays which are now applied throughout, although it is a shame the entrance bays project higher than the living room window bays, as this generates less even frontages. The wide window panels in block D's entrance bay is especially dominant and do not integrate so well with the rest of the façade.

### **Mid Sussex Design Panel**

Particularly given its AONB and strategic site status, the panel agreed that this proposal was a missed opportunity to deliver something of quality, and it was disappointing that the scheme had not been significantly progressed since it was previously presented on the 11th April; the notes of that meeting are therefore still relevant.

#### Overall Assessment

Because their previous comments have not been satisfactorily addressed, the panel cannot support the scheme.

#### Panels Previous Comments 11th April

The Panel felt that the layout and overall approach had not changed greatly since the scheme was previously presented to the December 2015. However, it was acknowledged that the two distinct architectural approaches (described as brands) responded to the Panel's previous criticisms about the overall approach being too similar throughout. There was nevertheless a concern that the distinction between the brands may be perceived as "social-engineering" with the smaller units reserved for the Alphium brand that are tucked away behind the main frontages and featuring a distinctly different buff brick and a pared-back architectural approach. In particular, the Alphium brand may end up looking too stark and the "poor brother" especially if cost-cutting design compromises are taken; it was already noted that the clean-eaves detail described by the architect was not illustrated in the drawings. This needs to be addressed and the projecting bays and crisp brick details will also be key to its success. Consideration could be given to mixing it up a little and adding variety particularly in terms of the treatment of the "vista-stops".

The Panel were still not convinced by the chimney detail on the Thakeham branded houses as they are plainly fake.

The configuration of the main open space was questioned (as well as its division into two phases); it should respond to the surrounding layout and desire lines that need to be demonstrated in a contextual plan.

It was acknowledged that the smaller spaces were now better designed. However the position of the café was not ideal because it faced northwards with the threshold space overshadowed for much of the day by the tallest building in the development.

Upon further reflection, it was agreed that the flat roof design of the hospice building was necessary to reduce its physical impact upon the AONB to the south. However, the Panel felt the long corridors had unfortunate institutional connotations and they were not convinced by the courtyard garden spaces; more information is needed to demonstrate their quality.

### Overall Assessment

The Panel support the scheme subject to additional information / drawings being supplied that address the above issues.

### **WSSC Highways**

West Sussex County Council in its role as Local Highway Authority has previously issued commented on this proposal dated the 6th July 2017. A number of matters were raised and further information has now been submitted.

Some of this information has been provided directly to the LHA and comments made directly in to this. For completeness, these comments are included below.

In connection with the supporting transport statement addendum dated the 9th August 2017, the following observations were made.

*I have now read through the responses to the points raised in my formal consultation dated the 6th July 2017. As noted in your response, the majority of my comments were observations that should be resolved through the detailed design. Similarly, the Stage One RSA has also raised a number of problems to be checked as part of the detailed design. For those problems relevant at this stage, the Designers Responses are satisfactory.*

*Regarding those outstanding points that are relevant at this stage, I would offer the following comments:*

*Parking Distribution - the comment made by WSSC here relates not to the number of parking spaces nor are further parking spaces being requested, but more that those unallocated spaces provided are spread more evenly through the site. I appreciate the intention and desire not to have a car dominated street scene on arrival into the site. However it seems more appropriate to design the site to meet demands where they are inevitably likely to occur. Given the absence of any nearby visitor parking spaces to these, units there appears the strong possibility that parking will take place on carriageway. An alternative solution to this issue would be for the development to implement waiting restrictions.*

*Further to the above, reference is made to there being the possibility of allocated parking spaces being used to meet visitor demands. Unless these currently allocated parking spaces are marked as unallocated, it's then questioned how visitors would be aware of the possibility of these spaces being free for use.*

*School Parking Demands - again the inclusion of parking to meet dropping off/picking up demands for the school are noted. The question relating to this is more what are the anticipated parking demands? This would then determine what parking provision is required for the school site and whether the number of spaces is sufficient. The inclusion of 8 spaces within a lay-by is recognised but this is potentially very low leading to the strong likelihood of parking needing to take place elsewhere. There's no reason why the design cannot take these matters into account to avoid issues occurring as and when the school is occupied.*

*20 spaces are also indicated as being provided on the school site for visitors and staff. Relating to the above point, again, without a clear understanding what the parking demands are it is impossible to agree that provision is satisfactory.*

Further revisions have been undertaken to address the above points. This includes the provision of visitor parking closer to the spine road. Whilst this may not prevent parking from taking place along the spine road, it still provides a more convenient location where visitor parking can take place. This point has been addressed. It's unclear if the applicant intends to promote other measures, such as waiting restrictions. However these can be pursued as part of any agreement under Section 38 of the Highways Act 1980.

The only other matter relates to parking for the school. Based on information presented with the outline permission, the school is intended to fulfil the demands for primary school places generated by the development. The majority of trips should therefore take place by sustainable modes given that trips will be contained within the development site. Nevertheless, provision for parent parking is included.

To ensure that this parking is kept available for school related parking, further measures would be needed (such as enforceable limited waiting times during school hours). Again, similar to the prevention of parking along the spine road, there's no apparent reference to the implementation of measures. Given the potential impacts should this parking not be available, it is recommended that a condition is imposed requiring details of parking management for the school.

Based on the details submitted, no highway objection would be raised.

If minded to permit this application, the following condition is recommended.

#### School Parking

No part of the school shall be first occupied until such time as plans and details covering the management of parking areas associated with the school have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of

those measures that may be necessary to manage on-street parking demands associated with the school.

Reason: In the interests of highway safety.

### **MSDC Housing**

The applicant is proposing a development of 156 dwellings in Phase 1 of this large site. This gives rise to an onsite affordable housing requirement of 30 per cent, equating to 48 units. The affordable housing mix agreed is as follows and complies with our tenure split of 75 per cent rented and 25 per cent shared ownership:

Affordable Rent: 36 units

18 x 1 bed flats  
13 x 2 bed flats  
3 x 2 bed houses  
2 x 3 bed houses

Shared Ownership: 12 units

6 x 2 bed houses  
6 x 3 bed houses

This mix will meet a broad range of housing needs and in particular will help to address the high demand for smaller units of affordable rented accommodation in the district. Consideration has been given to our clustering policy and the affordable units are well integrated across the Phase. This level of integration combined with a tenure blind approach will achieve a good level of community cohesion which will assist in creating a sustainable neighbourhood.

### **MSDC Tree and Landscapes**

I can confirm that this is a fairly standard landscape masterplan. The number of domestic trees being used is adequate, but of course with a development of this size one would hope to see further native broadleaf planting.

Assuming that the 5 year tree condition is placed on any planning permission, there are no issues expedient enough for me to raise an objection to this application.

### **MSDC Drainage**

This is the reserved matters application for phase 1 of this site, under original application DM/15/4711.

I have looked at the submitted details, and I have the following comments to make:

The site itself is situated relatively high in terms of local catchment and is sited within Flood Zone 1. There appear to be no considerable flood risk for surface water, except for the very southeast of the site where there is a possible thin pluvial flow path. We have no records of flooding occurring on this site. The vast majority of the existing site is greenfield. The whole site has an area of 45Ha, while the site area for phase one is 12.5Ha. The existing topography shows us that run-off from the site chiefly contributes to downstream flow and volumes for the 2 main rivers of the Tilgate Brook and the main river of the Stanford Brook, which flow through Crawley and are known to have flood risks associated with them. It is expected that the run-off flow from this site is taken across the M23 via inverted syphons, so it would be further expected that when syphon/culvert capacity is reached these watercourses will backup and flood there.

The submitted drainage statement intends to address condition 14 only at this stage which is:

*a. Development shall not commence until details of the proposed surface water drainage and means of disposal based on sustainable drainage principles and an assessment of hydrological and hydrogeological context of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for its implementation and a management, monitoring 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.*

The remaining condition for drainage (13) is intended to be addressed later at the detailed design stage (Condition 13 primarily looks to ensure that there are appropriate arrangements in place for the off-site works to discharge of foul and surface water to public sewers).

