

**MID SUSSEX DISTRICT COUNCIL**

**DISTRICT WIDE PLANNING COMMITTEE**

**19 APR 2018**

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# MID SUSSEX DISTRICT COUNCIL

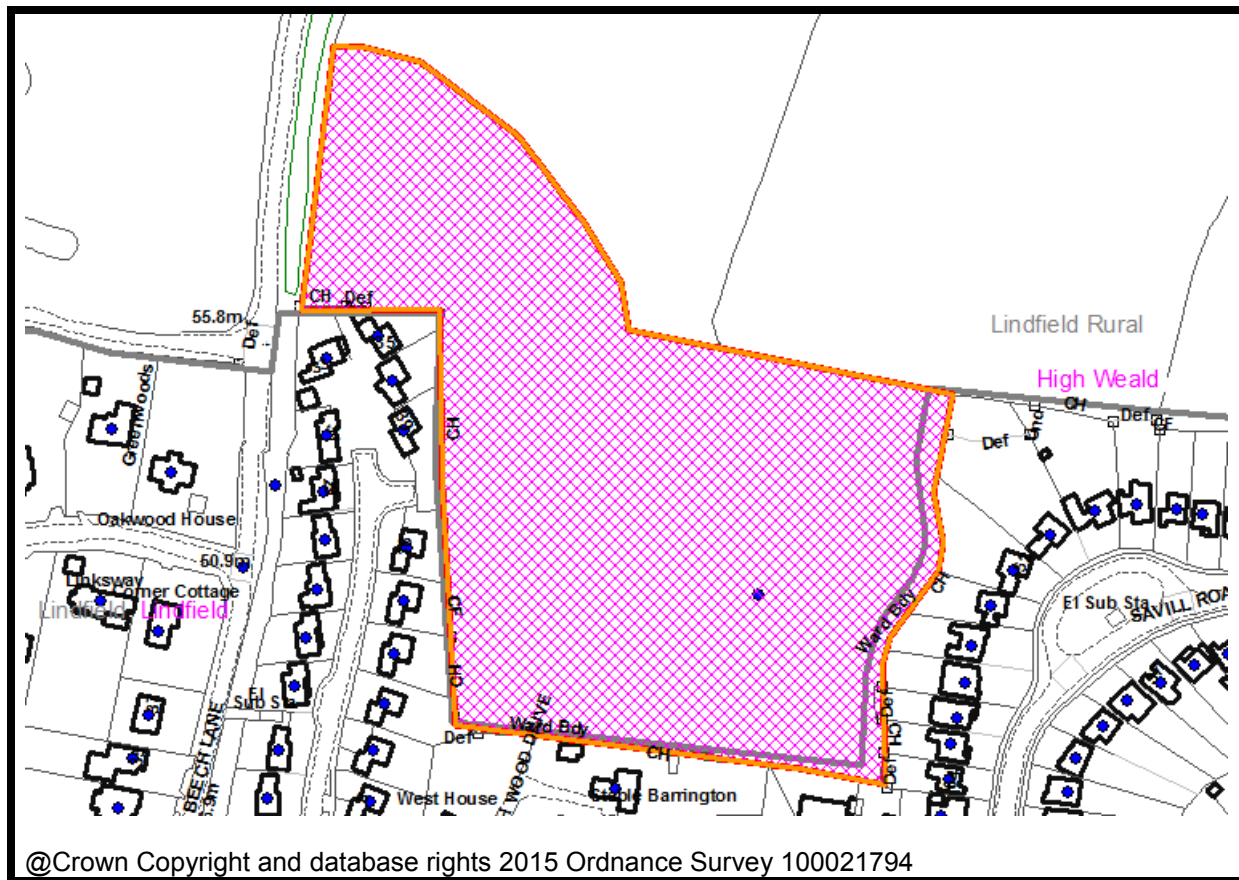
DISTRICT WIDE PLANNING COMMITTEE

19 APR 2018

PART I - RECOMMENDED FOR APPROVAL

## LINDFIELD

1. DM/17/2271



**LAND TO THE EAST OF HIGH BEECH LANE/ LAND NORTH OF BARRINGTON CLOSE BARRINGTON CLOSE LINDFIELD  
OUTLINE APPLICATION FOR THE ERECTION OF 43 (ONE, TWO, THREE, FOUR AND FIVE BEDROOM) DWELLINGS AND THREE SELF/ CUSTOM BUILD PLOTS (USE CLASS C3) WITH ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND ACCESS. ALL MATTERS TO BE RESERVED EXCEPT FOR ACCESS. AMENDED DESCRIPTION 21/8/2017 TO INCLUDE SELF / CUSTOM BUILD.**

**MR ANDREW MUNTON**

**POLICY:** Areas of Special Control for Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Tree Preservation Order / Tree Preservation Order Points /

**ODPM CODE:** Smallscale Major Dwellings

**13 WEEK DATE:** 26th April 2018

**WARD MEMBERS:** Cllr Chris Hersey / Cllr Linda Stockwell /

**CASE OFFICER:** Mrs Joanne Fisher

**PURPOSE OF REPORT**

To consider the recommendation of the Divisional Lead, Planning and Economy on the application for planning permission as detailed above.

**EXECUTIVE SUMMARY**

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

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

The planning application was considered by planning committee on the 7th September 2017. The Committee resolved to grant planning permission subject to the completion of a S106 legal agreement to secure the necessary financial contributions to infrastructure. The legal agreement is awaiting to be finalised.

Since the resolution by Members to approve the application, the District Plan has been adopted and the Council can now demonstrate a 5 year supply of deliverable housing land. This results in a significant change in circumstances since the application was considered by Committee and is material to how the Council considers the proposals. The Council previously applied the 'presumption in favour of sustainable development' test within para.14 of the NPPF as the Council

could not demonstrate a 5 year supply of housing land in its assessment of the proposals at that point.

It is therefore necessary to review the application in light of the changed planning policy position for the application site.

The application site lies in countryside, outside the built up area of Lindfield, and thus would be contrary to policy DP 12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside under DP15. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The application would also be contrary to policy 1 of the Lindfield and Lindfield Rural Neighbourhood Plan which only supports development proposals within the built up area. The proposal is also contrary to policy DP6 of the District Plan as the proposal is for a development of more than ten units on a site that is contiguous with the built up area.

In accordance with the law whilst this breach of policy is the starting point for decision making the Council also must have regard to other material considerations. It is considered that there are other material considerations, specific to this site which are relevant to this application. These include:

There would be a limited adverse impact on the landscape as a result of the proposed development on a greenfield site but this is an inevitable outcome of building on an undeveloped site. The site is well contained and would be seen in context with the existing housing development to the eastern, southern and western boundaries. It is considered that the development of this site would result in the infill of the current built up area boundary of Lindfield forming a more defensible and logical boundary to the open countryside which would be strengthened with additional landscaping.

The site does not lie in an area recognised for its landscape quality, nationally. Locally it lies within area 10 'High Weald Fringes' in the Mid Sussex Landscape Character Assessment but the Council's landscape consultant does not object to the proposals subject to the detailed design of the scheme, tree protection and a landscape strategy. It would not therefore be contrary to the aims of policy DP 12.

Whilst the development lies outside of the built up area of Lindfield, it is situated directly adjacent to the development boundary, a category 2 settlement which is a sustainable location providing good access to services and goods.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. In addition the scheme would secure the delivery of 30% (14 units) affordable housing, 3 self/custom build units and infrastructure payments. The development will provide a positive economic benefit through the New Homes Bonus, construction jobs and an increased population likely to spend in the community. Moreover, the dwellings

are in a relatively sustainable location. There would also be drainage improvements as the development can reduce flood risk to neighbouring properties and downstream areas.

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

Your officers have reviewed the planning application in the context of the adopted District Plan and other material planning considerations and recommend that planning permission is granted.

The proposal is therefore deemed to comply with the requirements of Policies DP4, DP21, DP26, DP30, DP31, DP37, DP38 and DP41 of the District Plan 2014-31, as well as the broader requirements of the NPPF and will mitigate the risk of flooding to properties to the south of the site by managing the run off or water and provide 30% affordable housing.

## **RECOMMENDATION**

**Recommendation A:** 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.

**Recommendation B:** It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 19th July 2018, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

'The application fails to comply with policy DP20 and DP 31 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'

## **SUMMARY OF REPRESENTATIONS**

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

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

80 letters of OBJECTION received concerning the following points:

- Geological nature of site of underground springs and displacement of ground water upon neighbouring properties and subsidence;

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

- Noise and dust pollution/disturbance of construction and after completion;
- Lack of pedestrian walkways along road past Golf Course;
- Drainage and flooding survey still incomplete and does not include impact of potential increased water-run off down Portsmouth Wood Drive;
- Further change and urbanisation of site.

## **SUMMARY OF CONSULTATIONS**

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

### **WSSC Highways Authority**

No objection subject to conditions.

### **WSSC Planning Officer**

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

### **Landscapes Consultant (East Sussex County Council)**

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

### **Ecology Consultant (Calyx Environmental Ltd)**

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

### **Heritage Consultant (Surrey County Council)**

No objection subject to condition.

### **MSDC Planning Policy**

No objection.

### **MSDC Urban Designer**

Observation and initial comments on the layout only.

### **MSDC Drainage**

No objection subject to conditions.

## **WSSC Flood Risk Management**

No objection subject to conditions.

## **MSDC Housing Officer**

No objection.

## **MSDC Leisure Officer**

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

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

## **MSDC Tree Officer**

No objections.

## **MSDC Environmental Protection Officer**

No objections subject to conditions.

## **MSDC Contaminated Land Officer**

No objection subject to condition.

## **MSDC Street Name and Numbering Officer**

Informative.

## **Sussex Police**

No detailed comments to make at this stage.

## **LINDFIELD RURAL PARISH COUNCIL OBSERVATIONS**

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

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



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

### Access and Transport

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

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

### Affordable Housing

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

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

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

### National Planning Policy Framework (NPPF)

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

## LINDFIELD PARISH COUNCIL OBSERVATIONS

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

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

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### Introduction

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

### Relevant Planning History

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

The site has recently been assessed in the 2016 Strategic Housing Land Availability Assessment (SHLAA) (site 151). The SHLAA is a comprehensive study of the availability, suitability and likely viability of land to meet the identified need for housing. It forms part of the evidence base and background information which informs the preparation of the Mid Sussex Local Development Framework. This is a background paper only and it is not a statement of Council policy and does not allocate land.

The assessment of this site within this 2016 SHLAA indicates that it is suitable for development as it is well related to the existing built up area boundary and is enclosed by built development on three sides. It considers that development would have a limited impact on surrounding countryside. In addition, it considers that the site relates fairly well to existing services and facilities, however, the assessment noted that without a footpath link through Portsmouth Wood Close, the site will be less accessible to these services. The SHLAA identifies that the site would require allocation through relevant Neighbourhood Plan or DPD. However, the site has not been identified as an allocated site in the made Lindfield and Lindfield Rural Neighbourhood Plan which does not allocate any sites for development. It was not allocated in the District Plan as that only allocates strategic sites of 500+ units.

Outline planning application was recently withdrawn under reference DM/16/2333 for the erection of 49no. one, two, three, four and five bedroom dwellings (use class C3) following officer concerns in relation to the impact on the character of High Beech Lane through the loss of trees and vegetation and drainage issues.

This current application has previously been considered by Members at the District Planning Committee in September 2017. The resolution was to grant planning permission subject to the completion of a S 106 Obligation. The S106 was not completed prior to the adoption of the District Plan, which represents a material change in circumstance since the application was previously considered. Given that the permission was not issued the proposals must be reconsidered in the context of the new circumstances and accordingly the application has been brought back to committee.

### **Site and Surroundings**

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

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

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

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

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

## Application Details

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

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

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

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

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

The application has been accompanied with the following supporting documents;

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

- Self / Custom Build note; and
- Utilities Statement.

## **List of Policies**

### *Neighbourhood Plan*

The Lindfield and Lindfield Rural Neighbourhood Plan is a 'made' plan. It carries full weight in the determination of planning decisions but does not itself allocate any housing sites.

Relevant policy:

Policy 1 - A Spatial Plan for the Parishes

### *District Plan*

- DP4 - Housing
- DP6 - Settlement Hierarchy
- DP12 - Protection and enhancement of countryside
- DP15 - New Homes in the Countryside
- DP21 - Transport
- DP26 - Character and Design
- DP29 - Noise, Air and Light Pollution
- DP30 - Housing Mix
- DP31 - Affordable Housing
- DP37 - Trees, Woodlands and Hedgerows
- DP38 - Biodiversity
- DP41 - Flood Risk and Drainage

## **National Policy and Legislation**

### *National Planning Policy Framework (NPPF) (March 2012)*

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

Para 12 states *"This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and*

*proposed development that conflicts should be refused unless other material considerations indicate otherwise."*

Paragraph 17 of the NPPF sets out 12 principles that the planning system should play that underpin both plan making and decision taking. This paragraph confirms that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. It also confirms that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

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

Para 150 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

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

Para 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

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

Para 198 states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

*National Planning Policy Guidance*

*Technical Housing Standards*

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

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

- The principle of development;
- Impact on the character of the area;
- District Plan spatial strategy
- Highways;

- Ecology and trees;
- Drainage and flooding;
- Impact on amenities of surrounding occupiers;
- Infrastructure;
- Ashdown Forest;
- Other material considerations; and
- Planning Balance and Conclusion.

### **Principle of development**

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

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

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

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

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

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

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan in Mid Sussex consists of the adopted District Plan and the made Lindfield and Lindfield Rural Neighbourhood Plan.

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.

As the proposed development is located within the countryside the proposal is contrary to Policy DP12 of the District Plan.

The proposal is also contrary to policy DP6 of the District Plan as the proposal is for a development of more than ten units on a site that is contiguous with the built up area

Policy 1: A spatial plan for the parishes, of the Lindfield and Linfield Rural Neighbourhood Plan only supports proposals for development within a built up area of Lindfield or Scaynes Hill unless they are appropriate to a countryside location. The application is thus contrary to this policy.

The application proposal is thus contrary to the Development Plan. In accordance with the law it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance the Plan.

## **Other Material Considerations**

### **Impact on the character of the area**

As the proposed development is located within the countryside the proposal is contrary to Policy DP12 of the District Plan. However, it is important to understand the intention behind the policy. The principal aim of Policy DP12 of the District Plan states: *"The countryside will be protected in recognition of its intrinsic character and beauty."* The supporting text sets out the following:

*"The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is therefore necessary that all development in the countryside, defined as the area outside of built up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside."*

This policy aim follows national policy with one of the core planning principles of the NPPF is to *"take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it."*

It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area.

The site currently consists of two fields with trees and vegetation on the boundaries. The land slopes to the south and also to the west. To the east, west and south of the site is residential estate development and the development boundary of Lindfield. In addition, to the north-west is High Beech Lane which is the main highway leading from Lindfield to Ardingly. This is of a verdant nature. Opposite the proposed access is Haywards Heath Golf Course which is screened by trees and vegetation. The access to the Golf Course is on the opposite side of the lane to the application site set to the south of the proposed



access. The access to the Golf Course consists of a brick wall to either side of the access and a wide access to accommodate two vehicles.

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

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

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

The proposal would alter the character and appearance of the area by virtue of introducing housing and its related infrastructure into what is effectively a greenfield site. However, it is the harm that may result from this change and the effect that this would have on the character and appearance of the area that needs to be assessed.

Whilst the site has no specific landscape designation in adopted planning policy terms, a lack of formal designation or protection does not necessarily mean that the site's landscape is without worth or value. Policy DP12 of the District Plan seeks to protect the landscape and intrinsic character and beauty of the countryside.

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

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

It is acknowledged that 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 would form an infill to the current built-up area of Lindfield which is set around the site between Portsmouth Wood Close to the west, Portsmouth Wood Drive and Barrington Close to the south and also Savill Road to the east. As such the site is enclosed by built development on three sides. The site is contiguous with the existing development boundary and would result in a suitable extension to the settlement of Lindfield and create a defensible northern boundary to the settlement.

Due to the levels of the land further to the north of the site, wider views of the development would be limited and mitigated by the proposed planting. The development would therefore be little visible in the wider landscape of the countryside and the containment of the site would mitigate its visual impact of any built development.

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

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

It is therefore considered that the proposal would appear isolated from the wider countryside, have no material harm on its intrinsic character and beauty and not result in further encroachment into open countryside.

### **District Plan Spatial Strategy**

The NPPF sets out the principles of sustainable development. The District Plan spatial strategy sets out a settlement hierarchy to deliver development to support their economic, infrastructure and social needs. The scale of growth at these settlements will be guided by the Settlement Hierarchy at DP6 of the District Plan. Lindfield is designated as a Category 2 settlement which is a large village which acts as a local service centre

providing key services in the rural area of Mid Sussex. These settlements benefit from a good range of services and facilities including employment opportunities and access to public transport. An outline application was granted by the Secretary of State for 200 homes on 1st March 2018 at Scamps Hill/Scaynes Hill Road Lindfield, West Sussex ahead of the adoption of the District Plan on 28th March 2018.

The application site is thus, in principle, considered to be a suitable and sustainable location for residential development.

### **Access, Parking and Impact on Highway Safety**

Paragraph 32 of the National Planning Policy Framework states:

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

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals.

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

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

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

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

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

Consequently the application is deemed to comply with Policy DP21 of the District Plan and the aims of the NPPF

## **Ecology and Trees**

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

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

In addition, paragraph 118 of the National Planning Policy Framework states:

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

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

Policy DP38 of the District Plan seeks to protect and enhance biodiversity within new developments by contributions and taking opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, and ensuring development protects existing biodiversity so that there is no net loss.

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

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

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

In respect of the trees along High Beech Lane, whilst there would be some trees removed, these are not subject to a Tree Preservation Order. The Council's Tree Officer has considered the application and raises no objection to the principle. He considers that the *"entrance from High Beech Lane has been improved to allow further trees to be retained. Whilst it is regretted that these will be lost, the character of the area shall largely be retained thanks to mitigation planting ensuring the area adopts a woodland feel. This is also valuable for wildlife and carbon sinking."*

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

It is thereby considered that the application complies with policy DP38 of the District Plan and paras 109 and 118 of the NPPF.

### **Drainage and Flooding**

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

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

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

The development will therefore result in a positive impact to surrounding properties and downstream areas in relation to drainage.

The proposal is thereby considered to comply with policy DP41 of the District Plan.

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

Policy DP26 of the District Plan seeks to protect neighbour amenity and requires proposals to demonstrate 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, and noise, air and light pollution."*

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

However, illustrative plans have been submitted for the proposal showing a potential layout of the development. These do not form part of the application and concerns are

raised over this by the Urban Designer. The layout and scale are to be matters in relation to any subsequent reserved matters stage where this would need to be fully considered. Notwithstanding this, the illustrative plans show the development could be accommodated within the site without resulting in detriment to the neighbouring amenities on the eastern, western or southern boundaries.

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

### **Infrastructure / Affordable Housing**

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

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

and:

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

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

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

### West Sussex County Council Contributions:

Education (Primary) - formula

Education (secondary) - formula

Library - formula

Transport (TAD) - formula

### District Council Contributions

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

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

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

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

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

The applicant is proposing a development of up to 46 dwellings giving rise to a requirement for 14 affordable housing units (30%). The Councils Housing Officer is satisfied with the mix and tenure split of affordable housing that is to be provided. The provision of affordable housing should attract significant positive weight in the determination of the application as there is a clear need for such accommodation.

In relation to the mix of market housing it is considered that the proposal delivers a suitable mix in accordance with policy DP30 of the District Plan. Of the 32 market units, 3 of these are to be self / custom build.

### **Impact on Ashdown Forest**

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

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

### **Other material considerations**

Turning to other relevant material considerations, all aspects of the development must be weighed up in the planning balance, as set out in the NPPF as a whole. In particular, this development must be assessed against the 3 limbed definition of sustainable development at paragraph 7, in which the planning system should perform an economic, social and environmental role.

### **The Economic Role**

Part 6 of the Localism Act was enacted on 16th January 2012. This requires the LPA to have regard to local finance considerations (so far as material to the application) as well as the provisions of the Development Plan and any other material considerations. The New Homes Bonus commenced in April 2011, and will match fund the additional council



tax raised for new homes and empty properties brought back into use, with an additional amount for affordable homes, for the following six years. The New Homes Bonus is now a material planning consideration and if permitted the LPA would receive a New Homes Bonus for each the units proposed.

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

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

### **The Social Role**

The NPPF seeks to promote a "strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports it health, social and cultural well-being".

The dwellings will make a positive contribution to additional housing in the district, including the provision of 30% affordable housing as part of the scheme as well as 3 self/custom build dwellings. In addition there will be infrastructure contributions to provide school infrastructure for the nearby primary and secondary schools, transport and leisure contributions.

Due to the location of the site on the settlement edge adjacent to a category 2 settlement where there are a number of services, it is considered that the location of the site is sustainable.

In addition, the Councils Drainage Engineer has advised that the development would result in a positive benefit in drainage terms to surrounding residents and downstream areas.

These matters are given positive weight in the planning balance.

However, the Council can demonstrate a five-year housing land supply. National planning policy states that planning should be genuinely plan led. As the application site falls within the countryside outside of the development boundary of Lindfield, the principle of housing

in this location is considered to be contrary to the Development Plan and emerging District Plan. This weighs substantially against the proposal.

### **The Environmental Role**

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

There is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. While there are clearly detailed matters that need to be carefully considered, for the purposes of this application it is considered that the proposal would result in a suitable extension to the settlement of Lindfield and is well related to the existing built up area boundary. The development would create a defensible northern boundary to the settlement and be little visible in the wider landscape.

Due to the levels of the land further to the north of the site, views of the development would be limited and mitigated by the proposed planting. As such, the development would not result in significant detriment to the character of the countryside and the wider area. Whilst the formation of the access on to High Beech Lane will result in a suburbanising effect on the character of the lane, its impact will be minimised through the retention of trees and vegetation as well as additional tree planting to compensate for the loss of trees to the new access. This new access would also be seen in context with other accesses to the south of the site. As such it is considered that the access would seek to retain the verdant character of this lane and would not result in significant detriment to the character of the area.

It is considered that the impact on the character of the area will be acceptable and that the environmental role as set out in the NPPF is satisfied.

### **CONCLUSION**

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The application site lies in countryside, outside the built up area of Lindfield, and thus would be contrary to policy DP 12 of the District Plan as general housing development is

not one of the permitted exceptions to the policy of restraint in the countryside set out in DP 15. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The application would also be contrary to policy 1 of the Lindfield and Lindfield Rural Neighbourhood Plan which only supports development proposals within the built up area unless they are appropriate to a countryside location. The proposal is also contrary to policy DP6 of the District Plan as the proposal is for a development of more than ten units on a site that is contiguous with the built up area

In accordance with the law whilst this breach of policy is the starting point for decision making the Council also must have regard to other material considerations. It is considered that there are other material considerations, specific to this site, which are relevant to this application. These include:

There would be a limited adverse impact on the landscape as a result of the proposed development on a greenfield site but this is an inevitable outcome of building on an undeveloped site. The site is well contained and would be seen in context with the existing housing development to the eastern, southern and western boundaries. It is considered that the development of this site would result in the infill of the current built up area boundary of Lindfield forming a more defensible and logical boundary to the open countryside which would be strengthened with additional landscaping.

The site does not lie in an area recognised for its landscape quality, nationally. Locally it lies within area 10 'High Weald Fringes' in the Mid Sussex Landscape Character Assessment but the Council's landscape consultant does not object to the proposals subject to the detailed design of the scheme, tree protection and a landscape strategy. It would not therefore be contrary to the aims of policy DP 12.

Whilst the development lies outside of the built up area of Lindfield, it is situated directly adjacent to the development boundary, a category 2 settlement which is a sustainable location providing good access to services and goods.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. In addition the scheme would secure the delivery of 30% (14 units) affordable housing, 3 self/custom build units and infrastructure payments. The development will provide a positive economic benefit through the New Homes Bonus, construction jobs and an increased population likely to spend in the community. Moreover, the dwellings are in a relatively sustainable location. There would also be drainage improvements as the development can reduce flood risk to neighbouring properties and downstream areas.

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

Your officers have reviewed the planning application in the context of the adopted District Plan and other material planning considerations and recommend that planning permission is granted.

The proposal is therefore deemed to comply with the requirements of Policies DP4, DP21, DP26, DP30, DP31, DP37, DP38 and DP41 of the District Plan 2014-31, as well as the broader requirements of the NPPF.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

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

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

### **Approved Plans**

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

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

### **Pre-commencement conditions**

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,

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

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy DP21 of the District Plan 2014 - 2031.

4. No development shall commence until visibility splays of 2.4 metres by 70 metres have been provided at the proposed site vehicular access onto High Beech Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan 2014 - 2031.

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

Reason: To protect the amenity of local residents from dust emissions and to accord with Policy DP29 of the District Plan 2014 - 2031.

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

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

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

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

7. No development shall commence, until the applicant, or their agents or successor in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: In order to ensure that archaeological heritage assets will be conserved and properly recorded (as appropriate) before development, in accordance with para 128 of the NPPF.

8. Prior to the commencement of the development the details of the proposed foul and surface water drainage and means of disposal for that phased shall be submitted and approved in writing by the Local Planning Authority. This includes details of the proposed method of surface water disposal and all supporting permissions and agreements of connection. No dwelling shall be occupied until such time as the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

9. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the District Plan 2014 - 2031.

10. 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 DP26 of the District Plan 2014 - 2031.

11. No development above ground floor slab level shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of materials and finishes to be used for external walls and roofs of the proposed dwellings have been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031.

12. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

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

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

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

Reason: In order to conserve and enhance the existing trees and woodland and any new planting in perpetuity, and for the enhancement of the nature conservation value of the site and to accord with Policy DP37 of the District Plan 2014 - 2031.

14. No development shall commence until details have been submitted to and approved by the Local Planning Authority in respect of the submission of a Slope Stability Report and Intrusive Ground Investigation works in relation to properties on Savill Road and Barrington Close. The development shall be carried out in accordance with the details agreed in such a report.

Reason: To ensure the ground is suitable for the construction of the dwellings due to the ground levels and to accord with Policy DP26 of the District Plan 2014 - 2031.

15. No development shall take place until details of existing and proposed site levels have been 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 DP26 of the District Plan 2014 - 2031.

### **Construction Phase**

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

Monday - Friday 08:00 - 18:00 Hours  
Saturday 09:00 - 13:00 Hours



Sundays and Bank/Public Holidays no work permitted.

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the District Plan 2014 -2031.

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

Reason: To protect the amenity of neighbouring residents and to accord with Policy DP26 of the District Plan 2014 - 2031.

### **Pre-occupation conditions**

18. No part of the development shall be first occupied until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan 2014 - 2031.

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

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan 2014 - 2031.

### **INFORMATIVES**

1. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <http://www.midsussex.gov.uk/9276.htm> (Fee of £97 will be payable). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
2. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
4. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **APPENDIX B – CONSULTATIONS**

### **WSCC Highways Authority**

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

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

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

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

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

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

Notwithstanding the lack of raw speed data, the SSDs are based upon the guidance within Manual for Streets. It is acknowledged that MfS2 suggests the use of Design Manual for Roads and Bridges SSD parameters where speeds are over 40mph for the majority of the day. In this location, the posted speed limit is still 30mph, recorded speeds are only just over 40mph, and taking account of the context of the area, MfS rather than the Design Manual for Roads and Bridges (which relates more to the design of high speeds, heavily trafficked roads) is considered the more appropriate design guidance. Visibility splays of 2.4 by 70 metres are demonstrated. These comply with the MfS SSD requirements in light of the recorded vehicle speeds.

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

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

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

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

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

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

Even so, based on the data within the TS, the development is forecast to generate 21 (6 arrivals, 16 departures) two way vehicle trips in the AM network peak period, and 23 (15 arrivals, 7 departures) in the PM network peak. It is standard practice to consider the impact of the development during the network peak hour as these are most sensitive to change. Given the number of vehicle movements at peak times, the threshold included within the WSCC TA Guidance to require off-site junctions to be assessed in terms of capacity is not met. Whilst the site will generate additional traffic on the local highway network, vehicle movements would quickly disperse and would be negligible in light of existing background traffic.

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

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

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

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

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

No highway objection would be raised.

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

#### *Access*

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

Reason: In the interests of road safety.

#### *Visibility*

No development shall commence until visibility splays of 2.4 metres by 70 metres have been provided at the proposed site vehicular access onto High Beech Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

#### *Construction Management Plan*

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

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

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

### *Footway onto High Beech Lane*

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

### INFORMATIVE

#### *Section 278 Agreement of the 1980 Highways Act - Works within the Highway*

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

### S106 OBLIGATION

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

### **WSCC Planning Officer**

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

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

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

The advice is as follows:

#### **1. School Infrastructure Contribution**

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

1.2 Financial Contribution

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

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

DfE Figure x ACP = School Infrastructure Contribution where:

Note: x = multiplied by.

