

8 May 2018.

PLEASE NOTE TIME OF MEETING IS 2PM

Dear Councillor,

A meeting of the **DISTRICT PLANNING COMMITTEE** will be held in the **Council Chamber** at these offices on **THURSDAY, 17 MAY 2018 at 2.00 p.m.** when your attendance is requested.

Yours sincerely,

KATHRYN HALL

Chief Executive

A G E N D A

1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.
2. To receive apologies for absence.
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
4. To confirm the Minutes of the meeting of the Committee held on 19 April 2018. **Document A**
5. To consider the report of the Divisional Leader for Planning and Economy upon planning applications and other matters submitted to the Committee for determination. **Document B (attached)**
6. To consider any items that the Chairman agrees to take as urgent business.
7. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

Human Rights Act

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

Risk Assessment

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

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

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

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

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

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

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

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

**Minutes of a meeting of the District Planning Committee
held on 19 April 2018 from 2.00 p.m. to 4.48 p.m.**

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

Ginny Heard	Norman Mockford	Anthony Watts Williams*
Christopher Hersey	Edward Matthews*	Peter Wyan
Colin Holden*	Colin Trumble	

* Absent

Also Present: Councillors Thomas-Atkin, Marples, Stockwell, Hatton, Webster and Binks .

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

The Committee noted that Councillor Anthony Watts Williams was substituted for Councillor Neville Walker.

2. APOLOGIES FOR ABSENCE

The Committee noted that apologies had been received from Councillor Colin Holden, Councillor Edward Matthews and Councillor Anthony Watts Williams.

3. DECLARATIONS OF INTEREST

None.

4. MINUTES

The Minutes of the Committee held on 19 April 2018 were agreed as a correct record and signed by the Chairman.

5. APPLICATIONS AND OTHER MATTERS CONSIDERED

The Chairman reminded Members that the District Plan had recently been adopted and that they would now need to use the training they had all recently received to ensure planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Members should note that the report formats had changed following the adoption of the District Plan.

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

Joanne Fisher, Senior Planning Officer informed Members that the reason for this application returning to the Committee was that the S106 agreement had not been completed and there had been a resolution to approve the application subject to the completion of a S106 agreement but as the S06 agreement had not been completed the planning permission had not been granted. Since then the District Plan had been

adopted and now Members must review this application taking into account the new policies that were adopted. The Officer then introduced the report 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. She also informed the Committee of an additional condition and informative contained in the Agenda Update Sheet.

Officers explained that whilst the proposal would be contrary to Development Plan DP12, as the site is situated within the countryside outside the built up area of Lindfield, it is considered that there are other material considerations, specific to this site which were relevant to this application. The site is well contained and would be seen in context with the existing housing development and 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.

Councillor Dumbleton of Lindfield Rural Parish Council, Catherine Cross who spoke on behalf of the Lindfield Preservation Society and Leanda Ahmed representing the local residents spoke against the application.

Andrew Munton the agent spoke in support of the application.

Councillor Linda Stockwell the District Ward Member for Lindfield Rural spoke against the application. She believed that the application went against policies DP3, DP6, DP12 and DP38 of the District Plan.

Sally Blomfield, the Divisional Leader for Planning and Economy, responded to the comment that the Parish had already met its housing target by informing the Committee that the housing need figure established at the Examination in Public into the District Plan was 16,390; that this figure was for the District as a whole; and that the District Plan does not include a policy that specifically sets out each Parish's housing need. There is a table in the supporting text to Policy DP6 which sets out a minimum residual amount for settlements but the Plan indicates that this position will be updated annually. In addition, in line with government guidance, the housing requirement figures are expressed as minima

The Senior Planning Officer told the Committee that following the Council's Drainage Engineer's recommendation contained in the report the development will result in a positive impact to surrounding properties and downstream areas in relation to drainage and flooding.

A Member noted that as we already had a five year housing supply these units were more of a bonus than a necessity. He believed it was unsuitable as the application was contrary to policies DP6, DP12 and DP15 of the Mid Sussex District Plan and the policy 1 of the Lindfield Rural Neighbourhood Plan. He said that the site had no easy access to amenities which would increase the use of cars at the site and the local services such as doctors and schools were already strained.

Members highlighted residents concern regarding flooding in the area. Although developers believed that they had a solution to reduce the risk of flooding, Members wanted confidence that the flood risks in the area would be reduced. A Member queried whether we have sufficient expertise to rigorously check the drainage reports that would be received from developers. He also noted that in the report it was stated that the development would allow for urbanisation of the area which was

unacceptable in his opinion, he would not be able to support the Officers recommendation.

The Divisional Leader for Planning and Economy confirmed that the Council did have the necessary expertise to rigorously check the drainage reports.

A Member asked whether the Council had received a signed S106 agreement.

The Senior Planning Officer confirmed that the S106 agreement had been signed by the developer and land owner. She also confirmed that as the Council hadn't signed the agreement there was no permission granted on the previous application until this Committee had made its decision.

A Member noted that although the site was contiguous with the Built up Area boundary it could start a dangerous precedent in the area to just keep on extending the built up area.

The Chairman noted that the site was not just contiguous to the Built up Area boundary but it was surrounded on three sides by the boundary. In addition the scheme would secure the delivery of 30% (14 units) affordable housing, 3 self/custom build units and infrastructure payments.

A Member highlighted that there were 80 letters of objection and 1 in support. However there were no objections from experts subject to the conditions and that the issue of drainage had been solved by condition 14.

The Divisional Leader for Planning and Economy reminded the Committee that the starting point in the determination of planning applications were the policies of the development plan, unless other material considerations indicated otherwise. Whilst the Committee Report indicated that the proposals were contrary to Policy DP12 of the District Plan there were site specific circumstances which were material in this case and which should be taken into account. She also explained that in the Officers view the fact that the site was surrounded on three sides by built development represented a material consideration. She noted that Policy DP12 indicated that built up area boundaries would be subject to review and that the northern boundary of the proposed development would represent a logical defensible boundary.

A Member was concerned about the inclusion of the area of land in the red line application boundary, which served as the landscaped access to the site but which extended into the open countryside to the north.

The Divisional Leader for Planning and Economy noted that the standardised criteria used to review the built up area boundaries identified that open spaces associated with a development but at the edge of settlements would normally be omitted.

A Member commented on his disappointment in the design of the development. Another Member reminded the Committee that they could not refuse the application on popular opinion and he could not find sound planning reasons to refuse the application.

Councillor Hersey proposed to refuse the application as it was considered that the proposal was contrary to policies DP12 and DP15 of the MSDC District Plan and also contrary to policy 1 of the Lindfield and Linfield Rural Neighbourhood Plan. This was seconded by Councillor Trumble. There were 3 votes in favour of refusal and 5 votes against.

The Chairman moved to the recommendation contained in the report. This was agreed with 5 votes in favour of the recommendation and 3 against.

RESOLVED

That the application be approved subject to the recommended conditions set out in Appendix A and the completion of a S106 agreement.

DM/17/4307 – Land West Of, London Road, Hassocks, West Sussex.

The Chairman reminded Members that 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. The Committee is determining the specific application on the site for approval or refusal. Steven King, the Planning Applications Team Leader drew Members attention to the Agenda Update Sheet which included additional representations and additional informatives. The Officer then introduced the report for the erection of 129 dwellings (including 30% affordable housing provision), new 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 plan 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.

Officers explained that the application is contrary to policies DP6, DP12 and DP15 of the Mid Sussex District Plan however other material considerations outweighed those policies to be in favour of development. The Planning Applications Team Leader highlighted the planning history of the site and that fact that the Secretary of State had granted planning permission for 97 dwellings on the site. He advised that the views of the Secretary of State on the previous application on various matters, including highways, air quality and drainage were all relevant to the determination of this application.

Councillor Bill Hatton Parish Councillor for Hassocks spoke against the application.

Kirsty Lord the County Councillor for Hassocks and Ian Tovey a representative of the Residents of London Road spoke against the application.

Nick Keeley the agent of the development spoke in support of the application.

Councillor Sue Hatton a District Ward Member for Hassocks spoke in objection of the application.

Councillor Gordon Marples a District Ward Member for Hassocks spoke in support of the application.

Nicholas Bennett, the Senior Environmental Health Officer informed the Committee that the proposed development is acceptable in relation to air quality matters. He considered that there were 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.

Scott Wakely, the Council's Drainage Engineer told Members that the 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 should be greatly reduced.