Infiltration testing on the site has shown variable rates of soakage from  $5.3 \times 10^{-5}$  to  $1.0 \times 10^{-6}$ . Areas of the site with better percolation rates are being used to allow for infiltration through the use of swales and infiltration basins.

There is a public foul water system located west of the site. Phase 1 foul flow will be taken to an adoptable foul water pumping station, which will discharge to the existing Thames Water public foul water sewer. The whole proposed development is expected to generate a peak flow of approximately 35.25ls-1, with Phase one contributing 10.44ls-1. The foul drainage system will be constructed for adoption by Thames Water, including the proposed foul pumping station. Thames water's sewer impact study has identified a lack of available capacity within the public system which will receive this flow and have identified improvement work options that the development will need to provide. This is the upsizing of a section of public sewer which will provide online storage capacity, a flow control system and two permanent depth loggers.



There is a public surface water system located west of the site. Part of Phase 1 will be attenuated in a wet detention basin which will have a flow control of 5.3ls-1 into the existing Thames Water public surface water sewer.

**Plot Scale:**

The surface water design will utilise piped methods to convey water to the proposed SuDS features. Unadopted enclosed parking courts will utilise permeable surfaces to store and filter water prior to discharge to adoptable system.

**Neighbourhood Scale:**

The SuDS features in the form of grass swales will collect run-off from roads and paths providing storage and treatment of water prior to discharge to the adoptable system.

**Development Scale:**

The SuDS features of planted swales will receive water from the adoptable drainage system and discharge to the proposed infiltration and attenuation basins (infiltration basin 1 and attenuation basin 2 have an allowance of extra capacity for future phases of the development).

The proposed development has identified three points of discharge:

1. The watercourse to the southeast of the site.
2. The highway ditch to the south of the site.
3. The Thames Water Public surface water sewer to the southwest of the site.

Discharge is proposed to be restricted to QBar with a representative rate of 5.4 litres per second per hectare. This rate will be for all storm eventualities for up to the 1:100 year storm event plus 40% for climate change. Highway run-off will be managed through two stages of treatment. An allowance of 10% has been incorporated into the surface water design for urban creep.

The proposed rates of discharge are:

The infiltration basin to the north will hold all discharge via infiltration basin 1 15.3ls-1 to the SE Watercourse via detention basin 2 5.3ls-1 to the Thames Water Surface Water Sewer via detention basin 1.

The development needs to ensure that the total run-off from the site has not been increased, as per the requirements of the Non-statutory Technical Standards for SuDS. From Table 4-2 we know that the phase one proposed areas are:

1. 10.61ha
2. 10.68ha
3. 3.09ha

From Table 4-3 we know that the drained areas are:

1. 1.47ha
2. 2.83ha
3. 0.98ha

From Table 4-3 we know that the proposed discharge rates are:

1. 0.0ls-1
2. 15.3ls-1
3. 5.3ls-1

We calculate the following total discharges:

For area 1 within P1

	ls <sup>-1</sup>
1 in 1	-6.420
1 in 30	-17.069
1 in 100	-24.093

For area 2 within P1

	ls <sup>-1</sup>
1 in 1	2.941
1 in 30	-17.561
1 in 100	-31.083

For area 3 within P1

	ls <sup>-1</sup>
1 in 1	1.020
1 in 30	-6.079
1 in 100	-10.762

Areas 2 and 3 show a slight increase in total run-off rate for the low intensity rainfall events, but we would consider this is acceptable for this particular site as area 1 enables the whole site to provide an overall reduction in run-off for all storm intensities.

Exceedance flow routes have been considered and the highway network will act as conduit for this water taking it to the roadside swales. Detention basin 2 also has an emergency overflow weir which will discharge to the existing roadside ditch along Parish Lane.

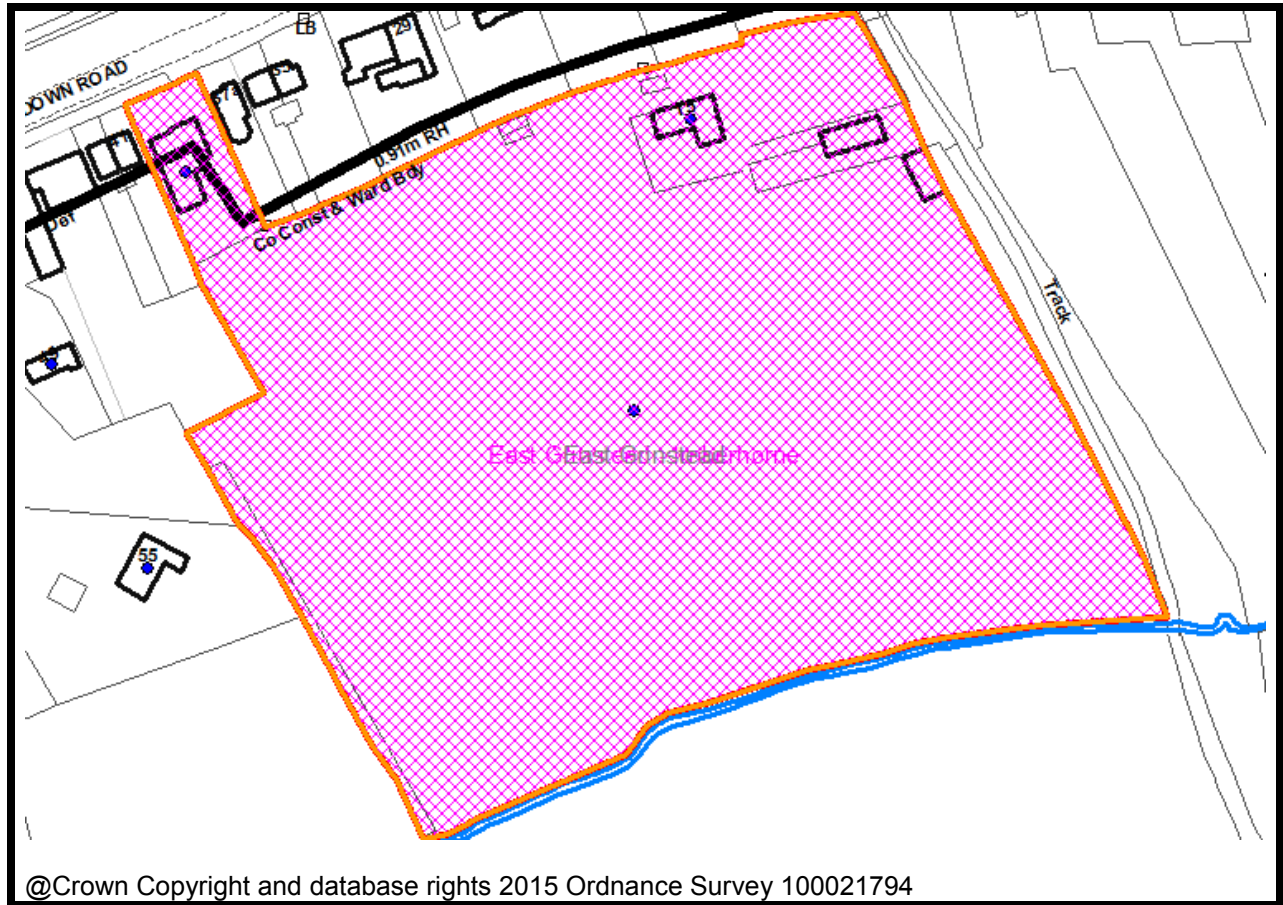
It is proposed for the piped elements of the drainage system to be adopted by Thames Water via S104. All other parts of the SuDS system will be maintained and managed by a private management company. The drainage statement has clearly identified the action and frequency of maintenance of the various SuDS systems for this development.