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

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

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

DfE Figure = Department for Education (DfE) school building costs per pupil place (for pupils aged 4 to 16) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2014/2015 are - Primary £15,558, Secondary £23,442, Further Secondary £25,424),

updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

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

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

## **2. Library Infrastructure Contribution**

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

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

### **2.2 Financial Contribution**

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

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

$L/1000 \times AP = \text{Libraries Infrastructure Contribution}$  where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of dwellings, less any allowance for affordable dwellings, as approved by a subsequent reserve matters planning application. The following figures are given as a guideline:



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

L/1000 = Extra library space in sqm. per 1,000 population x the library cost multiplier (which currently for the financial year 2016/2017 are 30sq.m and £4,560 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on the extension of Haywards Heath Library. Should the funds required for this scheme be greater than the S106 monies collected, the contributions should be spent on the significant internal redesign of Haywards Heath Library.

### 3. Transport (TAD) Contribution

3.1 The Total Access Demand Contribution will be calculated by the County Council in accordance with the following formula:

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution = (C - D) x E, where:

C (Total Access) = (A (number of dwellings) x B (Occupancy per dwelling)) using the following figures as a guideline:

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

D = Parking Spaces provided by the residential development element of the Proposed Development

E = Standard multiplier of £600

Infrastructure Contribution = D x F, where:

D = Parking Spaces provided by the residential development element of the Proposed Development

F = Standard multiplier of £1200

Where affordable dwellings are involved, the appropriate discount is applied to the population increase (A x B) before the TAD is formulated.

The contributions generated by this proposal shall be spent on:

- Pedestrian, cycle and traffic safety improvements at the junction of Lewes Road and High Street, Lindfield.
- Establish a dedicated safe cycle route from Scaynes Hill to Lindfield
- Traffic Calming works across Lindfield

### **General points**

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

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

Review of the contribution towards the provision of additional County Council services should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

Should you require further general information or assistance in relation to the requirements for contributions towards the provision of County Council service infrastructure please contact, in the first instance, the Planning Applications Team officer, named above.

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

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

## Landscapes Consultant (East Sussex County Council)

### Landscape Policy Context

1. The NPPF requires development to be sustainable as well as contribute to and enhance the natural environment by protecting and enhancing valued landscapes (para. 109). Further to this great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. (para115).

2. Section 7 of the NPPF addresses the issue of good design and recommends that planning decisions should aim to ensure that developments respond to local character and distinctiveness. Paragraphs 56- 68 require that planning policies and decisions should aim to ensure that developments create a **strong sense of place and add to the quality of an area**. Developments are required to respect local character and materials in both built form and open space detailing.

3. If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external works.

### Landscape Character and Visual Context and Potential Impacts

4. The site sits within the High Weald Fringes Landscape Character area 10, as defined by the Mid Sussex District Landscape Character Assessment (2004). The key characteristics of this area which are relevant to the site are:

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

5. The site has characteristics which are typical of the High Weald AONB landscape and in particular the small irregular shaped fields with well-defined and wooded field boundaries. The site is not considered to be valued landscape in the context of the NPPF. The site is of local landscape value as undeveloped land with some historic features, including mature trees and hedges on the boundaries. The rural character of the site is reduced by the presence of the residential development on three sides.

6. The character of High Beech Lane is of a rural sunken lane enclosed by dense tree cover. The proposed access will change the character of the lane in this location and would have a suburbanising effect. This needs to be considered in the context of other development along the lane to the south and the entrance to Haywards Heath Golf Course. The proposed access onto High Beech Lane would require the removal of some trees to accommodate the access road and sight lines. These trees are a self-seeded mix of ash, oak and birch which are of value as a group of trees, but there are no veteran or irreplaceable specimens in the group. These trees do require enhanced management to ensure the long term health and vitality of individual specimens and to prevent overcrowding. It is noted that the design of the access will minimise tree loss along the lane and the landscape strategy will provide new tree planting within the site to compensate for the loss of trees to the new access.

7. It is acknowledged that the majority of trees and woodlands and field boundary features would be conserved as part of the landscape strategy and that the development would have a low impact on these. All trees and other vegetation to be retained should be protected during construction in accordance with the submitted Tree Protection Plan and BS 5837:2012, Trees in Relation to Design, Demolition and Construction.

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

9. The extensive tree planting within the development in the Green infrastructure spaces and as street trees is welcomed. Careful consideration needs to be given to the specification of trees and that appropriate species are selected adjacent to houses and as street trees. The woodland areas should be comprised of mixed native woodland trees and understorey shrubs. Native species planting should be of locally characteristic species for this part of the weald. Proposed hedges should be of mixed native species to help to integrate the development into the local area and maximise the potential wildlife value.

10. As the application is for outline permission the precise design layout and details of hard and soft landscaping can be reviewed at the detailed application stage. It is acknowledged that the proposed development is of a low density and would on the whole conserve the key characteristic landscape features of the site.

11. The proposal to have more informal road layouts to reflect the rural location is welcomed. The avoidance of formal kerbs, pavements and tarmac surfacing to create a home zone or shared surface character would be appropriate in this setting.

12. The site is of low visual sensitivity as there are no views into the area from public roads or footpaths. There would be glimpses across the site from adjacent residential properties. The proposed retention of existing vegetation on the site boundaries and the landscape strategy to reinforce these boundaries with additional planting should mitigate these potential visual impacts.

### **Conclusion and Summary Recommendations**

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

### **Ecology Consultant (Calyx Environmental Ltd)**

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject the reserved matters application being supported by the following details:

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

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

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

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

### **Heritage Consultant (Surrey County Council)**

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

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

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

Given that the Assessment does not indicate remains of a significance to warrant preservation in-situ on the site, I do not recommend that the archaeological work need be carried out in advance of planning permission; but in this instance would recommend that the work be secured by a condition requiring a scheme of archaeological work once, and if, planning permission is granted. To ensure the required archaeological work is secured satisfactorily, the following condition is appropriate and I would recommend that it be attached to any planning permission that may be granted:

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

### **MSDC Planning Policy**

This site has been assessed in the Strategic Housing Land Availability Assessment (site 151). The assessment indicates that the site is suitable for development, subject to consideration of the proposed access and allocations through a relevant Neighbourhood Plan or DPD.

The site is not allocated within the Lindfield Neighbourhood Plan and is being considered ahead of the preparation of a site allocations DPD.

The District Plan Inspector identified that the Council has a 5.2 year housing land supply. The supply is based on the Liverpool approach, which distributes any unmet backlog need over the whole Plan period, and includes a 20% buffer. The Inspector noted that the housing land supply is not 'hugely comfortable', and that the Council should consider how its 5 year position could be strengthened through Policy Modifications.

The emerging District Plan is a material consideration in the decision making process. However, policies relating to housing in the District Plan are yet to be subject to public consultation, and until that consultation has been completed, respondents' comments reviewed and the Inspector has completed his report, they can be given little weight. The five year housing land supply position is also subject to the satisfactory completion of the Habitats Assessment, Sustainability Appraisal and Equalities Impact Assessment.

Paragraph 14 of the NPPF requires that local planning authorities '*should positively seek to meet the development needs of their area.*' In addition, paragraph 47 of the NPPF requires that '*local planning authorities should significantly boost the supply of housing.*' In this context, a five year housing land supply is a material consideration in the determination of planning applications, but so too is the Council's significant housing need and the general presumption in favour of sustainable development. This application needs to be determined on this basis.

### **Self-build plots**

I note the possibility of some plots being provided as self-build, however this offer is not reflected in the description of the application or the supporting documents. Therefore it is not clear how such plots will be delivered based on the information.

The District Council maintains a self-build and custom housebuilding register, the housing team will be able to advise how many people have registered their interest.

The emerging District Plan makes provision of custom build and self-build plots to ensure that demands for self-build and custom housebuilding are met. Policy DP28: Housing Mix states that housing development will make provision for different group including serviced plots for self-build. The little weigh can be given to this policy at it has significant major amendments which will be subject to main modification consultation.

The policy DP 9: Strategic allocation at Burgess Hill seeks the provision of serviced self-build plots (if applicable i.e. if there is demand).

The Council will also be preparing a Site Allocations DPD which will allocated land for housing, and provides an opportunity to allocate land for the purposes of self-build and custom housebuilding.

Therefore whilst the offer of the provision of self- build plots is welcomed it is unclear how these will be delivered in practice. It may be worth considering if this issue could be addressed at reserved matters stage.

### **MSDC Urban Designer**

This is an outline scheme in which appearance, design, landscaping and scale are reserved matters. Being an outline proposal, the scheme is short on drawings, with only an indicative layout being supplied. This makes it difficult to assess its design merits in detail. These observations are therefore initial comments on the layout only (they do not assess the impact upon the landscape beyond the red line boundary as this is for the case officer / our landscape consultant and arboriculturist to assess).

The proposed layout has a similar approach previous to the previous outline application (DM/16/2333). Effort has been made to address my previous criticisms, but the layout is still unconvincing because the main open space / play area and footpath connection to the existing built-up area is predominately located at the rear of the houses where it will not benefit from the level of overlooking / natural surveillance that it would if they were located at the front of houses, and because it is less integrated / more hidden-away from the rest of the public realm, these areas risk feeling like semi-private space. The DAS suggests there will be enough overlooking between gaps in the vegetation and two of the houses to the south of the play area have been re-orientated so they face more towards the play area. The latter now unfortunately back-on to the access road and the southern approach to the play area; their gardens also look uncomfortably squeezed-in for such large houses. Elsewhere it will be difficult to control the level of planting at the rear of houses, and the level of surveillance. In conclusion the underlying problems of this arrangement still remain, and the attempts to resolve it generate further issues.

The open area (referred to as parkland in the DAS) at the site entrance is less likely to attract recreational use because the access road runs through it, and it is peripherally positioned for pedestrians.

Although the houses on the east and west side still back-on to, and screen, the adjacent mature tree belts, an attempt has been made to re-orientate the buildings on the southern boundary so they face the attractive tree belt. However, as a consequence the layout is confusing in this area with some buildings facing the access road to the north and others facing the tree belt to the south. The plot boundary of the house in the south east corner is not clear, and nor is the extent of public access.

A car park has been incorporated in the south west corner of the site in place of a soft landscaped space that featured in the previous pre-application layout. The blocks of flats here feature predominately hard-edged thresholds and parking that is uncomfortably close to the building frontages, although the juxtaposition with the access road benefits from proposed trees and soft landscaping along the boundaries.



The further drawing now more clearly defines the public/private boundary edge in the south-east corner. However, it does not seem to offer natural surveillance over the public realm which also suffers from being a dead-end, and it therefore raises community safety concerns.

### **MSDC Drainage**

No objection subject to conditions.

### **Summary and overall assessment**

This is a resubmission of application DM/16/2333. We originally raised concerns regarding existing run-off and its association with flooding to the West Common Stream and properties downhill of the site. These concerns have been looked at by the developers, and 2D modelling has been undertaken to help identify the flood risk across all reasonable storm events. This highlighted that there are two main flow paths - west onto High Beech Lane and southeast to the rear of Savill Road; a third could manifest in higher storm intensities to the rear of Portsmouth Wood Close. The 1 in 1 year greenfield rate has been calculated to be 20.0 ls-1, with the 1:30 at 50.6 ls-1 and the 1:100 at 66.9 ls-1.

Under existing conditions, there is some flood risk associated to properties that abut the site. This appears to be as a result of the clayey ground conditions and the relatively steep incline of the site. The proposed development intends improve this situation by capturing surface water run-off and attenuating it on site for all storm events up to the 1:100 year storm plus an extra 40% capacity for possible climate change. This means that the existing properties that abut the site will be less likely to flood after the proposed development. In addition, the development proposes to discharge the attenuated surface water into the local surface water system at 10 ls-1 for all storm events up to the 1:100+cc. This is half the rate of the existing 1:1 greenfield rate; and as the existing run-off eventually drains to the local system via private drainage and roads, this is a significant betterment over the existing situation.

The exact location of where the 10 ls-1 discharge will be taken to is yet to be established. However, WSCC have indicated that they may be able to accept connection on the basis that the local highway system would be upgraded via S278 agreement; and Southern Water would accept connection into their system, but this too would require the laying of new pipes adjacent to the highway system.

As this is an Outline Application that seeks approval of the principle of the proposed development, we can confirm that we do not object as it has been shown that the development can manage surface water run-off from the development without creating or exacerbating local flood risk. However, the success of the proposal is dependent upon the appropriate means of disposing surface water. Therefore, we have amended the standard drainage condition for developments like this one to ensure that a suitable and

fully agreed means of surface water disposal is established prior to any construction. We will also require detailed plans and supporting calculations that support the design.

In addition to establishing the outfall, in order to meet with the condition this proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possibly methods. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change. As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing greenfield rates and follow natural drainage routes as far as possible.
- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

## **Flood Risk**

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk.

There are historic records of flooding occurring in this area.

## **Surface Water Drainage Proposals**

It is proposed that the development will attenuate surface water with controlled discharge to local surface water networks at 10 ls-1.

## Foul Water Drainage Proposals

It is proposed that the development will utilise existing local system.

### Suggested Conditions

#### C18F - Multiple Dwellings

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. This includes details of the proposed method of surface water disposal and all supporting permissions and agreements of connection. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

### Further Drainage Advice

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

### Flood Risk and Drainage Information for Planning Applications

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

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
√	√	√			Flood Risk Assessment / Statement (checklist)
√	√	√			Drainage Strategy / Statement & sketch layout plan (checklist)
	√				Preliminary layout drawings

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
	√				Preliminary "Outline" hydraulic calculations
	√				Preliminary landscape proposals
	√				Ground investigation report (for infiltration)
	√	√			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		√		√	Maintenance program and on-going maintenance responsibilities
		√	√		Detailed development layout
		√	√	√	Detailed flood and drainage design drawings
		√	√	√	Full Structural, hydraulic & ground investigations
		√	√	√	Geotechnical factual and interpretive reports, including infiltration results
		√	√	√	Detailing landscaping details
		√	√	√	Discharge agreements (temporary and permanent)
		√	√	√	Development Management & Construction Phasing Plan

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

**Useful links:**

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

Water.People.Places.- A guide for master planning sustainable drainage into developments

Climate change allowances - Detailed guidance - Environment Agency Guidance

Further guidance is available on the Susdrain website at

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

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

*For a development located within Flood Zone 2, Flood Zone 3, which is greater than 1 hectare in area, or where a significant flood risk has been identified:*

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

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

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

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

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

(1) Suitable SuDS Guidance can be found using CIRIA Guidance Document C697 "SuDS Manual"

(2) Climate Change consideration should be calculated following Environment Agency Guidance

(3) Approved method of soakaway design include BRE - Digest 365 "Soakaway Design"

(4) Submitted SuDS designs will need to be undertaken by a suitably qualified person

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

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

(1) Approved method of soakaway design include BRE - Digest 365 "Soakaway Design"

(2) Climate Change consideration should be calculated following Environment Agency Guidance

*For the use of Public Sewers (1):*

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

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

*For the proposal of works to an Ordinary Watercourse:*

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse these works are likely to affect the flow in the watercourse and an

Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005. There is guidance and a form available here

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

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

(1)In accordance with The Land Drainage Act 1991.

(2)Approved methods to calculate this include:

Institute of Hydrology - Report 124 - "Flood Estimation for Small Catchments"

Centre for Ecology & Hydrology 1999 - "Flood Estimation Handbook" - (FEH)

WinDes Software - Generated FEH Output

(For Highway) DMBR Standards HA106/04 - "Drainage of Runoff from Natural Catchments"

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

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

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

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

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

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

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

## **WSSC Flood Risk Management**

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

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

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

Modelled groundwater flood hazard classification:	Low risk
<p>Comments: The proposed development site is shown to be at low risk from groundwater flooding.</p> <p>This risk and appropriate mitigation should be considered in any future designs especially with regard to underground structures and utilities.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	

Records of any ordinary/culverted watercourses within or in close vicinity to the site:	No
<p>Comments: Current Ordnance Survey mapping shows no ordinary watercourses within the site boundary.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>No development should take place within 5m of any ordinary watercourse and access of future maintenance must be considered during planning. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District or Borough Council.</p>	

Records of any historic flooding within the site or within close vicinity to the site:	Yes
<p>Comments: We are aware that adjacent land/carriageway has been subject to historic flooding in the past.</p>	

## **Future development - Sustainable Drainage Systems (SuDs)**

The FRA/Drainage Statement included with this application proposes that attenuation with restricted discharge to the main sewer system/highway system would be used to restrict the runoff from the development. This method would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents. Further investigation and upgrade of the highway system will be necessary.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

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

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

## **MSDC Housing**

The applicant is proposing a development of 46 dwellings which gives rise to an onsite affordable housing requirement of 30% (14 units). The proposed housing mix will meet a broad range of housing needs and consists of 2 x 1 bed, 7 x 2 bed and 5 x 3 bed dwellings. The tenure split will comply with current policy, with 75% of the properties to be provided as rented units and 25% as shared ownership. The applicant is adopting a tenure blind approach in order to aid social integration and create a sustainable development.

In addition to the provision of affordable dwellings, we welcome the inclusion in this application of 3 x serviced plots for self or custom build which will assist the local authority in meeting both our statutory duty and the demand for self and custom build in the district.

## **MSDC Leisure**

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the Local Plan policy and SPD which require contributions for developments of over 5 units.



### CHILDRENS PLAYING SPACE

The developer has indicated that they intend to provide a LEAP on site and full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition.

### FORMAL SPORT

In the case of this development, a financial contribution of £45,725 is required toward pitch drainage at Hickmans Lane Recreation Ground.

### COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £19,862 is required to make improvements to the King Edward Hall in Lindfield.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (as laid out in the Council's Development and Infrastructure SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

### **MSDC Tree Officer**

Having reviewed the submitted documents, I can confirm I am largely satisfied with the proposals. However before this application progresses to more than an outline, I would like to point out that the positioning of the two houses in the south west corner would not be acceptable; due to the shading and seasonal nuisance they are likely to incur.

Following on from this, the property and subsequent garage blocks in the north east corner of the site are uncomfortably close to the existing trees and do not seem to allow for much growth potential here. Meaning that the new occupiers will encounter issues fairly quickly.

The entrance from High Beech Lane has been improved to allow further trees to be retained. Whilst it is regretted that these will be lost, the character of the area shall largely be retained thanks to mitigation planting ensuring the area adopts a woodland feel. This is also valuable for wildlife and carbon sinking.

### **MSDC Environmental Protection Officer**

Environmental Protection has no objection to this application, subject to the conditions below.

### Conditions:

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

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

Reason: To protect the amenity of local residents.

- Minimise dust emissions: Demolition/Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to, and approved in writing by, the local planning authority. The scheme as approved shall be operated at all times during the demolition/construction phases of the development.

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

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

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

### **MSDC Contaminated Land Officer**

I have reviewed the following supporting information:

- Archaeological desk-based assessment. CgMs, May 2016, reference LM/22157;
- Ground investigation report. Reside, no date or reference;
- Phase II ground investigation report. Soils Limited, September 2016, reference 15740/GIR; and
- Letter report summarising gas and groundwater monitoring. Soils Limited, January 2017, reference 15740/LR/Rev1.02.

Based on the information presented, combined with information contained within the GIS, and the sensitivity and scale of the proposed development, it is recommended that the following precautionary condition is placed on any permission granted:

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

contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

### **MSDC Street Name and Numbering Officer**

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

Informative: Info29

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

### **Sussex Police**

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

Given that this outline application is only to determine the means of access and to seek approval in principle, I have no detailed comment to make at this stage. At the reserved matters stage I would encourage the applicant to update the Design and Access Statement to include appropriate measures for crime prevention and community safety using the principles of Secured by Design and the attributes of safe, sustainable places. These are:

- Access and movement - places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.
- Structure - places that are structured so that different uses do not cause conflict.
- Surveillance - places where all publicly accessible spaces are overlooked.
- Ownership - places that promote a sense of ownership, respect, territorial responsibility and community.

- Physical protection - places that include necessary, well designed security features.
- Activity - places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- Management and maintenance - places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

## **LINDFIELD RURAL PARISH COUNCIL OBSERVATIONS**

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

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

### **The Proposed Site**

The proposed site sits within the High Weald Fringes of Landscape Character area 10, as defined by the Mid Sussex District Landscape Character Assessment (2004). The key characteristics are:

- Densely-wooded southern flanks of the High Weald Forest Ridge, dissected streams draining west to the River Adur and east to the River Ouse.
- Significant woodland cover, a substantial portion of it ancient, and a dense network of shaws, hedgerows and hedgerow trees.
- Pattern of small assart fields and larger fields. The site is of local landscape value.
- As undeveloped landscape with historic features. The nature of High Beech Lane is that of a sunken rural lane enclosed by dense tree cover, probably an ancient drove way.
- It is on the fringes of the High Weald AONB

The site is outside the current boundaries of the recognised settlements. In November 2015, Mid Sussex District Council issued a strategic land availability Assessment which viewed this site. It was stated that the site needed to be allocated via the Neighbourhood Plan which did not occur; as the site's suitability was rejected for the reasons detailed below:

*"The site is considered to have low landscape capacity for development. This is due to the proximity of the ridge crest that creates a distinct boundary to this side of the town (LUC Assessment). This site extends 230m into countryside beyond the northernmost boundary of the built-up area and would be obtrusively visible from the wider area to the north.*

*Difficult access arrangements and potential significant impact on highway network in vicinity and distant to strategic routes. Lindfield High Street within 1.6km therefore only fair access to local services and facilities on foot. There are also some TPOs adjacent to the site to the south.*

*Town Wood Ancient Woodland borders to east. The site would require allocation through the relevant Neighbourhood Plan.*

*Development of this site would be harmful in landscape terms, and the role it plays in the setting of the town. Development would create an isolated incursion into the countryside which would not relate or integrate well with the existing settlement or its boundaries. Would extend the presence of built development, north along High Beech Lane forming unsympathetic ribbon-like development. Access likely to be onto High Beech Lane this would also be an issue."*

The site is steeply sloped, criss-crossed with small streams and underground springs and there is a history of localised flooding with which local residents are well acquainted. The site sits on a natural fault line upon a mixture of Tunbridge Wells sand and clays. The site is similar to that at Franklands Village which was subject to landslip in the 1990's. Housing development there was evidently considered suitable until events proved otherwise.

Land stability Policy CS21 of the local plan stipulated that developments on areas of known or suspected land instability should only be permitted where it can be demonstrated that the site can be developed and used safely without adding instability of the site or adjoining land.

Para 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict contaminated or unstable land, where appropriate.

DP24 of the emerging District Plan stipulates that developments should be pedestrian-friendly, safe and well connected and should not cause significant harm to the amenities of existing nearby residents or future residents of dwellings. The applicants have sought to propose mitigating drainage measures, which will not address the local flooding issue. Indeed, the evidence of the flood risk assessment fails to correctly spell the sites supposedly considered and the ground investigation report is a desk-top exercise performed in Gloucestershire.

Some adjacent homes have been subject to subsidence and it is feared that this development will cause additional water run off which will impact on lower lying properties.

The site is approximately 10 miles from Ashdown Forest. The occupants of the proposed developments will be required to drive to all available services except perhaps to the small local grocery store/delicatessen. In Mid Sussex, most residents travel to work by car. About 25% travel to London, about the same percentage to Crawley/Gatwick and

about 15% to Surrey. To access these locations from this site will require travel via B2028 to link with M23 or across Ashdown Forest to link with the A22. The "Wealden case" and the accumulated impact of traffic pollution and increased human activity is relevant to this development, which added to other developments already permitted within the Parish would be environmentally detrimental.

### **Access and Transport**

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

The applicant's transport statement claims that schools are within walking distance. The report includes a school "Summerhill and Tavistock" which no longer exists. There are no vacant school places at local schools within walking distance. There are places at Northlands Wood School in Haywards Heath or in the village of Ardingly. Neither could be reached on foot and there are no direct public transport links to either location from this site. Car travel would be essential. The local secondary school currently has places for 11-16 year olds, but Central Sussex College (the sixth form college mentioned in the report) is due for closure and over 16's still in education will need to travel to Brighton or Horsham. There is no direct train or bus route to Horsham College from this site or from Hayward's Heath. The transport report also mentions Lindfield Medical Centre as being within walking distance, the nearest Doctors surgery taking new patients is at Northlands Wood. The Nuffield Hospital mentioned is a private hospital, not available to those without private medical insurance or able to pay.

The distances that occupants of the new homes will actually have to travel has therefore been underestimated. The reality is that the new occupants will have to drive to wherever they need to get to.

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

### **Affordable Housing**

It is indicated that the proposed development would include 14 "affordable homes" of mixed tenure. The comments made to support the suitability of the site for affordable homes is the available access to local services and facilities.

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

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

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

### **Lindfield and Lindfield Rural Neighbourhood Plan (LLRNP)**

The proposed development is contrary to the principles of the LLRNP. The LLRNP was formally made by Mid Sussex District Council on 23rd March 2016 and is supported by the District Plan. The principles of the Neighbourhood Plan are to encourage modest development inside the built-up boundary which can be accommodated without undermining the quality of life of local people; and to protect the special historic and landscape character of the parishes and their surroundings.

Paragraph 198 of the NPPF states that: "where a planning application conflicts with a neighbourhood plan that has been brought into force planning consent should not normally be granted."

The proposed site is outside the current built up area boundaries. The resistance to include the site as part of the LLRNP, through the examination process was supported by MSDC. The LLRNP supports development of housing windfall sites within the built-up boundary identified.

It is apparent that under paragraph 49 of the NPPF housing policies whether contained in a Local Development Plan or Neighbourhood Plan are considered "out of date" by virtue of the fact that the Local Planning Authority has no 5-year housing land supply, nevertheless such policies must be given significant weight.

### **Emerging District Plan**

The Sustainability Appraisal for the District Plan has shown that the District can accommodate the level of housing required, taking into account environmental and other constraints. The significant proportion of proposed development is in the south of the district; the remainder of development will be delivered by other towns and villages to support their economic, infrastructure and social needs.

The Housing and Economic Development Needs Assessment estimates the number of houses needed for Lindfield Rural Parish over 17 years as being 204 homes; this equates to 12 homes per year for Lindfield Rural Parish. Homes under construction or which have planning consent now totals 461 homes, more than double the 17-year requirement. The recent response made by MSDC regarding the District Plan is that 876dpa should be agreed especially in light of the "Wealden case"; in which case, the Parish has already absorbed half of the annual requirement for the whole District. This proposed development is an encroachment into the countryside to provide housing that is not needed in this area.

The proposal does not meet the requirements of DP4, which states that development will only be permitted if it is appropriate both in scale and function to its location, including the character and amenities of the surrounding area. The Policy also states that the proposal should be in accordance with the relevant neighbourhood plan; clearly it is not in accordance with LLRNP. It is not in accordance with LLRNP as the site is outside the built-up boundary and does not protect the special historic and landscape character of the Parish. The proposal does not meet the objectives of Policy DP 10 which seeks to protect and enhance the countryside.

The proposal does not meet the requirements of Policy DP11, which seeks to prevent coalescence. In this case the development will create ribbon development between Lindfield and Ardingly.

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

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

### **Economic role**

The MSDC District Plan has identified the right land of the right type in the District. This proposed development is not the right development in the right place.

### **Social role**

This proposal does not provide the supply of housing to meet local needs and impacts upon the social and cultural well-being of Lindfield by developing housing with no essential services locally to support it. The only services available, especially to support those in social housing are not accessible by public transport from this point. i.e. there is no direct route to Princess Royal Hospital without a walk of at least a mile to the nearest bus link. Age UK centre for the elderly is not accessible by bus from this site and is 3 miles distant; and the nearest community centre is 1.5 miles away. This proposal will result in the creation of an isolated community, reliant on car travel for participation in any social activity.



## Environmental role

This development destroys not enhances the natural and historic environment and damages biodiversity. This site is too far removed from available services and facilities; this will encourage car use and result in air pollution and congestion. The main access road is via problematic road junction with poor visibility. The site also presents potential localised flooding issues. This development is an unnecessary encroachment into the countryside.

The proposal will therefore not meet the requirements of Para 61 of the NPPF which states that planning policies and decisions should address the connections of people and places and the integration of new developments into the natural built and historic environment.

The proposal does not address the infrastructure deficit of providing more housing in Mid Sussex other than by allocating s106 (CIL) monies to mitigate the problems.

There are no environmental benefits as clearly set out. The adverse impacts of the proposals in this application significantly outweigh the benefits. This application should therefore be **refused**.

## LINDFIELD PARISH COUNCIL OBSERVATIONS

This response focuses on the provisions of the National Planning Policy Framework (NPPF).

*This provides that "at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both planning and decision taking. For decision taking this means that where the development plan is absent, silent or relevant policies are out of date, out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in this Framework indicate development should be restricted."*

Set out below is a series of adverse impacts (enshrined in Plan policy), which would significantly and demonstrably outweigh the benefits of the proposal, and which will demonstrate that the proposal is far from sustainable.

### As regards the Mid Sussex Local Plan 2004:

- The proposal will not respect the character of the locality, contrary to Policy B1( a), nor will it maintain or enhance the quality of the rural character of the District at the fringes of Lindfield, and the High Weald Area of Natural Outstanding Beauty immediately to the north of the site.