The Divisional Leader for Planning and Economy clarified that a fundamental material consideration is that there was already planning permission on the site.

A Member noted that the issue with this application was the increase in units from 97 granted by the Secretary of State to 129 units. He asked what the density of the development was. He also wanted confirmation that the hedge rows in the site would not be removed.

The Planning Applications Team Leader informed the Committee that the site density was 35 units per hectare. The provision of flats has led to the increase in units and Officers believe that it is a suitable increase for the development. The Planning Applications Team Leader advised the committee that the key issue was whether this proposal was satisfactory in relation to matters including layout and design rather than simply considering a density figure. He advised that officers considered the design and layout of the scheme was acceptable and optimised the use of the site, in accordance with policy DP26.

The Planning Applications Team Leader advised that there would be a condition requiring details of the proposed footways between the northern and southern field parcels within the site in order to protect the hedgerow that divided the two fields. He advised that the increase in affordable units should be viewed as a positive factor to be taken into account when determining the application.

A Member raised concern that even though it has been described as negligible the increase in pollution was unacceptable.

The Senior Environmental Health Officer informed the Member that any development causes pollution. The modelling that had been done in accordance with the guidance from legislation had shown an increase in pollution but this was negligible.

A Member queried why a development in Hassocks of 18 units had been refused but now an increase of 32 was being supported by Officers. He also asked why French Drains were no longer included in the plan, when they had been included in the Secretary of States plan.

The Planning Applications Team Leader told the Member that the site referred to for 18 units was a site in the countryside that had no planning history, whereas this site had already been approved for development by the Secretary of State.

The Council's Drainage Engineer informed the Committee that French Drains in certain areas of the site could exacerbate the flooding risks.

A Member asked whether the flats on the north of the site would negatively affect the intrinsic character and beauty of the countryside.

The Planning Applications Team Leader noted that the area north of the site was a recreation ground associated with Hassocks and not open countryside so in officers opinion there was no adverse impact on the character of the countryside and

therefore no conflict with policy DP12 of the District Plan. Officers considered that the location of the flats facing onto the recreation ground was appropriate.

A Member asked why this site had a large cluster of flats when it was MSDC's usual practice to encourage social integration.

The Planning Applications Team Leader told the Committee that the layout of the site and position of the flats had evolved as a result of negotiations between the Council and the applicants. He advised that there was a balance to be struck between achieving a good quality layout and making sure that the affordable housing was appropriately integrated within the site. Whilst there was a greater number of affordable units clustered together than advised in the Councils guidance these units would be finished to the same quality as the rest of development and the Councils Housing Officer supported the scheme as it provided a greater number of small affordable units. Officers therefore considered that it element of the scheme is satisfactory.

The Chairman noted no more Members wished to speak and took the Committee to the Officers recommendation for approval, which was agreed unanimously.

RESOLVED

It is recommended that the application be approved subject to the completion of a S106 legal agreement to secure the necessary infrastructure contributions and affordable housing and the condition listed in the appendix.

DM/18/0194 – Penland Farmhouse, Hanlye Lane, Cuckfield, Haywards Heath

Steve Ashdown, Team Leader for Major Development and Investigations drew Members attention to the Agenda Update Sheet which contained an amendment to the wording of condition 11. The Officer introduced the Report for the variation of condition 11 (Site Access) and 26 (approved plans) and removal of condition 19 (contamination) relating to permission ref DM/16/1803. The 50 homes that could be accessed using the temporary access would include some affordable homes. These homes are specified in Condition 11 plan number 2717-21-04-010 which would form part of the permission.

The Chairman noted no Members wished to speak so took the Committee to the Officers recommendation for approval, which was agreed unanimously.

RESOLVED

It is recommended that the application be approved subject to the completion of any S106 legal agreement to secure the necessary infrastructure contributions and affordable housing and the condition listed in the appendix. Also subject to the amendments to the conditions.

6. ITEMS CONSIDERED URGENT BUSINESS

None.

Chairman.

MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

17 MAY 2018

INDEX TO ITEMS REPORTED

PART I – RECOMMENDED FOR APPROVAL

ITEM	REFERENCE	LOCATION	PAGE
1	DM/17/4190	Rookery Farm, Rocky Lane, Haywards Heath, West Sussex, RH16 4RW	10 - 53

PART II – RECOMMENDED FOR REFUSAL

ITEM	REFERENCE	LOCATION	PAGE
None	N/A		

PART III – OTHER MATTERS

ITEM	REFERENCE	LOCATION	PAGE
None	N/A		

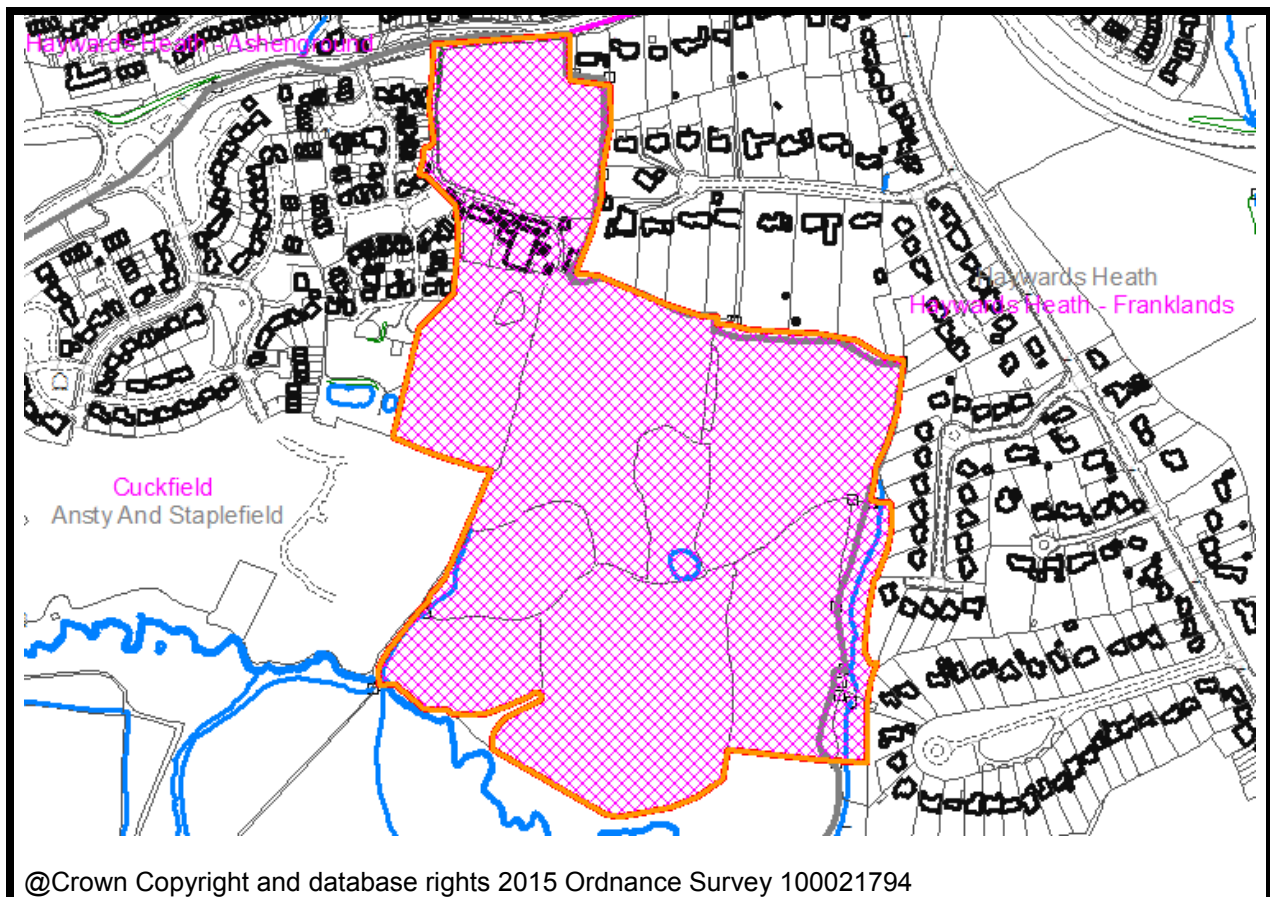
MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

17 MAY 2018

PART I - RECOMMENDED FOR APPROVAL

1. DM/17/4190



**ROOKERY FARM ROCKY LANE HAYWARDS HEATH WEST SUSSEX
RESERVED MATTERS APPROVAL PURSUANT TO CONDITION 1 OF OUTLINE
APPROVAL DM/16/4496 FOR THE SCALE, LAYOUT, APPEARANCE AND
LANDSCAPING OF 320 NEW DWELLINGS (INCLUDING 30% AFFORDABLE
HOUSING), INCLUDING THE PROVISION OF PUBLIC OPEN SPACE, DRAINAGE
SWALES AND DETENTION PONDS. AMENDED PLANS RECEIVED 6TH MARCH
SHOWING LAYOUT AND DESIGN ALTERATIONS, ALONG WITH AN ECOLOGY
RESPONSE.**

MR NICK KEELEY

POLICY: Ancient Woodland / Areas of Special Control for Adverts / Areas of Townscape Character / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / District Plan Policy / Planning Agreement / Planning Obligation / Strategic Gaps /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 20th April 2018

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

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 consent for the reserved matters, namely the layout, appearance, scale and landscaping, pursuant to outline planning permission (DM/16/4496 refers) that was granted consent by the Council under a notice dated 10th April 2017. The outline planning permission allows for the development of the site for 320 dwellings.