The drainage statement has also identified that the SuDS features will be constructed incrementally at the beginning of works to mitigate temporary increase in flood risk or pollution. The system will then be desilted and made ready for handover at the end of the construction contract.

We are satisfied that the proposed development will not create or exacerbate existing flood risk associated with this site and area. This development appears to be carefully considered and looks to provide opportunity to reduce flood risk to downstream areas and treat run-off water quality. We do still have a few concerns that require attention. Please can the following be answered:

- a. *The location of this development places within close proximity to Gatwick Airport. There is therefore a concern regarding the wet areas and the possibility of congregating birds - a hazard to aircraft. Please can we see evidence that Gatwick are satisfied with the proposed wet areas.*
- b. *It is proposed to discharge foul water from the site to the existing Thames Water Public Foul Sewer. It has been identified that the peak flow (for whole development) is 35.25ls-1. We understand that the Thames Water impact study has identified works needed to upgrade the existing system to accommodate the proposed development. However, the Thames Water sewer impact study states that it will receive pumped flow of 14.1ls-1. Please can the developer clarify if the proposed on-site pump station will accommodate peak flow of 35.25ls-1, but will then pump to the Thames Water sewer at 14.1ls-1?*
- c. *Please can we see evidence that Thames Water will accept the controlled discharge of 5.3ls-1 to the existing public surface water sewer?*
- d. *The majority of Mid Sussex District is served by Southern Water, and in our experience an adoptable surface water system will not be adopted unless it directly communicates with an existing public sewer. Please can we see evidence that Thames Water will adopt all the piped elements of the proposed system, even though the majority of it does not directly communicate with a public sewer?*
- e. *The proposed stilling basin and discharge point to the existing watercourse to the southeast of the site will require Ordinary Watercourse Consent (OWC). I have attached to this email an application form and guidance for this. Please can this be completed and submitted to me directly with £50 fee. The OWC deals with the potential impact of the structure and works to the watercourse. Therefore, this will require a detailed drawing and sections of the stilling basin and weir and its relationship with the watercourse.*

## 2. DM/17/2570



### **NO'S 15 AND 39 CRAWLEY DOWN ROAD FELBRIDGE EAST GRINSTEAD WEST SUSSEX**

**OUTLINE APPLICATION FOR THE ERECTION OF 63 DWELLINGS AND NEW VEHICULAR ACCESS ONTO CRAWLEY DOWN ROAD REQUIRED THE DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AT NO'S 15 AND 39 CRAWLEY DOWN ROAD.**

**WATES DEVELOPMENTS LIMITED**

**POLICY:** Ancient Woodland / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Aerodrome Safeguarding (CAA) / 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) / Sewer Line (Southern Water) / Sewer Line (Southern Water) / Sewer Line (Southern Water) / Sewer Line (Southern Water) / Sewer Line (Southern Water) / Sewer Line (Southern Water) / Strategic Gaps /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 21st September 2017

WARD MEMBERS: Cllr Heidi Brunsdon /

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 outline planning permission for the demolition of existing buildings and structures at No's 15 and 39 Crawley Down Road and the construction of 63 dwellings and new vehicular access onto Crawley Down Road.

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

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

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

As stated above paragraph 14 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted. Footnote 9 to paragraph 14 of the NPPF refers to instances where development should be restricted and one of those circumstances relates to heritage assets such as listed buildings. In this case as the proposal affects the setting of a listed building and in your officer's view, less than substantial harm is caused to the setting of the listed building, paragraph 134

of the NPPF is engaged. Paragraph 134 provides for a balancing exercise to be undertaken, between the "less than substantial harm" to the designated heritage asset, on the one hand, and the public benefits of the proposal, on the other. The presumption in favour of development is not referred to and does not apply.

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

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

Weighing in favour of the scheme is that the development will provide is that the development will provide 63 additional residential units, 19 of which 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 (including provision of much needed affordable housing) and this should be given substantial weight which lean to its public benefits.

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 will be some harm to the landscape as a result of the change from a green field site to a housing site. However this is the inevitable consequence of developing on a green field site. The development of green field sites will need to take place in order to meet the housing requirements of the District. In this respect this site is no different to others within the District. However the impact on the landscape is limited.

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

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

Given the substantial weight that needs to be given to the provision of housing and the limited adverse impact of the scheme on the character of the area and the less than substantial harm to the setting of the listed building officers conclude the public benefits of the proposal outweigh this less than substantial harm and the balance falls in favour of supporting the scheme. Planning permission should

therefore be granted.

## **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 CONSULTEES**

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

### **WSCC Highways**

No objection.

### **MSDC Arboriculturist**

I do recognise this is an outline application as is subject to change, but my only concerns with the current proposals are along the western boundary. I would also encourage the applicants to include English Oak trees in their landscaping scheme to partially mitigate the loss of those to the north of the site.

### **Archaeologist**

No objection subject to conditions.

### **Ecologist**

*Comments awaited.*

### **WSCC Flood Risk Management Team**

No objection subject to conditions.

### **MSDC Urban Designer**

No objection.

### **MSDC Conservation**

Consider that the proposal will cause harm to the setting of the listed school building, and the manner in which its special interest is appreciated. This would be contrary to the requirements of Local Plan Policy B10 and emerging District Plan Policy DP32. In terms of the NPPF I would consider the harm caused to the setting of the heritage asset to be

less than substantial, such that the criteria set out in paragraph 134 of that document would apply. Given the separation between the site and the listed building and the degree of screening present I would consider the less than substantial harm caused to be towards the lower end of the scale.

### **MSDC Environmental Health**

No objections subject to conditions.

### **MSDC Environmental Health - land contamination**

No objections subject to conditions.

### **MSDC Housing**

No objection.

### **MSDC Leisure**

No objection subject to contributions towards play space, formal sports and community buildings.

### **MSDC Street naming and numbering**

No objection subject to informative.

### **NATS**

No objection.

### **Sussex Police**

No objection.

## **SUMMARY OF REPRESENTATIONS**

10 letters of objection have been received raising the following concerns:

- Contrary to policy B1 of Mid Sussex plan and EG7 of East Grinstead plan 2016.
- Density too high and does not give adequate consideration to spacing between buildings.
- Three storey apartments will be overbearing.
- The 9 house in the North East corner of the site are too cramped and should be reduced to 4.
- Access is unsatisfactory being opposite a school and parking is inadequate.



- School parking is already difficult and the school car park access is directly opposite the site. Overspill parking from the development will reduce availability of parking for parents at beginning and end of the school day.
- If approved contractors should not be allowed to park adjacent to the school.
- Should have access onto the A264 and not Crawley Down Road.
- Increase in crime in the area due to new housing developments in the area.
- Loss of a public amenity building.
- No biodiversity enhancement.
- Road is often gridlocked and extra houses will have accumulative and detrimental impact on highway network and junctions.
- Crawley Down Road is in a state of disrepair was no designed for the volume of traffic.
- Coalescence and demise of the Strategic Gap.
- Pressure on local school and GP surgery
- Schools in the area are oversubscribed.
- Tandridge will be saddled with providing infrastructure without S106 payment.
- Trees on northern boundary should be given Tree Preservation Order.
- Object to loss of trees and hedges.
- Replacement trees should be planted elsewhere in West Sussex.
- Noise and disturbance during construction.
- Noise and disturbance from vehicles using the development.
- Could S106 monies be used for a new pedestrian crossing?
- Impact on Ashdown Forest and the environmental damage that will be caused by the development.

### **East Grinstead Society**

No objection but do have reservations about traffic implications for and access to Crawley Down Road.