- The proposal is contrary to Policy B3 in that the proposal will lead to a loss of amenity, and potential overlooking of nearby or adjoining properties, despite mitigation by screening. Tree and hedge screening is generally ineffective in the summer months.
- The proposal is contrary to the objectives of Policy B6 in that the area is one of recreational, conservation, and wildlife value. This policy applies to private areas of open space.
- The proposal does not accord with Policy C1, which seeks to protect the countryside. The area is designated as a Countryside Area of Development Restraint, and there are no exceptional circumstances, which could justify such a development. It is noted that the Policy seeks to protect the countryside for its own sake. Indeed, it is submitted that this is a valuable green lung and natural green space between existing settlements to the east and west of the site. There remain deep concerns about compliance with Policy C6, in that the site has been shown to be a natural habitat for a number of animal species, and a location for a number of wildlife habitats in the area. Whilst it is noted that further work has been done by the applicant in this respect, it can only ever be presumed that proposed mitigation measures will work. There is no evidence to suggest that animal species will return to their former habitats, once they are consumed within a housing development. The environmental damage that will occur as a result of development in this area, contributes significantly to the unsustainability of this proposal.
- The significance of the traffic and road safety issues, which do not meet the objectives of Policy T4 of the 2004 Local Plan or of policies in the emerging District Plan, are particularly significant in this area. Developers and West Sussex County Council Highways , appear to view planning applications in isolation, but it is the cumulative effects of development in this part of mid Sussex that it putting an intolerable strain on the local road network, much of which is of course rural in nature. High Beech Lane is already a fast and well used road, and the proposal will simply create yet another dangerous junction within the confines of Lindfield. Indeed, this road is one of the focal points of the Parish Councils ongoing traffic survey. This has shown that traffic calming is already required to cope with existing use and capacity, and if the application is to succeed, additional measures suggested by the applicant to address the acknowledged issues, must be backed up by proper legal agreements, and be fully funded by the applicant.
- Policy C6 seeks to resist development resulting in the loss of trees. It now seems clear that the requirement to install visibility splays at the access road and at Roundwood Lane will require the removal of a number of trees, and lead to the urbanisation of what is currently a visually pleasing rural road. It is also noted that some of the new dwellings will be built right up against a line of Oaks bordering the site (just behind Barrington Close) , which are the subject of Tree Preservation Orders. Therefore, the possible long term, adverse effect on those trees of the development, needs to be properly addressed.

- Mid Sussex District Council has already accepted many of the above principles, because the site was originally assessed as unsuitable for development in its own Strategic Housing Land Availability Assessment study. The site is clearly not sustainable being situated far from local facilities and amenities, given that any that could be regarded as nearby are already at capacity. This development is simply an opportunistic bolt on development on a green field site, with no ability for anything other than the use of vehicles as a means of getting around. There is no certainty or guarantee regarding the possibility of a pedestrian access into Portsmouth Wood Close, and High Beech Lane is devoid of safe pavement areas for pedestrians. It is noted that WSCC Highways appear to take the view that it will simply be a safe thing to attempt to cross the road, with a few indicative markings.

As regards the emerging District Plan:

- The proposal does not meet the requirements of Policy DP4, which state that development will only be permitted if it is appropriate in scale and function to its location, including the character and amenities of the surrounding area. If Lindfield is to retain its village status and character, and if the already overstretched amenities are not to collapse altogether, the application should be refused.
- The proposal fails to take account of Policy DP5, which sets out an informed and strategic basis for the future delivery of housing requirements across Mid Sussex, and which acknowledges the significant contribution of Neighbourhood Plans.
- The proposal does not meet the objectives of Policy DP 10, which seeks to protect and enhance the countryside (which is to be valued for its own sake).
- The proposal does not meet the objectives of Policy DP1 3 in that there can be no special justification for this development. It is not needed in the wider context of the strategic requirement for additional housing in the District. That need is recognised by most people, but it should be planned in a proper and orderly way, as set out in the emerging District Plan. It is clear that event he NPPF steers away from opportunist development for profit, in inappropriate and unsustainable locations.
- There are major issues regarding meeting the requirements of Policy DP41 as regards potential flooding issues. Underground water flows down Savill Road whenever it rains, throughout the year. The Water Board confirms that there are no water leaks from any of their pipes in this area. There is significant run-off of rainwater from the house driveways in this road area. Consequently, when it rains, water pours down the road like a river. It is understood that these underground springs occur due to a geological fault (where the sandstone ridge meets the clay subsoil). It is believed that this fault line runs across the top of the hill in Savill Road and then westwards across the field that the applicant wishes to build on. Objectors are extremely concerned that if just one episode of trench digging caused this underground spring to emerge - what would be the effect if the top of this hill were to be built over? It could displace the water underground, and new springs could then arise. There is also a history of land

subsidence to properties on this wet hillside and in the immediate vicinity to the proposed building site. There is a grave concern that the situation, which occurred at Frank lands Village, Haywards Heath where, it is believed that new build was constructed over an area of underground springs resulting in a massive subsidence to the properties below it, will be repeated. The application should not succeed on this ground alone, until far more research has been done into the well-known and documented flooding problems in this area. It is no good the development site being nice and dry, if the flooding issue is simply exacerbated elsewhere. Indeed, it needs to be clear, by the attachment of appropriate conditions, that if developers propose mitigation measures, such as Sustainable Drainage Systems, then if such measures do not work (as increasingly seems to be the case, e.g. when balancing ponds overflow) the developer remains fully liable for the consequences. This needs to go further than simply ongoing maintenance and repair for a period of time.

As regards the National Planning Policy Framework (NPPF):

- The proposal will not meet the requirements of paragraph 61 of the NPPF, which states that planning policies and decisions should address the connections of people and places and the integration of new development into the natural, built, and historic environment.
- As regards the potential for flooding, the proposal does not meet the objectives of paragraphs 100 to 103 of the NPPF for the reasons stated above. The applicants Flood Risk Assessment may seek to address the potential problem of flooding within the site, but is very light on addressing the already pressing issue of surface water run-off, existing underground water pressure, and storm event water run-off, on existing roads and houses to the south of the site, in terms of the additional effects of building over the field at the top of the hill. Existing drainage capacity, which the report appears to rely on to resolve the issue, is already inadequate. The land is not flat, and given that water will always find its own level, there is clearly a valid concern.
- The proposal does not meet the objectives of paragraph 109 of the NPPF in that the natural environment will be neither conserved nor enhanced.
- The proposal does not accord with paragraphs 165 and 166 of the NPPF in that it fails to take into account the need to meet the demands of the natural environment.
- The proposal does not address the infrastructure deficit of providing more and more housing in Mid Sussex, other than by agreeing to allocate money to the problems. This does not help the aspirations and objectives of Policy DP18 of the District Plan. It is contended that s.106 monies (and/or CIL monies in the future) are simply not delivering the level of infrastructure requirements and improvements that are needed to make such developments anything like sustainable. The provision of such appropriate infrastructure and the weight being attached to the lack of it should be given very significant consideration, and is a matter stressed in the NPPF as a weighty planning matter. The provision of adequate infrastructure cannot be defined by the

level of developer contributions, which then simply accumulate and sit in a section 106 pot. Actual infrastructure requirements must be properly addressed before any further large scale housing development is permitted, and indeed many objectors have referred to the severe pressures on existing services. It should be noted that Lindfield has absorbed some 500 houses over the past 5 years (with possibly a further 200 on the way, if a planning appeal is upheld) with zero investment in associated infrastructure, such as school places, doctor's surgeries, social care, and community facilities. This alone makes any further high yield housing development unsustainable.

What then are the benefits? A small contribution towards some affordable housing, which Mid Sussex District Council has a well thought out strategy for delivering across the District, in consultation with communities through Neighbourhood Plans.

#### General comments:

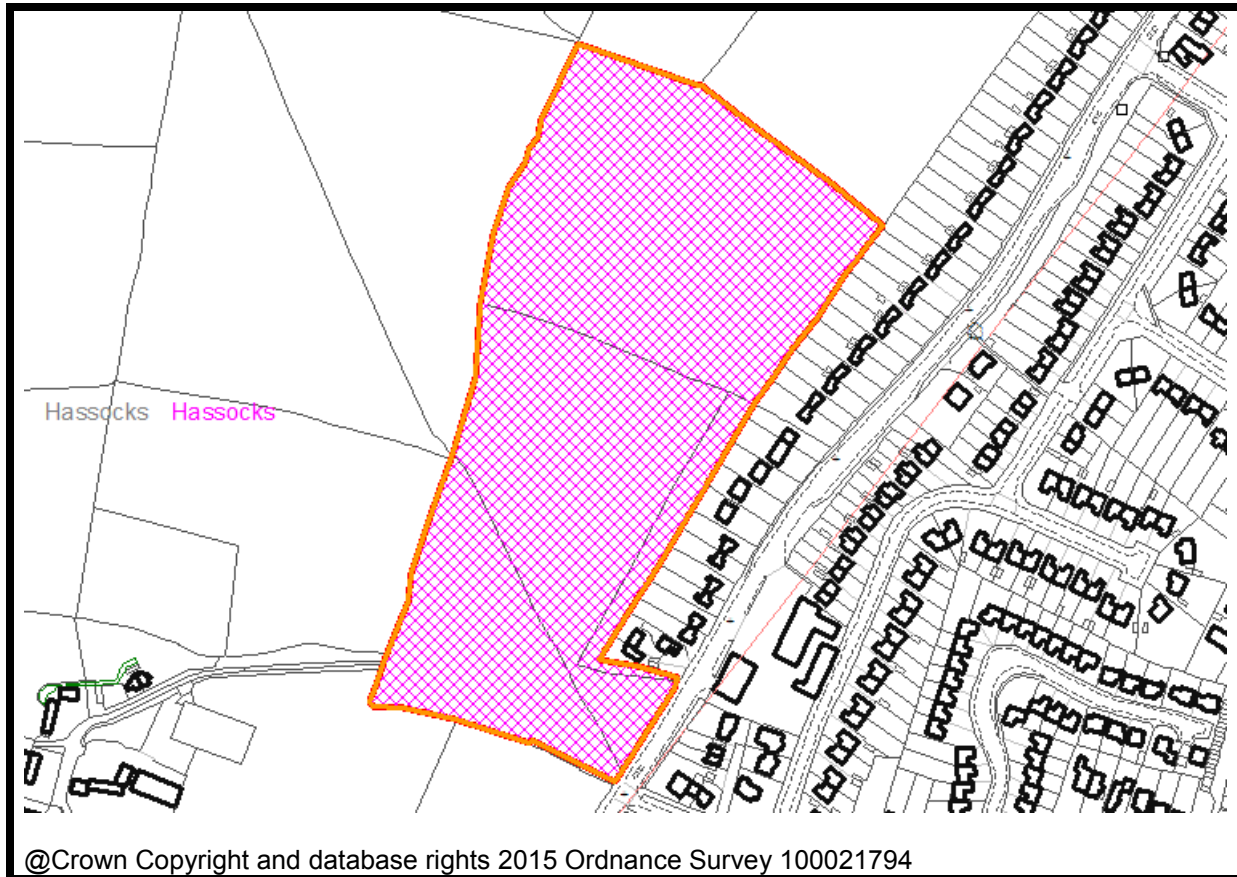
- The Parish Council is aware that a decision for political reasons, not planning reasons, has been taken, despite conflicting case law, to attach limited (if any) weight to the Lindfield and Lindfield Rural neighbourhood Plan (LLRNP), which was made by MSDC on 23rd March 2016. It may therefore be that housing policies in the LLRNP are deemed to be out of date. However, it should be considered that paragraph 198 of the NPPF is not a housing policy, and in the context of the introductory paragraph above, is in fact a specific policy. This provides quite simply and plainly, where a planning application conflicts with a neighbourhood plan that has been brought into force, planning consent should not normally be granted. This must surely mean that exceptional circumstances have to apply for a decision maker to decide in favour of an application. The provision cannot just be ignored.
- In the Parish Councils submission, it is simply a matter of common sense, given that the District Plan is close to approval, and the Objectively Assessed housing Need agreed by the Planning Inspector, that the process of getting it right for the benefit of both current communities (and residents of the District), and for future inhabitants, which is encouraged by the NPPF, should not be undermined by having piecemeal development imposed on inappropriate locations across the District. One should not override the other. Accordingly, the needs of Mid Sussex should be spread across the district in a way which reflects the needs of future generations, without impacting on the needs of existing generations, towns and villages. Indeed, the Government has recognised the validity of the principle of prematurity, where a District Plan has made significant progress. This must surely be a point that MSDC would want to advance in its own interest.

For all of the above reasons, the Parish Council concludes that the proposal is not sustainable, not least by the lack of local infrastructure, which as stated above, cannot be mitigated by money. There are no substantive or economic benefits from the proposal, and any there are will merely be transient, such that they should carry very limited weight. There are no social benefits, as apart from an element of so called affordable housing, it will merely add to the supply of expensive middle and high earner large detached

properties in this part of West Sussex. It will simply add to Haywards Heaths growing reputation as a dormitory /commuter town. There are evidently no environmental benefits, as clearly set out above. It is therefore clear on any objective analysis, that the adverse impacts of approving the application, significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. **The application should therefore be refused.**

## HASSOCKS

2. DM/17/4307



**LAND WEST OF LONDON ROAD HASSOCKS WEST SUSSEX  
ERECTION OF 129 DWELLINGS (INCLUDING 30% AFFORDABLE HOUSING  
PROVISION), NEW VEHICULAR ACCESS ONTO LONDON ROAD (A273),  
ASSOCIATED LANDSCAPING, CARPARKING, OPEN SPACE, PEDESTRIAN LINK  
TO ADJACENT, EXISTING RECREATION GROUND TO THE NORTH AND  
INFILTRATION BASINS. AMENDED PLANS RECEIVED 12TH FEBRUARY  
SHOWING A REVISED LAYOUT AND AMENDED ELEVATIONS TO PROPOSED  
DWELLINGS. FURTHER PLANS RECEIVED 14TH, 16TH AND 28TH FEBRUARY  
SHOWING AMENDED ELEVATIONS, STREET SCENES AND TENURE PLAN.  
AMENDED PLANS RECEIVED 28TH MARCH SHOWING THE DELETION OF THE  
HOUSE ON PLOT 3 AND MINOR ELEVATIONAL CHANGES TO THE DORMER  
WINDOWS AND ROOF LIGHTS ON BLOCKS A, B AND C.  
MR NICK KEELEY**

**POLICY:** Areas of Special Control for Adverts / Built Up Areas / Countryside Area of  
Dev. Restraint / Countryside Gap / Classified Roads - 20m buffer / Planning  
Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Strategic

Gaps / Tree Preservation Order Points / Tree Preservation Order Points /  
Archaeological Notification Area (WSSC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 20th April 2018

WARD MEMBERS: Cllr Gordon Marples / Cllr Michelle Binks / Cllr Sue Hatton /

CASE OFFICER: Mr Steven King

### **PURPOSE OF REPORT**

To consider the recommendation of the Divisional Lead, Planning and Economy on the application for planning permission as detailed above.

### **EXECUTIVE SUMMARY**

This application seeks full planning permission for the erection of 129 dwellings on land to the west of London Road, Hassocks. The access to the site would be from the London Road, slightly to the north of the junction with Stanford Avenue. The proposal would provide a policy compliant level of affordable housing.

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

The application site lies in countryside, outside the built up area of Hassocks and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The proposal is also contrary to policy DP6 of the District Plan as the proposal is for a development of more than ten units on a site that is contiguous with the built up area of Hassocks.

In accordance with the law whilst this breach of policy is the starting point for decision making the Council also must have regard to other material considerations. It is considered that there are other material considerations, specific to this site which are relevant to this application. These include:

The proposal optimises the use of a site where the principle of development has been established by virtue of the Secretary of State granting planning permission for 97 dwellings on the site in March 2017. The proposal will provide 129 dwellings



at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given substantial weight.

The site has been found by the Secretary of State to be a sustainable location for a major housing development as it is located adjacent to a category 2 settlement in Mid Sussex with good access to services and other facilities.

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 District Plan and emerging Neighbourhood Plan policies. However planning permission has been granted by the Secretary of State for a development of 97 dwellings on this site. Accordingly the weight that can be given to this objection is significantly reduced in this case because the principle of developing on this site is established.

There would also be a limited adverse impact on the landscape as a result of the proposed development on a greenfield site but this is an inevitable outcome of building on an undeveloped site. However the principle of this change has been established by virtue of the previous consent that has been granted on the site. It is not considered that the function of the local gap between Hurstpierpoint and Hassocks would be weakened by this proposal to an extent that would justify withholding planning permission.

Also weighing against the scheme is a conflict with the emerging Hassocks Neighbourhood Plan, which proposes to allocate this site as a local green space. However the weight that can be attached to this issue is considered to be limited since the site has planning permission to be developed.

Whilst there would be additional vehicular movements associated with the proposal compared to the consented scheme, these would not result in a severe impact on the local highway network, which is the test in development plan policy and national guidance.

There are no technical objections from the Councils Environmental Health Officer relating to the Stonepound Crossroads air quality management area. As such there are no grounds to resist this application based on this matter.

Overall it is considered that the proposal is not in compliance with all of the policies in the development plan. In particular there is a conflict with policies DP6 (Settlement Hierarchy), DP12 (Protection and Enhancement of the Countryside) and DP15 (New Homes in the Countryside) of the District Plan because the proposal involves development in the countryside. However these in principle conflicts are not considered to be a reason to resist this application because the principle of a major residential development on this site is already established.

There is considered to be compliance with a number of policies in the development

(DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), DP18 Setting of the South Downs National Park, DP20 Securing Infrastructure, DP21 Transport, DP26 Character and Design, DP27 Dwelling Space Standards, DP29 Noise, Air and Light Pollution, DP30 Housing Mix, DP37 Trees, Woodland and Hedgerows, DP38 Biodiversity and DP41 Flood Risk and Drainage).

In light of all the above it is considered that there are other material planning considerations that justify a decision that is not in full conformity with all of the policies in the development plan. In light of the above it is considered that this application should be approved.

### **Recommendation A**

Recommend that planning permission be granted subject to the completion of a section 106 legal agreement to secure the necessary infrastructure contributions and affordable housing and the conditions listed in the appendix.

### **Recommendation B**

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure payments and affordable housing by 19th July 2018 then the application should be refused at the discretion of Divisional Lead for Planning and Economy for the following reason:

The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required affordable housing. The proposal therefore conflicts with policies DP20 and DP31 of the District Plan.

## **SUMMARY OF REPRESENTATIONS**

73 letters of objection:

- will cause a reduction in air quality at the only Air Quality Management Area in Mid Sussex;
- there should be no more houses than has already been approved on the site;
- applicant's air quality submissions are not up to date;
- submitted plans cannot be built as they do not accommodate the easements we have over the site;
- three storey properties are not suitable for the site;
- will cause an adverse impact on the South Downs National Park;
- there is not enough room to accommodate the road without damaging preserved trees;
- a low to medium density development would be more suitable;
- proposal is contrary to the Hassocks Neighbourhood Plan;

- now the District Plan is adopted there is a 5 year land supply and the houses are not needed;
- will cause flooding problems;
- inadequate infrastructure to serve the development, including schools and doctors;
- unneighbourly development due to noise disturbance and loss of outlook;
- loss of privacy;
- will be unbearable during construction;
- over development of the site;
- will damage a protected hedgerow;
- erodes the local gap between Hassocks and Hurstpierpoint;
- it is unproven that this proposal in combination with other projects will not have an adverse impact on the Ashdown Forest;
- should be a buffer zone between the development and existing residents;
- design of the affordable houses is awful

## **SUMMARY OF CONSULTEES**

### **West Sussex County Council**

Requests infrastructure contributions:

- Libraries £43,375
- Education Primary £384,639
- Education Secondary £413,955

### **Highway Authority**

No objection subject to conditions and a section 106 agreement to secure improvement to the Stonepound Crossroads.

### **West Sussex Public Rights of Way Officer**

WSCC Public Rights of Way have no objection in principal to this planning application providing that a legal diversion of footpath 10C is obtained through the correct process as outlined in the Town and Country Planning Act (TCA), prior to the development commencing.

### **West Sussex Drainage**

Requests conditions regarding the details of the drainage of the site before development commences.

### **Archaeological Officer**

Requests a condition regarding archaeological work.

## **Southern Water**

Requests conditions be imposed regarding drainage as there are capacity issues at Goodard's Green Wastewater Treatment Works.

## **Sussex Police**

Suggests conditions regarding fencing and the pedestrian link to the recreation ground. Care needs to be taken about importing traffic into the development. The indicated play area could be better located with more natural surveillance around it.

## **South Downs National Park Authority**

Ideally the public right of way would be retained as a green corridor through the development. In May 2016 the South Downs National Park became the world's newest International Dark Sky Reserve (IDSR). The overall internal lighting and necessary external lighting (including infrastructure lighting) required in connection with this proposal, may (in this relatively remote rural location) have the potential to have significant effects on the dark skies of the National Park.

## **Horsham and Mid Sussex Clinical Commissioning Group**

Seeks an infrastructure contribution of £74,526

## **Ecological Consultant**

Recommends that pathways through the species rich hedge should be avoided. Subject to this being done and planning conditions being imposed I am of the view that the proposal will comply with biodiversity policies.

## **Urban Designer**

The scheme is organised around a perimeter block arrangement with the building frontages appropriately facing the proposed open space on the west side which benefits from the attractive backdrop of trees and hedgerows along the field boundaries, while on the northern boundary the building frontages allow for natural surveillance over the recreation ground they face; conversely along the eastern boundary the buildings secure the private rear gardens with their back-to-back arrangement with the existing London Road houses. While the proposed open space has been marginally reduced because of the increase in dwellings, the revised drawings have sufficiently addressed my previous concerns in respect of the layout by reducing the dominance of parking within the street environment and creating better street enclosure particularly with the creation of a well-defined square on the eastern side.

The revised drawings have also improved the elevations, and key street frontages facing the open space and the square benefit from order and rhythm. In other respects the

elevations are unsatisfactory particularly the inelegantly conjoined house types that feature both at the London Road entrance on plots 1 and 2 as well as on prominent corners within the scheme. However in the light of the well-organised layout and elevational improvements, the schemes deficiencies are not sufficient to justify an objection on design grounds. I would nevertheless recommend conditions covering the following:

- The landscaping including: boundary treatment; the design of the infiltration basins; a more detailed contour plan that shows how the topography will be handled in the main street / square.
- Elevations are submitted for all the dwelling types showing the position of rainwater downpipes.
- The front elevation of blocks A and B are redrawn omitting the skylight on the roof above the stairwell.
- The window position and design of the Alderney house types.
- The canopy design of the Palmerston house type.
- The facing materials.

### **Housing Officer**

The applicant is proposing a development of 130 dwellings which gives rise to an onsite affordable housing contribution of 39 units (30%). The affordable housing units proposed include 9 x 1 bed flats, 14 x 2 bed flats, 4 x 2 bed houses and 2 x 3 bed houses for rent and 3 x 2 bed coach houses, 2 x 2 bed houses and 5 x 3 bed houses for shared ownership. This mix will meet a broad range of housing needs and represents a policy compliant tenure split of 75% rent and 25% shared ownership. Consideration has been given to social integration and whilst there is a larger cluster of flats than would normally be acceptable, in the north eastern area of the site, it has been agreed on this occasion since it has allowed the applicant to deliver an increased number of smaller flatted units for rent (at our request) whilst continuing to meet design criteria.

### **Community Leisure Officer**

Requests infrastructure contributions:

- £29,195 toward kickabout provision for older children at London Road Rec
- £126,744 is required toward formal sport pitches and / or ancillary facilities at the Belmont Close Recreation Ground, London Road
- £55,056 is required to extend the pavilion at Belmont Close Recreation Ground, London Road to provide some community facilities.

### **Environmental Health Officer**

Environmental Protection takes the view that the proposed development would have a small negative impact which, in the context of the AQMA and the wider location, would be classified by the IAQM guidance as *negligible*. The scale of the impact is not considered sufficient to justify refusal of the proposed development on grounds of air quality. If

permission is granted, then mitigation measures should be secured by use of Planning Condition.

#### **Environmental Protection Officer**

No objection subject to condition.

#### **Contaminated land Officer**

No objection subject to condition.

#### **Drainage Engineer**

This proposed development provides the opportunity to improve existing surface water run-off issues associated with the site. By incorporating hard structures which will interrupt, collect and control surface water flows, the flood risk some properties of London Road are exposed to could be greatly reduced. In addition, the use of infiltration with controlled discharge from the site to rates less than the pre-developed greenfield rates, could also provide some flood risk reduction to downstream areas.

Requests conditions be imposed regarding details of drainage.

#### **HASSOCKS PARISH COUNCIL COMMENTS**

##### **RECOMMEND REFUSAL.**

1. In addition to the comments made by Hassocks Parish Council previously to this application, the Parish Council believes that despite the amendments, there has not been an improvement in the layout of the site, and that the layout continues to be unneighbourly to the existing residents along London Road.

2. Mid Sussex District Council ("MSDC") can already in practical terms point to a five year housing supply, it has been reported in the minutes of MSDC Planning Committee B on 31st August 2017, that MSDC councillors understand that the Planning Inspector Mr Jonathan Bore has verbally confirmed this to be so; and, because since 1st April 2017, the Council estimates there have been a net 321 additions to the 5 year housing land supply and on no basis at 1st April was there a deficit greater than 208. Therefore, no deficit to the 5 year housing land supply remains. As MSDC has a 5-year housing land supply then there is no presumption in favour of development, and each application should be considered on its merits.

3. Hassocks Parish Council considers that MSDC has no legal basis for increasing the allocation of houses on this site. The Secretary of State has approved 97 houses as a resolution to a protracted wrangle between developers and the local community. MSDC's preferred strategy in its Modification MM11 to the District Plan is to impose a site of 500 houses. MSDC has not opted to increase allocations on the edge of settlements by a

maximum of 10 or even 25 homes. Therefore the applicant's proposal for 130 homes instead of 97 is not consistent with the District plan, nor with the proposed modifications to the District Plan nor with Hassocks' Regulation 16 Submission Draft Neighbourhood Plan - all of which individually and collectively carry some weight and must therefore be taken into account:

The objectively assessed need of Hassocks as set out in the Neighbourhood Plan has been satisfied by other planning approvals and other sites allocated for housing in the Hassocks Parish, and therefore there is no need for and no justification to approve this present application.

4. The Parish Council understand that the applicants were advised to increase the number of dwellings from the permitted 97 to 130 in order to optimise the potential of this site to comply with Modification Policy DP24 Character and Design. Whilst the Parish Council accept that DP24 does contain this provision it would point out that it is just one (the last) of eleven criteria which cover all aspects of the design of new development and its relationship to adjoining development and surroundings. It is a design policy which aims to ensure that development respects and enhances its surroundings. It is not a Trojan Horse Density Policy. It would appear to the Parish Council that one criterion has been over-emphasised at the expense of all the others. This approach has produced a most unsatisfactory development proposal which, if accepted, would set a precedent for similar overdevelopments elsewhere in Hassocks and throughout Mid Sussex.

5. The addition of 33 properties on this site, represents overdevelopment and the creation of a high density hard urban estate, which is completely unsuitable for the area. The site is an edge of settlement location for which a lesser housing density is suitable, as set out in the Regulation 16, Hassocks Neighbourhood Plan. The application is particularly unneighbourly to 1, Stonepound Court and totally dominates both sides of this property. On both of these points the application is contrary to Policy DP24, Character and Design, of the draft District Plan and Policy 8, Character and Design, of the Regulation 16, Hassocks Neighbourhood Plan.

6. Traffic is a very real problem on London Road. Despite the submitted traffic surveys, it is known that the increase in vehicles entering and exiting the site will have a negative impact on the volume and movement of traffic on London Road. Air Quality also continues to be a problem on London Road. The developer notes that the proposal would increase the number of vehicles flowing through Stonepound Crossroad, thereby adding to air pollution in this AQMA. The fact that the increase may be small, does not itself mean that MSDC has a right to approve the application, when its legal duty is to decrease air pollution in any AQMA in the District. As MSDC is in control of the source of further pollution it has a duty to act so as not to increase that pollution, by refusing this application.

7. The proposed development fails to respect and protect the Ancient Hedgerow on the site (see Mr Ian Tovey's representation letter received by MSDC on 10/11/2017, pdf ref 00543462):

- A footpath is proposed through a protected Ancient Hedgerow, recorded in the Domesday Book. The footpath should not be allowed as it will damage the hedgerow.
- Oak tree T28 in the same Ancient Hedgerow, is subject to a tree preservation order. The applicant's proposals under-report the size of the tree so that an access road can be driven through around this tree. This will significantly damage the tree roots and could cause the tree to die. Accordingly the access road should not be allowed. This does mean that the applicant has no access to the northern end of the proposed site because there is insufficient space for it.
- The access road along the hedgerow generally encroaches to a greater extent than was allowed under the original approved plan for 97 houses. The access should encroach on the trees no more than did the original 97-houses application.

8. The access road on the site appears on the developer's own plans to be too narrow for two cars to pass.

9. Several of the properties on London Road have rights of way (easements) across the fields west of London Road, as noted in Mr Ian Credland's response to this application dated 28 October 2017. Because of these easements the previous application for 97 houses left an access road along the eastern site of the fields. This has not been done in this new application for 130 houses, which means that the access rights of the existing London Road residents are failing to be respected and upheld and the present application cannot proceed as it stands. It is also further evidence of the overbearing impact of the proposed development on these existing London Road properties.

10. Drainage: The plans do not indicate the French ditches which the Drainage Officer has previously indicated are necessary to the rear of the properties on London Road. Accordingly the plan would increase flooding to the houses on London Road and is not acceptable.

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## **INTRODUCTION**

This application seeks full planning permission for the erection of 129 dwellings on land to the west of London Road, Hassocks.