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.

The application consists of the layout, scale, appearance and landscaping details pursuant to the extant outline planning permission for 320 dwellings on the site. The scheme makes suitable provision for the 96no. affordable houses secured under the S106 Legal Agreement and the layout is conformity with the parameters established at the outline stage.

It is considered that the proposed layout, scale and landscaping of the scheme are acceptable and while there will be some impacts on existing adjacent residential properties, it is considered the separation distances are such that significant harm in the form of overlooking or loss of privacy will not occur. While the appearance of the buildings are bland is not considered that there is sufficient grounds to refuse of the application on as the most prominent buildings/areas generally acceptable.

The proposal provides suitable ancient woodland buffers and has appropriately incorporated the historic on site hedgerows into the overall layout. The provision of swales and detention basins in the buffer zones are considered acceptable providing that root protection zones are not affected.

On the basis of the above, the application complies with policies DP21, DP22, DP24, DP26, DP27, DP29, DP30, DP31, DP37, DP38 and DP41 of the District Plan and policies E7, E9, E11, E13, T1, T3, and H2 of the Neighbourhood Plan.

RECOMMENDATION

It is recommended that permission be granted subject to the conditions suggested in Appendix A.

SUMMARY OF REPRESENTATIONS

A total of 38 letters of objection have been received making the following comments:

Original Submission

- Rocky Lane is dangerous and a safer access is required
- A buffer zone is required to existing properties to protect current amenities
- Bin storage areas should be aware from existing residents
- There should be no connections through to Cedar Avenue
- Insufficient infrastructure to cope with additional residents
- Contractor should engage with the community
- Work hours and air quality should be strictly controlled through the construction period
- The existing Rocky Lane path is in poor condition and needs to be improved.
- Density of the site is out of character with the surrounding area
- Impact on existing right of way
- New properties are too close to existing neighbours
- Poor architecture, not in keeping with the prevailing character
- Houses will not be affordable
- Layout and density will create a poor living quality for residents
- Proposal contrary to the District Plan
- Ecological impact
- Concerned about the planting of trees may obstruct both light and view
- Don't believe that drainage requirements have been satisfied
- Plots 12-14 as drawn will cause overlooking and loss of privacy
- Footpath routed away from the ancient woodland
- Intrusion into the countryside
- Significant increased noise and disturbance

- Site has more than one natural spring points
- Proposed detention basin inadequate
- Introduction of swales/detention basin in ancient woodland buffer will destroy the ecosystem of the wood
- Loss of outlook
- Emergency access may be hindered due to incline on site
- Air quality impacts along Rocky Lane
- Road inclines too steep

Sandrocks Residents Association

- Primary concern is to protect our residents' privacy and quiet enjoyment of the Sandrocks estate
- An effective secure boundary is required between the developments
- Existing fence needs to be repaired and extended along with the existing native hedgerow
- No access should be allowed between the sites

Fox Hill Association

- Relationship with properties in Fox Hill unclear
- Proposed mix of standard house types is not in keeping with the character and appearance of the area
- No lighting plan to be able to determine the extent to which light pollution will impact on amenity
- Unclear whether roads are to be adopted
- No details of responsibility of any future management company
- No details of affordable housing and its location

Natural England

- Natural England has been contacted by a member of the public who are concerned about the positioning of swale and balancing ponds within the ancient woodland buffer zone
- You may wish to note the standing advice on ancient woodland and veteran trees
- You may wish to note that a buffer to ancient woodland should consist of semi-natural habitat and not contain any structures, including swales, which have the capacity to adversely impact the ancient woodland.

Revised Plans

- Architecture still bland
- Access remains unacceptable
- Number remains unchanged - it should be halved
- Decision to award outline planning permission to the whole site is invalid and the process of pursuing reserved matters is irrelevant due to inadequate consultation on large parts of the site as a result of the Neighbourhood Planning process.
- Revised layout does not eliminate serious overcrowding

- Air quality issues have been ignored
- Issues relating to gradient of the site have not been overcome
- Still little detail on the planting to eastern boundary of the site
- Concerned that the development does not have the right type of housing in the right place.
- Concerned about the long term risk of flooding by the development
- Application cannot be considered in isolation to the conditions
- No clear information as far as scale, layout and appearance of the development will sit on the gradient and in relation to adjacent existing properties

HAYWARDS HEATH TOWN COUNCIL

The Town Council notes the amended plans ecology response received by Mid Sussex District Council (MSDC) on the 8/3/18 and requests that the following comments are added to those made when this application was considered by the Town Council's Planning Committee on 4/12/17 (received by MSDC on 11/12/17):

Under the section named 'Layout' of the document described as 'Carlton Design Response' (received by MSDC on 13/3/18) it is stated that:

1. 'Unfortunately, as discussed at the meeting at MSDC in early February, a connection with Sandrocks is not achievable as the residents strongly object. Footpath link has been added in the south-west corner.' And
2. 'All areas of frontage parking have been reviewed and additional landscaping has been added to break up the parking. In total 25 trees have been added.'

First of all, the Town Council does not accept that a connection with the Sandrocks development is not achievable. Frankly, to expect those involved in the determination of this application to believe that nothing can be done is disingenuous. With the expertise the developers have at their disposal, an issue such as this should not be insurmountable. As the local population continues to grow, with more residential development being built away from town and village centres, the Town Council believes it is vital to build and maintain connectivity between existing, new and potential development sites. Residents of new(er) developments must accept that 'inter-development' links need to be established in order to create safe, accessible and convenient routes to and from schools, leisure facilities, shopping facilities, places of work, etc.

Secondly, the additional landscaping (to break up the parking) in the form of 25 trees is woefully inadequate. This number needs to be upped substantially.

For the avoidance of doubt, the comments that the Town Council submitted in December 2017 are reiterated below.

In keeping with its stance during the outline application for this site - subsequently approved under DM/16/4496 - the Town Council supports, in principle for this reserved

matters application, for development of 320 new dwellings. It should be reiterated that a significant part of the site has already been allocated for housing under policy H2 of the Haywards Heath Neighbourhood Plan.

Members of the Town Council's Planning Committee have scrutinized the reserved matters application, and this has highlighted a number of concerns which must be addressed if the proposals are to progress satisfactorily.