### **East Grinstead Town Council Comments**

Recommend Refusal: The adopted neighbourhood plan policies EG 2a, 5 and 11 are not complied with This is an adopted policy and has been determined by the plan author as not compliant. This decision is not to be dismissed by a different interpretation by the planning authority. The build is proposed in an identified area of development constraint and would bring further coalescence between East Grinstead and the Surrey parish of Felbridge, failing at EG 2a (2) and (3). Whilst the traffic assessment is innovative and modern it has not adequately addressed the impact on Crawley Down road and the junctions with the main arteries therefore failing EG5. EG11 is not complied with as the mitigation does not remove all of the impact which is required on this road.

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## **INTRODUCTION**

This application seeks outline planning permission for the construction of 63 dwellings and new vehicular access onto Crawley Down Road requiring the demolition of existing buildings and structures at No's 15 and 39 Crawley Down Road.

## **RELEVANT PLANNING HISTORY**

### 39 Crawley Down Road:

GR/00/01211/REM Demolition of existing hall and ambulance garage and erection of a two storey and single storey building and garage for two ambulances, with associated car parking. Approved 20.10.2000

04/00219/FUL Demolition of existing St John Ambulance buildings. Construction of new station and 5 domestic flats. Withdrawn.

04/01220/FUL Demolition of existing St John Ambulance buildings. Construction of new station and 3 domestic flats. Withdrawn.

04/02219/FUL Demolition of existing St John Ambulance buildings. Construction of new station and 3 no. domestic flats. Approved 08.11.2004

## **SITE AND ITS SURROUNDINGS**

The site is located in Felbridge and is approximately hectares 2.6 hectares. The site includes land at No. 15 Crawley Down Road and No. 39 Crawley Down Road. No. 39 Crawley Down Road comprises a two and a half storey building which is vacant having previously occupied by St John's Ambulance Service and has a frontage onto Crawley Down Road. No.15 is a residential bungalow, located within the site and set behind houses on Crawley Down Road; there are also a number of outbuildings and grassed areas used in part for grazing horses. Vehicular access to No.15 is currently via a narrow track located between No's 11a and 17 Crawley Down Road. No. 39 Crawley Down Road lies within the built up area boundary the remainder of the site including No.15 is within the Countryside Area of Development Restraint.

The administrative boundary of Tandridge District Council and Surrey County Council is such that the boundary line cuts through the plot on which No. 39 Crawley Down Road is sited. The boundary line cuts through the building itself and part of the garden area and the remainder of the site lies with the administrative boundary of Mid-Sussex District Council and West Sussex County Council. Therefore the new access falls outside of the jurisdiction of Mid Sussex and a concurrent application had been submitted to Tandridge DC for the proposed new access onto Crawley Down Road.

The site is largely open grassland, with some mature trees close to the existing bungalow on the site There are a number of substantial trees and hedges around the boundaries

and an existing watercourse (Felbridge Water) runs from east to west along the southern boundary of the site beyond which an area of Ancient Woodland. To the west the site is bounded by open fields and the gardens of properties in Crawley Down Road. To the east is a narrow pedestrian track and beyond this the gardens of properties in Crawley Down Road. A primary school and village hall and village green are located on the northern side of the road.

## **APPLICATION DETAILS**

The application seeks outline planning permission for the construction of 63 dwellings and new vehicular access onto Crawley Down Road requiring the demolition of existing buildings and structures at No's 15 and 39 Crawley Down Road.

The proposed development, as submitted, seeks consent for the following;

- 63 units (30 per cent to be affordable which equates to 19 units).
- New vehicular access onto Crawley Down Road

The application is supported by a full suite documents and includes an illustrative site layout.

## **LIST OF POLICIES**

### **Mid Sussex Local Plan**

G2 (sustainable development)  
G3 (infrastructure requirements)  
C1 (Countryside Area of Development Restraint)  
C5 (nature conservation)  
C6 (trees, hedgerows and woodlands)  
B3 (Neighbour amenity)  
B4 (energy and water conservation)  
H2 (density and dwelling mix)  
H4 (Affordable housing)  
T4 (transport requirements in new developments)  
T5 (Parking Standards)  
CS13 (land drainage)

Development and Infrastructure SPD 2006

### **East Grinstead Neighbourhood Plan**

Policy EG2 - Areas of Development Constraint  
Policy EG3 - Promoting Good Design  
Policy EG5 - Housing  
Policy EG7 - Housing Mix and Density

Policy EG11 - Mitigating Highway Impact

Policy EG12 - Car Parking

Policy EG16 - Ashdown Forest Special Area of Conservation and Special Protection Area

## **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:

DP5 - Housing (Little weight)

DP10 - Protection of the Countryside (Significant weight)

DP18 - Securing Infrastructure (Little weight)

DP19 - Transport (Little weight)

DP20 - Rights of Way and other Recreational Routes

DP24 - Character and Design (Little weight)

DP27 - Noise, Air and Light Pollution

DP29 - Affordable Housing Policy (Little weight)

DP36 - Trees, Woodland and Hedgerows

DP37 - Biodiversity (some weight)

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.

*National Planning Policy Guidance*

## **ASSESSMENT OF MAIN 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;
- Visual Impact;
- Trees;
- Impact on residential amenity;
- Setting of listed building;
- Affordable Housing;
- Access and Transport;
- Drainage;
- Archaeology;
- Biodiversity/Ecology;
- Ashdown Forest;
- Infrastructure;
- Whether the proposal would be sustainable development;
- 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.

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.

Under normal circumstances, as the Council cannot currently demonstrate an agreed 5 year supply of deliverable housing sites para 14 of the NPPF would be 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.

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

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

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

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

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

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

### **Design and visual impact**

Policy B1 of the Mid Sussex Local Plan and DP24 of the Pre-submission District Plan promote high quality design, construction and layout in new buildings. Section 7 of the NPPF encourages good design.

On the basis that the application has been submitted with all matters reserved, the layout, scale and design of the buildings is not for consideration at this stage. Therefore whilst illustrative details have been submitted these are simply to provide an indication that the site is capable of accommodating a development of 63 units and how this could be arranged on the site.



The Urban Designer is generally supportive of the illustrative layout and design of the dwellings whilst recognising that this is an outline scheme and has made the following comments:

*The layout is well laid-out in a number of respects:*

- *The two open spaces can be particularly commended, in terms of the level of provision and in the manner they break-up and add interest to the scheme; the space on the northern boundary gives the scheme a central focus while the larger space reveals the attractive boundary trees along the southern edge of the site.*
- *The street frontages are sensibly organised in perimeter block formation facing towards the public realm and the boundary trees, while the house on plot 1 has been configured to provide natural surveillance along the umbilical-shaped entrance link with Crawley Down Road (however this would not work so well with the limited ground floor only fenestration in a bungalow as suggested in section AA).*
- *The parking is well integrated and sensibly incorporates rear court areas overlooked by flats over garages. Elsewhere, except for 28-32, the layout avoids front threshold parking that overall allows good street enclosure.*
- *Footpath links have been shown across the east boundary and parallel with the west boundary that provides good pedestrian connectivity.*
- *The corner buildings appear to have been designed with open/fenestrated frontages on the flank returns as well as the main street elevations.*

*The site layout suggests building frontages that benefit from consistent groupings however this is undone by the inconsistent street section drawings. On section AA the disparity of scale and building types is clumsy, and the horizontally proportioned bungalow is at odds with the more vertically proportioned characteristics of the rest of the frontage; furthermore the site layout configuration of plot1 features gable rather than hip ends. Section BB also appears to be inconsistent with the site layout which is better ordered.*

Overall, it is considered that the development of any open site such as this will result in some visual harm. However, subject to the final design and layout, which would be subject to a reserved matters application; it is considered that the site could be development in such a way without causing significant harm to the overall character and appearance of the area.

The loss of the existing building at No. 39 Crawley Down Road to provide a new access to the site is not considered to be an issue as the building is of no particular merit.

For the reasons set out above the application is considered to comply with policy B1 of the Mid Sussex Local Plan, policy DP24 of the Pre-submission District Plan and the requirement of the NPPF.