## **RELEVANT PLANNING HISTORY**

There is an extensive planning history to this site, which can be summarised as follows. Planning application reference 13/03818/OUT sought outline consent for the development of up to 97 new homes, associated landscaping and open space on land off London Road, Hassocks. The application was refused at the District Planning Committee meeting on 1st May 2014 for the following reasons:

1. In the absence of a completed S106 Agreement the proposal fails to meet Policies G3 and H4 of the Mid Sussex Local Plan in respect of the infrastructure and affordable housing required to serve the development.



2. The proposal will have a severe traffic impact on the Stonepound Crossroads junction which is already severely congested during peak hours. The proposal therefore conflicts with policy T4 of the Local Plan and Para 32 of the NPPF.

3. The LPA is not satisfied that based on the evidence provided the proposal would not have an adverse impact on air quality within the Air Quality Management Area at Stonepound Crossroads by virtue of increased delays to existing traffic queues. The proposal is therefore contrary to policy CS22 of the Local Plan and Para's 109, 120 and 124 of the NPPF.

Prior to the Public Inquiry taking place on 31st March 2015 to determine this appeal the appellant completed further work in relation to both traffic impact and air quality. This resulted in the West Sussex County Council Highway Authority and the District Council's Environmental Health Officer withdrawing their respective objections. In addition, the appellant committed to make planning obligations to address the Council's concerns about infrastructure and affordable housing. As a consequence of the above, the Council resolved to withdraw all three reasons for refusal.

The Planning Inspector dismissed the above appeal on 2nd July 2015. Following this decision, the appellants challenged the decision in the High Court. The outcome of the challenge was that the Inspectors appeal decision was quashed by consent and the Secretary of State consented to a full re determination of the appeal.

A second Public Inquiry took place on 10th and 11th August 2016. The Secretary of State recovered this appeal for his own determination as the proposal involved a proposal for residential development of more than 25 units in an area where a qualifying body had submitted a Neighbourhood Plan proposal to the local planning authority but the relevant plan had not been made. The Planning Inspector appointed for the second Public Inquiry recommended that the appeal be allowed and the Secretary of State agreed with this recommendation and granted outline planning permission for the proposal on 16th March 2017.

As such the principle of residential development on this site is established.

## **SITE AND SURROUNDINGS**

The site lies on the western edge of Hassocks with existing ribbon residential development along London Road to the east and open countryside to the west used for horse grazing. To the south is an existing field and land rises to Hurst Road where there is existing ribbon development. To the north is London Road Recreation ground and to the northwest is Hassocks Golf Club.

The site comprises two field parcels totalling about 5.3ha in area currently used for pastoral grazing. The fields are separated with a hedgerow and a number of large trees. A number of trees within the boundaries of the southernmost field and the central hedgerow are protected by Tree Preservation order TP/13/00014.

The southern field parcel is dissected by public footpath 10C which crosses the field in a NW direction from London Road and continues for approximately 0.56km where it crosses a watercourse and heads in a northerly direction along the edge of the golf course. The path continues for 0.2km where it meets footpath 9bC which runs in an east-west direction, east across the golf course (where from a raised perspective views of the site are possible) and west towards Hurstpierpoint linking with the wider footpath and bridleway network.

In terms of planning policy the site is within the countryside as defined in the District Plan.

## **APPLICATION DETAILS**

This application seeks full planning permission for the erection of 129 dwellings on land to the west of London Road, Hassocks. The access to the site would be in the same location as the consented scheme for the 97 dwellings, slightly to the north of the junction with Stanford Avenue.

The plans show the overall development arranged with a perimeter block layout with the frontages of the proposed dwellings facing towards the street and the back gardens of the proposed dwellings backing on to one another. The access road into the site would go towards the northwest of the site at a similar line to the existing public right of way that runs through the site.

The development would be arranged within the two field parcels that make up the application site. The vehicular access within the site would loop around the preserved trees that mark the field boundary within the site. On the north eastern side of the site there would be a gated access route to the rear of the properties on London Road to accommodate existing easements. The plans propose three pedestrian paths through the field boundary within the site. There would be one pedestrian route through to the recreation ground to the north. The plans show the existing public right of way continuing across to the west.

Car parking would be provided at the following ratio:

- Three and four bed private houses - two to three spaces per unit;
- Two bed private houses and two bed apartments - two spaces per unit;
- Four bed affordable houses - two to three spaces per unit;
- Two to three bed affordable houses - one to two spaces per unit;
- One to two bed affordable homes - two spaces per unit or access to shared parking;
- 45 additional unallocated / visitor bays.

Cycle parking will be provided at the following ratio:

- One and two bed houses: one space;
- Three or more bed houses: two spaces; and
- One and two bed flats: 0.5 spaces if communal areas, otherwise one space.

For the houses, cycle parking will be accommodated within the curtilage of each plot either in sheds or garages. For the flats, the cycle parking will be accommodated in a secure cycle parking store.

The plan show that the majority of the properties within the site would be two storey dwellings of varying types, including detached, semidetached and terraced units and also some flats over garages (FOGS). At the northern end of the site there would be three blocks of flats, two of which would be 3 storeys in height, with block B on the far north eastern side of the site being a mixture of 2 and 3 storeys in height.

The materials plan for the development shows that there would be two different sets of materials used within the site that would be grouped together. This would consists of 1) a red facing multi brick with projecting gables in a darker red multi brick and a grey roof tile and 2) a brown multi facing brick with projecting gables in a darker brown multi brick and a brown roof tile.

The plans show that the main areas of open space within the site would be on the western side of the site. The plans show a play area at the southwestern side of the site. This area of open space would vary from some 15m in width at the southern end of the site to some 45m at the northern end of the site.

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies include:

- DP6 Settlement Hierarchy
- DP12 Protection and Enhancement of Countryside
- DP13 Preventing Coalescence
- DP15 New Homes in the Countryside
- DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP18 Setting of the South Downs National Park
- DP20 Securing Infrastructure
- DP21 Transport
- DP22 Rights of Way and other Recreational Routes
- DP26 Character and Design
- DP27 Dwelling Space Standards
- DP29 Noise, Air and Light Pollution
- DP30 Housing Mix
- DP31 Affordable Housing
- DP37 Trees, Woodland and Hedgerows
- DP38 Biodiversity

DP39 Sustainable Design and Construction  
DP41 Flood Risk and Drainage

## **Neighbourhood Plan**

Hassocks Neighbourhood Plan

Policy 1: Hassocks-Burgess Hill Gap (Burgess Hill Gap)

Policy 2: Hassocks-Ditchling Gap (Ditchling Gap) & Hassocks-Hurstpierpoint Gap (Hurstpierpoint Gap)

Policy 3: Local Green Spaces

Policy 5: South Downs National Park

Policy 7: Air Quality Management

Policy 8: Character And Design

Policy 10: Outdoor Playing Space

Policy 18: Housing Mix

Policy 18: Housing Mix

## **National Policy and Legislation**

*National Planning Policy Framework (NPPF) (March 2012)*

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

Paragraph 12 of the NPPF states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

Paragraph 17 of the NPPF sets out 12 principles that the planning system should play that underpin both plan making and decision taking. This paragraph confirms that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. It also confirms that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

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

Para 150 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

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

Para 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

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

Para 198 states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

*National Planning Policy Guidance*

*Technical Housing Standards*

## **ASSESSMENT**

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

- The principle of development;
- Impact on local gap;
- Design/layout;
- Affordable housing and mix;
- Neighbour amenity;
- Highways matters;
- Air quality;
- Impact on Public Right of Way;
- Trees and Ecology;
- Drainage;
- Infrastructure;
- Ashdown Forest;
- Impact on setting of South Downs National Park;
- Archaeological matters;
- Whether the proposal would be sustainable development; and

- Planning Balance and Conclusion

### **Principle of Development**

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

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

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

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

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

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

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan. The District Plan has been adopted and has superseded the Mid Sussex Local Plan (MSLP), other than the policies in the MSLP which relate to site specific allocations.

Policy DP6 in the District Plan allows for extensions adjacent to defined built up areas, subject to a number of criteria. One of the criteria limits the number of units to fewer than 10. As such the proposal would be contrary to policy DP6. Policy DP12 of the District Plan seeks to protect the character of the countryside. Policy DP15 in the District Plan allows for new dwellings in the countryside subject to a number of criteria. This proposal does not fall into one of the categories of development that are allowed under policy DP15.

In light of the above, it is considered that the proposal would be contrary to the policies that have been identified above because the proposal is for a large scale major development of residential development outside the built up area of Hassocks and the site has not been allocated for development. As such it is necessary to consider other material planning considerations to determine if there are grounds to come to a decision that is not in compliance with the development plan.

## Other material considerations

### Planning history

The planning history of the site is highly material to an assessment about the principle of this proposal. Planning permission was granted by the Secretary of State for a development of this site for up to 97 dwellings in March 2017. This was an outline consent that approved the principle of the development and the means of access into the site. Therefore as a matter of fact it has been determined that this site is suitable for a major development of new dwellings.

In light of the above it is considered that the fact that the proposal would be contrary to policies DP6, DP12 and DP15 would not justify resisting this planning application because the principle of development on this site has already been established. As such on the issue of the principle of developing the site, this is a case where there are other material planning considerations that would justify a decision that would not be in full accordance with the development plan.

### Settlement hierarchy

Hassocks is defined as a category 2 settlement in the District Plan. These are larger villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport. In his report on the District Plan, the examining Inspector stated *"Hassocks is a relatively large village with a range of shops, social facilities, a bus service and a railway station with regular services to Burgess Hill, Haywards Heath, Brighton, London and beyond."* He found that the allocation of a site at Clayton Mills, Hassocks for some 500 dwellings to be sound and this allocation is within the District Plan. As such it is clear that it has been established that Hassocks is a suitable location for significant new development. In relation to the site of this planning application the Secretary of State found that *"...the site is well located in relation to services and facilities and a range of sustainable transport options are available. He further agrees that the site could accommodate a high quality development and there would be a probable beneficial biodiversity impact."*

Objections have been raised that make the assertion that as the District Plan has been adopted and the LPA can demonstrate a 5 year housing land supply, the additional dwellings provided by this proposal compared to the consented scheme are not required. Objections have also been raised on the basis that as Hassocks has an allocated site for 500 dwellings in the District Plan this means that the additional dwellings proposed in this development are not required.

It is not considered that this is a sound argument. The requirement to demonstrate a 5 year housing land supply is a rolling one which means that the LPA must continue to grant planning permissions to enable the 5 year land supply to be maintained. The LPA has a challenging target of delivering 876 dwellings per annum (dpa) until 2023/24. Thereafter

an average of 1,090 dpa will be delivered between 2024/25 and 2030/31, subject to there being no further harm to the integrity of European Habitat Sites in Ashdown Forest. With this backdrop of housing that needs to be delivered it is considered that optimising the use of this site where the principle of development has been established should be supported.

Whilst it is clear that Hassocks has made an important contribution to the Districts housing provision as a result of the allocation of the site at Clayton Mills, it is not considered that this provides any justification for not optimising the use of this site in accordance with policy DP26 of the District Plan.

### **Impact on strategic gap and local gap**

The site of this planning application lies within an area defined in the MSLP as a strategic gap between Hassocks and Burgess Hill in the MSLP. On the previous application for 97 dwellings, the Secretary of State stated that *"the proposal would not have any material effect on coalescence or settlement identity in relation to Burgess Hill, and that there is no alleged harm in terms of policy C2 i.e. on the Strategic Gap it defines."*

Policy DP13 in the District Plan seeks to prevent coalescence. It states:

*"The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next."*

*Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements."*

*Local Gaps can be identified in Neighbourhood Plans or a Site Allocations Development Plan Document, produced by the District Council, where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements. Evidence must demonstrate that existing local and national policies cannot provide the necessary protection."*

The District Plan does not define strategic gaps on any policy maps. It is the role of Neighbourhood Plans to identify local gaps in accordance with the criteria laid out in policy DP13. The proposal would not impinge on the Burgess Hill Gap as shown on the emerging Hassocks Neighbourhood Plan.

In light of the above, in relation to the impact on the gap between Hassocks and Burgess Hill it is considered that there are no grounds to come to a different conclusion on this matter than the Secretary of State did on the permitted scheme for 97 dwellings.



The site of this planning application lies within an area that was defined in the now superseded MSLP as a local gap between Hassocks and Hurstpierpoint. The policy was specifically aimed at countryside areas between towns and villages which are particularly vulnerable to development pressure, where the loss or erosion would have a harmful effect on the character of the rural areas and the amenity and setting of villages. At present the Local Gap between Hassocks (measured from London Road) and Hurstpierpoint (measured to the rear of properties 11-31 College Lane) is around 0.9km. On the previous application for 97 dwellings, the Secretary of State stated that *"with mitigation, the residual harmful visual impact of the scheme would not be significant and would not fundamentally weaken the objective of the Local Gap policy to prevent coalescence, or harm settlement identity."*

Whilst acknowledging that policy C3 in the MSLP continued to serve an important planning function in preventing coalescence of Hassocks and Hurstpierpoint, the Secretary of State stated that *"he agrees that the development would comprise a fairly modest extension of the existing built form of Hassocks which would not reduce the area between the settlements which is currently unaffected by urban influences. Taking into account mitigation, he agrees that although there would be conflict with the policy and some harm by way of residual visual impact, and a reduction in the amount of open land able to perform the function of a Gap, that this would not be to the extent of undermining the purposes of the Local Gap and change its character."* The Secretary of State concluded on this point *"...that the scheme would materially reduce the amount of open undeveloped land able to perform the function of a Local Gap between Hassocks and Hurstpierpoint, and that the site is within a relatively narrow part of the Gap (IR245). However, he concludes, in agreement with the Inspector, that the development would comprise a fairly modest extension of the existing built form of Hassocks which would not reduce the area between the settlements that is currently unaffected by urban influences. He further concludes that there are mitigating factors that would limit the degree of resultant coalescence and harm to the amenity and identity of the settlements, and that the adverse impact would not be to the extent of an undermining of the purpose of the Local Gap and change its character."*

Policy C3 in the MSLP is no longer applicable as the MSLP has been superseded by the District Plan. The site does lie within the Ditchling and Hurstpierpoint Gap as defined in the emerging Hassocks Neighbourhood Plan. Policy 2 in the Hassocks Neighbourhood Plan states:

*Local Gaps have been defined and will be safeguarded between:*

- a. Keymer/Hassocks and Ditchling; and*
  - b. Keymer/Hassocks and Hurstpierpoint*
- as defined on the Proposals Map with the objectives of preventing coalescence and retaining the separate identity and amenity of settlements.*

*Development will be supported within the Gap areas where;*

- 1. It is necessary for the purposes of agriculture, or some other use which has to be located in the countryside;*
- 2. It makes a valuable contribution to the landscape character and amenity of the Gap and enhances its value as open countryside;*
- 3. It would not compromise individually or cumulatively the objectives and fundamental integrity of the Ditchling Gap and Hurstpierpoint Gap; and*
- 4. It would conserve and where possible enhance relative tranquillity, in relation to noise and light pollution and dark skies.*

At the present time limited weight can be afforded to the policies in the Hassocks Neighbourhood Plan. It is a material planning consideration but it is not part of the development plan. The objective of the local gap policy in the Neighbourhood Plan is to prevent coalescence and to retain the separate identity and amenity of settlements. It is important to note that policy 2 in the Hassocks Neighbourhood Plan has the same wording as was considered by the Secretary of State when he determined the planning application for 97 dwellings on this site.

The scheme allowed by the Secretary of State was an outline consent with only the means of access being determined at the outline stage. The layout plan considered in the determination of that appeal was illustrative and was designed to demonstrate that 97 dwellings could be satisfactorily accommodated on the site. A reserved matters application would need to be made for the details of the layout and design of the 97 unit scheme; it would be at this point that the layout for this consented scheme would be approved.

In assessing the impact on the local gap it is relevant to compare the proposed site plan of the current application with that of the illustrative plan on the consented scheme for 97 dwellings. The reason being that the illustrative site plan submitted with the 97 unit scheme helped inform the Secretary of State's view that the impact on the local gap was acceptable.

A comparison between the illustrative plan submitted with the 97 unit scheme and the current scheme shows that there is little difference between the two schemes in relation to the area of open space on the western edge of the site. In addition it is also relevant that on the illustrative site plan, the dwellings on the western side of the site were indicated to be two storey houses. The current planning application shows that the dwellings on the western side of the site would be two storey houses.

Given these points it is considered that there would be no sustainable reason to come to a different view about the impact on the local gap than the Secretary of State in his decision on the 97 unit scheme. It is considered that the objectives of the gap would not be compromised by this proposal.

## Design and layout

Policy DP26 in the District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.*

The NPPF advises that good design is indivisible from good planning.

It is considered that the proposed layout is sound. The use of a perimeter block layout allows the proposed dwellings to properly face the street and for there to be a standard back to back relationship between dwellings within the site. The western edge of the site has been organised so that the houses face onto the open space to provide an appropriate level of natural surveillance. The use of a number of FOGS within the site has allowed car parking to be accommodated without the street scene being dominated by the car. In terms of the layout it is considered that the scheme does create a pedestrian-friendly layout that is safe, well connected, legible and accessible and incorporates car parking that does not dominate the street environment, in compliance with policy DP26.

The three storey blocks of flats are located at the northern end of the site and face onto the recreation ground. It is considered that the scale of these buildings is appropriate to the site. The additional height is capable of being satisfactorily accommodated at this end of the site because the buildings face onto the large open space of the recreation ground and therefore do not dominate the area.

The Councils Urban Designer is supportive of the overall layout of the scheme. He has raised some concerns about the detail of individual house/flat types. It is considered that these points of detail can be dealt with by condition. Overall the Urban Designer has not raised an objection to the scheme

All of the proposed dwellings would meet the National dwelling space standards.

As Members will know, the submission version of the District Plan contained a policy that prescribed minimum density requirements for different levels of development. This policy was deleted by the District Plan Inspector as he considered it was too prescriptive and conflicted with the NPPF. Policy DP26 in the District Plan now carries a requirement that all applicants will be required to demonstrate that development "*optimises the potential of the site to accommodate development.*"

It is considered that the proposed development does optimise the use of the site. In comparison with the illustrative plan submitted with the outline application the houses are shown as being in a similar position in relation to the western boundary of the site. As such, the increase in numbers within the site has been achieved by the use of flats and making more efficient use of the space within the developed area rather than by extending the development westwards.

In relation to density figures, the overall area of the site is some 5.28 hectares, of which 3.65 hectares is given as being the developable area. This equates to a density of some 35dph against the developable area of the site. It is considered that this density of development has been achieved in a satisfactory manner.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. The comments of Sussex Police are summarised at the start of the report and set out in full in the appendices.

It is considered that in relation to crime prevention, the proposed layout is a sound one. The scheme has been designed with a perimeter block layout which allows the public and private realm to be clearly defined and the creation of active street frontages, which are sought by policy DP26 in the District Plan. There are a number of small rear parking courts within the development. These are overlooked by dining rooms and/or kitchens in the FOGS that provide access to them. As such it is considered that these parking courts comply with the guidance of Sussex Police in relation to their size and being providing appropriate natural surveillance.

The areas of open space within the development are on the western side of the site. These areas all having houses facing onto them in order to provide natural surveillance. It is considered that this element of the scheme is acceptable.

Sussex Police have advised that the pedestrian link through to the recreation ground should have a chicane in it to prevent mopeds, motorised scooters and motorcycle accessing it. This can be secured by a planning condition.

### **Affordable Housing and Housing Mix**

Policy DP31 in the District Plan seeks to secure 30% affordable housing on sites such as this. Policy DP30 in the District Plan seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs.

The provision of 39 units of affordable housing on the site accords with the 30% figure sought by policy DP31 and this should be afforded significant weight in favour of the scheme given the clear need for such accommodation. The District Councils Development and Infrastructure SPD refers to affordable housing being "pepper potted" within sites to assist with integration and to avoid any obvious separation between private and affordable housing. It states that affordable housing should generally be distributed in groups of no more than 10 dwellings. Given the fact that this SPD no longer has a parent development plan document following the MSLP being superseded, the SPD does have slightly reduced weight but it is considered that it remains a material consideration.

Blocks A and B are opposite one another and contribute 17 rented flats. Whilst this is a larger cluster of flats than is sought by the guidance in the SPD, the Housing Officer has no objection to the proposal because this has allowed the applicant to deliver an increased number of smaller flatted units for rent (at the Housing Officer's request). As has been set out in the design section, it is considered that the layout and design of the scheme is satisfactory, with the quality of the affordable units in this part of the site being the same as for the market units across the site. The remainder of the affordable rented and affordable shared ownership dwellings are appropriately distributed across the site.

In light of the support of the Housing Officer for the scheme, the satisfactory design of the buildings and the very clear need for affordable housing, it is not considered that the grouping of blocks A and B would justify a reason for refusing this scheme.

The mix of the scheme would be as follows:

#### Market Housing

4 bed units	27 (30% of the total of market housing)
3 bed units	36 (40% of the total of market housing)
2 bed units	27 (30% of the total of market housing)

## Affordable housing

3 bed units 6 (16% of the total of affordable housing)  
2 bed units 22 (56% of the total of affordable housing)  
1 bed units 11 (28% of the total of affordable housing)

It is considered that the above is a good mix of dwelling types. The majority of the market housing would be 2 and 3 bed units which reflects the evidence base from District plan which showed a need for more smaller accommodation within the District over the plan period.

Whilst the consented scheme for up to 97 dwellings was in outline form and the proposed mix of market housing was illustrative, the section 106 legal agreement attached with the consented scheme did specify percentages for the 29 affordable units that could have been provided with that scheme. These are set out below.

1 bed units 13.8% which equates to 4 units  
2 bed units 72.4% which equates to 21 units  
3 bed units 10.3% which equates to 3 units  
4 bed units 3.5% which equates to 1 unit

It can be seen that the current scheme provides more affordable housing, especially the smaller 1 bed units that have been requested by the Councils Housing Officer.

## **Neighbour amenity**

Policy DP26 seeks to ensure that new 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, and noise, air and light pollution.

There will be a significant change for the occupiers of the properties on London Road from the proposed development. The open field to the rear will be replaced with a major residential development. However the principle of this has already been approved under the consented 97 unit scheme. As such it is necessary to consider the specific impacts of this proposal having regard to policy DP26.

The majority of the proposed houses on the eastern side of the site will be located a fairly substantial distance from the existing dwellings on London Road. For example, plots 9 to 11 will be 48m from the properties on London Road, plots 13 to 16 would be 33m away and plots 67 to 69 would be some 43m away. It is considered that all of these back to back distances are acceptable and would not cause any significant loss of residential amenity.

The house on plot 22 would have its flank wall some 24m away from London Road, with a pitched roof single garage inset 2m off the mutual boundary. The house on plot 65 would

be some 30m from London Road, with a pitched roof single garage inset 4m off the mutual boundary. It is considered that both of these relationships are acceptable.

The flank wall of the block of flats (block B) in the northeast corner of the site would be some 38m away from the rear elevation of 16 London Road. The eastern wing on this block would be two storeys in height with the remainder of the building being three storeys high. There would be two windows at first floor level in the gable end serving the dining room/lounge facing eastwards. It is considered that at this distance there will be no significant adverse impact on the amenities of the adjacent properties to the east from this block of flats.

Officers were concerned about the impact of the house on plot 3 on London Road. This would have been 15m away from 1 Stonepound Court, London Road. As 1 Stonepound Court is orientated to face towards the south officers considered that this relationship would have been unneighbourly. The applicants have deleted this plot to overcome this concern. The flat above a garage (FOG) on plot 4 would be some 14m to the southwest of 1 Stonepound Court. The rear windows on this FOG would serve bathroom/ensuite, landing and kitchen. Given the distances and orientation of the FOG it is not considered that it would cause any significant loss of amenity to the occupiers of 1 Stonepound Court.

Concerns have been raised about the impact of the access arrangements on the amenities of the properties on London Road. This relates to both the vehicular movements and the proposed changes to provide a signalised crossing.

The access arrangements remain the same as was approved for the 97 unit scheme. In relation to vehicular movements, it is not considered that the additional movements from the extra 32 dwellings would cause a significant loss of amenity to conflict with policy DP26.

The signalised crossing would be located to the north of Stanford Avenue. Concerns have been raised about the impact of this crossing relating to additional queuing and attendant noise and air pollution and the visual disturbance from the use of the lights.

The London Road is a main route through Hassocks and there are existing queues at peak times around the Stonepound Crossroads. It is not considered that the proposed signalised crossing would cause additional noise disturbance that would justify resisting this planning application. It is also considered that there is no evidence that the signalised crossing would result in additional levels of air pollution from stationary traffic. It is also relevant that the principle of the signalised crossing in this location has been approved by the Secretary of State; it is not considered that the additional 32 units proposed in this scheme would result in any problems with this signalised crossing that would justify a refusal of planning permission.

## **Highways matters**

Policy DP21 in the District Plan states:

*"Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:*

- A high quality transport network that promotes a competitive and prosperous economy;*
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- Access to services, employment and housing; and*
- A transport network that feels, and is, safer and healthier to use.*

*To meet these objectives, decisions on development proposals will take account of whether:*

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- The scheme protects the safety of road users and pedestrians; and*
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

*Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.*

*Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so."*



The reference to development not causing a severe cumulative impact reflects the advice in paragraph 32 of the NPPF, which states:

*Plans and decisions should take account of whether:*

- *The opportunities for sustainable transport modes have been taken up depending on the nature of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

The proposed plans show the access to the site being in the same location as was approved for the 97 unit scheme. The access proposals are as follows:

- A ghost island junction from London Road. Visibility splays of 2.4m x 59m are provided in both directions.
- The site access road has a flared carriageway width of 7m close to the junction, reducing to 6m some 25m to the west. 2m footways will be provided on both sides of the carriageway.
- The access arrangement includes the upgrade of a pedestrian refuge south of the access to a signal controlled crossing as part of the site access works.

A package of mitigation in respect of the Stonepound Crossroad was developed and agreed with WSCC as part of the 97 dwelling planning application. This consists of the following:

- Introduction of MOVA (Microprocessor Optimised Vehicle Actuation)
- Stage reordering
- Right turn detectors would be moved forward to right turn stop lines on London Road / Brighton Road.
- Widening work on Hurst Road
- Introduction of a user-activated Puffin crossing of Hurst Road (left filter lane) and London Road.

MOVA is essentially designed to make signalised junctions operate more efficiently. When the network is congested MOVA operates in capacity maximising mode. This assesses which approaches are overloaded and how efficiently the green is being used and seeks to determine a set of signal timings which will maximise the throughput of the junction under the current conditions.

The applicants have provided a Transport Assessment (TA) that is available on file for inspection. The TA has included a number of committed developments both in Hassocks and Burgess Hill in the traffic modelling that has been undertaken. In Hassocks/Hurstpierpoint, the committed development includes 140 units on land at Little

Park Farm and 17 units on land at Highfield Drive, Hurstpierpoint, Chalkers Lane North (38 homes) and Chalkers Lane South/Cuckfield Road (57 homes), the development of 97 dwellings at the site itself and the redevelopment of Hassocks Golf Club to provide 130 homes.

The extant consent for 97 homes will generate approximately 432 new vehicle movements on the London Road over a 24hr period; the proposed 130 home development will generate an additional 45 additional vehicle movements on the London Road, north of the Stonepound Crossroads, over a 24hr period.

The applicants have compared the proposed development with the traffic analysis for the consented scheme. In the peak morning hour this is predicted to result in up to 9 additional vehicles which equates to a maximum impact of one additional vehicle every 6-7 minutes using the site access. The applicants modelling shows that the routing of this traffic in the morning and evening peak would result in 40% of development traffic or up to four additional two-way vehicular movements (VPH) per hour going to the north of the site access and 60% of development traffic (or up to five additional two-way vph). The modelling predicts that the proposed development of 130 homes will add an additional five vehicles per hour (one vehicle every 12 minutes) routeing through the Stonepound crossroads, when compared with the traffic analysis for the consented scheme which was agreed with WSCC.

The Highway Authority has reviewed the applicant's submissions and has concluded that the additional trips generated by the development would not result in a severe impact on the local highway network. On this basis they raise no objection to the scheme based on traffic generation. The Highway Authority has also confirmed that the allocation of the site at Clayton Mills for 500 dwellings would not alter this assessment. It is considered that in light of this there would not be a sustainable case for the LPA to seek to resist this development based on traffic generation matters.

The views of the Secretary of State on highway matters when allowing the appeal for 97 dwellings on the site are relevant to this application. The Secretary of State considered the likely cumulative impacts of the 97 unit proposal and the proposed developments at the rear of the Friars Oak Public House (130 dwellings) and the Hassocks Golf Club (130 dwellings). He concluded that subject to conditions and the obligations contained with the legal agreement *"while the potential impact on traffic weighs against the scheme, it falls short of the 'severe' test in paragraph 32 of the Framework."*

The development at the rear of the Friars Oak Public House has been refused consent by the Secretary of State and will not be going ahead. The current proposed development on the Ham fields site would add 32 dwellings to the consented scheme at Ham fields. The Secretary of State has found the cumulative traffic impacts of the developments set out above to be acceptable. Therefore in light of the fact that the Friars Oak scheme will not go ahead, it is logical to conclude that there can be no severe cumulative impact from the current proposal.