These concerns are as follows;

- The apartment blocks will have communal bins for landfill and recycling. These are large commercial bins which are not collected by MSDC; therefore, to prevent Environmental Health issues developing, movement of waste will not be permitted before 7:00am or after 10:00pm daily. This would accord with Policy B3 of the Mid Sussex District Plan (2004), Policy DP24 of the Mid Sussex District Plan 2014-2031 Version and Policy E9 of the Haywards Heath Neighbourhood Plan, to safeguard the amenities of residents in terms of noise and disturbance. This is a condition requirement, not an informative.
- Whilst the site overall has some significant 'green' areas by virtue of retained ancient woodland (and buffer zone), detention basin, play spaces, etc., the proposed planting scheme for the developable (built) area requires more trees;
- The Town Council remains extremely disappointed that vehicles leaving the development will not benefit from a left turn only junction. The Town Council views this as essential since it would encourage westbound traffic to use the Haywards Heath relief road instead of going through the town centre. Furthermore, it is understood that right at the outset of proposals for this site, the developer has agreed to fund the reconfiguration of the road layout to make this happen, and at no cost to the taxpayer. Looking ahead, it is inevitable that the volume of traffic using the relief road will increase and this will make it more difficult and hazardous for those vehicles making a right turn out of the development. This will have a negative effect on the integrity of the relief road itself. It is requested that adequate provision be made now to 'future-proof' the junction so that it could be reconfigured to left turn only should the need arise;
- Exterior designs of the dwellings are profoundly disappointing and are reminiscent of a dark, 1960s housing estate. The development has no variation in architectural theme and offers no contemporary design suited to the aspirations of modern-day living. In short, the town and its residents deserve better;
- Hard landscape plan show that the roads are asphalt or blockwork surfaces. Irrespective of whether they will be adopted by West Sussex County Council (WSCC) Highways, they must be constructed to a highways adoptable standard specification, to ensure they can withstand use by refuse lorries, emergency services and other HGVs. If the roads are not to be built to the required standard,

the Town Council would like to know what measures the developer will put in place to protect residents' interests;

- Considering the sloping nature of the site from north to south, the developer should provide the installation of salt/grit bins at strategic locations within the development. This supports the town's winter weather management plan.
- The size/dimensions (particularly the width) of the garages for the proposed dwellings must be sufficient to comfortably accommodate a modern vehicle;
- The Town Council is disappointed that the play space provision is insufficient for the number of dwellings planned.

Finally, some of the comments made by the Town Council in respect of (outline) application DM/16/4496 are considered relevant for this application as well and are therefore reiterated below:

- The Town Council supports the scattered or 'pepper pot' distribution of affordable housing within the development as opposed to it being grouped together;
- The Town Council supports the proposed layout of the development which largely follows existing land form the hedgerows, and includes green buffer zones to protect the areas of ancient woodland;
- The Town Council supports the intention that all landscape buffer zones, especially those round the perimeter of the site, would be readily accessible for the purpose of carrying out periodic maintenance works;
- The Town Council requests that an effective means of 'junction protection' be incorporated into the development. The purpose of this would be:
 - a) to prevent the indiscriminate parking of vehicles on or near points where one road meets another,
 - b) to maintain visibility splays and facilitate the safe flow of traffic within the development;
- The Town Council supports the plan that the width of the 'arterial' roads within the development would be more than adequate to easily accommodate refuse lorries, emergency services vehicles, etc. and potentially buses at some point in the future. It is understood that all roads would be of a WSCC Highways adoptable standard;
- The Town Council supports the retention of the public right of way through the site and regards this as a valuable means by which connectivity with other existing, new and potential development sites in the area could be enhanced/established; the absence of a designated cycle path, which is desirable, is noted;

- The retained ancient woodland areas, the Town Council supports the proposal that they would be edged with green buffer zones and that there would be no houses backing on to the zones, thereby discouraging the tipping of residents' garden refuse and other rubbish;
- The Town Council requests that right from the outset, a robust management plan be established for the woodland areas. This could be in the form of a management company or woodland trust but must include sufficient start-up and ongoing maintenance funding for the longer term, say ten to fifteen years. Mandatory householder contributions may be an option to ensure the financial viability of any management arrangements;
- The Town Council requires that an all-encompassing construction management plan be drawn up and implemented. This should incorporate;
 - a) a wheel washing facility of the highest standard to ensure that roads are kept 'surgically' clean;
 - b) a requirement for all site-related lorries carrying loose materials to cover their cargoes with tarpaulins. This would prevent the materials from being accidentally jettisoned whilst in transit;
- Whilst recognising that the site falls within the parish of Ansty and Staplefield, it goes without saying that residents from the development would have at their disposal all the services and facilities provided by the town of Haywards Heath. It is respectfully requested, therefore, that the Town Council be consulted upon and involved in the allocation of Section 106 monies;
- The Town Council expects all of those involved in the ongoing development of proposals to have due regard to relevant policies contained within the made Haywards Heath Neighbourhood Plan, particularly those concerning the environment.

ANSTY AND STAPLEFIELD PARISH COUNCIL

Application noted.

SUMMARY OF CONSULTEES

MSDC Urban Designer

The scheme benefits from a perimeter block arrangement with most of the building frontages facing towards the roads and spaces, revealing the attractive woodland areas in the middle of the site and around the boundaries. The main open space is well positioned at the centre of the site and has been increased in size since the outline stage although it is still quite modest once the woodland buffer and drainage requirements are considered; however the detention basins have been designed so

they have the capacity of recreational space during the dry months of the year. The spine road benefits from generally well-defined street frontages which have been mostly achieved with the absence of front threshold parking; although this is not the case on some of the secondary roads as a consequence of front threshold parking dominating the street environment.

The Design Review Panel (DRP) were concerned that insufficient consideration had been given to the sloping nature of the site. The applicant has now provided a 3 dimensional "fly-through" model and re-worked street elevations that demonstrate how the buildings will be stepped to follow the slopes. I nevertheless share the DRP's concerns that the topography is more likely to reveal blank flanks, and show-up inconsistent roof pitches; the former has now to some extent been addressed by the inclusion of incidental windows on many of the houses and flats. A comprehensive set of street elevations have been supplied but there are a number of terrace houses that are not shown as a group, and because of the awkward topography we still need elevations to demonstrate how these frontages respond to the slopes, and I also have a specific concern with the configuration of plots 231-233.

I also agree with the DRP that the analysis of the different "character areas" is unconvincing. Except for the grouping of the flats in the central part of the site, there is little architectural variation for such a large scheme; however the applicant has advised this will be partially addressed through the application of facing materials.

Overall, the building design is still bland and ubiquitous contributing little to giving the development a sense of place beyond the natural attributes of the site, and there are also clumsy juxtapositions between adjacent buildings. However the revised elevations have improved the composition of some of the facades including the blocks of flats chiefly through more consistent fenestration. Also the highly visible Rocky Lane street elevation has been improved with a more consistent run of buildings.

In conclusion, this scheme has a number of design deficiencies, however the overall layout is well organised and the design of the most prominent parts of the site is now generally acceptable. Given the improvements that have been made I feel on balance there are insufficient grounds to defend a refusal on design grounds. I therefore withdraw my previous objection.

I would nevertheless recommend conditions requiring submission of further information and drawings for the approval.

MSDC Drainage Officer

To be reported.

MSDC Housing Officer

No objection.

MSDC Tree and Landscape Officer

No objection.

MSDC Environmental Protection Officer

No comment.

MSDC Ecology Consultant

No objection.

West Sussex County Council Highways

In summary, there are a number of matters raised that relate to the detailed design. Such matters would not justify a highway objection as no severe impact would result. However, these would need to be checked as part of the detailed design/highway adoption process. No objection.

West Sussex County Council Public Rights of Way

No objection.

INTRODUCTION

This application seeks consent for the reserved matters, namely the layout, appearance, scale and landscaping, pursuant to outline planning permission (DM/16/4496 refers) that was granted consent by the Council under a notice dated 10th April 2017. The outline planning permission allows for the development of the site for 320 dwellings.

The matter of access was considered as part of the outline planning permission and the creation of a new vehicular access to Rocky Lane to serve the development was considered acceptable. It is not within the scope of this reserved matters submission to re-visit this issue or that of the principle of residential development (including the total number of dwellings, namely 320) as the outline consent has established that they are acceptable.

This application sets out the layout, appearance, scale and landscaping for the proposed development of 320 dwellings on the site.

RELEVANT PLANNING HISTORY

DM/16/4496 - Outline application for the erection of 320 new dwellings, including 30 per cent affordable housing, the provision of public open space and vehicular access from Rocky Lane.

SITE AND SURROUNDINGS

The application site is located on the southern side of Rocky Lane and covers approximately 15.4 hectares in size.

The site is bounded to the east by residential properties within Rookery Way, Wychwood, Weald Rise and Fox Hill Village, with properties in Cedar Avenue to the west. At the southern extreme of the site are Kiln Wood and Furze Wood, both of which are designated ancient woodlands.

The site falls away to the south from its high point adjacent to Rocky Lane to its low point at the woodland edge of Furze Wood. In total the site falls is approximately 44m. The site comprises of areas of pasture, consisting of seven fields divided by tree and hedgerow belts. Two large woodland copses (known as Kiln Rough Wood and Coal Pit Wood) are located in the centre of the site and are also designated ancient woodland.