## **Trees**

Policy B7 of the Local Plan seeks to retain trees as far as possible for their amenity value. Policy DP36 of the draft 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 has reviewed the submitted Arboricultural Implications Assessments and related documents, along with the illustrative layout and has raised some concerns regarding the proximity of some of the units to trees on the site and possible future pressure on the trees to prune heavily or to fell. While these comments are noted, these will need to be considered at a reserved matter stage as the details of landscaping and layout are proposed as reserved matters.

A condition requiring a detailed landscaping plan forms part of the recommendation. On this basis, it is not considered that the proposal would be contrary to the above policies.

## **Impact on amenities of adjacent residents**

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.

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 residential properties at this stage and this would need to be fully assessed at any reserved matters stage.

## **Setting of listed building**

In regard to the impact on the nearest heritage asset, the listed Felbridge County Primary School, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers to Conservation Areas and states: *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Paragraphs 131 - 134 of the NPPF are also relevant:

*"131. In determining planning applications, local planning authorities should take account of:*

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- the desirability of new development making a positive contribution to local character and distinctiveness.*

*132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- the nature of the heritage asset prevents all reasonable uses of the site; and*
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- the harm or loss is outweighed by the benefit of bringing the site back into use.*

*134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*

The MSDC Conservation Officer considers that the application will have an impact on the setting of the Listed Felbridge County Primary School,

*The proposed development enjoys a degree of separation from the listed building and is also partially screened in views from its immediate context by the existing houses to the south of Crawley Down Road. However, the proposal will have a significant impact on the*

*currently open and green nature of the site and on the existing glimpsed views of it which are afforded between the existing housing development on Crawley Down Road looking south, including views from the immediate setting of the school, which help to place the school in a semi-rural rather than urbanised setting.*

It is noted however that the harm is considered to be towards the lower end of the scale of less than substantial:

*Given the separation between the site and the listed building and the degree of screening present I would consider the less than substantial harm caused to be towards the lower end of the scale.*

While the comments of the Conservation Officer are acknowledged given that the site is not directly visible from the school due to the main road and houses fronting Crawley Down Road along with the significant public benefits from the development 63 new dwellings on the site, in this case the benefits are considered to outweigh any adverse impacts on the setting of the listed school.

### **Affordable Housing and housing mix**

Policy H4 of the Local Plan seeks to secure 30 per cent affordable housing from developments containing 15 or more dwellings of which 75 per cent would be social rented and 25 per cent shared ownership.

The MSDC Housing Officer has raised no objection as the application is proposing a development of 63 dwellings of which 19 units are allocated as affordable housing equating to 30 per cent.

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

### **Access and Transport**

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.

A number of the objections received raise concerns regarding the safety of the new access onto Crawley Down Road along with concerns that the proposal will exacerbate existing traffic congestion and parking problems in the area.

In this case the new access onto the public highway is not within Mid Sussex but is within Tandridge and as such WSCC have stated that as the access would be in Surrey it would not be appropriate for the West Sussex LHA to provide comments on the safety of the proposed access.

In regard to highway capacity impact WSCC LHA are satisfied with the overall principles of trip generation and distribution as set out in the Transport Assessment which forecasts that the site will generate 33 two way trips in the AM peak (10 arrivals, 23 departures) and 32 in the PM peak (20 arrivals, 12 departures). The WSCC LHA concludes that:

*The National Planning Policy Framework states that development should not be prevented or refused on transport grounds unless the residual cumulative impacts of the development are severe. Given the forecast increase in trips on roads maintained by WSCC, WSCC would be satisfied that no severe impacts would result.*

In light of the above the Highways Authority has raised no objection and it is considered that the application complies with policy T4 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. The proposal falls within Flood Zone 1 which is an area of low risk of flooding.

The WSCC Flood Risk Management Team has not objected and recommends a condition requiring further details of surface water drainage.

The application is considered to comply with policy CS13 of the Mid Sussex Local Plan.

### **Archaeology**

Policy B18 of the Mid Sussex Local Plan seeks to ensure that Sites of archaeological interest and their settings will be protected and enhanced where possible.

The County Archaeologist has raised no objection subject to a condition to secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation.

The application is therefore considered to comply with policy B18 of the Mid Sussex Local Plan.

### **Biodiversity/Ecology**

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 determining planning applications, para 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.

A Preliminary Ecological Appraisal, Reptile Survey and Ecological Mitigation Strategy have been submitted with the application. There was no evidence found of roosting bats at No. 39 Crawley Down Road or within the outbuildings on the site, there were however signs of potential bat roosting activity within the roof void of the 15 Crawley Down Road which would require additional survey work.

Owing to the lack of suitable habitat the site is not considered to have potential to support species such as otters, great crested newts, badgers or water voles. However the Reptile Survey found evidence of a small number of common lizards (a combined total of 5 across seven survey dates) and one grass snake. These were mainly dispersed within the northern section of the site, amongst the log pile, scrub and agricultural machinery. As a result suitable mitigation measures for reptiles will be required.

With regard to the area of Ancient Woodland (The Birches) which abuts the southern boundary of the application site there would be no loss of this woodland and its habitat would be protected by a 15 metre buffer with no development taking place within this area.

While the Council's Consultant Ecologist has not formally commented on the application he has informally stated that he does not envisage any significant issues, although he will be recommended some conditions and his comments will be received and reported prior to the committee meeting.

In terms of the NPPF and the principles set out in paragraph 118, planning permission should only be refused where significant harm from development cannot be avoided, adequately mitigated, or as a last resort, compensated for. Having regard for the above, it is considered that there are no overriding ecology issues that would prevent the site from being brought forward and the proposal's impact on biodiversity of the site can be adequately mitigated and controlled with conditions. The proposal therefore complies with policy C5 of the Mid Sussex Local Plan and paragraphs 109 and 118 of the NPPF.

## **Habitats Regulations**

The Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) is a European Site of Nature Conservation Importance, which lies adjacent to the north-east boundary of Mid Sussex and within the District of Wealden. The area is protected by the European Habitats Directive and by Government Planning Policy.

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 a significant effect on the SAC. However, as this proposed development site lies within 7km of the Ashdown Forest SPA, mitigation is required. In this case, the SAMM Strategy would require a contribution and a strategic SANG contribution.

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and (if the approved scheme provides for a strategic SANG contribution), the SANG Strategy. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

The financial contribution to SAMM would be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation") whilst the mitigation in relation to SANG would be secured through a planning condition and informative ("SANG Condition"). The District Council has two different mechanisms to secure the mitigation because of the effect of the Community Infrastructure Regulations 2010 ("the CIL Regulations"), in particular Regulation 123. SAMM is not considered to constitute "infrastructure" for the purposes of Regulation 123 and accordingly, the pooling restrictions do not apply. Therefore, a Planning Obligation can still be used to secure the SAMM contribution. SANG, however, may be considered to

constitute "infrastructure" for the purposes of Regulation 123 which would mean that the pooling restrictions would apply. This means that Planning Obligations can no longer be used to secure SANG contributions and so development would not provide for the necessary measures to mitigate the potential impact on the Ashdown Forest SPA, and could not be granted planning permission. To avoid delaying the delivery of development, an alternative approach has been adopted by the District Council and is being used to secure SANG mitigation, in the form of the SANG Condition. The proposed SANG Condition provides for a scheme for mitigation of the effects on the SPA to be submitted which can include provision for a bespoke SANG or the payment of a financial sum towards a SANG managed by the District Council. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (Paragraph 206 of the National Planning Policy Framework). All planning conditions must meet these '6 tests' which are applicable to the imposition of conditions as set out in National Planning Policy Guidance (NPPG). In the circumstances of this particular case it is considered that these tests are met by the proposed SANG Condition. Furthermore, the mitigation is required in order to ensure compliance under the Habitats Regulations.