## Air quality

In relation to air pollution policy DP29 in the District Plan states:

*"The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

*The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites."*

Paragraph 120 of the NPPF advises that *"To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account."*

Para 124 of the NPPF advises that *"Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan."*

The Stonepound crossroads to the south of the site was designated an Air Quality Management Area (AQMA) with Defra in March 2012 due to the levels of nitrogen dioxide (NO<sub>2</sub>) being above the target. The boundary of the AQMA has been defined on the basis of the areas which are, or are likely to exceed the air quality objectives for nitrogen dioxide and where there is "relevant exposure", that is places where people live close to the road. The Air Quality Management Area at Stonepound Crossroads includes parts of Keymer Road, Brighton Road, London Road and Hurst Road. Eight properties are affected within the Designated Area, 1-6 Overcourt and The Coach House, Keymer Road, and Shooldarry, Brighton Road Hassocks.

The objective level of exposure to NO<sub>2</sub> is 40 µg/m<sup>3</sup>. It is the northern front façade of Overcourt that had exposure levels about the objective in 2016, at 43.2 µg/m<sup>3</sup>.

An Action Plan has been prepared in conjunction with Sussex Air Quality Group and West Sussex County Council that includes measures which over time it is hoped will reduce levels within the AQMA.

The applicants have submitted an air quality assessment that is available on file for inspection. This includes air quality modelling that concludes that *“Comparing the 2020 Study Year levels with the development and without the development (comparing table rows four and five) we can see that at the premises within the AQMA the small increases lie in the range +0.2 to +0.5 µg/m<sup>3</sup>. Absolute levels with the scheme in the Study Year 2020 are at least 5 µg/m<sup>3</sup> below the Objective level for all receptors. Considering the cumulative effect of the applicant scheme plus the possible, but not committed development, at Friars Oak, Table 5.3 show that predicted levels are likely to be at least 4 µg/m<sup>3</sup> below the Objective level for all receptors.”* As Members will know, the Friars Oak scheme for 130 dwellings was not granted planning permission by the Secretary of State and therefore this development will not be taking place.

The applicant’s air quality assessment states *“At the most exposed receptor in the AQMA, ground level flats on the northern façade of Overcourt, NO<sub>2</sub> concentrations are predicted, even with the additional 33 homes resulting from this proposed scheme, to decline to just over 37 µg/m<sup>3</sup> by 2020.”*

The applicants have stated that notwithstanding the fact that their modelling has as a result of the scheme, NO<sub>2</sub> will be below 40 µg/m<sup>3</sup> and will not have a significant impact on health, they are prepared to provide mitigation measures to improve local air quality. They state that the following measures will be incorporated into the scheme:

- To provide a contribution towards other measures identified in the local authority's Air Quality Action Plan.
- To raise awareness of opportunities for travel by non-car modes, and as also set out in the Transport Statement, the first occupier of each household will be provided with a residents' travel information pack.
- Electric Vehicle charging points to be included for each dwelling
- Cycle storage will be provided for each dwelling,

The Council's Environmental Health Officer (EHO) has carefully considered the applicants Air Quality Assessment. The EHO concludes that *“the proposed development would have a small negative impact which, in the context of the AQMA and the wider location, would be classified by the IAQM guidance as negligible. The scale of the impact is not considered sufficient to justify refusal of the proposed development on grounds of air quality. If permission is granted, then mitigation measures should be secured by use of Planning Condition.”*

The views of the Secretary of State in the determination of the planning application for 130 dwellings to the rear of the Friars Oak Public House in relation to air quality are relevant to this application. The Friars Oak site is some 800m to the north of the application site. Whilst it is clear that only a proportion of the traffic from this development

would have gone south through the Stonepound Crossroads as opposed to north towards Burgess Hill, this development had it have gone ahead, would have added to the volume of traffic going through the Stonepound Crossroads. The Secretary of State stated in his decision letter that he "...agrees with the Inspector's conclusion at IR178 that the proposals would not give rise to any unacceptable impacts on air quality and would not therefore conflict with MSLP Policy CS22." In coming to this view the Secretary of State took account of the extant permission for 97 dwellings at the Ham Fields site and also the resolution to grant consent for 130 dwellings at the Hassocks Golf Course.

Taking all of the above into account, the technical evidence before the Planning Committee is that the proposed development is acceptable in relation to air quality matters. Given the views of the EHO it is considered that there are no sustainable reasons to resist this application based on air quality concerns. As such it is considered the application complies with policy DP29 of the District Plan.

Objections in relation to air quality have also referred to recent Court judgments (Client Earth) case. These cases concerned national air quality plans, not assessments at individual air quality management areas. As such it is not considered that the Client Earth Court cases provide any justification for withholding planning permission in this case.

### **Impact on Public Right of Way**

There is a public right of way that runs through the southern part of the site from the southeast to the northwest. The plans show that the PROW would remain in the same location where it meets the London Road. The layout then allows for the PROW to follow the route of the road within the site. At the north-western edge of the PROW the legal line of the footpath is likely to need to be amended slightly. It would then exit the site at the same location as it does now. If the legal line of the PROW needs to be diverted there is a separate procedure for this under The Town and Country Planning Act 1990 that the applicants would need to follow. The Public Rights of Way Officer at WSCC has no objection to the application. It is clear that the experience of walking along this part of the PROW would be significantly changed as a result of the change from a green field to a housing site. The principle of this change has been accepted by the consented scheme for 97 dwellings on the site. Given this fact, there are no grounds to resist this application relating to the impact on the PROW.

### **Trees and Ecology**

Policy DP38 in the District Plan seeks to protect and enhance biodiversity.

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also

covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Paragraph 118 of the National Planning Policy Framework states:

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

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

There are preserved trees within the site on the field boundary that divides the northern and southern parts of the site. These comprise 5 Oaks and 2 Ash. There are also preserved trees just outside the western and southern boundaries of the site.

The applicant's plans show that these trees would all be retained. The main vehicular access through the site would loop around the preserved Oak on the eastern side of the site. The Council's Tree Officer has been to the site to measure this tree since it is in very close proximity to the access road. She has stated that the route protection area is approximately 1m different from the applicant's calculations. However, notwithstanding this point, the Tree Officer has not objected to the proposed vehicular access within the site. It is considered that the detail of this element of the scheme, including the where the pavement is located and the method of construction can be properly controlled by a planning condition.

The application is accompanied by an Ecological Appraisal that is available on file for inspection. The appraisal notes that the site is dominated by heavily grazed semi-improved grassland, along with areas of tall ruderal vegetation, ditches, hardstanding and scrub, all considered to be of no more than low ecological value at the site level. Habitats of elevated value are also present, in the form of hedgerows and trees at the field boundaries. The most important habitat within the site are the hedgerows on the field boundaries around the site and dividing the northern and southern field parcels.

The submitted plans do show a number of pedestrian footpaths through the field boundary within the site. These have been shown to provide permeability through the site. The benefits of providing increased permeability through the site must be balanced against the potential impacts of providing these paths on the protected trees and the species rich hedgerow. It is considered that it is not essential to have all of the pedestrian links that are shown on the plan; the pedestrian link on the eastern side of the site could

be deleted without causing a significant problem with the scheme. There is an existing gap in this hedgerow on the western side of the site and this could be retained as a pedestrian link. This would mean that there were two access points between the northern and southern field parcels, one at the eastern side and one at the western side of the site. It is considered that this would provide a satisfactory balance between achieving permeability through the site whilst conserving the species rich hedgerow. It is therefore considered that the detail of the pedestrian links should be controlled by a planning condition as suggested by the Tree Officer and the Councils Ecological Advisor.

In relation to protected species, the applicant's survey work has not found any evidence of roosting bats in the trees within the site, although eight trees have been assessed to be of moderate suitability to support roosting bats. These trees would be retained within the development. Overall the applicants report concludes that the site is considered to be of low value to foraging and commuting bats at the local level and this species group is not considered to pose a constraint to the proposals.

In relation to Dormouse, the applicants report states habitat types used by this species are present within the site in the form of hedgerows and trees. A number of the hedgerows within the site were recorded to support Hazel, along with a number of other plants of value to Dormouse. However, these habitats are largely isolated from habitats of value within the local area, with no woodlands present within 70m of the site (the typical distance individuals will travel from their nests). Dormouse were not recorded in the 2015 survey and as baseline conditions have not changed they conclude it is highly unlikely Dormouse have colonised the site in the interim period. They also state that the majority of habitats of value to this species are retained under the proposals.

In relation to birds, the site is considered to be of low ecological value to birds at the local level. In relation to Great Crested Newts (GCN), the survey work of ponds within 250m of the site did not identify any GCN. The applicants report concludes the site is considered to be of negligible to low value to Great Crested Newt at the local level and low ecological value to other amphibian species at the site level and therefore this species group is not considered to pose a constraint to the proposals.

The applicants report states that there are a number of opportunities for biodiversity enhancement measures, including new planting, bat and bird boxes, Hibernacula/Log Piles and Invertebrate boxes.

The Councils Ecological Advisor has reviewed the applicants supporting information. His main concern relates to the pedestrian paths that are proposed in the hedgerow that divides the northern and southern field parcels. As detailed above, it is considered that it would be appropriate to only have the one pedestrian pathway at the western side of the site where there is already a substantial gap in the hedgerow. Subject to this and a planning condition regarding construction management, biodiversity enhancements and a lighting plan he has no objection to the application. On this basis it is considered that the proposal complies with policies DP37 and DP38 of the District Plan.

## Drainage

Policy DP41 in the District Plan seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. Paragraph 103 of the National Planning Policy Framework states: *"When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:*

- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."*

It should be noted that as a matter of principle because consent has been granted for 97 dwellings on this site it has been established that it can be satisfactorily drained for this number of dwellings.

The site is located within a low risk Flood Zone 1. Flood Zone 1 is classified as land considered to have a potential flood risk of less than 0.1% (1 in 1000 year) Annual Exceedance Probability (AEP) from fluvial sources. The site consists of two large grass covered fields and therefore there is no positive foul or surface water drainage present. The applicants have submitted a flood risk assessment and drainage strategy that is available on file for inspection.

It is proposed to use a combination of infiltration drainage and positive discharge as the method of surface water disposal. The applicants have stated that although the soakaway tests showed the infiltration drainage is possible, the infiltration rates recorded are such that the proposed drainage strategy should not rely solely on infiltration. It is intended that the site-wide drainage strategy will mimic the existing drainage, conveying the surface water through the site and discharge to on-site infiltration features in the form of basins and tank. The breakdown of the proposed methods for disposal of surface water run-off from the different elements within the site is as follows:

- The roads, car parks and footpaths will drain to traditional gullies and discharge to a carrier sewer located in the road, which in turn will drain into the on-site attenuation/infiltration basins;
- Run-off from roofs will be collected using a traditional piped network and drain into a carrier sewer and into the on-site attenuation/infiltration basins.
- Patios and footpaths of private dwellings drain to lawns and soft landscaped areas.

A total of three infiltration basins and one infiltration tank are proposed. An Infiltration Tank will be positioned below Infiltration Basin 03 located to the north and will provide



additional storage / infiltration. The infiltration basins should empty by 50% within 24 hours for the 1 in 10 year return period. Considering the relatively low rate of infiltration, outflow pipes will discharge from each of the basins at a restricted peak rate of 5 litres /second, which will drain towards a proposed outfall located in the north western corner of the site. The outfall will discharge onto the adjacent land (golf course) and eventually find its way to the existing watercourse approximately 130 metres to the north.

In the event the capacity of the proposed surface water drainage network is exceeded the resulting flood water will follow the channel line of the proposed roads and into the onsite attenuation features. In the event that the capacity of these features is exceeded (above the 1in100yr, including 40% allowance for climate change) the excess water will overflow towards the north western corner of the site at an unrestricted rate, leaving properties unaffected.

The Councils Drainage Engineer has considered the information that has been provided by the applicants and has stated the he is now satisfied that this development can be satisfactorily drained and that flood risk to and from the development has been appropriately considered. He has stated *"This proposed development provides the opportunity to improve existing surface water run-off issues associated with the site. By incorporating hard structures which will interrupt, collect and control surface water flows, the flood risk some properties of London Road are exposed to could be greatly reduced. In addition, the use of infiltration with controlled discharge from the site to rates less than the pre-developed greenfield rates, could also provide some flood risk reduction to downstream areas."*

It is proposed that foul drainage will be pumped via a new rising main up to the site access road for a connection to the existing public Southern Water foul sewer located on London Road at manhole reference 9601.

Southern Water has advised that although there is capacity within the sewerage network, there is limited capacity at Goodard's Green Wastewater Treatment Works. They have requested a condition that occupation to the development is phased with completion of the improvement works at Goodard's Green Wastewater Treatment Works.

As Members will know, developers have an absolute right to connect to the foul sewer which has been confirmed in the Supreme Court. When there is insufficient capacity in the network, Southern Water requests an appropriate condition to be imposed on the planning permission to secure the means of foul water sewerage disposal, which may include the provision of additional off-site sewers and/or improvements to the existing off-site sewers under the Water Industry Act 1991. Subject to the imposition of such a condition it is considered that the foul drainage from the site will be satisfactory.

In light of the above it is felt that policy DP41 of the District Plan is met.

## Infrastructure

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

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

and:

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

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

Policy DP20 of the District Plan requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. These are usually secured through the signing of a legal agreement. All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are as set out above.

### West Sussex County Council Contributions:

- Libraries £43,375
- Education Primary £384,639
- Education Secondary £413,955

### District Council Contributions

Kickabout: £29,195

Formal sport: £126,744

Community buildings: £55,056

Local community infrastructure: TBC

### Other contributions

NHS Sussex contribution of £74,526 to go towards Hassocks Health Centre for either redesign or replacement of the building to accommodate new patients.

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

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

### **Impact on Ashdown Forest**

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

The views of Wealden District Council on the impact of the development on the Ashdown Forest SAC are noted. A HRA screening assessment for the development has, however, been undertaken. The outcome is that there is not considered to be a significant in combination effect on the Ashdown Forest SAC. The screening assessment is available to view on the planning file.

### **Impact on the South Downs National Park (SDNP)**

Policy DP18 in the District Plan seeks to protect the setting of the SDNP. The purposes of the National Park are firstly, to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park area and secondly to promote opportunities for the understanding and enjoyment of the Park's special qualities by the public. Policy DP18 states that development should be consistent with National Park purposes and must not significantly harm the National Park or its setting.

The boundary of the SDNP is some 350m to the southwest of the site. The site is very difficult to see from Wolstonbury Hill. In allowing the appeal for 97 dwellings the Secretary of State stated "*...there is no evidence to disagree with the main parties that the landscape impact of the proposal on the South Downs National Park (SDNP) is likely to be low, with the site extremely difficult to perceive from Wolstonbury Hill, and that the scheme masterplan demonstrates that the site could accommodate development of the scale proposed, with necessary on-site mitigation, forming the framework for a high quality development.*"

Whilst the current proposal does have 3 storey development at the northern end of the site, this would have no appreciable additional impact on the setting of the SDNP. The site is not in an isolated position but is adjacent to the built up area of Hassocks, where the

surrounding roads are street lit. In light of all the above there is no conflict with policy DP18 in the District Plan.

## **Archaeology**

The Council's Archaeological Advisor has requested that trial trench evaluation should be conducted prior to the determination of any planning permission. However she has gone on to advise that *"should the Local Planning Authority deem that a strategy of preservation by record is sufficient to mitigate the loss of the archaeological Assets that may be present, and should the applicant be prepared to accept the risk of undertaking the required archaeological work after any decision on permission, the necessary archaeological work will need to be secured by the addition of the standard archaeological condition to any planning permission granted."*

There is an extant planning permission on the site that has a planning condition attached relating to archaeological work. Given this position it is not considered that it would be reasonable to require a trial trench evaluation prior to determining the planning application. It is considered that the same approach that was taken by the Secretary of State on this matter should be taken by the LPA, namely imposing an archaeological condition.

## **Other matters**

### Prescriptive Easements

A number of local residents backing onto the site on London Road have raised concerns that they have a prescriptive easement across the site. As Members will know, private rights of way, easements and so on are not planning matters. However the applicants have acknowledged these easements within their scheme and have shown an access route along the north eastern boundary of the site that would provide access from the rear gardens of a number of properties on London Road into the site. This access route is shown as being gated at either end and would only be for the use of the properties on London Road that back on to it.

### Construction phase

Concerns have been raised regarding the disruption during the construction phase. Whilst this is noted any major building site will cause some inconvenience to nearby residents. However impacts can be managed and mitigated by the use of planning conditions restricting hours of construction and Construction Management Plans covering issues such as contractor parking and noise/dust emissions.

### Neighbourhood Plan

There is a site specific policy in the HNP (policy 3: Local Green Spaces) that allocates this site as a Local Green Space. The policy states that *"Development proposals, which*

*conflict with the purpose of this designation, will be resisted in these areas."* Whilst this planning application would clearly conflict with this policy, given the fact that planning permission already exists for 97 dwellings on the site, the unique circumstances applying to this site mean that the conflict with this policy cannot reasonably be cited as a bar to this development.

### **Other material considerations**

Turning to other relevant material considerations, all aspects of the development must be weighed up in the planning balance, as set out in the NPPF as a whole. In particular, this development must be assessed against the 3 limbed definition of sustainable development at paragraph 7, in which the planning system should perform an economic, social and environmental role.

### **The Economic Role**

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

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

### **The Social Role**

The NPPF seeks to promote a *"strong, vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being"*. The provision of 129 dwellings on a site that has been found to be sustainable for a major development will make a significant positive contribution to the district's housing supply.

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

### **The Environmental Role**

There would be some adverse impact on the landscape as a result of the change from a green field site to a housing development. This is an inevitable consequence of developing the site. The principle of this impact has already been found to be acceptable

by the Secretary of State. The site is well located in relation to services and facilities and a range of sustainable transport options are available and it has been established by virtue of the previous consent that the site can accommodate development. The Secretary of State found that the 97 unit scheme met the environmental role of the planning system and it is considered that there are no grounds to come to a different conclusion on this matter now.

## **CONCLUSION**

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

The application site lies in countryside, outside the built up area of Hassocks and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The proposal is also contrary to policy DP6 of the District Plan as the proposal is for a development of more than ten units on a site that is contiguous with the built up area of Hassocks.

In accordance with the law whilst this breach of policy is the starting point for decision making the Council also must have regard to other material considerations. It is considered that there are other material considerations, specific to this site which are relevant to this application. These include:

The proposal optimises the use of a site where the principle of development has been established by virtue of the Secretary of State granting planning permission for 97 dwellings on the site in March 2017. The proposal will provide 129 dwellings at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given substantial weight.

The site has been found by the Secretary of State to be a sustainable location for a major housing development as it is located adjacent to a category 2 settlement in Mid Sussex with good access to services and other facilities.

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 District Plan and emerging Neighbourhood Plan policies. However planning permission has been granted by the Secretary of State for a development of 97 dwellings on this site. Accordingly the weight that can be given to this objection is significantly reduced in this case because the principle of developing on this site is established.

There would also be a limited adverse impact on the landscape as a result of the proposed development on a greenfield site but this is an inevitable outcome of building on an undeveloped site. However the principle of this change has been established by virtue of the previous consent that has been granted on the site. It is not considered that the function of the local gap between Hurstpierpoint and Hassocks would be weakened by this proposal to an extent that would justify withholding planning permission.

Also weighing against the scheme is a conflict with the emerging Hassocks Neighbourhood Plan, which proposes to allocate this site as a local green space. However the weight that can be attached to this issue is considered to be limited since the site has planning permission to be developed.

Whilst there would be additional vehicular movements associated with the proposal compared to the consented scheme, these would not result in a severe impact on the local highway network, which is the test in development plan policy and national guidance.

There are no technical objections from the Councils Environmental Health Officer relating to the Stonepound Crossroads air quality management area. As such there are no grounds to resist this application based on this matter.

Overall it is considered that the proposal is not in compliance with all of the policies in the development plan. In particular there is a conflict with policies DP6 (Settlement Hierarchy), DP12 (Protection and Enhancement of the Countryside) and DP15 (New Homes in the Countryside) of the District Plan because the proposal involves development in the countryside. However these in principle conflicts are not considered to be a reason to resist this application because the principle of a major residential development on this site is already established.

There is considered to be compliance with a number of policies in the development (DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), DP18 Setting of the South Downs National Park, DP20 Securing Infrastructure, DP21 Transport, DP26 Character and Design, DP27 Dwelling Space Standards, DP29 Noise, Air and Light Pollution, DP30 Housing Mix, DP37 Trees, Woodland and Hedgerows, DP38 Biodiversity and DP41 Flood Risk and Drainage).

In light of all the above it is considered that there are other material planning considerations that justify a decision that is not in full conformity with all of the policies in the development plan. In light of the above it is considered that this application should be approved.

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## APPENDIX A – RECOMMENDED CONDITIONS

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

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

### **Pre commencement conditions**

2. Insofar as access is concerned, the development hereby permitted shall be carried out in accordance with the following approved plan: ITB8203-GA-012A.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan 2014 - 2031.

3. Before any operations are commenced on site the proposed vehicular access to London Road (to include provision of a Toucan pedestrian crossing) shall be constructed and provided with visibility zones in accordance with the details of a scheme to be submitted to and approved in writing by the local planning authority. Thereafter the access shall be permanently maintained to a specification to be agreed with the local planning authority and the visibility zones shall be kept permanently clear of any obstruction above a height of 600mm.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan 2014 - 2031.

4. No development shall take place until details of the finished ground and floor levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policy DP26 of the District Plan 2014 - 2031.

5. No development shall take place, including any works of ground clearance or site preparation, until a programme of archaeological work for has been implemented in accordance with a written scheme of investigation that has previously been submitted to and approved in writing by the local planning authority.

Reason: To identify and to secure the appropriate level of work that is necessary before commencement of the development, and also what may be required after commencement and in some cases after the development has been completed, and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.



6. No development shall take place, including any works of ground clearance or site preparation, until all existing trees, shrubs and hedges to be retained, and any associated buffer zones, have been protected by fencing in accordance with a scheme that shall previously have been submitted to and approved in writing by the local planning authority. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the local planning authority. The protective fencing and exclusion zones shall not be removed other than in accordance with a timetable that shall previously have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

7. Other than as may be required by an approved scheme of remediation, no development, including works of ground clearance and site preparation, shall take place until a full contaminated land assessment has been carried out, and a remediation strategy to deal with any contamination has been submitted to and approved in writing by the local planning authority. The contaminated land assessment shall identify the extent of any contamination and the measures to be taken to avoid risk to the environment, the general public and the proposed development. It shall include a timetable of works. Any necessary remediation strategy shall be implemented in accordance with the approved details and timetable. No part of the development shall be occupied until a Completion Report, confirming that the remediation has been carried out as approved, has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of health of future occupiers and to accord with Policy CS20 of the Mid Sussex Local Plan and the guidance within the NPPF.

8. If, during development, contamination not previously identified is found to be present, then no further development on that part of the site (unless otherwise agreed in writing by the local planning authority) shall be carried out until remediation works, in accordance with a Method Statement for remediation, including a timetable that has previously been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: In the interests of health of future occupiers and to accord with Policy CS20 of the Mid Sussex Local Plan and the guidance within the NPPF.

9. No development shall take place, including any works of ground clearance or site preparation, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall address, but is not restricted to the following matters: i) public safety, amenity and site security ii) operating hours, noise and vibration controls iii) air and dust management iv) storm water and sediment control v) waste and materials re-use vi) traffic management vii) on-site signage, public safety and site security. The approved CMP shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of adjacent occupiers and to accord with Policies DP26 and DP29 of the District Plan 2014-2031.

10. Notwithstanding what is shown on the site layout drawing, no works on the pedestrian links between the northern and southern field parcels shall take place until full details of the construction of these paths has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with these approved details.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

12. No development shall take place on the open square adjacent to plots 11-16 and 25-31 until a detailed contour plan that shows how the topography will be handled in the main street / square has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with these approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

13. No development to commence until the following details have been submitted to, and approved in writing by, the local planning authority:

- Construction-phase avoidance, mitigation and compensation measures in respect of protected / priority species and retained habitats, which may be incorporated into a Construction Environmental Management plan;

The above details shall be informed by an update ecological survey to confirm any changes (especially in respect of badger activity).

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the NPPF and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

14. No development shall take place until details of surface water drainage works have been submitted to and approved in writing by the local planning authority. No dwelling within the development shall be occupied until surface water drainage works to serve that dwelling have been implemented in accordance with the approved details. The submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for implementation; and,
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the District Plan 2014 - 2031.

#### **Pre occupation conditions**

15. None of the dwellings hereby permitted shall be occupied until elevations have been submitted to and approved by the Local Planning Authority that show the position of the rainwater downpipes. The scheme shall be implemented in accordance with these approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

16. The Alderney and Palmerston house types shall not be occupied until the following details have been submitted to an approved in writing by the Local Planning Authority:

- The window position and design of the Alderney house types.
- The canopy design of the Palmerston house type.

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 DP26 of the Mid Sussex District Plan 2014 - 2031.

17. Flats blocks A and B shall not be occupied until a revised drawing has been submitted and approved by the Local Planning Authority omitting the skylight on the roof above the stairwell.

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 DP26 of the Mid Sussex District Plan 2014 - 2031.

18. None of the development hereby permitted shall be occupied before the proposed improvement to Stonepound Crossroads has been constructed in accordance with the details of a scheme to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan 2014 - 2031.

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

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the District Plan 2014 - 2031.

20. No part of the development shall be first occupied until details indicating the position, design, materials, finish and type of all boundary treatments, and a timetable for implementation, have been submitted to and approved in writing by the local planning authority. This shall include details of a chicane in the pedestrian access from the site to the recreation ground. Development shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

21. No dwelling in the development hereby permitted shall be occupied until a Landscape Ecological Management Plan, including a wildlife sensitive lighting plan demonstrating measures to avoid light pollution of boundary habitats (supported by modelled lux levels), long term objectives, habitat protection and enhancement measures, management responsibilities, arboricultural supervision and maintenance schedules for all associated landscaped, treed and open areas, other than privately owned domestic gardens, has been submitted to and approved in writing by the local planning authority. The above details shall be informed by an update ecological survey to confirm any changes (especially in respect of badger activity). The Landscape Ecological Management Plan shall be carried out in accordance with the approved details.

Reason: To safeguard the ecology of the area and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

22. No dwelling in the development hereby permitted shall be occupied until details of external lighting within the site have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To safeguard the visual appearance of the area and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

23. A detailed scheme of Air Quality mitigation, to minimise the long-term impact upon local air quality and to mitigate emissions, incorporating the measures submitted by Alpha Acoustics in paragraphs 5.10 and 5.11 of the Air Quality report number AE23/06/09/2017.v2 as part of the application and dated 17 Oct 2017, shall be submitted and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme to be implemented before occupation of the development.

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

### **Construction phase**

24. Works of demolition, site clearance, or construction, including the use of plant and machinery on the site, shall not take place on the development hereby permitted outside 08.00-18.00 hours Monday to Friday and 09.00-13.00 hours on a Saturday, nor at any time on Sundays or bank/public holidays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

25. No burning of construction waste shall take place on the development hereby permitted.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

26. Within 3 months of commencement of development on the site (the applicants shall advise the date of commencement and this shall be confirmed by the Local Planning Authority) details of the play areas and open space areas to be provided on site shall be submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall only be implemented in accordance with the approved details.

Reason: To ensure satisfactory provisional equipment and to ensure that play area is provided and retained within the development for use by the general public and to accord with Policy DP24 of the District Plan.

#### INFORMATIVES

1. In respect of condition 10 you are advised that it is likely that it is only the pedestrian link at the western side of the site that will be acceptable to be constructed.

### **APPENDIX B – CONSULTATIONS**

#### **HASSOCKS PARISH COUNCIL**

##### RECOMMEND REFUSAL.

1. In addition to the comments made by Hassocks Parish Council previously to this application, the Parish Council believes that despite the amendments, there has not been an improvement in the layout of the site, and that the layout continues to be unneighbourly to the existing residents along London Road.

2. Mid Sussex District Council ('MSDC') can already in practical terms point to a five year housing supply, it has been reported in the minutes of MSDC Planning Committee B on 31st August 2017, that MSDC councillors understand that the Planning Inspector Mr Jonathan Bore has verbally confirmed this to be so; and, because since 1st April 2017, the Council estimates there have been a net 321 additions to the 5 year housing land supply and on no basis at 1st April was there a deficit greater than 208. Therefore, no deficit to the 5 year housing land supply remains. As MSDC has a 5-year housing land

supply then there is no presumption in favour of development, and each application should be considered on its merits.

3. Hassocks Parish Council considers that MSDC has no legal basis for increasing the allocation of houses on this site. The Secretary of State has approved 97 houses as a resolution to a protracted wrangle between developers and the local community. MSDC's preferred strategy in its Modification MM11 to the District Plan is to impose a site of 500 houses. MSDC has not opted to increase allocations on the edge of settlements by a maximum of 10 or even 25 homes. Therefore the applicant's proposal for 130 homes instead of 97 is not consistent with the District plan, nor with the proposed modifications to the District Plan nor with Hassocks' Regulation 16 Submission Draft Neighbourhood Plan 'all of which individually and collectively carry some weight and must therefore be taken into account:

The objectively assessed need of Hassocks as set out in the Neighbourhood Plan has been satisfied by other planning approvals and other sites allocated for housing in the Hassocks Parish, and therefore there is no need for and no justification to approve this present application.