There is a Public Right Of Way (PROW) that crosses the site (No. 104CR) that provides a route from Rocky Lane through Rockery Way and diagonally across the site to the west boundary. It then follows the southwestern boundary of the site, through Kiln Wood and connects to the further footpath network to the south.

APPLICATION DETAILS

The application seeks consent for the layout, appearance, scale and landscaping of the proposed development of the site for 320 dwellings, pursuant to the existing outline planning permission. The submitted details show a layout based upon perimeter block principles with a spine road running through the centre of the northern part of the site, before looping round the ancient woodland in the south part of the site, with a series of secondary roads taken from it.

The submitted details show the following mix of dwellings;

24 x 1 bedrooms
118 x 2 bedrooms
111 x 3 bedrooms
56 x 4 bedrooms
11 x 5 bedrooms

Of the above, the following affordable mix is being proposed which represents 30 per cent of the total number of dwellings.

18 x 1 bedrooms
64 x 2 bedrooms
14 x 3 bedrooms

The majority of dwellings are proposed to be two storey in height, with some two and half storey dwellings (mainly along the spine road) and three storey buildings limited to the block of flats and 14 (no. dwellings), again mainly located along the spine in the northern half of the site.

In terms of the architecture, the applicants describe two approaches that have been applied to differing elements of the site. The first is a contemporary style of building with a varied approach to the application of materials, but in a simplistic style. The second approach is more traditional and applied to dwellings against the woodland edge. A palette of materials have been identified that utilise a mix of red and brown multi stock bricks, grey/brown roof tiles and a mix of boarding, tile hanging and render to the elevations.

Parking will be provided through a range of solutions including on plot parking, allocated and unallocated parking areas, garages and visitor spaces. In total the submitted details show a total of 769 parking spaces are proposed for the development.

In addition to the reserved matters, the applicants have also submitted details associated with the following conditions on the outline permission for the Council's consideration and consent;

Condition 3 - Construction Environmental plan
Condition 11 - Noise mitigation measures
Condition 12 - Foul water drainage
Condition 13 - Surface water drainage
Condition 14 - Surface water maintenance
Condition 16 - Ecology management report

LIST OF POLICIES

Mid Sussex District Plan

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

The most relevant policies are:

DP21 - Transport
DP22 - Rights of Way and other recreational routes
DP24 - Leisure and Cultural Facilities and Activities
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
DP41 - Flood Risk and Drainage

Neighbourhood Plan

The Haywards Heath Neighbourhood Plan has been made and it can be give full weight.

Relevant policies include;

E7 - Flooding and Drainage
E9 - Design
E11 - Major Developments
E13 - Outdoor Space
T1 - Pedestrian and Cycle connections
T3 - Parking
H2 - Land South of Rocky Lane

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.

As this is a Reserved Matters submission, the principle of the development of the site for 320 dwellings has already been established. As part of that consideration, the issue of access was also considered so it is not within the scope of the matters before members to reconsider these points.

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

- Layout and Design
- Parking, Transport and Rights of Way Matters
- Landscaping
- Ecology
- Impact on Residential Amenity
- Affordable Housing
- Drainage
- Other matters
- Planning Balance and Conclusion

Layout and Design

Policy DP26 of the District Plan requires developments to demonstrate high quality design and layout, which includes appropriate landscaping and greenspace. Furthermore, it states that development should positively contribute to public and private realms and create a sense of place, while addressing the character and scale of the surrounding area.

Policies E9 and the E11 of the Neighbourhood Plan deal with design matters and have the same ethos as the District Plan policy. The former sets out how developments should protect and reinforce the local character within the locality, while the later requires proposals that are on the edge of the town to address visual impacts through the design and layout of the development. Policy E13 requires proposals for new residential development to provide good quality private outdoor space.

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

The scheme has been carefully considered by your Urban Designer and his full comments can be found in appendix B to this report.

In terms of the proposed layout your Urban Designer has stated;

'The scheme benefits from a perimeter block arrangement with most of the building frontages facing towards the roads and spaces, revealing the attractive woodland areas in the middle of the site and around the boundaries. The main open space is well positioned at the centre of the site and has been increased in size since the outline stage although it is still quite modest once the woodland buffer and drainage requirements are considered; however the detention basins have been designed so they have the capacity of recreational space during the dry months of the year. The spine road benefits from generally well-defined street frontages which have been mostly achieved with the absence of front threshold parking; although this is not the case on some of the secondary roads as a consequence of front threshold parking dominating the street environment.'

The proposed layout is a significant improvement over that illustratively shown as part of the outline submission with the increased amount of open space and the appropriate treatment of the historic hedgerows in the southern part of the site. It is considered that the layout provides a suitably high quality environment with appropriate private space provided for future occupiers. The applicants have increased the number of flats on the site, over that shown on the outline illustrative submissions, and bearing in mind that the outline permission established that 320 dwellings could be accommodated on the site, it is considered that the proposed layout achieves this in an acceptable way. It is appreciated that the overall character and feel of the development will be significantly different to that of the established residential areas to the east but, it does reflect more closely the newer developments to the west.

Having regard to the proposed scale of the development, the majority of the proposed dwellings will be two storeys in height. Within the northern and central parts of the site there are a number of two and half and three storey buildings, including four blocks of flats and there is precedent in the new developments to the west for this scale of building. It is considered that the scale of the development is acceptable.

In terms of the proposed dwelling mix, which has been previously set out above, the development makes provision for a significant amount of small/smaller family units which is in line with the evidence contained within the Council's Housing and Economic Development Needs Assessment.

In terms of the appearance of the buildings then the applicants are proposing the use of standard house types taken from two different product ranges. In addition, the applicants are proposing a differing design approaches, traditional and contemporary, depending upon the location of the building in the site. The sloping nature of the site offers a number of difficulties for the developer and your Urban Designer has made the following comments;

'Overall, the building design is still bland and ubiquitous contributing little to giving the development a sense of place beyond the natural attributes of the site, and there are also clumsy juxtapositions between adjacent buildings. However the revised elevations have improved the composition of some of the facades including the blocks of flats

chiefly through more consistent fenestration. Also the highly visible Rocky Lane street elevation has been improved with a more consistent run of buildings.'

In conclusion on this matter he goes on to state;

'...this scheme has a number of design deficiencies, however the overall layout is well organised and the design of the most prominent parts of the site is now generally acceptable. Given the improvements that have been made I feel on balance there are insufficient grounds to defend a refusal on design grounds. I therefore withdraw my previous objection.'

Conditions are suggested to cover a number of details points raised in this comments.

The views of the Urban Designer are noted and your officer agrees with the overall conclusions and having regard for all these matters it is considered that the application complies with policies DP26 and DP30 of the District Plan and policies E9, E11 and E13 of the Neighbourhood Plan.

Parking, Transport and Rights of Way Matters

Looking at the policy context, policy DP21 of the District Plan requires development proposals to provide appropriate opportunities to facilitate and promote the increased use of alternative modes of transport, such as the provision of safe and convenient routes for walking and cycling. The policy sets out that decisions will take account of whether a scheme is designed to adoptable standards and whether it provides adequate car parking for the proposed development. On the matter of parking, policy DP26 expects well integrated parking arrangements that do not dominate the street environment.

Turning to rights of way matters, policy DP22 requires them to be protected by ensuring development does not result in the loss of or does not adversely affect a right of way, unless a new route is provided.

Policy T3 of the Neighbourhood Plan states that development outside the defined town centre boundary should provide on-street parking in accordance with the standards adopted by MSDC. While policy T1 requires major development proposals to be provide good pedestrian and cycle connections to the existing network.

On the matter of parking, the submitted details show that a total of 145 no. parking spaces will be provided in garages, where a single space will measure 6.2m by 3.2m. Furthermore, a total of 527 no. of allocated spaces will be provided across the site either on plot or in parking areas provided perpendicular to the road. This type of parking areas are general proposed on the secondary roads within the development and comments on the impact of these spaces on the street environment have been made in the preceding section of the report. Further separate non-allocated spaces, totalling 61no., and visitor spaces, totalling 35no., are to be provided giving a grand total of 769no. spaces across the whole site to service the development.

Based upon the information provided, the total number of spaces to be provided slightly exceeds the requirement as calculated by the WSCC parking demand tool, by 3no. spaces. No objection has been raised by the Local Highway Authority and it is considered that the proposals comply with policy DP21 of the District Plan and policy T3 of the Neighbourhood Plan in respect of this matter.