The NPPG (Paragraph 005 Reference ID 21a-005-20140306) allows for the use of a negatively worded condition to: "prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure)". It is considered, therefore, in the circumstances of this case and in the light of the guidance on the use of planning conditions set out in the NPPG, that the use of a negatively worded condition is an appropriate approach to securing the necessary mitigation in relation to SANG in order to mitigate any likely significant effect on the Ashdown Forest SPA required by the Habitats Regulations and enable the local planning authority to grant permission for relevant development.

The NPPG (Paragraph 010 Reference ID 21a-010-20140306) addresses the use of a condition requiring an applicant to enter into a planning obligation or an agreement under other powers. The guidance states that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. In relation to this part of the NPPG, the District Council would make the following points:

1. The NPPG is guidance not law.
2. The District Council does not consider Paragraph 10 of the NPPG applies to the proposed SANG Condition. The guidance does not apply to all negatively worded conditions, rather it applies to "a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence" (emphasis added). The District Council's proposed condition does not require an agreement to be entered into before certain development can commence. Nor



does the SANG Condition limit the development that can take place until a planning obligation or other agreement has been entered into. The District Council's proposed condition gives developers the choice to either provide their own SANG site or to enter into an agreement for a contribution towards the strategic SANG. Accordingly, the guidance in the NPPG does not apply in this case as there is a choice as to how to comply with the condition.

3. Alternatively, even if Paragraph 10 of the NPPG were considered to apply, the District Council considers the circumstances are sufficiently "exceptional" to warrant the imposition of the SANG Condition. The effect of Regulation 123 prevents the funding of SANG being secured via a Planning Obligation and in the absence of the SANG condition, the only alternative would be to refuse development within the 7km zone of influence.

4. Underlying the guidance in Paragraph 10 of the NPPG is the requirement for certainty and transparency. The District Council considers the SANG Condition provides certainty and transparency to developers as either a SANG site or a contribution towards the strategic SANG is required to make the development lawful. In the case of a contribution, the published SANG Strategy clearly identifies the financial contribution required.

Natural England has also confirmed it is content with the SANG Condition approach to secure mitigation in terms of SANG.

In this case, the applicant has agreed to enter into a legal agreement securing the necessary SAMM mitigation and a condition can be used securing the SANG mitigation. On this basis the impact on the Forest is deemed to be successfully mitigated. It is not considered therefore that there are any likely significant effects on the Forest, alone or in combination with other proposed developments, the determination of this application can therefore proceed.

### **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:-

#### *County Council Contributions:*

The County Council have advised that, as the housing mix is not known at this stage, the insertion of a formula into any legal agreement should be used, in order that the school infrastructure and library contributions can be calculated at a later date.

#### MSDC

Play space £nil (provided on site)

Formal Sport £57, 537

Community Buildings £24, 994

Local Community Infrastructure £35, 049

These contributions would need to be secured through an appropriately worded Section 106 planning obligation. On completion of the obligation the application would therefore comply with policies G4 and H4 of the Mid Sussex Local Plan.

#### **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 63 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 also considered to be in a sustainable location with good access to localised services and facilities.

### 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.

The proposal therefore constitutes sustainable development.

### **Planning Balance and Conclusions**

The application seeks outline planning permission for the demolition of existing buildings and structures at No's 15 and 39 Crawley Down Road and the construction of 63 dwellings and new vehicular access onto Crawley Down Road.

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

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

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

As stated above paragraph 14 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the

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

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

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

Weighing in favour of the scheme is that the development will provide is that the development will provide 63 additional residential units, 19 of which 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 (including provision of much needed affordable housing) and this should be given substantial weight which lean to its public benefits.

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 will be some harm to the landscape as a result of the change from a green field site to a housing site. However this is the inevitable consequence of developing on a green field site. The development of green field sites will need to take place in order to meet the housing requirements of the District. In this respect this site is no different to others within the District. However the impact on the landscape is limited.

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

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

Given the substantial weight that needs to be given to the provision of housing and the limited adverse impact of the scheme on the character of the area and the less than

substantial harm to the setting of the listed building officers conclude the public benefits of the proposal outweigh this less than substantial harm and the balance falls in favour of supporting the scheme. Planning permission should therefore be granted.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

1. Approval of the details of the appearance, layout, scale and landscaping 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. No burning materials: No burning of demolition/construction waste materials shall take place on site.

Reason: To protect the amenities 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. of the

3. No development shall take place until a scheme for the mitigation of the effects of the development on the Ashdown Forest Special Protection Area (SPA) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall either make provision for the delivery of a bespoke Suitable Alternative Natural Greenspace (SANG) or make provision for the payment of an appropriate financial sum towards the maintenance and operation of a SANG leased and operated by the Local Planning Authority. In the event that the scheme approved by the Local Planning Authority is for the physical provision of a SANG, no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the SANG has been provided in accordance with the approved scheme. In the event that the scheme approved by the Local Planning Authority does not relate to the physical provision of a SANG, no development shall take place before written confirmation has been obtained from the Local Planning Authority that the financial sum has been provided in accordance with the approved scheme.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a likely significant effect on a European site within the Conservation of Habitats and Species Regulations 2010.

4. No development shall take place until details of existing and proposed site levels have been submitted to and approved by the Local Planning Authority. Development shall not be implemented otherwise than in accordance with such details.

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

5. 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 Pre-Submission District Plan 2014-2031.

6. 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 Pre-Submission District Plan 2014-2031.

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

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy B18 of the Mid Sussex Local Plan.

8. The development hereby permitted shall not proceed until details of the proposed surface water drainage and means of disposal have been submitted to and

approved in writing by the Local Planning Authority and no building shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority. The details shall include a timetable for its implementation and a management 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 proposed development is satisfactorily drained and to accord with Policies CS13 and CS14 of the Mid Sussex Local Plan and Policy DP41 of the Pre-Submission District Plan 2014-2031

9. The development hereby permitted shall not proceed until details of the proposed foul water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until all approved drainage works have been carried out in accordance with such details.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policies CS13 and CS14 of the Mid Sussex Local Plan and Policy DP41 of the Pre-Submission District Plan 2014-2031

10. 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 Pre-Submission District Plan 2014-2031

11. No development shall take place until a Construction Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be in accordance with BS5228 Code of practice for noise and vibration control on construction and open sites and shall also consider vibration from construction work, including the compacting of ground. The approved Plan shall be adhered to throughout the construction period.

Reason: To protect the amenities 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.

12. 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 amenities 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.

13. (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 person<sup>1</sup> 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: 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, in accordance with Policy CS20 of the Local Plan.

14. 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.

15. No development shall commence until details of the play area (LAP) has been submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping, fencing, future maintenance schedules and management responsibilities of the areas to be

provided. No dwelling on the site shall be occupied until the play areas have been provided in accordance with the approved details and made available for use by the general public and that area shall not thereafter be used for any purpose other than as a play area.

Reason: To ensure satisfactory provisional equipment and to ensure that play areas are provided and retained within the development for use by the general public and to accord with Policy R3 of the Mid Sussex Local Plan, Policy DP24 of the District Plan.

16. 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.

## **APPENDIX B – CONSULTATIONS**

### **East Grinstead Town Council**

As per East Grinstead Town Council Planning Committee meeting held on 10th July 2017:

Recommend Refusal: The adopted neighbourhood plan policies EG 2a, 5 and 11 are not complied with. This is an adopted policy and has been determined by the plan author as not compliant. This decision is not to be dismissed by a different interpretation by the planning authority. The build is proposed in an identified area of development constraint and would bring further coalescence between East Grinstead and the Surrey parish of Felbridge, failing at EG 2a (2) and (3). Whilst the traffic assessment is innovative and modern it has not adequately addressed the impact on Crawley Down road and the junctions with the main arteries therefore failing EG5. EG11 is not complied with as the mitigation does not remove all of the impact which is required on this road.