4. The Parish Council understand that the applicants were advised to increase the number of dwellings from the permitted 97 to 130 in order to optimise the potential of this site to comply with Modification Policy DP24 Character and Design. Whilst the Parish Council accept that DP24 does contain this provision it would point out that it is just one (the last) of eleven criteria which cover all aspects of the design of new development and its relationship to adjoining development and surroundings. It is a design policy which aims to ensure that development respects and enhances its surroundings. It is not a Trojan Horse Density Policy. It would appear to the Parish Council that one criterion has been over-emphasised at the expense of all the others. This approach has produced a most unsatisfactory development proposal which, if accepted, would set a precedent for similar overdevelopments elsewhere in Hassocks and throughout Mid Sussex.

5. The addition of 33 properties on this site, represents overdevelopment and the creation of a high density hard urban estate, which is completely unsuitable for the area. The site is an edge of settlement location for which a lesser housing density is suitable, as set out in the Regulation 16, Hassocks Neighbourhood Plan. The application is particularly unneighbourly to 1, Stonepound Court and totally dominates both sides of this property. On both of these points the application is contrary to Policy DP24, Character and Design, of the draft District Plan and Policy 8, Character and Design, of the Regulation 16, Hassocks Neighbourhood Plan.

6. Traffic is a very real problem on London Road. Despite the submitted traffic surveys, it is known that the increase in vehicles entering and exiting the site will have a negative impact on the volume and movement of traffic on London Road. Air Quality also continues to be a problem on London Road. The developer notes that the proposal would increase the number of vehicles flowing through Stonepound Crossroad, thereby adding to air pollution in this AQMA. The fact that the increase may be small, does not itself mean that

MSDC has a right to approve the application, when its legal duty is to decrease air pollution in any AQMA in the District. As MSDC is in control of the source of further pollution it has a duty to act so as not to increase that pollution, by refusing this application.

7. The proposed development fails to respect and protect the Ancient Hedgerow on the site (see Mr Ian Tovey's representation letter received by MSDC on 10/11/2017, pdf ref 00543462):

- A footpath is proposed through a protected Ancient Hedgerow, recorded in the Domesday Book. The footpath should not be allowed as it will damage the hedgerow.
- Oak tree T28 in the same Ancient Hedgerow, is subject to a tree preservation order. The applicant's proposals under-report the size of the tree so that an access road can be driven through around this tree. This will significantly damage the tree roots and could cause the tree to die. Accordingly the access road should not be allowed. This does mean that the applicant has no access to the northern end of the proposed site because there is insufficient space for it.
- The access road along the hedgerow generally encroaches to a greater extent than was allowed under the original approved plan for 97 houses. The access should encroach on the trees no more than did the original 97-houses application.

8. The access road on the site appears on the developer's own plans to be too narrow for two cars to pass.

9. Several of the properties on London Road have rights of way (easements) across the fields west of London Road, as noted in Mr Ian Credland's response to this application dated 28 October 2017. Because of these easements the previous application for 97 houses left an access road along the eastern site of the fields. This has not been done in this new application for 130 houses, which means that the access rights of the existing London Road residents are failing to be respected and upheld and the present application cannot proceed as it stands. It is also further evidence of the overbearing impact of the proposed development on these existing London Road properties.

10. Drainage: The plans do not indicate the French ditches which the Drainage Officer has previously indicated are necessary to the rear of the properties on London Road. Accordingly the plan would increase flooding to the houses on London Road and is not acceptable.



## West Sussex County Council

### Summary of Contributions

<b>Education</b>			
Locality	Hassocks		
Population Adjustment	293.4		
	Primary	Secondary	6th Form
Child Product	3.5075	3.5075	1.8941
Total Places Required	24.5525	17.5375	0.0000
<b>Library</b>			
Locality	Hassocks		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£43,375		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£0		
Population Adjustment	269.9		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	129		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	293.4		
Net Parking Spaces	310		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

### Summary of Contributions

S106 type	Monies Due
<b>Education - Primary</b>	£384,639
<b>Education - Secondary</b>	£413,955
<b>Education - 6<sup>th</sup> Form</b>	No contribution
<b>Libraries</b>	£43,375
<b>Waste</b>	No contribution
<b>Fire &amp; Rescue</b>	No contribution
<b>No. of Hydrants</b>	secured under Condition
<b>TAD</b>	HWiL
<b>Total Contribution</b>	<b>£841,969</b>

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

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

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

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

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

The calculations have been derived on the basis of an increase in 130 Net dwellings and an additional 310 car parking spaces.

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

#### 5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2018.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be spent on a new school for Hassocks or additional facilities at Hassocks Infant School and The Windmills Junior School should the new school not progress.

The contributions generated by this proposal shall be spent on expansion at Downlands Community School.

The contributions generated by this proposal shall be spent on the redevelopment of Hassocks Library.

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

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

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

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

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

## **Breakdown of Contribution Calculation Formulas:**

### **1. School Infrastructure Contributions**

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some

or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as TPR- Total Places Required). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (cost multiplier).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

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

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2017/2018, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools - £15,666 per child
- Secondary Schools - £23,604 per child
- Sixth Form Schools - £25,600 per child

## 2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

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

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

b) Cost Multiplier - Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £4,591 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2017/2018 period.

## Highway Authority

### Background

The site currently benefits from permission for the development of up to 97 new homes, associated landscaping and open space, with access taken from London Road. This was gained via appeal (ref APP/D3830/W/14/2226987). Within the inspectors report, regarding the highways impact of the development it was concluded "There is no robust counter-evidence to undermine the common ground technical conclusion on the acceptability of the development. Its residual cumulative impact would fall well short of the 'severe' test of paragraph 32 of the NPPF."

The proposal is for the erection of 130 dwellings (including 30% affordable housing provision), new vehicular access onto London Road (A273), associated landscaping, car parking, open space, pedestrian link to adjacent, existing recreation ground to the north and infiltration basins.

### Access

The access proposals are as the permitted arrangements

- A ghost island junction from London Road. Visibility splays of 2.4m x 59m are provided in both directions.
- The site access road has a flared carriageway width of 7m close to the junction, reducing to 6m some 25m to the west. 2m footways will be provided on both sides of the carriageway.
- The access arrangement includes the upgrade of a pedestrian refuge south of the access to a signal controlled crossing as part of the site access works.

## **Parking**

Parking is to be provided in line with WSCC parking demand calculator with a total of 307 spaces made up of 265 allocated and 42 unallocated visitor spaces.

Cycle parking is to be provided in line with WSCC standards For the houses, cycle parking will be accommodated within the curtilage of each plot either in sheds or garages. For the flats, the cycle parking will be accommodated in a secure cycle parking store.

## **Servicing**

Swept path analysis has been provided which detail a refuse collection vehicle and fire tender can access the site.

## **Rights of Way**

The existing rights of way through the site (Public Footpath 10C), is to be retained, with surface and width improvements.

## **Travel Plan**

A full travel plan has been provided as part of the application. Amendments are required before this can be approved.

## **Trip Generation**

The TA associated with the permitted application undertook a TRICS assessment based on 100 privately owned homes. Now that the development quantum is known a revised TRICS assessment has been provided that shows the generation of the previous assessment and the revised generation are similar. The narrative details that a reduction in the trip rates of the private housing within the updated TRICS assessment would be responsible.

In order to provide a robust assessment the previously agreed private housing trip rates have been utilised which would result in a net impact of an additional 9 AM and 8 PM peak trips

## **Assessment**

Since the addendum Transport Statement was produced for the previous application two additional sites have been included as committed development.

- Development of Land West of London Road for 97 homes; and
- Redevelopment of Hassocks Golf Club to provide 130 homes.

No assessment of the impacts of the development at the A273 / site access / Stanford Avenue junction and the A273 / petrol filling station access junction has been included within the assessment, Given the limited increase in vehicle trips and previous assessment showing the junctions operate well within capacity then this is acceptable.

The additional development trips have been distributed in line with the parameters agreed within the previous TA. As such the development is expected to add a total of five additional vehicles through the Stonepound cross road in the peak hours.

### **A273 / B2116 Stonepound Crossroads mitigation**

As part of the previous application, an improvement scheme was designed that consisted of:

- Introduction of MOVA
- Stage reordering
- Right turn detectors would be moved forward to right turn stop lines on London Road / Brighton Road.
- Widening work on Hurst Road.
- Introduction of a user-activated Puffin crossing of Hurst Road (left filter lane) and London Road.

### **Junction Modelling**

The largest additional increase in the mean max queue on any arm is 0.3 Passenger Car Unit (PCU) and a maximum increase of 1.5 seconds per PCU. Whilst the junction would still operate over capacity this increase would not be considered severe.

Whilst the applicant has only considered the additional development against the baseline of the approved 97 homes for the site I have also viewed the results against the baseline of no development on the site and as such the improvement scheme proposed more than provides adequate mitigation.

In summary the additional trips generated by the development would not result in a severe impact on the local highway network.

### **Conditions:**

Any approval of planning consent would be subject to the following conditions and S106 obligations:

#### **Access (details approved, access provided prior to commencement)**

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

Reason: In the interests of road safety.

#### **Cycle parking**

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

### **Construction Management Plan**

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

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

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

### **Travel Plan (to be approved)**

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

Reason: To encourage and promote sustainable transport.

### **S106 obligations**

- The provision of improvements to Stonepound Crossroads (drawing ITB8203-GA-021C).

### **West Sussex Public Rights of Way Officer**

WSSCC Public Rights of Way have no objection in principal to this planning application providing that a legal diversion of footpath 10C is obtained through the correct process as outlined in the Town and Country Planning Act (TCA), prior to the development commencing. Throughout the Design and Access Statement (4.1.9) and the Full Travel Plan (5.2.2) it is quoted that the alignment of the right of way is to be maintained. The Site Layout Planning Drawing 130/SL does however show a line marked as 'Diverted Public Right of Way' but nowhere in the application is it stated that the diversion will be made through the TCA.



I would also be beneficial to the general public if the North West section of the public footpath (where it will cross the grassland leading off site to the west) was surfaced with a crushed stone surface. Due to the large increase in usage of this path, to access the wider countryside, a more substantial surface should be laid to facilitate this increase in use. This construction of this surface should be agreed in advance with WSCC Public Rights of Way team to ensure that a suitable design is used hopefully limiting the future financial burden on WSCC as Highways Authority.

### West Sussex Drainage

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

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

### Flood Risk Summary

Modelled surface water flood risk	Low risk
<p>Comments: Current uFMfSW mapping shows that the proposed site is at low risk from surface water flooding. Higher risk areas exist adjacent to the site.</p> <p>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.</p> <p>Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.</p> <p>Reason: NPPF paragraph 103 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p>	

Modelled ground water flood risk susceptibility	Moderate risk
<p>Comments: The proposed development is shown to be at moderate risk from ground water flooding based on the current mapping.</p> <p>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.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	

Records of any flooding of the site?	Yes
<p>Comments: While we, as LLFA, have never received reports of flooding at this site, the document 'Protect Ham Fields Resident's comment on Flooding Assessment by Barrett Homes' shows flooding within the site boundary.</p>	

Ordinary watercourses nearby?	Yes
<p>Comments: Current Ordnance Survey mapping shows no ordinary watercourse running across of the site although local or field boundary ditches, not shown on Ordnance Survey mapping, exists around or near to the site.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</p>	

### **Future development - Sustainable Drainage Systems (SuDs)**

The Flood Risk Assessment and Drainage Strategy for this application proposes that sustainable drainage techniques (infiltration basins and infiltration tank) would be used to control the surface water run-off from this development to Greenfield run-off rates.

Following the SuDS hierarchy and the spirit of SuDS implementation, betterment for surface water systems on the new developments should be sought. This could include retention at source through green roofs, permeable paving and swales prior to disposal to reduce peak flows. SuDS landscaping, could significantly improve the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

The principle of the Drainage Strategy is the same as previous application 13/03818/OUT, therefore the recommendations previously raised by the MSDC Drainage Engineer should be incorporated into the design.

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

Further clarification is required on the discharge point in the north-west corner of the development as the FRA states "The outfall will discharge onto the adjacent land (golf course) and eventually find its way to the existing watercourse approximately 130 metres to the north".

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning

Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development 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.

### **Archaeological Officer**

The application site and proposals are extensive and therefore in accordance with the policies of the NPPF and Mid Sussex Local Plan, I am pleased to note the application has been supported by an Archaeological Assessment, produced by the applicant's archaeological consultant 'CgMs Heritage'. The assessment is rapid, and does not appear to have included a site visit (a minimum requirement of the Chartered Institute for Archaeologists for such work), but identifies that there is a Moderate or Good potential for below ground archaeological remains dating from the Mesolithic through to the Saxon periods. Given this, and the current agricultural nature of the site, it is also particularly disappointing that the assessment omits to include an analysis of Aerial Photographs, LiDAR topographic models, or makes no attempt to address the potential significance of any such remains beyond the unsubstantiated assertion they are of 'purely local importance'.

In order to determine more accurately the presence, extent, exact nature, and therefore significance of any archaeological remains, further archaeological investigation will be required.

In the first instance, the archaeological work should comprise an archaeological evaluation trial trenching exercise within those areas of the site where groundworks proposed as part of the development have the potential to impact on archaeological assets. This may include areas proposed for landscaping, parking, and access, as well as the area proposed for residential development. The results of the evaluation will enable suitable mitigation measures to be developed. These mitigation measures may involve more detailed excavation of any archaeological Assets in order to advance the understanding of their significance before they are destroyed (preservation by record), but in the event of a find of exceptional significance, preservation in situ is the preferred option. I will need to agree a specification for the evaluation before the trenching can begin.

The Assessment has suggested that this could be completed as a condition of planning, however without the results of this work, I do not believe there is enough information

available to enable an informed decision on this application to be made from the archaeological position. In this respect, the application fails to comply adequately with NPPF and Local Plan policy B18. In order for me to give full and proper consideration to the heritage impact, fully understand the significance of any remains revealed, and allow for a range of possible mitigation measures, (including preservation in situ); I therefore recommend that trial trench evaluation should be conducted prior to the determination of any planning permission. If the required evaluation results are not forthcoming, the application should be refused on the grounds of inadequate submission of supporting information.

Notwithstanding this recommendation, should the Local Planning Authority deem that a strategy of preservation by record is sufficient to mitigate the loss of the archaeological Assets that may be present, and should the applicant be prepared to accept the risk of undertaking the required archaeological work after any decision on permission, the necessary archaeological work will need to be secured by the addition of the standard archaeological condition to any planning permission granted. The appropriate condition is:

"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."

### **Southern Water**

Further to our letter dated 17/11/2017 regarding the above development. Unfortunately, there was a written error on our part and the following information supersedes the previous correspondence.

Our initial investigation indicates that the proposed foul flow can be accommodated within local sewerage network. However, the developer should be aware that although there is capacity within the sewerage network, there is limited capacity at Goodard's Green Wastewater Treatment Works.

Southern Water is currently undertaking enhancement works to increase capacity at the Works to accommodate additional development flows within the catchment. Southern Water will need to work with and understand the development program and review if the delivery of improvements works aligns with the occupation of the development.

Southern Water hence requests a condition:

"Occupation of the development to be phased with completion of the improvement works at Goodard's Green Wastewater Treatment Works".

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

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors. The design of drainage should ensure that no land drainage or ground water is to enter public sewers network.

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).

## **Sussex Police**

Thank you for your correspondence of 2nd November 2017, advising me of a planning application for the erection of 130 dwellings (including 30% affordable housing provision), new vehicular access onto London Road (A273), associated landscaping, car parking, open space, pedestrian link to adjacent, existing recreation ground to the north and infiltration Basins. Amended plans received 12th February 2018 showing a revised layout and amended elevations to proposed dwellings. Further plans received 4th / 16th/ and 28th February 2018 showing amended elevations, street scenes and tenure plan, at the above location for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the amended application and I will comment upon the new revised layout only 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. 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.

The new change of layout has included two communal blocks into the design and layout at the northern end of the development. Information on communal security measures can be found within Secured by Design (SBD) Homes 2016 on the SBD website at [www.securedbydesign.com](http://www.securedbydesign.com)

Additionally, in order to create a front facing continuous high street scene, numerous small parking courts have been created behind it. The proposed rear parking courts and the vehicles parked within can be vulnerable to attack and provide unseen access to the rear gardens of the dwellings if they are in the main, unobserved.

These rear parking courts would be acceptable as long as they are illuminated and have active surveillance from the adjacent relevant properties. As previously mentioned in my initial comments of PE/MID/17/31/A which I reiterate; where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

In circumstances that require a more open feature such as a garden overlooking a rear parking court, which is present within this development. Fencing, consisting of combination of 1.5 metre high close board fence topped with 300mm of trellis can achieve both security and surveillance requirements. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres. Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable from both sides. Such gates must be located on or as near to the front of the building line as possible.

My previous concerns for the vehicle access to the rear of some of the dwellings on London Road remains extant.

At the northern end of the development there are a large number of visitor spaces. I ask if these have these been created to accommodate visitors to the adjacent recreational ground. If they have, I would warn the applicant to be very careful about importing traffic;

vehicle movements and footfall, into the development with a legitimate reason for it being there, when reconnaissance of the dwellings could be undertaken with the intention of burglary instead. Additionally, the parking facilities could have the potential to clog the development's roads with the recreation ground's visitor's vehicles when combined with the proposed development's traffic.

In order to reduce the opportunity for mopeds, motorised scooters and motorcycle accessing the adjacent recreation ground through the development's link, I recommend that a chicane is introduced.

I feel the indicated play area could be better located with more natural surveillance around it. Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. I would recommend that the eventual location is surrounded with railings with self-closing gates to provide a dog free environment.

I thank you for allowing me the opportunity to comment.

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

### **South Downs National Park Authority**

The response of the South Downs National Park Authority is given in the context of the following:

The Environment Act 1995 sets out the two statutory purposes for National Parks in England and Wales:

- Conserve and enhance the natural beauty, wildlife and cultural heritage
- Promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the Public which relevant authorities (which includes local authorities) must have regard to in exercising their functions.

National Parks Authorities have the duty to:

'Seek to foster the economic and social well being of local communities within the National Parks' in pursuit of the twin purposes above.

Following is the formal consultation response of the South Downs National Park Authority (SDNPA) on the above application. These comments are also made bearing mind the

decision of the Secretary of State on 16th March 2017 in respect of the application for 'up to 97 homes and associated landscaping and open space in accordance with application ref: 13/03818/OUT dated 4 November 2013'.

In green Infrastructure terms the well-used footpath across the site, is likely to have a significant change in amenity value due to it being surrounded by housing development and located along a new road, rather than its current rural edge location. Ideally this route would be retained as a green corridor through the development which does not follow the road alignment. It is noted that the footpath terminates at the A273 on the eastern boundary of the site, although there are connections to the extensive PROW network, and links to the SDNP to the west and east. The SDNPA consider this to be an important connecting link on the PROW network for local residents to the surrounding countryside and connectivity with the South Downs National Park.

In terms of drainage and water quality, it is important to avoid any potential contamination of the Herrings stream (tributary is 150m from site). Therefore it would be appropriate to check if the 'SUDS' will do this as it is a series of soakaway ponds and storage tanks.

In May 2016 the South Downs National Park became the world's newest International Dark Sky Reserve (IDSR). The overall internal lighting and necessary external lighting (including infrastructure lighting) required in connection with this proposal, may (in this relatively remote rural location) have the potential to have significant effects on the dark skies of the National Park. Therefore the development should include a full appraisal of both internal and all external lighting to consider what impact it may have on the dark skies of the National Park, and if/how such lighting can be mitigated to meet the lighting standards of the Institute of Lighting Professionals (ILP) for rural zones; particularly given the special dark night sensitivities and qualities of the South Downs National Park. Details of the Dark Night Skies of the National Park can be found in Strategic Policy SD8: Dark Night Skies as set out in the South Downs Local Plan Pre-Submission document - September 2017; at the following link:

[https://www.southdowns.gov.uk/wp-content/uploads/2017/09/Chapter-4-Chapter\\_7.pdf](https://www.southdowns.gov.uk/wp-content/uploads/2017/09/Chapter-4-Chapter_7.pdf)

As the landscape, with its special qualities, is the main element of the nearby South Downs National Park and its setting, attention is drawn to the South Downs Integrated Landscape Character Assessment (Updated 2011) as a key document as part of the overall assessment of the impact of the development proposal on the landscape character of the setting of the South Downs National Park; this document can be found at: <https://www.southdowns.gov.uk/planning/planning-advice/landscape/>

Taking into account the above in the determination of this application, the SDNPA would also draw attention of Mid Sussex District Council, as a relevant authority, to the Duty of Regard, as set out in the DEFRA guidance note at:

<http://archive.defra.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf>



It may also be helpful to consider the development proposals in the context of National Park Circular 2010 for guidance on these issues at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/221086/pb13387-vision-circular2010.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf)

Finally, the SDNPA suggest it would be appropriate to consider that any mitigation funding received, in the event that planning permission is granted, should include funding to improve, and where possible provide new, pedestrian and cycle highways maintenance, including footpaths, cycle ways and bridle ways, to ensure good and maintained connectivity to the South Downs National Park.

The SDNPA trust that the above comments are helpful to Mid Sussex District Council in the appraisal and determination of this planning application, in consideration of the setting and special qualities of the South Downs National Park.

### **Horsham and Mid Sussex Clinical Commissioning Group**

Thank you for your consultation dated 2nd November 2017.

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

Horsham & Mid Sussex CCG therefore cover the entirety of Mid Sussex District Council's catchment area and the above planning application would be close to Hassocks Health Centre. Should a planning consent be given this would create a potential further 300 new residents/patients.

Accordingly, Hassocks Health Centre is likely to be where the proposed new residents/patients will want to register for medical services and this building already serves in excess of 8,000 patients.

The building is of 1970s construction and with other complementary community NHS Services also delivered therefrom, there is a pressing need of either redesign or replacement of the building to accommodate new patients.

Further pressure from new developments will exacerbate the situation further and therefore we consider that a Section 106 application for a developer contribution towards NHS Healthcare capital infrastructure improvements to be entirely appropriate assessed on the number of dwellings planned.

In calculating our requirement, we utilise currently available West Sussex average occupancy figures, agreed with West Sussex County Council and use the Senior District Valuer's approved formula which is accepted by Local Authorities across West Sussex

and other counties. Moreover, in all our Section 106 applications we take close account of the CIL Regulations 2010, Section 122 with its three important tests.

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

In the circumstances, we are seeking a Section 106 developer contribution of £74,526, on a pro rata basis (This equates to an average of £514 per dwelling for houses and £390 flats/apartments).

## **Ecological Consultant**

### Recommendation

The northern part of the site is divided from the southern part by a species-rich (and potentially historically significant hedgerow and one that is likely to be classified as Important under the 1997 Hedgerows Regulations). Whilst the proposed layout seeks to minimise the impact by utilising an existing gap at the eastern end, there are proposed footpaths that would breach through the hedgerow. The layout should avoid this in accordance with mitigation hierarchy within 118 of the NPPF which states that proposal should seek to avoid impacts on biodiversity. If this cannot be avoided, then, in accordance with this policy, MSDC should only grant consent allowing the loss or deterioration of such a feature if MSDC is of the view that the need for, and benefits of this feature clearly outweigh the harm. I note that there is an existing gateway at the western end that might be utilised (even if it is not quite so convenient) and would strongly recommend that thorough consideration is given to this before accepting the proposed route.

Subject to the above issue being addressed and the following conditions, I am of the view that the proposal will comply with biodiversity policies and that legal requirements can be met for protected species, subject to licencing in respect of badgers (which I would expect to be granted if planning consent is granted).

Recommended conditions:

No development to commence until the following details have been submitted to, and approved in writing by, the local planning authority:

Construction-phase avoidance, mitigation and compensation measures in respect of protected / priority species and retained habitats, which may be incorporated into a Construction Environmental Management plan;

A wildlife sensitive lighting plan demonstrating measures to avoid light pollution of boundary habitats (supported by modelled lux levels); and

Proposals for biodiversity enhancements and long-term management of habitats including of mechanism for funding, delivery and monitoring, which may be incorporated into a Landscape and Ecological Management Plan (LEMP).

The above details shall be informed by an update ecological survey to confirm any changes (especially in respect of badger activity).

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

## **Urban Designer**

### Summary and Overall Assessment

The scheme is organised around a perimeter block arrangement with the building frontages appropriately facing the proposed open space on the west side which benefits from the attractive backdrop of trees and hedgerows along the field boundaries, while on the northern boundary the building frontages allow for natural surveillance over the recreation ground they face; conversely along the eastern boundary the buildings secure the private rear gardens with their back-to-back arrangement with the existing London Road houses. While the proposed open space has been marginally reduced because of the increase in dwellings, the revised drawings have sufficiently addressed my previous concerns in respect of the layout by reducing the dominance of parking within the street environment and creating better street enclosure particularly with the creation of a well-defined square on the eastern side.

The revised drawings have also improved the elevations, and key street frontages facing the open space and the square benefit from order and rhythm. In other respects the elevations are unsatisfactory particularly the inelegantly conjoined house types that feature both at the London Road entrance on plots 1 and 2 as well as on prominent corners within the scheme. However in the light of the well-organised layout and elevational improvements, the schemes deficiencies are not sufficient to justify an objection on design grounds. I would nevertheless recommend conditions covering the following:

- The landscaping including: boundary treatment; the design of the infiltration basins; a more detailed contour plan that shows how the topography will be handled in the main street / square.
- Elevations are submitted for all the dwelling types showing the position of rainwater downpipes.
- The front elevation of blocks A and B are redrawn omitting the skylight on the roof above the stairwell.
- The window position and design of the Alderney house types.
- The canopy design of the Palmerston house type.
- The facing materials.

## Layout

The additional number of dwellings proposed in comparison to the outline consent has resulted in a marginal loss of open space, and a more linearly configured open space. The infiltration basins also cover a larger amount of the open space; these basins therefore need to be designed, as the applicant has proposed, so they are capable of being used as recreational space outside periods of heavy flooding.

The revised drawings have improved the layout in the following respects:

- The creation of a properly defined square on the eastern side transforms this part of the layout, and the trees in the middle should soften this space and give it a focus.
- The rear court parking areas are now well incorporated and enable a welcome reduction in the unsatisfactory right-angled front-threshold parking resulting in stronger street enclosure and a more attractive street environment.
- Extending the run of flats facing the recreation ground on the northern boundary works better than the previously isolated single block, as it provides a more consistent scale and an appropriate level of enclosure defining the existing open space to the north.
- The elevations facing the proposed open space and around the proposed square benefit from underlying consistency although this is slightly compromised by site levels (refer below).
- The diagonal entrance axis has a better organised frontage employing a run of semi-detached Abbington's and Norbury's, and the street fronted by plots 92-95 and 103-108 has a more consistent building line.
- The design of the houses on plots 1 and 2.

## Elevations

The revised drawings have introduced improvements to the elevations, and the fenestration and composition is better organised on many of the house types, and is helped by the rationalisation and consistency of the windows (and absence of fake sub-dividing glazing bars).

While some of the facades still lack elevational interest, this is compensated for by the strong order and rhythm generated by consistent groupings of house types most notably with the terrace houses around the square and the well-composed semi-detached Woodvale houses (with their projecting bay windows and integrated entrance canopy) that feature around the open space.

The front elevations of the blocks of flats have been improved and more tidily organised. Firstly, the rooflines are better organised with the pitch of the projecting gabled bays on block A and B now in-parallel with the angle of the main roof hips, and the gabled bay now align with the main eaves on all the blocks. Secondly, the blocks employ a consistent run of dormer windows as a result of substituting skylights for dormers that gives the frontage more underlying order and gives block C more verticality that serves to help subdivide its long frontage. This could have been further improved by incorporating even spacing

between the windows, and the introduction of a skylight over the stairwell on blocks A and B is an unfortunate addition and needs to be omitted as it looks squeezed-in.

I still have the following issues with the elevations:

- The conjoined house types have uncomfortable juxtapositions and do not appear intended for each other; it is especially unfortunate because this includes the highly visible plots 1 and 2 at the site entrance and houses on prominent corners within the site. The higher ridge line and narrow frontages of the Abbington and Woodvale frontages sit awkwardly with the gabled side elevation of the Heskeths because of the formers relatively high and truncated configuration, and the gabled part of this elevation is inadequately defined as there is no projection or recess between the two frontages; the poor relationship between the house types is exacerbated by the relatively closely grouped windows of the Abbington's and Woodvale's that is not in harmony with the wider spacings of the Hesketh. On the return elevation, the hip projection of the Abbington and Woodvale that rises above the roof of the Hesketh is incongruously out of alignment with the symmetrical frontage of the Hesketh. On plots 1 and 2 the gabled return elevation of the Hesketh The relationship of the Moresby and the Palmerston on plots 23-25 and 32-34 is also poor because of the inconsistently designed and positioned gabled bays.
- The inelegantly positioned half-landing position of the Hesketh's front central window is also unfortunate because of its prominence on the London Road frontage.
- The Alderneys are also prominent: they have been improved (particularly now the gable projects forward) but are still rather bland; this would be helped with a tripartite window serving the dining room, and a different facing treatment (weatherboarding?). The return elevation is unbalanced by the other dining room window which can be corrected if it mirrored the kitchen window. As this should be easily achieved, I am recommending this is covered by condition.
- Some of the canopy designs are unconvincing. The simple cantilevered canopies look weak; they work better where they are framed by columns such as on the Radleigh, Woodvale and type 55's. The oversized spacing of the columns on the Palmerston canopies is particularly incongruous. Nevertheless the canopies on the blocks of flats have been improved through a reduction in their size that will also more satisfactorily accommodate the rainwater downpipes.
- Several houses still have weak shallow pitched roofs which look particularly incongruous when they sit next to steeper pitched roofs.
- The topography of the main street looks potentially awkward, and more detailed information is needed to show how this works in practice.
- Rainwater downpipes also need to be shown as they have an important role in subdividing the facades. The blind windows on the ground floor of the Alveston FOG's

are incongruous and need to be omitted, and the window proportions could be easily made consistent; and the window over the type 72 FOG needs to be aligned with the door below.