On the matter of public rights of way, footpath FP104CR crosses the site from the rear of Rookery Way to the eastern boundary, where it then runs to the south. The comments from the Public Rights of Way Officer highlight that in order to undertake the development as proposed a footpath diversion will be required. This is a separate process, upon which the outcome cannot be guaranteed. In the event that the applicant has to undertake changes to the layout as proposed in order to incorporate the footpath diversion, then they would need to reapply to the Council in order for the planning considerations of the layout alterations to be considered.

The Public Rights of Way Officer highlights that the use of footpath FP104CR can reasonably be predicted to increase and there are suggestions that at the very least that the footpath surface along its entire length should be upgraded or indeed that it should be upgraded to a Bridleway. It is suggested that such upgrades should be secured via a Section 106 Legal Agreement, however, this is a reserved matters application where the infrastructure requirements of the development have already been secured against the outline planning permission and as such this cannot be re-visited at part of this application. This application however can ensure that suitable provision for the path is made within the proposed development and while the Public Rights of Way Officer has not given a definitive response as to whether what is shown is acceptable (reserving position until a formal footpath diversion application has been submitted) he has made the following comments;

'It is noted the route is generally quite open and does not have close boarded fencing immediately adjacent to it, which would create a future social misuse problem and would reduce path users' enjoyment by creating a darkened, tunnel-like environment.'

On the basis of the information submitted, there is no indication that the proposed treatment of footpath FP104CR is unacceptable. The nature of the path as it crosses the site will inevitably change given the outline consent to construct 320 dwellings and officers are satisfied that the proposal, in this respect, complies with Policy DP22 of the District Plan.

In addition to the above, the proposed layout shows a pedestrian link up the eastern boundary of the site that will link through to the existing pedestrian crossing to Rocky Lane. This then provides links to the existing pedestrian/cycle routes to the town centre and other facilities, which accords with policy T1 of the Neighbourhood Plan.

The applicants have provided a plan showing the roads that it intends to put forward for adoption by the Local Highway Authority. It shows that the main spine road and secondary roads will be offered forward, with some shared surfaces and parking areas

retained in private ownership. The Local Highway Authority have highlighted some potential issues that the applicant may wish to consider prior to making a formal application to the County Council for adoption. The matters raised relate to detailed design and can be resolved as part of the adoption process. If as a result of that application process the applicants have to undertake any changes to the layout, then they would need to reapply for the planning issues to be reconsidered.

No objection has been raised by the Local Highway Authority in respect of the reserved matters details submitted and officer are content that the application complies with policies DP21 and DP22 of the District Plan and policies T1 and T3 of the Neighbourhood Plan.

Landscaping

Landscaping is a reserved matter and as part of the submission the applicants have included full landscape plans for the entire site, along with a landscape management plan to satisfy condition 17 of the outline planning permission. The proposed landscaping scheme has been reviewed by your Tree and Landscape Officer.

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. Proposals for new trees/planting should be of suitable species (usually native).

Matters associated with the ancient woodland will be dealt with in the section below, however, it should be noted that it is to be retained and protected in accordance with the parameters established as part of the outline planning permission.

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. In requiring a high quality design and layout, policy DP26 of the District Plan expects this to include appropriate landscaping and greenspace, this similarly reflected in policy E9 of the Neighbourhood Plan.

In addition to the overall landscape masterplan, a detailed scheme for the entire site has been provided and main elements to note are as follows;

- Landscape frontage to Rocky Lane including regular tree planting hedging
- Irregular tree planting to spine road
- Landscape buffer entire to western boundary of site consisting of shrub and tree planting
- Creation of open spaces with formal tree planting to edges

A criticism at the outline stage was the treatment of the historic hedgerows in the southern section of the site, where previous illustrative material shown them inappropriately included within private residential gardens. The current layout now shows these appropriately treated and landscape features in their right.

Your Tree and Landscape Officer has not raised an objection to the scheme submitted and is generally content with the landscape management plan (as submitted pursuant to condition 17) save for the fact that a planting schedule has not yet been submitted. This has been requested and members will be updated on this at the committee.

It is considered that the landscaping details are acceptable in this respect the application complies with policies DP26 and DP37 of the District Plan and policy E9 of the Neighbourhood Plan.

Ecology

The site is subject to a number of ecological constraints, namely the two parcels of ancient woodland in the central part of the site and the sections of historic hedgerow in the southern part. Various ecology issues were raised at the outline application stage that the now applicant has tried to address these through this reserved matters submission.

Policy DP38 of the District Plan seeks to ensure that develop protects existing biodiversity and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure.

The proposal has been considered by the Council's Ecology Consultant who states;

'it is good to see that previous comments on the need to provide at least 15m of buffer between ancient woodlands and any structures or private gardens has been demonstrated on plans. It is also good to see a naturalistic approach taken to the emergency access to minimise the isolation between the existing ancient woodlands.'

Concerns have been raised within the representations regarding the positioning of swales and balancing ponds within the ancient woodland buffer zones. Furthermore, a letter of representation has been received from Natural England drawing attention to its standing advice on Ancient Woodlands and Veteran Trees, while also noting that *' a buffer to ancient woodland should consist of semi-natural habitat and not contain any structures, including swales, which have the capacity to adversely impact the ancient woodland.'*

The Council's ecology consultant has considered the points made and stated the following;

'I note that Natural England have made comments in response to an objection reiterating their standing advice that ancient woodland buffers should comprise semi-

natural habitat. I note also that the letter gives a view that this "should not include any structures, including swales, which have the capacity to adversely impact the ancient woodland". It is rather unclear whether this means Natural England considers swales to be structures that are inherently harmful to ancient woodland or simply that they are features that may in some circumstances cause harm, in which circumstances they shouldn't be allowed. The latter would be more understandable and certainly their excavation could impact the roots of edge trees. However, the appropriate standard to apply for this is BS5837: 2012 which provides specific guidance on appropriate root protection zones, so it is not necessarily the case that no excavations can occur within 15m of the woodland edge (15m zones would only apply to large trees). Appropriate root protection zones should be calculated from arboricultural survey information for the edge trees. Therefore, I would recommend that evidence should be sought from the applicant that that root protection zones will not be compromised.

'I agree that buffer zones should comprise semi-natural habitat where it exists and the establishment of new habitat with semi-natural characteristics where it doesn't. However, in my view, this does not necessarily all need to be woodland habitat. I think for this site it is appropriate that a high proportion of it is new woodland in order to compensate for loss of hedgerow / dormouse habitat elsewhere, mitigate indirect effects on the existing woodland and enhance, as far as practicable, the existing woodland resource. Some more open habitat types, are also acceptable in my opinion, including species rich grassland, some areas of which may function as water retention basins, all of which can provide complimentary ecotones for species using the woodland edges (e.g. many bat species).'

Furthermore, it should be noted that in an appeal decision on Land North of Butlers Green Road in Haywards Heath an appeal inspector made the following comments in relation to a similar matter;

'31. The Council's objections to the buffer zone relate to two main matters. First, concern is raised about the intended establishment of a swale (the 'external swale') within the buffer zone. While this would involve some excavation, it would (subject to its final design details) be capable of being situated sufficiently far from the woodland to avoid intruding with RPAs. Given that a swale is a vegetated structure, it would also offer the potential to provide an area of species-rich grassland next to the existing woodland edge vegetation. These factors would not be at odds with the nature and function of a buffer zone, which (in summary) are: to allow space for the development of a varied woodland edge, to allow run-off to be slowed and absorbed and to avoid or reduce other potentially harmful effects of development including tree root damage, disturbance, noise, predation by pets, light spill and the need for tree management.'

Given the above, there is no specific evidence to suggest the positioning of the proposed swales and detention basins within the ancient woodland buffer would result in any harm to the ancient woodland on this site. The details of swales and detention basins are subject to existing conditions (surface water drainage) as part of the outline planning permission and these will not be discharged until, amongst other things, the

Council are satisfied that they will not compromise the root protection zone within the woodland buffers.

As noted earlier, the two historic hedgerows in the southern part of the site have been taken out of private residential gardens and have been more appropriately incorporated into the development as features in their own right and ensuring that their remaining ecological value is protected as much as possible.

It is considered that the proposal complies with policy DP38 of the District Plan.

Impact on Residential Amenity

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.

Within the representations a number of concerns have been raised with regard to the impact on existing amenities, ranging from the loss of outlook, loss of privacy and overlooking to increase in noise and disturbance.