### **Arboriculturist**

Having reviewed the submitted documents, I do believe that 63 dwellings could fit on this site and retain a good relationship with existing trees, however; I do have concerns with the six dwellings in the south-west hand corner of the site. These are rather large and dense trees, which will shade and have a dwarfing effect on the properties. From an arboricultural perspective it would be better to position flats here and have one communal garden, rather than six small individual ones.

I am also concerned about the proximity of the property in the north west corner to the retained trees too. This could benefit from being made smaller and moved as far away from the trees as possible.

I do recognise this is an outline application as is subject to change, but my only concerns with the current proposals are along the western boundary. I would also encourage the applicants to include English Oak trees in their landscaping scheme to partially mitigate the loss of those to the north of the site.

### **WSSC Flood Risk Management Team:**

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

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

#### **Flood Risk Summary**

Modelled surface water flood risk: Low risk

Comments: Current uFMfSW mapping shows that the majority of the proposed site is at 'low' risk from surface water flooding although higher risk is shown along the southern boundary (watercourse) of the site.

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.

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

Reason: NPPF paragraph 103 states - 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.'

Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.

Modelled ground water flood risk susceptibility: Low risk

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

Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.

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 flooding of the site? No

Comments: We do not have any records of historic surface water flooding within the confines of 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 nearby? Yes

Comments: Current Ordnance Survey mapping shows an ordinary watercourse within the boundary of the site.

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.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent.

Future development - Sustainable Drainage Systems (SuDs)

The FRA/Drainage Strategy for this application proposes that sustainable drainage techniques (permeable paving/swale/detention basin) with a restricted discharge to watercourse would be used to control the surface water from this development to Greenfield run-off rates. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

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.

## Southern Water

Please find attached a plan of the sewer records showing the approximate position of foul sewers within the site. The exact position of the foul 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 150 mm and 375 mm foul sewer.
- No development or new tree planting should be located within 3.5 metres either side of the centreline of the 450 mm foul sewer.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

With regards the last point, and the proposed demolition of the Building (No. 39 Crawley Down Road), the records show the 450 mm diameter public foul sewer, approximately 3 metres deep, passing close to No 39's foundations.

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

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

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](http://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](http://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 application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

### **MSDC Conservation Officer**

Felbridge village is now linked by continuous development with East Grinstead to the east, but retains a more open, rural setting to the north, west and south. Felbridge County Primary School, which is a Grade II listed building dating originally from the 18th century but with later extensions, is situated just to the north of Felbridge Road within Tandridge District, and at the heart of the village.

The application site is situated to the south of Crawley Down Road, on one of the open fields which currently lie to the south of Felbridge. The listed School is located to the north of the site, on the opposite side of Crawley Down Road, and further separated from it by the existing row of houses to the south side of the road.

The semi-rural surroundings of Felbridge are considered to make a positive contribution to the setting of the Primary School, and the manner in which its special interest as an 18th century village school is appreciated. The proposed development enjoys a degree of separation from the listed building and is also partially screened in views from its immediate context by the existing houses to the south of Crawley Down Road. However, the proposal will have a significant impact on the currently open and green nature of the

site and on the existing glimpsed views of it which are afforded between the existing housing development on Crawley Down Road looking south, including views from the immediate setting of the school, which help to place the school in a semi-rural rather than urbanised setting.

In this context, I would consider that the proposal will cause harm to the setting of the listed school building, and the manner in which its special interest is appreciated. This would be contrary to the requirements of Local Plan Policy B10 and emerging District Plan Policy DP32. In terms of the NPPF I would consider the harm caused to the setting of the heritage asset to be less than substantial, such that the criteria set out in paragraph 134 of that document would apply. Given the separation between the site and the listed building and the degree of screening present I would consider the less than substantial harm caused to be towards the lower end of the scale.

### **MSDC Environmental Health - land contamination;**

The contaminated land GIS holds no information suggesting that the site has been subjected to potentially contaminative usage, however the site has been developed for >100 years, and the proposed end use is highly sensitive. As such, any planning permission granted should contain the following conditions:

- (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 person<sup>1</sup> 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 Housing**

The applicant is proposing a development of 63 dwellings which gives rise to an onsite affordable housing requirement of 30% (19 units). The mix agreed will meet a broad range of housing needs and comprises of 2 x 1 bed flats, 5 x 2 bed flats, 5 x 2 bed houses and 2 x 3 bed houses for rent and 2 x 2 bed flats, 2 x 2 bed houses and 1 x 3 bed house for shared ownership. This reflects our policy requirement of 75% rent and 25% shared ownership. We expect any RM application to take account of our clustering policy (of no more than 10) and as such will require at least two distinctly separate clusters of affordable housing units with market units in between. This will assist in achieving a good level of social integration, particularly with the adoption of a tenure blind approach.

### **MSDC Leisure:**

Thank you for the opportunity to comment on the plans for the development of 63 residential dwellings at No's 15 And 39 Crawley Down Road, Felbridge, East Grinstead 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

The developer has indicated that there is potential to provide both formal and informal play opportunities within the open space and the small village green. Local Plan Policy R3 states that new residential development will not be permitted unless it incorporates appropriate outdoor playing space in accordance with the NPFA (now Fields in Trust) recommended minimum standard. In accordance with this policy, we would expect the developer to provide a LEAP on site as the nearest play area is in East Grinstead approx. 1 km away from the development site which is beyond the FIT guidelines for walking distances. 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 £57,537 is required toward pitch drainage and playing field improvements at Imberhorne Lane Recreation Ground (IDP Ref: EG/96).

#### 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 £24,994 is required to make improvements to East Court, East Grinstead (IDP Ref: EG/126).

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 Urban Designer**

This is an outline scheme, in which appearance, design, landscaping and scale are reserved matters. These observations are therefore initial comments.

The layout is well laid-out in a number of respects:

- The two open spaces can be particularly commended, in terms of the level of provision and in the manner they break-up and add interest to the scheme; the space on the northern boundary gives the scheme a central focus while the larger space reveals the attractive boundary trees along the southern edge of the site.

- The street frontages are sensibly organised in perimeter block formation facing towards the public realm and the boundary trees, while the house on plot 1 has been configured to provide natural surveillance along the umbilical-shaped entrance link with Crawley Down Road (however this would not work so well with the limited ground floor only fenestration in a bungalow as suggested in section AA).
- The parking is well integrated and sensibly incorporates rear court areas overlooked by flats over garages. Elsewhere, except for 28-32, the layout avoids front threshold parking that overall allows good street enclosure.
- Footpath links have been shown across the east boundary and parallel with the west boundary that provides good pedestrian connectivity.
- The corner buildings appear to have been designed with open/fenestrated frontages on the flank returns as well as the main street elevations.

The site layout suggests building frontages that benefit from consistent groupings however this is undone by the inconsistent street section drawings. On section AA the disparity of scale and building types is clumsy, and the horizontally proportioned bungalow is at odds with the more vertically proportioned characteristics of the rest of the frontage; furthermore the site layout configuration of plot1 features gable rather than hip ends. Section BB also appears to be inconsistent with the site layout which is better ordered.

### **MSDC street naming and numbering**

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

Informative: Info29

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

### **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.

### **Sussex Police**

Thank you for your letter of 29 June 2017, advising me of an outline application for residential development at the above location, to include demolition of Nos 15 and 39 Crawley Down Road and provision of means of access, for which you seek comment from a crime prevention viewpoint.

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

In general terms I support the proposals in this application which will create a single access road into the development, with no through route. This will give residents a sense of ownership and community and will serve to deter trespass. Although illustrative at this stage, the layout and design of the dwellings, being in the main outward facing, provides overlooking and natural surveillance of the road and footpath layout, car parking areas and public open space. The provision for car parking includes garages, in curtilage, small parking courts and roadside bays. I note that the Design and Access Statement includes measures to create a safe and secure environment by reference to Safer Places - the Planning System and Crime Prevention, and to Secured by Design. At the reserved matters stage I would encourage the applicant to update the Design and Access Statement to further reflect the attributes and principles of these guidance documents.