### **Housing Officer**

The applicant is proposing a development of 130 dwellings which gives rise to an onsite affordable housing contribution of 39 units (30%). The affordable housing units proposed include 9 x 1 bed flats, 14 x 2 bed flats, 4 x 2 bed houses and 2 x 3 bed houses for rent and 3 x 2 bed coach houses, 2 x 2 bed houses and 5 x 3 bed houses for shared ownership. This mix will meet a broad range of housing needs and represents a policy compliant tenure split of 75% rent and 25% shared ownership. Consideration has been given to social integration and whilst there is a larger cluster of flats than would normally be acceptable, in the north eastern area of the site, it has been agreed on this occasion since it has allowed the applicant to deliver an increased number of smaller flatted units for rent (at our request) whilst continuing to meet design criteria.

### **Community Leisure Officer**

Thank you for the opportunity to provide updated comment on the amended plans for the development of 130 residential dwellings on Land West Of London Road, Hassocks 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**

I note that the revised plan show a small play area to the South of the development which is welcome as we would usually expect provision on site for a development of this scale. There are no details about the play provision so full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition. As this is only a small site it will probably only cater for younger age children therefore a contribution of £29,195 toward kickabout provision for older children at London Road Rec, which is adjacent to the development site, is required.

#### **FORMAL SPORT**

In the case of this development, a financial contribution of £126,744 is required toward formal sport pitches and / or ancillary facilities at the Belmont Close Recreation Ground, London Road.

#### **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 £55,056 is required to extend the pavilion at Belmont Close Recreation Ground, London Road to provide some community facilities.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development and Infrastructure SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

### **Environmental Health Officer**

The application site is close to the Stonepound Crossroads AQMA which is subject to elevated NO<sub>2</sub> levels and regular traffic congestion. There is existing outline permission for 97 properties at this site. This application is for an additional 33 dwellings, 130 in total. We have no reason to dispute the conclusions of the submitted Air Quality report that the contribution to pollution from the additional homes will be negligible at the assessed receptors using the IAQM/EPUK Guidance on land-use planning and development control: Planning for air quality 2015. Absolute levels of NO<sub>2</sub> at the residential premises within the AQMA are predicted, by use of an approved model, to be below the Objective Level by the time the development is completed in 2020. Nonetheless, the developer agrees in the air quality assessment to provide a range of mitigation measures aimed at improving local air quality in the long term.

### **BACKGROUND TO AIR QUALITY (AQ)**

Air quality is a material consideration when a development is planned. The NPPF states that the effects of pollution on health and the sensitivity of the area and the development should be taken into account: "Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan".

The NPPF is supported by Planning Practice Guidance (PPG) which includes guiding principles on how planning can take account of the impacts of new development on air quality: "Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife)".

The Local Planning Authority requires an Air Quality Assessment (AQA) in cases where it deems air quality impacts from the development may adversely affect health. The AQA should include impacts from confirmed developments that have planning permission.

The AQA provides modelled predicted concentrations for a range of scenarios i.e. without development (baseline), with development, with development including mitigation

measures. Whilst modelling is not 100% accurate, it is the accepted method for assessing pollution impacts and there is no alternative when testing future year scenarios or future development. Model accuracy can be tested against existing monitored results for baseline calibration.

## CONCLUSION

The Air Quality Assessment is accepted as complying with available guidance and has also considered a worst case scenario by using an additional emissions factor calculation (CURED) designed to represent more realistic future emissions projections than the COPERT model used as part of DEFRA's emission factors toolkit. MSDC monitoring shows that the concentrations of NO<sub>2</sub> have reduced overall between 2008 and 2016. A package of mitigation measures can be agreed, to be consistent with MSDC's Air Quality Action Plan.

Environmental Protection takes the view that the proposed development would have a small negative impact which, in the context of the AQMA and the wider location, would be classified by the IAQM guidance as negligible. The scale of the impact is not considered sufficient to justify refusal of the proposed development on grounds of air quality. If permission is granted, then mitigation measures should be secured by use of Planning Condition.

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

### **Condition:**

- **Air Quality** - A detailed scheme of Air Quality mitigation, to minimise the long-term impact upon local air quality and to mitigate emissions, incorporating the measures submitted by Alpha Acoustics in paragraphs 5.10 and 5.11 of the Air Quality report number AE23/06/09/2017.v2 as part of the application and dated 17 Oct 2017, shall be submitted and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme to be implemented before occupation of the development.

Reason: To preserve the amenity of local residents regarding air quality and emissions.

### **Environmental Protection Officer**

Given the location of the site, this proposal raises several areas of concern including the potential for future occupants to be affected by noise. In addition, construction noise and dust could affect existing residents as well as any future occupiers of early stages of the development. Accordingly, should the development receive approval, Environmental Protection recommends the following conditions:



**Conditions:**

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

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

Reason: To protect the amenity of local residents.

**Deliveries:** Deliveries or collection of plant, equipment or materials for use during the construction phase shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 Hours  
Saturday: 09:00 - 13:00 Hours  
Sunday & Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

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

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

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

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

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

**Soundproofing:** Prior to the commencement of any building operations, there shall be submitted to the Local Planning Authority for its approval in writing, detailed proposals to ensure that:

- i) The indoor ambient night time (23:00 to 07:00 hrs) noise level in any unoccupied bedroom in the development shall not exceed 30dB LAeq, and individual night time (23:00 to 07:00 hrs) noise events shall not exceed 45dB LAFmax.
- ii) The indoor ambient day time (07:00 to 23:00 hrs) noise level (due to anonymous noise sources) in any unoccupied living room or bedroom in the development shall not exceed 35dB LAeq.
- iii) Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq, 1 hour when measured during any period.
- iv) In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure adequate cooling of the occupants with the windows closed.

Reason: To safeguard the amenity of residents.

**Air Quality:** Separate comments concerning air quality relating to this development will be provided by MSDC Environmental Protection.

### **Contaminated land Officer**

#### **Main Comments:**

The application looks to erect 130 dwellings on land that was previously used for agricultural purposes.

Having looked at the history of the site, I can see that under planning ref: DM/15/4609 a BRD Phase 1 Geo- Environmental Desk Study, reference BRD1928-OR4-B, dated November 2015, and a Geo-Environmental Site Investigation, reference BRD1928-OR5-B, dated November 2015 were submitted for the site. Both these documents relate to assessing any contaminates that may be present on the proposed site.

The report concludes that the infilled pond in the south east corner of the site requires remediation due to elevated concentrations of contaminants.

In view of this, contaminated land conditions are required.

#### **Recommendation: Approve with conditions**

1) Construction shall not commence until there has been submitted to and approved in writing by the Local Planning Authority:

~~a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land~~

~~Research Report Nos. 2 and 3 and BS10175:2011+A1:2013; and unless otherwise agreed in writing by the local planning authority;~~

~~b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 – Investigation of potentially contaminated sites – Code of Practise; and, unless otherwise agreed in writing by the local planning authority;~~

c) a detailed scheme for 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. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

**Please note:** section a) and b) of this condition has been purposely stricken through, as the Phase 1 Geo- Environmental Desk Study, reference BRD1928-OR4-B, dated November 2015, and a Geo-Environmental Site Investigation, reference BRD1928-OR5-B, dated November 2015 are deemed to have met this requirement.

2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (1) c."

3) Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

**Drainage Engineer**

**Recommendation:** No objection subject to conditions

## Summary and overall assessment

### Application

I have looked at the submitted FRA, drainage strategy and representation letters and evidence for this proposed development. I have also looked at the previous application for this site, which was assessed by Fiona Bishop, Senior Engineer.

13/03818/OUT was granted planning permission 16th March 2017. There was no formal objection raised by MSDC Drainage Engineers under flood risk and drainage matters. This current application is for a new development but follows the design philosophy of the previous application.

### Fluvial Flood Risk

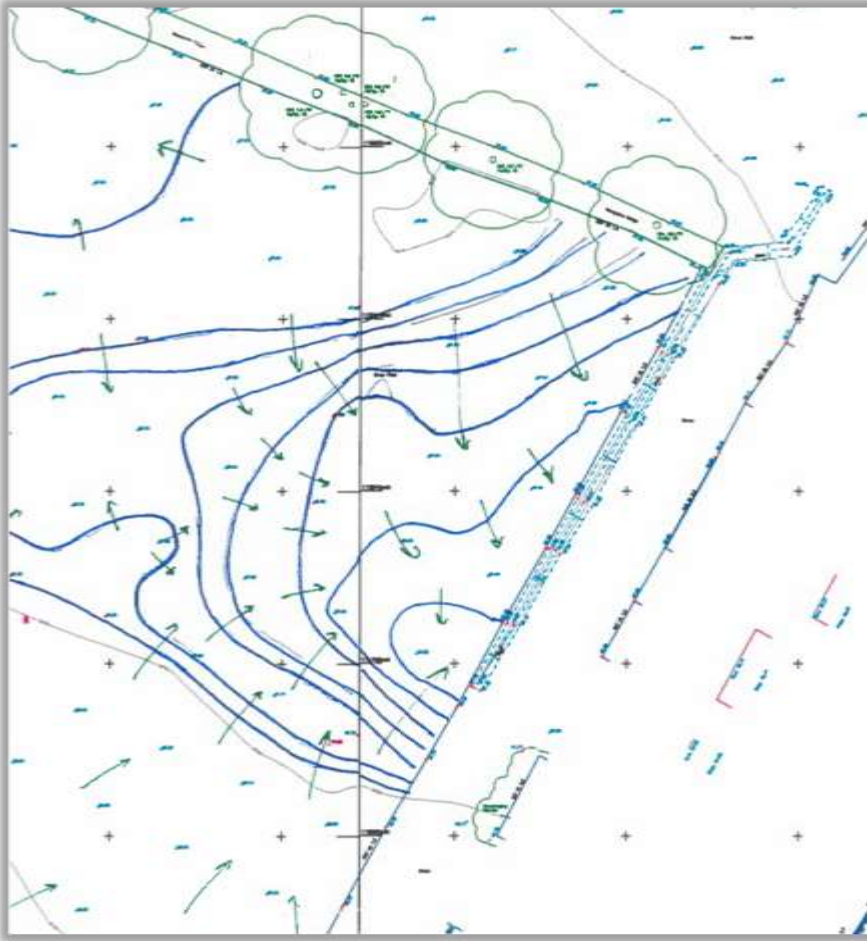
The site is identified as being at low fluvial flood risk.

### Pluvial Flood Risk

The site is identified as being generally at low risk of pluvial flooding. However there are areas to the west of the site that are at a medium risk of flooding, and this appears to coincide with an existing boundary ditch that is located in the adjacent western field. The surface water flood maps also indicate a surface water flow route to the east of the site that appears to continue through to the properties of London Road.



The site generally falls from South to North. But along the east boundary of the southern field, ground levels fall to the east, supporting the suggested flow route shown in the surface water flood maps. When taking the topographical survey and applying approximate contour increments of 0.1m the following is found:



This low spot appears to be the recipient of a larger contributing area of the southern field. Local representation and photographic evidence supports this situation showing water accumulating here.

At some point in the past a ditch has been formed in order to intercept this flow and direct it north, providing some protection to London Road properties that would normally be in line with the surface water flow path.

Ground conditions have been found to be approximately 0.3m topsoil with underlying clay and a Greensand / Folkestone formation.

Under the current undeveloped greenfield conditions, with underlying clay and the fall of the land, surface water in the southern field will likely continue to be a flood risk issue for some properties of London Road.

### **Groundwater**

Groundwater levels appear to vary across the site found at depths between 1.9m to 4.3m bgl. Understanding the geology of the site, this would indicate patchy areas of perched groundwater. Flooding from rising groundwater is therefore low risk.

## Proposed Surface Water Drainage

### Site Areas

Total	5.280 ha	100.0%
Hard	2.229 ha	042.2%
Soft	3.051 ha	057.8%

### Greenfield Run-off Rates

1:1	26.5 ls <sup>-1</sup>
QBar	31.1 ls <sup>-1</sup>
1:30	70.5 ls <sup>-1</sup>
1:100	99.3 ls <sup>-1</sup>

### Infiltration Rates

Percolation, albeit quite low, is possible at found rates of around  $1 \times 10^{-6} \text{ms}^{-1}$ . But a half drain time can only be achieved in a hybrid system that will also incorporate a maximum positive final discharge of  $15 \text{ls}^{-1}$ .

*(We find paragraph 5.12 of the FRA slightly misleading as it compares the proposed  $15 \text{ls}^{-1}$  discharge against the pre-developed greenfield 1:1 rate of  $26.5 \text{ls}^{-1}$ . In reality, the proposed  $15 \text{ls}^{-1}$  would be from the developed "hard" area within the site only - approx. 2.229ha - the remainder of the site "soft" - approx. 3.051ha - would continue to discharge under normal greenfield conditions.)*

The proposal is for captured surface water from the hard areas to be taken through the site to a network of infiltration basins and infiltration tank.

The proposed infiltration basins will have capacity to cater for the 1:100 year storm event plus an extra 40% capacity for climate change.

The basins have been designed to achieve a half drain time of less than 24 hours. This can only be achieved by providing a restricted outfall at the end of the system.

*(We are concerned with the lack of clarity in paragraph 5.21 of the FRA, which informs "the outfall will discharge onto the adjacent land (golf course) and eventually find its way to the existing watercourse approximately 130 metres to the north". There appears to be no formal arrangement for the disposal of this water. Therefore, in order to meet with any future drainage condition we will need to see all necessary third party arrangements for the disposal of this surface water. From a site visit we did find a watercourse running north adjacent to the development site which does discharge to the more major watercourse.)*

The proposed overflow discharge rates from the infiltration basin network have been calculated at:

1:1	06.0 ls <sup>-1</sup>
1:30	10.0 ls <sup>-1</sup>

1:100+40% 15.0 ls<sup>-1</sup>

We want to know what betterment this represents. We have therefore hand calculated what the expected run-off from the site will be post development. The proposed infiltration ponds will discharge water collected from the developed areas only (hard), while the remainder of the site will continue to act as if greenfield (soft).

#### Site parameters

	Areas	Percentage
Total	5.280 ha	100.0% (1.000)
Hard	2.229 ha	042.2% (0.422)
Soft	3.051 ha	057.8% (0.578)

#### Hard area contribution

Event	Whole Site Rates	Hard GFRoR
1:1	26.5 ls <sup>-1</sup>	(0.422*26.5) = 11.2 ls <sup>-1</sup>
1:30	70.5 ls <sup>-1</sup>	(0.422*70.7) = 29.8 ls <sup>-1</sup>
1:100	99.3 ls <sup>-1</sup>	(0.422*99.3) = 41.9 ls <sup>-1</sup>

Comparison of the predevelopment hard area run-off against the proposed infiltration system overflow.

Event	Hard GFRoR	Proposed Overflow	Betterment
1:1	11.2 ls <sup>-1</sup>	06.0 ls <sup>-1</sup>	-05.2 ls <sup>-1</sup>
1:30	29.8 ls <sup>-1</sup>	10.0 ls <sup>-1</sup>	-19.8 ls <sup>-1</sup>
1:100	41.9 ls <sup>-1</sup>	15.0 ls <sup>-1</sup>	-26.9 ls <sup>-1</sup>

There is a clear betterment in terms of run-off, but for the hard area only. We would like to note, as per our comments above regarding paragraph 5.12 of the FRA, that 15ls<sup>-1</sup> is not the total discharge from the site, as the remaining greenfield areas will still be discharging over land. But run-off betterment would still remain.

We agree with the infiltration basin and tank design methodology. We note the exceedance flow route plan.

#### **Proposed Foul Water Drainage**

Foul Water will be pumped via a new rising main up to the site access road for a connection to the existing public Southern Water foul sewer located on London Road at manhole reference 9601, where there is adequate capacity to accommodate the foul flow from the proposed development.

The existing foul drain that crosses the southern portion of the site will be abandoned and a new connection made to proposed system with appropriate easement.

## **Moving Forward**

This proposed development provides the opportunity to improve existing surface water run-off issues associated with the site. By incorporating hard structures which will interrupt, collect and control surface water flows, the flood risk some properties of London Road are exposed to could be greatly reduced. In addition, the use of infiltration with controlled discharge from the site to rates less than the pre-developed greenfield rates, could also provide some flood risk reduction to downstream areas.

If it is necessary to install a structure and/or means of surface water communication from the final infiltration basin to a watercourse across third party land, then we will require evidence that all interested parties are in full agreement and all necessary easements and permissions are in place. This information must be provided as part of the information required to meet with the suggested drainage condition.

In addition, any connection to a watercourse will require Ordinary Watercourse Consent. Details for this are in the advice section of this consultation.

The developer should still continue to fully consider how this development will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods.

However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing greenfield rates and follow natural drainage routes as far as possible.
- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.



- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

### **Flood Risk**

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The site is identified as being generally at low risk of pluvial flooding. However there are areas to the west of the site that are at a medium risk of flooding, and this appears to coincide with an existing boundary ditch that is located in the adjacent western field. The surface water flood maps also indicate a surface water flow route to the east of the site that appears to continue through to the properties of London Road.

There are no historic records of flooding occurring on this site and in this area. However, there local representations that support the currently understood pluvial flood risks associated with this site.

### **Surface Water Drainage Proposals**

It is proposed that the development will attenuate water via infiltration basins with a controlled overflow that will discharge at rates lower than the equivalent captured area greenfield rates.

### **Foul Water Drainage Proposals**

It is proposed that the development will pump foul water to public system in London Road.

### **Suggested Conditions**

#### **C18F - Multiple Dwellings**

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

## Further Drainage Advice

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

### Flood Risk and Drainage Information for Planning Applications

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

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

		√	√	√	Development Management & Construction Phasing Plan
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Additional information may be required under specific site conditions or development proposals

Useful links:

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

Water.People.Places.- A guide for master planning sustainable drainage into developments

Climate change allowances - Detailed guidance - Environment Agency Guidance

Further guidance is available on the Susdrain website at

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

**1.**

***For a development located within Flood Zone 2, Flood Zone 3, which is greater than 1 hectare in area, OR where flood risk has been identified:***

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

**2.**

***For the use of soakaways:***

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of at least 24 hours.

**3.**

***For the use of SuDS and Attenuation:***

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

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken. Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This

will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

You cannot discharge surface water unrestricted to a watercourse or sewer.

#### **4.**

##### ***Outfall to Watercourse:***

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477005.

#### **5.**

##### ***Outfall to Public Sewer:***

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining Greenfield area, is not an increase above the pre-developed Greenfield rates.

#### **6.**

##### ***Public Sewer Under or Adjacent to Site:***

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

#### **7.**

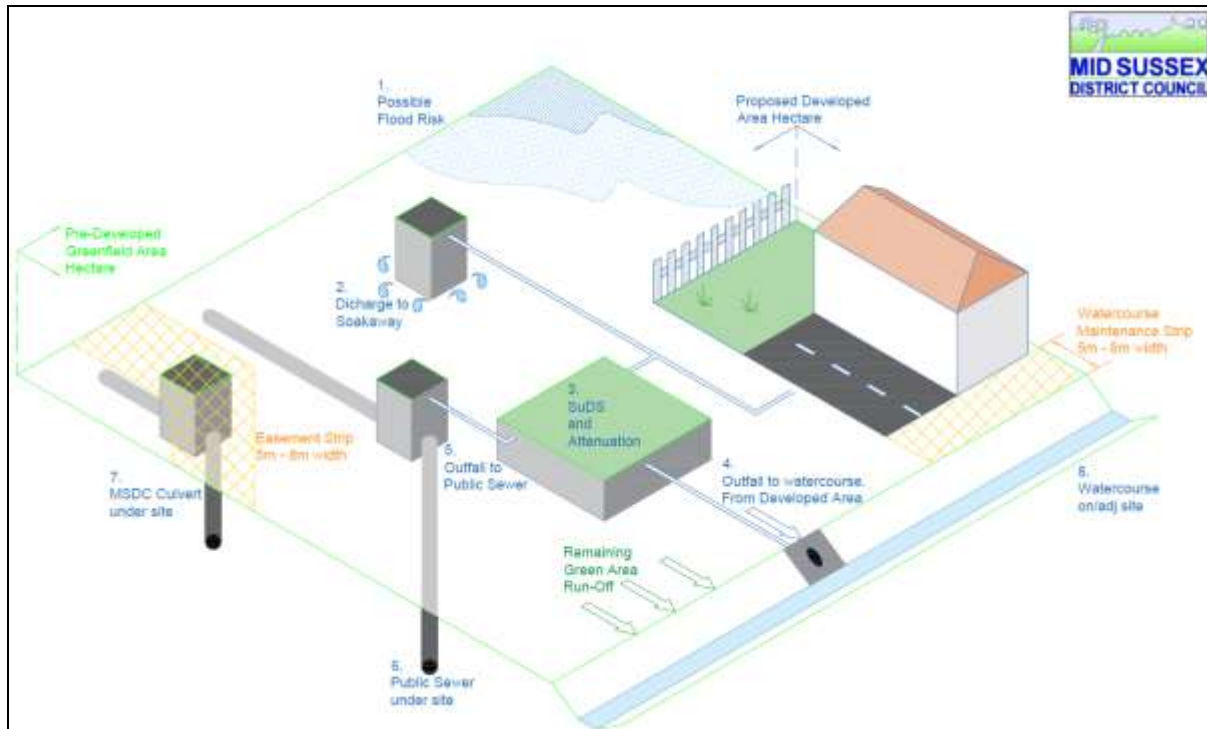
##### ***MSDC Culvert Under or Adjacent to Site:***

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

**8.**

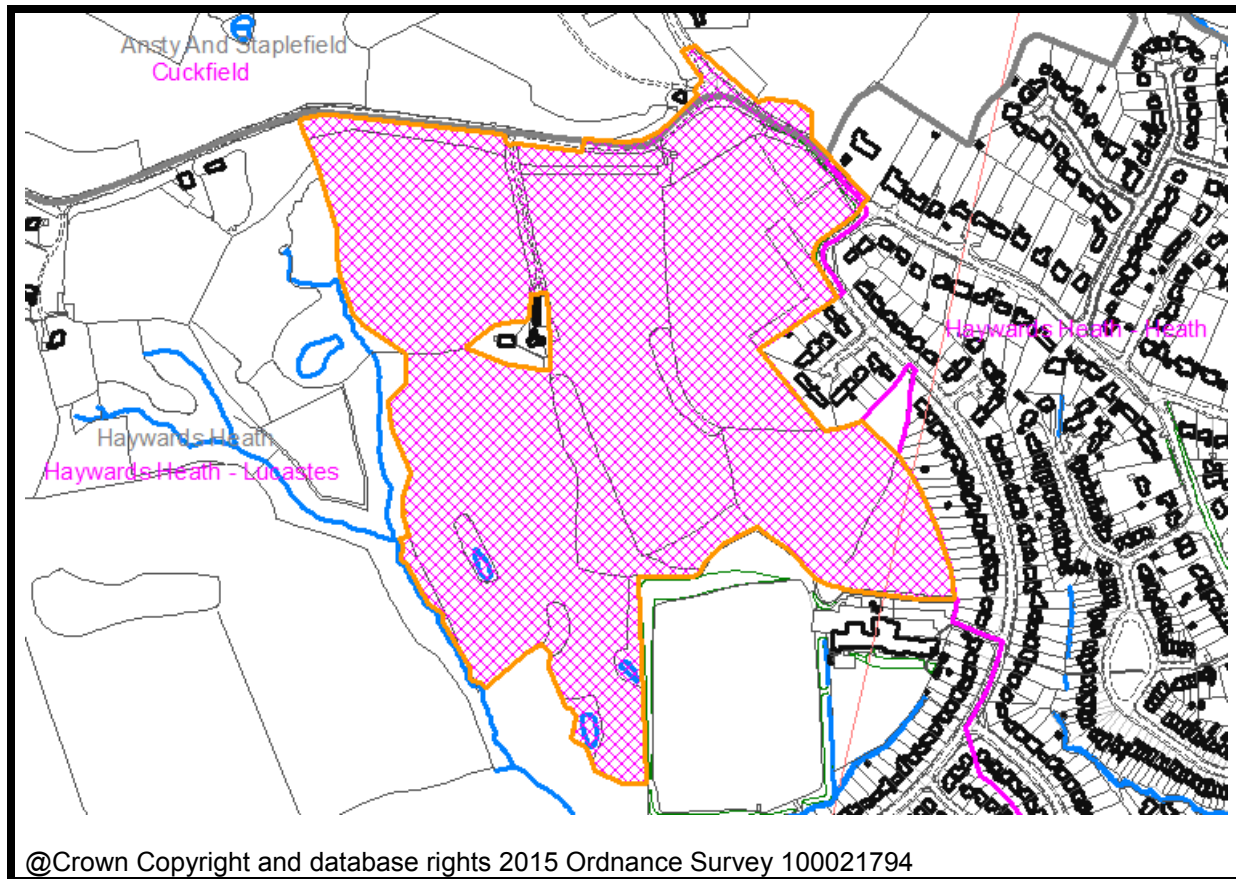
***Watercourse On or Adjacent to Site:***

A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.



## CUCKFIELD

### 3. DM/18/0194



**PENLAND FARMHOUSE HANLYE LANE CUCKFIELD HAYWARDS HEATH  
VARIATION OF CONDITION 11 (SITE ACCESS) AND 26 (APPROVED PLANS) AND  
REMOVAL OF CONDITION 19 (CONTAMINATION) RELATING TO PERMISSION REF  
DM/16/1803.**

**MR MICHAEL MASKEW**

**POLICY:** Ancient Woodland / Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Listed Building / Miscellaneous Charges / Parks and Gardens of Special Interest / Planning Agreement / Planning Obligation / Sewer Line (Southern Water) / Strategic Gaps / Site of Nature Conservation Importance / Tree Preservation Order / Tree Preservation Order Points / Archaeological Notification Area (WSSC) /

**ODPM CODE:** Largescale Major Dwellings

**13 WEEK DATE:** 16th April 2018

WARD MEMBERS: Cllr Jim Knight / Cllr Geoff Rawlinson /

CASE OFFICER: Mr Stephen Ashdown

## **PURPOSE OF REPORT**

To consider the recommendation of the Divisional Lead for Planning and Economy on the application for planning permission as detailed above.

## **EXECUTIVE SUMMARY**

This application seeks to vary conditions 11 (site access) and 26 (approved drawings) and delete condition 19 (contaminated land) of planning permission DM/16/1803. The principles and matters approved under the existing permission that are not altered by this current submission remain acceptable and it is not within the scope of this application to re-visit them.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

It is considered that the proposed amendment to condition 11 to allow the occupation of 50 units before the completion of the approved full highway works will not result in any severe harm to the highway network, individually or cumulatively, nor have an adverse impact on highway safety. Furthermore, the proposed changes to the layout and design will not harm the quality of the approved character and the appearance of the development, nor have any significant harm to existing residential amenities.

The deletion of condition 19 is acceptable as contaminated land matters are dealt with and controlled via a separate condition. With all other matters remaining as previously considered, including those in relation to heritage assets, it is considered that the proposal complies with all relevant Development Plan policies.

On the basis of the above, the application complies with policies DP20, DP21, DP26, DP27, DP34, DP36 and DP37 of the District Plan and policies E11 and T1 of the Haywards Heath Neighbourhood Plan and can be supported.

## **RECOMMENDATION**

It is recommended that permission be granted subject to the conditions suggested in Appendix A.

## **SUMMARY OF REPRESENTATIONS**

5 letters of objection have been made in respect of this application raising the following matters;

- The designation of play area 3 as a LEAP;
- Impact on residential amenities from the play area;
- Landscaping/fencing to rear of The Spinney;
- Highway safety issues associated with the proposed temporary access;
- No mention of whether the junction will be lit;
- A 30 mph speed limit on the approach to the junction should be imposed;
- There is no evidence of any safety audits;
- A no right turn should be imposed;
- Planting of a hedge will not allow a fence required by property deeds to be maintained;
- Access to private properties to allow hedge maintenance may not be possible;
- Hedge will overshadow garden

### The Haywards Heath Society

The society has no basic objection but requests that no further trees should be removed as a result of the variations.

## **HAYWARDS HEATH TOWN COUNCIL**

The Town Council supports the proposed variation of Conditions 11 (site access) and 26 (approved plans) subject to compliance with the following:

1. Irrespective of whether their amenity value is perceived to be high or low, no trees are to be felled in order to accommodate the temporary access;
2. Any subsequent proposal to increase the number of dwellings on site is supported by a) a proportionate increase in the number of affordable housing units, and b) enhanced developer financial contributions by means of a revised Section 106 Agreement.