Looking at the impact of the proposals on existing properties to the west (Sandricks), there are a number of proposed plots, namely no's 290, 302 and 304 that face east/west, meaning that they have a front/rear facing relationships with properties in Cedar Avenue. Having regard to the distances involved, they are in excess of 21m, it is considered that the separation is such that it is not likely that an issue of significant harm could be justified. Furthermore, concerns raised regarding the boundary treatment along the eastern boundary are noted and while plans have been submitted for consideration which covers the means of enclosure for the entire site, a suitable condition is suggested to reserve these details for further consideration.

In terms of properties to the east, proposed plots no.12-14 again face east/west and as such the rear elevation faces the flank elevation of Meadowdown, which is located in Rookery Way and separated from the development by an existing native hedge. The proposed dwellings are three bedroom units, with each having one rear facing window that serves a bedroom. Following discussions with officers, the applicants have amended the proposed landscaping plan to show the planting of additional trees within the landscape buffer behind these proposed properties. Taking into account this, and the fact that the proposed properties will be set at a lower level and the separation distance is approximately 21m, it is not considered that likely significant would be caused through either loss of privacy or overlooking to either the side garden or flank facing kitchen/dining room window.

In respect to other properties within Rookery Way, Wythwood and Weald Rise, given the various separation distances that are well in excess of 21m it is not considered that the proposed layout would give rise to unacceptable levels of overlooking or loss of privacy.

The development of the site will result in a change of outlook for many of the existing neighbouring properties but this was accepted in firstly allocating the majority of the site for development within the Neighbourhood Plan and secondly in granting the outline planning permission. The details contained within this application do not alter this nor give rise to a likely significant impact over and above what would have been envisaged through the development of the site for 320 dwellings.

Other issues have arisen with regard to noise and disturbance, as well as possible light pollution. There will also be a degree of noise and disturbance during the construction phase of a development but this is temporary and not a reason to refuse a proposal. While it is inevitable that in the longer term the daily occupation of 320 dwellings will result in additional noise and disturbance over that which is currently experienced, this would be no different to any other relationships found within the town or experienced when new developments are placed adjacent to existing residents.

Details of any proposed lighting have not been provided but in the event that the internal roads are adopted by the Local Highway Authority a need will arise. It is suggested that a condition be attached requiring the submission of these details.

It is considered that the development as proposed will not give rise to likely significant impacts on existing residential amenity and that the application complies with policy DP26 of the District Plan.

Affordable Housing

Policy DP31 of the District Plan requires developments to provide a minimum of 30 per cent affordable housing. As part of the outline planning permission the associated S106 Legal Agreement secured this requirement and as such the scheme before members includes the provision of a total of 96no. affordable units. It is proposed that they will be provided in the following mix;

18 x 1 bed flats (all rented)

15 x 2 bed flats (all rented)

49 x 2 bed houses (33 rented and 16 shared ownership)

14 x 3 bed houses (6 rented and 8 shared ownership)

The above mix and tenure split comply with policy and while some of the proposed clustering is more than officers would normally advocate the your Housing Officer has stated the following;

'The applicant has been mindful of social integration between the market and affordable units and generally, when viewed as a whole, the affordable units are distributed evenly across the site. For this reason, we are prepared to acknowledge some of the design constraints that this particular site presents and accept some larger clusters of affordable housing where we would ordinarily insist on no more than 10 units per cluster.'

Your officers agree with the comments made by the Housing Officer and it is considered that the proposed details are acceptable and compliant with current Development Plan policy.

Drainage

The proposed drainage for the development is subject to conditions attached the outline planning permission and as part of this application details for the discharge of the relevant conditions have been submitted.

It was established at the outline planning application that the site could be drained in an acceptable way so as not to increase the risk of flooding elsewhere. This is a requirement of the policy DP41 of the District Plan and still remains the case. Policy E7 of the Neighbourhood Plan requires Sustainable Drainage Systems, where practical, and details of how such schemes will be managed and maintained.

The submitted details show that with regard to foul drainage it is proposed that 138no. dwellings will be connected to the existing foul pumping station located in the adjacent Sandrocks development to the west, and the remaining 182no. dwellings to the foul pumping station in the Crest Nicholson site to the south west. It is proposed that the foul water network will be offered for adoption by Southern Water under a Section 104 Agreement.

In terms of surface water drainage, a total of five detention basins are proposed and will be located in the lower portion of the relevant on site catchment area and will provide the majority of the storage required during high intensity rainfall events. A number of underground storage creates are also to be provided, along with permeable paving to communal parking areas. Swales are proposed to the east of Coalpit Wood and to the west of Furze Wood. The overall strategy is mimic the existing drainage, conveying the surface water through the site and restricting the discharge to Foundry Brook to a peak discharge equivalent to the existing greenfield run-off rate.

The details are still be considered by your Drainage Officer and at this stage there is nothing to suggest that the principle of what is being proposed is unacceptable. The details are subject to current planning conditions and while the applicant has asked that these be considered as part of this application process, it is likely that officers will not be in a position to deal with these matters at this time and will need to be subject of a further condition discharge submission.

It is considered that the proposal in respect of these matters, subject to the discharge of the relevant planning conditions, comply with policy DP41 of the District Plan and policy E7 of the Neighbourhood Plan.

Other Matters

In accordance with policy DP27 of the District Plan, developments are required to comply with the minimum national described space standards for internal floor space. Officers are satisfied that the proposed dwellings comply with these standards and thus comply with this policy.

DP24 of the District Plan requires new developments to provide on-site facilities for leisure, which include the provision of play areas and equipment. The submitted layout shows a total of three equipped play areas and an informal kickabout area. These are suitably located throughout the development in areas that are well supervised. While details of the play areas have been submitted, further consideration of their form is required to ensure that they are appropriate and there is already a suitable condition attached to the outline planning permission that covers this. Officers are satisfied that the application complies with policy DP24 of the District Plan.

The comments of the Town Council regarding connection between the proposed development and Sandrocks to the west are noted. However, due to landownership issue it does not appear that such a connection will be possible, which is disappointing. It should also be noted that a presentation has been received from the Sandrocks residents association would not support such a proposal.

Concerns have been expressed within the representations regarding the increase in air pollution along Rocky Lane, as a result of the development. DP29 of the District Plan deals with this matter and sets out that development should not cause unacceptable levels of air pollution. The principle matter of air pollution was considered as part of the outline planning permission and established to be acceptable. This is a reserved matters application associated with specific elements of the development and where the number of dwellings and the associated use of the Rocky Lane is not for consideration. Your Environmental Protection Officer has not raised a comment on the application and as such your officer is satisfied that the application complies with policy DP29 of the District Plan.

In terms of the matters submitted by the applicant to discharge conditions, where these details remain subject to further consideration then they will be dealt with via a separate discharge process. It should be noted that this should not prevent members for determining the reserved matters details before them.

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.

The application consists of the layout, scale, appearance and landscaping details pursuant to the extant outline planning permission for 320 dwellings on the site. The scheme makes suitable provision for the 96no. affordable houses secured under the S106 Legal Agreement and the layout is conformity with the parameters established at the outline stage.

It is considered that the proposed layout, scale and landscaping of the scheme are acceptable and while there will be some impacts on existing adjacent residential properties, it is considered the separation distances are such that significant harm in the form of overlooking or loss of privacy will not occur. While the appearance of the buildings are bland is not considered that there is sufficient grounds to refuse of the application on as the most prominent buildings/areas generally acceptable.

The proposal provides suitable ancient woodland buffers and has appropriately incorporated the historic on site hedgerows into the overall layout. The provision of swales and detention basins in the buffer zones are considered acceptable providing that root protection zones are not affected.

On the basis of the above, the application complies with policies DP21, DP22, DP24, DP26, DP27, DP29, DP30, DP31, DP37, DP38 and DP41 of the District Plan and policies E7, E9, E11, E13, T1, T3, and H2 of the Neighbourhood Plan.

APPENDIX A – RECOMMENDED CONDITIONS

1. No development shall take place above slab level until details of the proposed external materials/finishes have been submitted to and approved in writing with the Local Planning Authority. The scheme shall only be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the District Plan and Policy E9 of Haywards Heath Neighbourhood Plan.

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of District Plan and Policy E9 of Haywards Heath Neighbourhood Plan.

3. 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.

4. 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.

5. 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.

6. No development shall take place above slab level until a lighting scheme for the site has been submitted to and approved in writing with the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To protect the residential amenity and the ecological value of the site and to accord with Policies DP26 and DP38 of the District Plan.