I thank you for allowing me the opportunity to comment and I look forward to being further consulted at the reserved matters stage.

### **Archaeologist**

The application site is large and therefore should be considered to have an enhanced potential for containing previously unknown below ground heritage assets. I am therefore pleased to note the application has been submitted with an Archaeological Desk Based Assessment produced by the applicant's archaeological consultants Archaeology South-East. The Assessment concludes that there is a moderate potential for remains dating to the Roman period, a high potential for remains dating to the Post Medieval, and

a low potential for remains of all other periods. I would also highlight, as mentioned elsewhere within the assessment that geographical location of the application site, and in particular the proximity of the site to Felbridge Water, makes it a potential site for industrial ironworking activity, dating from the medieval and post medieval, as well as Roman, periods.

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

Given that this application is at the outline stages only, I recommend that the required archaeological work can be secured as a condition of any planning permission granted. To allow for the implementation of suitable mitigation measures appropriate to the archaeological significance of the Assets that may be present, I would recommend that any detailed reserved matters application(s) to follow be accompanied by the additional information requested, and if appropriate the results of such an appropriately scaled field evaluation. This will provide for the opportunity to influence the design and logistics of the development and accommodate any Archaeological Assets worthy of preservation in situ that may be revealed within the detailed development proposal. To ensure the required archaeological work is secured satisfactorily, the following condition is appropriate:

"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."

### **WSSC Highways:**

The application is supported by way of a Transport Assessment (TA), Stage One Road Safety Audit (RSA), and Travel Plan Statement. It's noted that outline planning permission is sought with only matters of access to be approved at this stage. The scope of the TA has been discussed with West Sussex County Council as part of pre application discussions.

The development is unusual inasmuch as it crosses both District and County borders. As such, the vehicle access that leads directly into the site as well as the two junctions to the immediate east of the site (A264 Felbridge Road/Crawley Down Road and A22 Eastbourne Road/A264 Felbridge Road) lie within Tandridge District Council and Surrey County Council. SCC is the appropriate Local Highway Authority for aspects that affect

these roads and junctions. No comments are offered by WSCC in respects of the highway access or capacity impact at SCC junctions.

From a West Sussex County Council perspective, the majority of the on-site layout lies within WSCC. There is also a potential impact upon the wider highway network that WSCC will consider.

#### Highway Capacity Impact

Vehicle trip generation has been determined using TRICS. TRICS is large database of traffic surveys of other completed developments. The database can be refined so to use only those developments comparable to the development proposed. Although a development comprising houses and flats, as well as mixed tenures is proposed, the trip rate has been based on an assumption that all units will be houses for private sale. It's accepted that compared with flats and/or social rented dwellings, private dwellings will generate more vehicle movements.

The impact of the additional vehicle trips has been considered on the network peak times (0800-0900 and 1700-1800). At these times, the highway network is at its most sensitive to any increase in vehicle trips. The assessment also accounts for future background traffic growth, and includes other committed and uncommitted developments in the local area. This includes the development at Hill Place Farm, the appeal for which is not yet determined.

To determine what routes might be used by development traffic, two different approaches have been applied for work and non-work based trips. For work trips, Census Journey to Work data has been applied. This data is taken from the ward in which the development is based. For non-work based journeys, a gravity model has been used; simply put, this assumes that the distribution of trips is a function of the size and closeness of nearby towns, with those larger, nearest centres having the greatest draw upon trips.

Applying the above methodology, the site will generate 33 two way trips in the AM peak (10 arrivals, 23 departures) and 32 in the PM peak (20 arrivals, 12 departures). An increase in trips is also expected for those roads maintained by WSCC. For the purposes of the current application, the two roads of interest are Crawley Down Road to the west of the site and the A22 to and from East Grinstead.

For Crawley Down Road, in the AM and PM peak hours an increase of 2 and 3 movements are forecast. For the A22, 12 and 9 movements are anticipated.

Whilst the overall principles of trip generation and distribution are not disagreed with, the route choice assumes a high number of trips would use Rowplatt Lane. These trips will then presumably turn left onto the A22 before continuing to destinations with West Sussex. Limited consideration appears to be given to traffic staying on Crawley Down Road and then travelling through Crawley Down village. Even so, it is apparent that there are a limited number of trips that have the potential to use routes through Crawley Down; based on potential destinations and considering reasonable route choices this amounts

to 12.2% of trips. Even if a worst case were applied, WSCC would still be satisfied that a severe impact would not result upon Crawley Down.

For trips to destinations within West Sussex to the south and east of the site, route choices are well defined; all traffic would have to use the A264 and A22. WSCC are satisfied that trips to the east are distributed to appropriate routes.

The National Planning Policy Framework states that development should not be prevented or refused on transport grounds unless the residual cumulative impacts of the development are severe. Given the forecast increase in trips on roads maintained by WSCC, WSCC would be satisfied that no severe impacts would result.

### Layout

All matters relating to the layout are indicative and not to be approved as part of the current planning application. It's accepted that the layout may be subject to change.

In terms of the principles shown, the layout generally complies with the guidance within Manual for Streets. The use of shared surface and segregated carriageway/footway arrangements are noted. The transition between segregated and shared surfaces would need to be given greater consideration at the detailed design stage.

A segregated footway should also be provided along the access road leading from Crawley Down Road; it doesn't seem sensible for this (which will be the most heavily trafficked element of the site) to be shared surface whereas the majority of roads in the site have segregated footways. The provision of car parking spaces along the access road edge would also give no shelter space for pedestrians should a vehicle be turning in. This element will be checked again as part of any reserved matters planning application.

Parking provision will also be considered as part of the reserved matters.

### Accessibility

Using the walking distances within the TA, there are a limited number of day to day services within a reasonable distance of the site. For some of those services listed, it's unlikely that walking would be a viable option particularly where those services are at the upper end of walking distances (for example, walking to primary school or food retail; the retail uses at Bridge Park are also somewhat limited to providing DIY and pet food)).

For cycling, the range of services is much greater. However no assessment is given to the nature of routes that will need to be used. There is very little specific infrastructure provided for cycling in the immediate area. The main destination for cyclists would be towards the south and east. For part of their journey, cyclists would have to make use of the A264 or the A22, both of which are well heavily trafficked throughout the day. The use of such routes would not be conducive to encourage cycling especially amongst less experienced or vulnerable individuals. Realistically, cycling may be of limited appeal.

There is a relatively frequent bus service that runs along the frontage of the development. This provides links towards East Grinstead and Crawley. The frequency of the service could accommodate some trips from the development.

In summary, even with the additional measures within the travel plan statement that seek to promote sustainable travel options, it's considered that for most daily needs there is likely to be a requirement for residents to travel beyond reasonable walking distance of the site. For the reasons noted above, cycling is also unlikely to appeal to a wide range of users. The presence of the bus service is a positive aspect but it is still anticipated that the majority of daily trips will take place by way of the private car. The Local Planning Authority should consider on balance the accessibility of the site by sustainable modes against other matters that may weigh more in favour of the development.

#### Conclusion

Notwithstanding the accessibility of the site by sustainable modes, WSCC are satisfied that the proposed development would not result in any severe safety or capacity impacts.

No highway objection would be raised.

No conditions are suggested by WSCC at this time. All matters relating to the on-site layout are for consideration as part of the reserved matters application.

#### **WSCC S106**

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 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 replacement of temporary accommodation at Halsford Park Primary school.

1.4 The contributions generated by this proposal shall be spent on replacement of temporary buildings with permanent facilities at Imberhorne School.

1.5 The contributions generated by this proposal shall be spent on small scale improvements at Imberhorne Sixth Form.

## 2. Library Infrastructure Contribution

2.1 The County Librarian advises that the proposed development would be within the area served by East Grinstead 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 expansion of facilities at East Grinstead 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.

#### 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.