Regarding the removal of Condition 19 (contamination), the Town Council defers to the recommendation of Mid Sussex District Council's Contaminated Land and Environmental Protection Officer.

## **SUMMARY OF CONSULTEES**

### **West Sussex County Council Highways**

The proposed approach to the temporary access for the residential units follows that already accepted for the temporary construction access. The geometry and visibility



splays from the access onto Hanlye Lane are therefore considered acceptable. No objection raised subject to securing temporary pedestrian access.

### **Mid Sussex Contaminated Land Officer**

Condition 19 can be discharged as long as condition 23 remains at this stage.

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## **INTRODUCTION**

This application has been submitted under Section 73 of the Town and Country Planning Act and seeks to vary conditions 11 and 26 and delete condition 19 from planning permission DM/16/1803.

Planning permission DM/16/1803 was granted under a notice dated the 9th June 2017 and allowed for the development of the site for 210 dwellings, with a means of access from Hanlye Lane.

While the approval of this application would result in the issuing of a new planning permission, the terms of the existing permission would still apply, other than where amended through the variation/deletion of the conditions proposed.

## **RELEVANT PLANNING HISTORY**

DM/16/1803 - Approved 9th June 2017

Full application for the development of 210 dwellings (C3), means of access from Hanlye Lane and a new roundabout junction on Balcombe Road, the provision of new internal access roads and footpaths, details of site levels, landscaping and open spaces, drainage measures and associated infrastructure. The development includes demolition of existing structures.

DM/13/03472/OUT - Allowed on appeal 12th January 2015

Outline planning application (with all matters reserved except for means of access from Balcombe Road) for up to 210 dwellings, provision of new internal access roads and footpaths, landscaping, open space, drainage measures and associated infrastructure. The development includes demolition of existing structures. This is an EIA application accompanied by an Environmental Statement

## **SITE AND SURROUNDINGS**

The application site covers approximately 21.75 hectares, located to the north of Haywards Heath, outside the defined built up area boundary. Site works has commenced with regard to planning permission DM/16/1803 with extensive site works having been undertaken and the first of the house nearing completion.

To north of the site is Hanlye Lane, beyond which is Borde Hill Gardens; a Grade II\* registered Park and Garden, within which sits Borde Hill Place, a Grade II listed building. To the north-east of the site, at the junction of Hanlye Lane and Balcombe Road is South Lodge (including its gate and piers), which is also a Grade II listed building.

To the east runs Balcombe Road, with the residential properties in Penland Road and The Spinney to the south-east. Woodland dominates to the south of the site, with Harlands School and the college sports ground located beyond.

The northern tree belt to Hanlye Lane is subject to a Tree Preservation Order, along with some individual trees within the site, (Order ref: TP/13/0007 refers), which was confirmed by the Council on 17th October 2013. The woodland that abuts the site to the south and west is designated as Ancient woodland.

The site is not subject to any national or statutory designations, although the boundary of the High Weald Area of Outstanding Natural Beauty (AONB) lies on the northern side of the Hanlye Lane, opposite the site. To the west is the non-statutory designated Paiges and Blunts Woods Site of Nature Conservation Interest (SNCI).

A public footpath passes through the site, running from Harlands Primary School in the south-east, passing west through the lower southern wooded parts of the site, before turning north towards Penland Farm House, where it then heads west into the woodland along the sites western boundary.

## **APPLICATION DETAILS**

This application seeks to vary conditions 11 (site access) and 26 (approved drawings) and delete condition 19 (contaminated land) of planning permission DM/16/1803. The details are as follows;

### Condition 11

The applicant is seeking consent to use a temporary access to allow the occupation of 50 dwellings ahead of the completion of the approved roundabout works associated with the existing consent.

### Condition 19

The applicant wishes to delete the requirements of this condition as there is an alternative condition on the permission, No.23, which also deals with contaminated land matters.

### Condition 26

The applicant is seeking to amend a number of the approved drawings to take into account proposed changes to the layout of the development that consist of the following;

- Introduction of 5 house type variations to specific plots;
- Introduction of 9 additional garages to specific plots;
- Adjustments to plots 25, 71, 73 and 74;

- Footpath realignments and rationalisation to specific plots

The applicants have also submitted a number of drawings associated with the conditions for the Council to consider.

## **LIST OF POLICIES**

### **Neighbourhood Plan**

The Haywards Heath Neighbourhood Plan has been made and it can be give full weight.

Relevant policies include;

E11 - Major Developments

T1 - Pedestrian and Cycle connections

### **District Plan**

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies include:

DP20 - Securing Infrastructure

DP21 - Transport

DP26 - Character and Design

DP27 - Dwelling Space Standards

DP34 - Listed Buildings and Other Heritage Assets

DP36 - Historic Parks and Gardens

DP37 - Trees, Woodland and Hedgerows

### **National Policy and Legislation**

*National Planning Policy Framework (NPPF) (March 2012)*

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

Paragraph 17 of the NPPF sets out 12 principles that the planning system should play that underpin both plan making and decision taking. This paragraph confirms that planning should be genuinely plan-led, empowering local people to shape their surroundings, with

succinct local and neighbourhood plans setting out a positive vision for the future of the area. It also confirms that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

With specific reference to decision-taking the document provides the following advice: Para 150 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

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

Para 196 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Para 198 states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

*National Planning Policy Guidance*

*Technical Housing Standards*

## **ASSESSMENT**

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."*

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan in Mid Sussex consists of the District Plan and the Haywards Heath Neighbourhood Plan.

The District Plan has been adopted and has superseded the Mid Sussex Local Plan (MSLP), other than the policies in the MSLP which relate to site specific allocations.

Planning permission has been granted for the redevelopment of this site for flats and as such, the principle of the development is established. This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that *"On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*

*(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*

*(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."*

It is therefore considered that the only issues to consider in this case are as follows;

- Highway matters;
- Landscaping;
- Design and Layout;
- Impact on amenities;
- Contaminated Land
- Other matters; and
- Planning Balance and Conclusion

The principles and matters approved under the existing permission that are not altered by this current submission remain acceptable and it is not within the scope of this application to re-visit them.

### **Highway Safety**

The applicants are seeking to amend the wording of condition 11 of the existing planning permission to allow the occupation of the 50 units ahead of the completion of all the permitted highway works. The existing condition states;

*No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with the details indicatively shown on drawing number P4399-P-05 revision P5 and a construction specification submitted to and approved in writing by the Local Planning Authority.*

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

For members reference the permitted drawing referenced in the above condition shows a new vehicular access off a re-aligned Hanlye Lane with a new roundabout replacing the existing Hanlye Lane / Balcombe Road junction.

The submitted information shows that the temporary access would be provided via a new priority junction off Hanlye Lane that would link into the already consented site access. The works to provide the link between Hanlye Lane and the site is on land wholly within the applicants control and will in time form, in part, the finished highway arrangements. All temporary works that do not form part of the final highway arrangements, including the priority junction to Hanlye Lane, will be removed on completion of highway works approved under DM/16/1803.

The supporting information shows that the applicant is seeking this alteration to the condition as they were unable to obtain adequate road space for the construction of the site access arrangements from the Local Highway Authority in time for their first occupations. Road space has been secured for October 2018 and it is anticipated that the works will take three months to complete.

Looking at the policy context, Policy DP21 of the District Plan deals with transport matters and requires proposals to avoid severe additional congestion, individually or cumulatively, taking account of any proposed mitigation and to protect the safety of road users and pedestrians. The policy reflects the wording in the NPPF in respect of paragraph 32. Policy T1 of the Neighbourhood Plan requires major developments to provide good pedestrian and cycle connections with the aim to encourage walking and cycling to reduce reliance on vehicles.

The application has been reviewed by the Local Highway Authority and while the concerns raised within the representations are noted, they have made the following general comment;

'The developer has been in discussion with WSCC regarding the acceptability of this further temporary access and in principle such an arrangement is considered acceptable. The proposed approach to the temporary access for the residential units follows that already accepted for the temporary construction access. The geometry and visibility splays from the access onto Hanlye Lane are therefore considered acceptable.'

Following a request for further information, an independent safety audit has been provided along with confirmation of achievable forward visibility for vehicles turning right

into the development. In light of this additional information, the Local Highway Authority have not raised an objection to the proposal.

In addition to the temporary access arrangements, there is a requirement for the developer to provide temporary pedestrian/cycle access to Penland Road prior to any of the initial 50 dwellings being occupied. This is likely to be passing through an active building site so the applicant needs to demonstrate how users will be safeguarded. The applicants have responded as follows;

*'Redrow has confirmed that the pedestrian access will be constructed prior to occupation and is currently being marked out on site. The pedestrian access will be segregated from construction traffic with heras fencing. In some cases, the path may require diversion during construction but in all cases will remain open'*

The route and details will need to be approved and provided prior to the occupation of any unit and given that the Construction Management Plan for the site has already been approved it is considered that a new condition could be attached to any planning approval requiring these details as a separate matter. The applicant's agent was content with this approach.

Having regard for the above, it is considered that the provision of a temporary access to allow 50 units to be occupied prior to the completion of the main site access works is in accordance with the Development Plan and can be supported. While the Local Highway Authority, in not objecting to the proposal, they have confirmed that it would not give rise to any unacceptable highway safety issues, the proposal would allow the early delivery of units from the site which otherwise would not be available until the beginning of 2019.

The variation to condition 11 can be supported.

## **Landscaping**

It is acknowledged that as part of the planning approval for site the removal of a significant amount of boundary trees to Hanlye Lane and Balcombe Road were necessary. These trees were covered by a TPO but their removal to allow the implementation of the development was established through the previous appeal decision. An appropriate final landscaping scheme has been approved as part of DM/16/1803. It is recognised through the Town Council's comments that there is concern that the temporary access works will require further tree removal.

Policy DP37 of the District Plan states that development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance will not normally be permitted.

The trees that remain along the northern boundary of the site are covered by the existing TPO and the applicants have confirmed that the temporary access arrangements can be

provided without the removal of any further trees. This includes the provision of the required visibility splays. The final landscaping plans approved under the existing permission are retained and would be similarly secured via condition (no.3) in the event that consent is granted for this application.

Within the representations concerns have been raised about the proximity of the proposed planting to an existing boundary fence to the rear of The Spinney, in order to allow future maintenance. This ultimately is matter between the relevant parties and is not something that should prevent planning permission being granted.

The application does not propose to remove any further trees from the site and given that the previously approved landscaping plans are once again secured, it is considered that the application complies with policy DP37 of the District Plan.

### **Design and Layout**

Policy DP26 of the District Plan requires proposals to demonstrate a high quality design and layout that includes appropriate landscaping and greenspace. Policy E11 of the Neighbourhood Plan sets out that any identified visual impacts must be addressed through the design of the buildings, site layout, and landscaping of the site.

The overall design approach to the development of the site, with regard to the layout and appearance, has already been deemed acceptable through the granting of the previous permission. The proposed additional garages, while adding further built form within the development, would not be detrimental to the overall character and appearance of the area generated by the previous consent. Furthermore, the proposed amended house types are variations of the standard types already approved and the substitution or switching of plots in a number of locations will not be detrimental to the overall character and appearance of the development.

The principle proposed changes to the layout relate to plots 55/56 and 162/163. In respect of the former, they have been re-orientated to front the access road to the south, thus avoiding the need for a retaining wall. In terms of plots 162/163, the relocation of the parking for plot 163 has been moved to avoid two sets of parking spaces within close proximity to the proposed house. These changes are considered improvements over the original layout.

The concerns regarding the positioning of the play area in the south eastern corner of site, to the rear of The Spinney, is noted. While further comment will be made on these concerns in a later section of the report, the approved layout drawing does show a play area in this location, entitled 'Play Area 3 LEAP', and as such the current drawings submitted to support this application reflect the current approved position.

Overall, it is considered that the proposed changes consisting of additional garages, revised housing types and internal changes to the layout are acceptable and comply with the relevant Development Plan policies.



## **Impact on Amenities**

Policy DP26 of the District Plan sets out that proposals' should not cause significant harm to amenities of existing nearby residents and future occupants by taking account of the impact on privacy, outlook and daylight/sunlight.

Concerns have been expressed within the representations about the impact on existing residential amenities as a result of the play area and landscaping to the rear of properties in The Spinney.

As stated above, the play area to the rear of The Spinney is identified on the approved layout drawing as a 'LEAP' and the current submissions do not seek to either change its location or elevate its importance. The points made regarding the nature of the equipment are noted and these are subject to separate consideration as part of the condition discharge process. While the details have been submitted again as part of this submission officers are sympathetic to concerns relating to potential privacy issues resulting from the use of climbing equipment and discussions will take place with the applicant over the exact nature of the equipment to be installed and this will be dealt with via condition.

The approved landscaping details for the boundary between The Spinney and play area show the planting of a native hedge, with a limited number of trees. The plans submitted with this application show similar details and it is not considered that there are any reasonable grounds to now consider them unacceptable.

Notwithstanding the concerns over the play equipment, which can be addressed through condition, it is not considered that the proposals would give rise to any materially new relationships that were not considered as part of the previous planning permission, where they were considered acceptable.

A development of this size and nature will always result in some impacts on the amenities of existing residents, however, in this case it is not considered that the significant harm would result and therefore the application complies with Policy DP26 of the District Plan.

## **Contaminated Land**

The applicants are seeking to delete condition 19, which deals with contaminated land matters, as it conflicts with the wording of condition 23, which also deals with the same matters. It is proposed that condition 23 is retained as it currently stands. For ease of reference the proposed retained condition states as following;

*'The development hereby permitted shall only be implemented in accordance with the Preliminary Remediation Strategy (section 9) of the Merebrook Geo-Environmental Assessment report dated Feb 2016 unless first agreed in writing with the Local Planning Authority. In the event that the electricity sub-station on site be decommissioned, the*

*surrounding soils should be tested for PCBs and, if necessary, remediated in accordance with a strategy to be submitted and approved in writing with the Local Planning Authority.*

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

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

The Council's contaminated land officer has been consulted on the application and has not raised an objection to the deletion of condition 19 on the basis that the condition 23, as worded above, remains attached to any new planning permission.

The deletion of condition 19 can be supported.

### **Other Matters**

Borde Hill is a registered Grade II\* park and gardens and as such the proposed development has the potential to affect its setting, along with South Lodge (a grade II listed building located on the Hanlye Lane/Balcombe Road junction). When considering the existing planning permission regard was given to the potential impact the development may have on these heritage assets and it was concluded, in line with the previous Inspectors comments, that there would be no harm to the significance of any of them. The proposed alterations sought under this application will not alter the previous view reached.

It needs to be remembered that in relation to the heritage assets, there is a statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (s66, Planning (Listed Buildings and Conservation Areas) Act 1990) and this must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. Given the above, the significance of the heritage assets will be preserved and therefore the application complies with policies DP34 and DP36 of the District Plan.

At the time of writing the report, discussions are on-going with the Council's legal officers as to whether a formal Deed of Variation (DoV) is required to link the existing S106 Legal Agreement attached to planning permission DM/16/1803 to this current application in order to secure the necessary affordable housing and infrastructure

contributions/projects. If a DoV is required the proposed recommendation will need to be amended, however officers will update the members on this matter at the committee.

In terms of the matters submitted by the applicant to discharge conditions, these matters are already before the Council under a separate condition discharge application in relation to planning permission DM/16/1803 and where those matters have been deemed acceptable the wording of the relative condition has been amended to reflect this. Where the details remain subject to further consideration, then the condition remains and will need to be dealt with via a separate discharge process.

## **PLANNING BALANCE AND CONCLUSION**

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

It is considered that the proposed amendment to condition 11 to allow the occupation of 50 units before the completion of the approved full highway works will not result in any severe harm to the highway network, individually or cumulatively, nor have an adverse impact on highway safety. Furthermore, the proposed changes to the layout and design will not harm the quality of the approved character and the appearance of the development, nor have any significant harm to existing residential amenities.

The deletion of condition 19 is acceptable as contaminated land matters are dealt with and controlled via a separate condition. With all other matters remaining as previously considered, including those in relation to heritage assets, it is considered that the proposal complies with all relevant Development Plan policies.

On the basis of the above, the application complies with policies DP20, DP21, DP26, DP27, DP34, DP36 and DP37 of the District Plan and policies E11 and T1 of the Haywards Heath Neighbourhood Plan and can be supported.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

1. The development hereby permitted shall be begun before the 9th June 2020.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development shall only be implemented in accordance with the materials/finishes shown on drawing no A 792\_04 unless first agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the District Plan and Policy of Haywards Heath Neighbourhood Plan.

3. The development hereby permitted shall only be implemented in accordance with the soft landscaping details shown on the following drawings:

3666\_DR\_002 - Planting Plan 1 of 7\_ Rev D  
3666\_DR\_003 - Planting Plan 2 of 7\_ Rev D  
3666\_DR\_004 - Planting Plan 3 of 7\_ Rev F  
3666\_DR\_005 - Planting Plan 4 of 7\_ Rev E  
3666\_DR\_006 - Planting Plan 5 of 7\_ Rev E  
3666\_DR\_007 - Planting Plan 6 of 7\_ Rev F  
3666\_DR\_008 - Planting Plan 7 of 7 A1L Rev F  
3666\_DR\_013 - Planting Approach Drawing\_ Rev A  
3666\_SP\_001 - Landscape Management Plan Rev D (ref:3666/SP001) by Lloyd Bore Ltd  
3666\_SP\_002 - Soft Landscape Specification\_ Rev A  
RS\_PDFT\_EDP 1808\_08f Arboricultural Assessment\_Final

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of District Plan and Policy of Haywards Heath Neighbourhood Plan.

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP24 of District Plan and Policy of Haywards Heath Neighbourhood Plan.

5. The development hereby approved shall only be implemented in accordance with the details contained within in the Construction Management Plan reference T&PPB4399R001D02 dated the 8th January 2018, unless first agreed in writing with the Local Planning Authority.

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety and to accord with Policy DP21 of the District Plan.

6. The proposed development shall only be implemented in accordance with the details contained within Technical Appendix 8.6: Ecological Construction Method Statement, Mitigation and Enhancement Scheme (ref: C\_EDP1808\_07a) by EDP Ltd; and Landscape Management Plan (ref: 3666/SP001) by Lloyd Bore Ltd, unless first agreed in writing with the Local Planning Authority.

Reason: To protect the ecological value of the site and to accord with policies C5 and Policy DP38 of the District Plan.

7. No development shall take place within any phase until details of existing and proposed site levels for that phase have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with Policy DP26 of the District Plan.

8. The development hereby permitted shall only be implemented and maintained in accordance with the ancient woodland buffer details shown on the following documents/drawings:

3666\_DR\_001 - Ancient Woodland Buffers\_Rev F

3666\_DR\_011 - Woodland Buffers, Roundabout and Boundary Planting 2\_ Rev E

3666\_DR\_012 - Woodland Buffers, Roundabout and Boundary Planting 3\_ Rev F

3666\_DR\_014- Woodland Buffers, Roundabout and Boundary Planting 4-A11-Rev C

3666\_SP\_03 Landscape Buffers, Roundabout and Boundary Planting Rev E

3666\_SP\_001 Landscape Management Plan (ref:3666/SP001) by Lloyd Bore Ltd

3666\_SP\_002 - Soft Landscape Specification\_Rev A

Reason: To protect the ecological value of the site and to accord with Policy DP38 of the District Plan.

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 in conjunction with Southern Water 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 Policy DP41 of the District Plan.

10. 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) a timetable for construction of the surface water drainage system;
- b) a construction management plan detailing the protection of waterbodies both on site and downstream from pollution caused by the construction process and detailing the steps to be taken to ensure SuDS features are working as designed;
- c) evidence that the site can manage the water from a 1 in 100 year storm + climate change volumes within the confines of the site and that the exceedance event will not have an adverse effect on downstream flood risk areas;
- d) a drainage management & maintenance plan detailing how the drainage and SuDS systems work and how they will be maintained for the lifetime of the development. This plan 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 including financial arrangements. 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 Policy DP41 of the District Plan.

11. No part of the development shall be first occupied until such time as the temporary vehicular access has been constructed in accordance with the details indicatively shown on drawing PB5314-S278-TA-100-01 rev D1. No more than 50 residential dwellings shall be occupied until the vehicular access has been constructed in accordance with the details indicatively shown on drawing P4399-P-05 revision P5 and the temporary vehicular access serving the residential dwellings has been closed to vehicular traffic.

Reason: In the interests of highway safety and to accord with Policy DP19 of the District Plan.

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

Reason: To ensure that adequate parking provision is made and to accord with Policy DP21 of the District Plan.

13. No dwelling shall be first occupied until the cycle parking spaces serving the respective dwelling have been constructed in accordance with the approved

planning drawing. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the District Plan.

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

Reason: To secure satisfactory standards of access for the proposed development and to accord with Policy DP21 of the District Plan.

15. No part of the development shall be first occupied until such time as plans, details, and construction specification showing the proposed surfacing works for Right of Way no. 19dCU have been submitted to and approved in writing by the Local Planning Authority. The scheme shall only be implemented in accordance with the approved details.

Reason: To ensure that suitable materials are used for the surfacing works and to safeguard users and to accord with Policy DP21 of the District Plan.

16. The development hereby permitted shall only be implemented in accordance with the details shown on lighting plan PB4399-1300-01 P1 and maintained thereafter unless first agreed in writing with the Local Planning Authority.

Reason: To protect the ecological value of the site and to accord with Policy DP38 of the District Plan.

17. No development shall take place unless and until details of the layout and equipment of the proposed play areas as well as a timetable for their construction and details of future maintenance and management have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure that an appropriate play area is provided that will be adequately managed and maintained in the interests of safety for the general public and to ensure the area remains for public use to accord with Policy DP24 of the District Plan.

18. No development shall take place until details of hard landscaping together with screen/retaining walls and fences within that phase have been submitted to and approved in writing by the local planning authority. Development shall be carried

out in accordance with the approved details and shall thereafter be permanently retained as such.

Reason: In order to ensure a high quality environment and to accord with Policy DP26 of the District Plan.

19. No part of the development hereby permitted shall be first occupied until the emergency access onto Hanlye Lane has been constructed in accordance with details which have first been submitted to and approved in writing by the local planning authority. Details shall include measures to prevent use of the access by occupiers of the approved development. The development shall only be implemented in accordance with the approved details.

Reason: In the interest of road safety and to accord with Policy DP21 of the District Plan.

20. Prior to the commencement of development, the following details shall be submitted to and approved in writing with the Local Planning Authority.
- The Dart and Tavy house types on plots 43-54, 96-107, 119-126, 194-8 including more detailed street elevations and section drawings and plans showing the building frontages as well as the front thresholds and how they work with the car parking, topography, and their different 2,3 and 4 house configurations.
  - The detailed front threshold treatment between plots 55 and 56, plots 63 and 64, 73 and 74 showing how they work with the topography.
  - The design and configuration of the following elements on blocks of flats A, B, C: the roof; windows, entrance doors and canopies, application of facing materials

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

Reason: To ensure that this aspect of the development is compatible with the design of the building and to accord with Policy DP26 District Plan.

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

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

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the District Plan.



22. The development hereby permitted shall only be implemented in accordance with the Preliminary Remediation Strategy (section 9) of the Merebrook Geo-Environmental Assessment report dated Feb 2016 unless first agreed in writing with the Local Planning Authority. In the event that the electricity sub-station on site be decommissioned, the surrounding soils should be tested for PCBs and, if necessary, remediated in accordance with a strategy to be submitted and approved in writing with the Local Planning Authority.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with Policy DP1 of the District Plan.

23. The development shall be implemented in accordance with the approved phasing plan (No. PB4399-P-06), unless first agreed in writing with the Local Planning Authority. Details which are required by any condition of this planning permission to be submitted for approval in relation to phases of the development shall be submitted for approval in accordance with the approved phasing details.

Reason: To enable the Local Planning Authority to control the detail of submission and to accord with Policy DP26 of the District Plan.

24. The development hereby permitted shall only be implemented alongside the approved scheme for the Local Liaison Committee (LLC) dated 28th September 2017, who shall meet in accordance with the approved scheme.

Reason: To provide a mechanism for keeping the local community and their elected representatives involved during the construction period to ensure that the development is implemented without causing significant harm to their amenities in accordance with Policy DP26 of the District Plan.

25. No dwelling shall be occupied until such time as plans and details showing temporary access arrangements through the development to Penlands Road for

pedestrians and cyclists. Once approved such arrangements shall be retained until the permanent access arrangements have been constructed in accordance with the approved plans unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan.

### **Approved Plans**

26. 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 31 Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Section 278 Agreement of the 1980 Highways Act - Works within the Highway The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
4. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water developer Services will be required. They can be contacted in 0800 009 3921.

## APPENDIX B – CONSULTATIONS

### Haywards Heath Town Council

The Town Council supports the proposed variation of Conditions 11 (site access) and 26 (approved plans) subject to compliance with the following:

1. irrespective of whether their amenity value is perceived to be high or low, no trees are to be felled in order to accommodate the temporary access;
2. any subsequent proposal to increase the number of dwellings on site is supported by
  - a) a proportionate increase in the number of affordable housing units, and
  - b) enhanced developer financial contributions by means of a revised Section 106 Agreement.

Regarding the removal of Condition 19 (contamination), the Town Council defers to the recommendation of Mid Sussex District Council's Contaminated Land and Environmental Protection Officer.

### West Sussex County Council Highways

The additional information addresses those outstanding points raised within the response dated the 16th February 2018. No highway objection would be raised to the proposed temporary access.

With respects to the suggested rewording of condition 11, WSCC would be satisfied with that stated within 1.1.5 of the Transport Assessment Addendum with the following modification;

*No part of the development shall be first occupied until such time as the temporary vehicular access has been constructed in accordance with the details indicatively shown on drawing PB5314-S278-TA-100-01 rev D1. No more than 50 residential dwellings shall be occupied until the vehicular access has been constructed in accordance with the details indicatively shown on drawing P4399-P-05 revision P5 and the temporary vehicular access serving the residential dwellings has been closed to vehicular traffic.*

The above revised wording excludes the requirement to submit a construction specification. Given that the applicant will be required to obtain the permission of the Local Highway Authority to complete the works, the construction specification can be agreed through this.

There is also the matter of temporary pedestrian access. Although this has been addressed by the developer, there would need to be a means of agreeing the associated details. This could be covered by way of a revision to the existing construction management plan condition (details of which have already been agreed) or by way of a new condition. For a new condition, the following wording is suggested.

*No dwelling shall be occupied until such time as plans and details showing temporary access arrangements through the development to Penlands Road for pedestrians and cyclists. Once approved such arrangements shall be retained until the permanent access arrangements have been constructed in accordance with the approved plans unless otherwise agreed with the Local Planning Authority.*

*Reason: In the interests of road safety.*

If it is considered that these matters can be covered by way of a revised CMP, the previously approved wording need only refer to the requirement to providing access for pedestrians and cyclists through the development whilst under construction.

#### Comments dated 16th February 2018

Condition 11 of DM/16/1803 as currently approved requires the construction of a new priority junction to serve the development. The formation of the junction is linked to the construction of a roundabout at the Borde Hill Lane/Balcombe Road/Hanlye Lane junction.

For the reasons set out within the supporting documents, it has not been possible for the applicant to obtain the necessary permissions to complete the realignment and new roundabout in a timely manner. Based on the current wording of the condition, it is acknowledge that it is not possible to allow occupations without the permanent access arrangement being constructed.

In order to enable the development to progress, a temporary access arrangement is now proposed. This access will serve a maximum of 50 residential dwellings as well as their associated servicing needs. This access will not be used for construction traffic given that there is an already approved temporary access a short distance to the west.

The developer has been in discussion with WSCC regarding the acceptability of this further temporary access and in principle such an arrangement is considered acceptable. The proposed approach to the temporary access for the residential units follows that already accepted for the temporary construction access. The geometry and visibility splays from the access onto Hanlye Lane are therefore considered acceptable.

As part of discussions with WSCC, a number of requirements that would need to be met as part of any planning application were set out. Although most of the requirements are met within the current submission, there are two items where further information is required. These are:

- In line with WSCC Safety Audit Policy, the new access proposal would need to be supported by an independent safety audit. The applicant has been advised that a combined stage 1/2 Safety audit would be acceptable. A signed copy of the audit and if required the designers response should be submitted with the application.

- Achievable forward visibility on Hanlye Lane to a vehicle turning right into the development should also be provided. The forward visibility should be appropriate for recorded vehicle speeds.

This additional information would be required prior to the current application being determined.

The only other matter at this stage is access for pedestrians and cyclists. Whilst referenced within the transport assessment addendum as making use of the approved pedestrian access onto Penlands Road, this would still need to be provided prior to any of the initial 50 dwellings being occupied. The link must also be retained throughout construction. Due to the potential for this link to be passing through an active building site, a statement should be provided as to how users will be safeguarded and for this to be incorporated into the construction management plan. It would also be useful for a separate plan to be provided of the link that can then be referred to.

With respects to the changes to the approved plans (proposed variation of condition 26), these details are included in the Design and Access Statement. The changes proposed, with the exception of the additional temporary access, are not considered significant compared with the approved details. No objection would be raised to the proposed alterations.

#### **MSDC Contaminated Land Officer**

This application looks to remove conditions 19 relating to contaminated land.

Having looked at the decision notice for application DM/16/1803, I can see that condition 23 also deal with land contamination and is more specific to the application.

As such condition 19 can be discharged as long as condition 23 remains at this stage.