7. No development shall take place above slab level until details of proposed screen/retaining walls and fences have been submitted to and approved in writing by the local planning authority. The 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.

Approved Plans

8. Prior to the first occupation of any dwelling, details shall be submitted to the

Local Planning Authority setting out how on-street parking and servicing associated with plots 314-320 is to be controlled. Once approved, these measures shall be implemented prior to the occupation of any of these dwellings and retained as such unless first agreed in writing with the Local Planning Authority.

Reason: in the interests of highway safety and to accord with policy DP21 of the District Plan.

9. 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.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Proposed Elevations	160830/HT/HES-R/EL	B	11.10.2017
Proposed Elevations	160830/HT/HES-T/EL	B	11.10.2017
Proposed Elevations	160830/HT/HES-B/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/HES/FP	A	11.10.2017
Proposed Elevations	160830/HT/LAM/EL	B	11.10.2017
Proposed Elevations	160830/HT/LAM-R/EL	B	11.10.2017
Proposed Elevations	160830/HT/LAM-T/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/LAM/FP	A	11.10.2017
Proposed Elevations	160830/HT/HER/EL	B	11.10.2017
Proposed Elevations	160830/HT/HER-R/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/HER/FP	A	11.10.2017
Proposed Elevations	160830/HT/RAD/EL	B	11.10.2017
Proposed Elevations	160830/HT/RAD-R/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/RAD/FP	A	11.10.2017
Proposed Floor Plans	160830/HT/WOO/EL	B	11.10.2017
Proposed Elevations	160830/HT/WOO-T/EL	B	11.10.2017
Proposed Elevations	160830/HT/WOO-B/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/WOO/FP	A	11.10.2017
Proposed Elevations	160830/HT/ALD-T/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/ALD/FP	A	11.10.2017
Proposed Elevations	160830/HT/STA/EL	B	11.10.2017
Proposed Elevations	160830/HT/STA-R/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/STA/FP	A	11.10.2017
Proposed Elevations	160830/HT/ENN-DET-B/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/ENN-DET/FP	A	11.10.2017
Proposed Elevations	160830/HT/ENN/EL	B	11.10.2017
Proposed Elevations	160830/HT/ENN-R/EL	B	11.10.2017

Proposed Elevations	160830/HT/ENN-B/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/ENN/FP	A	11.10.2017
Proposed Elevations	160830/HT/MAI/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/MAI/FP	A	11.10.2017
Proposed Floor Plans	160830/HT/WAL-BAR/FP	A	11.10.2017
Proposed Elevations	160830/HT/WAL-BAR/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/WAL-BAR/FP	A	11.10.2017
Proposed Elevations	160830/HT/HEN/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/HEN/FP	A	11.10.2017
Proposed Elevations	160830/HT/LAY/EL	B	11.10.2017
Proposed Elevations	160830/HT/LAY-R/EL	B	11.10.2017
Proposed Elevations	160830/HT/LAY-T/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/LAY/FP	A	11.10.2017
Proposed Elevations	160830/HT/AVO/EL	B	11.10.2017
Proposed Elevations	160830/HT/AVO-R/EL	B	11.10.2017
Proposed Elevations	160830/HT/AVO-T/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/LAY/FP	A	11.10.2017
Proposed Elevations	160830/HT/HOL/EL	B	11.10.2017
Proposed Elevations	160830/HT/HOL-T/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/HOL/FP	A	11.10.2017
Proposed Elevations	160830/HT/COR/EL	B	11.10.2017
Proposed Elevations	160830/HT/COR-R/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/COR/FP	A	11.10.2017
Proposed Elevations	160830/HT/GRE/EL	B	11.10.2017
Proposed Elevations	160830/HT/GRE-R/EL	B	11.10.2017
Proposed Elevations	160830/HT/GRE-T/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/GRE/FP	A	11.10.2017
Proposed Elevations	160830/HT/PAR/EL	B	11.10.2017
Proposed Elevations	160830/HT/PAR-R/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/PAR/FP	A	11.10.2017
Proposed Elevations	160830/HT//HAD-DET/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/HAD-DET/FP	A	11.10.2017
Proposed Elevations	160830/HT/HAD/EL	B	11.10.2017
Proposed Elevations	160830/HT/HAD-R/EL	B	11.10.2017
Proposed Elevations	160830/HT/HAD-T/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/HAD/FP	A	11.10.2017
Proposed Elevations	160830/HT//ASH/EL	B	11.10.2017
Proposed Elevations	160830/HT/ASH-R/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/ASH/FP	A	11.10.2017
Proposed Elevations	160830/HT/ARC/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/ARC/FP	A	11.10.2017
Proposed Elevations	160830/HT/WAL/EL	B	11.10.2017
Proposed Floor Plans	160830/HT/WAL/FP	A	11.10.2017
Proposed Floor and Elevations Plan	160830/SG1/BAR/EP		11.10.2017
Proposed Floor and	160830/SG2/BAR/EP		11.10.2017

Elevations Plan			
Proposed Floor and Elevations Plan	160830/HT/DG1/BAR/EP		11.10.2017
Proposed Floor and Elevations Plan	160830/HT/BCS/EP		11.10.2017
Proposed Floor and Elevations Plan	160830/HT/CS/EP		11.10.2017
Proposed Floor and Elevations Plan	160830/HT/BS/EP		11.10.2017
Proposed Floor and Elevations Plan	160830/HT/SG1/EP		11.10.2017
Proposed Floor and Elevations Plan	160830/HT/SG2/EP		11.10.2017
Proposed Floor and Elevations Plan	160830/HT/DG1/EP		11.10.2017
Landscaping Details	6276/ASP.HL.2.0	A	11.10.2017
Landscaping Details	6276/ASP.HL.2.1	A	11.10.2017
Landscaping Details	6276/ASP.HL.2.2	A	11.10.2017
Landscaping Details	6276/ASP.HL.2.3	A	11.10.2017
Landscaping Details	6276/ASP.HL.2.4	A	11.10.2017
Landscaping Details	6276/ASP.HL.2.5	A	11.10.2017
Landscaping Details	6276/ASP.HL.2.6	A	11.10.2017
Landscaping Details	6276/ASP.HL.2.7	A	11.10.2017
Landscaping Details	6276/ASP.HL.2.8	A	11.10.2017
Landscaping Details	6276/ASP.HL.2.9	A	11.10.2017
Landscaping Details	6276/ASP.HL.2.10	A	11.10.2017
Landscaping Details	6276/ASP.HL.2.11	A	11.10.2017
Landscaping Details	6276/ASP.PP.1.0	B	11.10.2017
Landscaping Details	6276/ASP.PP.1.1	B	11.10.2017
Landscaping Details	6276/ASP.PP.1.2	B	11.10.2017
Landscaping Details	6276/ASP.PP.1.3	B	11.10.2017
Landscaping Details	6276/ASP.PP.1.4	B	11.10.2017
Landscaping Details	6276/ASP.PP.1.5	B	11.10.2017
Landscaping Details	6276/ASP.PP.1.6	B	11.10.2017
Landscaping Details	6276/ASP.PP.1.7	B	11.10.2017
Landscaping Details	6276/ASP.PP.1.8	B	11.10.2017
Landscaping Details	6276/ASP.PP.1.9	B	11.10.2017
Landscaping Details	6276/ASP.PP.1.10	B	11.10.2017
Landscaping Details	6276/ASP.PP.1.11	B	11.10.2017
Drainage Details			11.10.2017
Street Scene	160830/SS/01	E	16.04.2018
Street Scene	160830/SS/02	F	16.04.2018
Landscaping	6276/ASP1/LM	C	11.10.2017
Planning Layout	160830/SL/RM/07	F	16.04.2018
Other	160830/SL/RM/09	E	16.04.2018
Other	160830/SL/RM/10	G	16.04.2018

Other	160830/SL/RM/11	G	16.04.2018
Planning Layout	160830/SL/RM/06	F	16.04.2018
Means of Enclosure	160830/SL/RM/08	F	16.04.2018
Planning Layout	160830//SL/RM/05	F	16.04.2018
General	6276/ASP3.0		11.10.2017
General	6276/ASP3.1		11.10.2017
General	6276/ASP3.2		11.10.2017
General	6276/ASP3.3		11.10.2017
Location Plan	160830/LP		11.10.2017
Proposed Site Plan	160830/SL/RM/01	R	11.10.2017
Proposed Site Plan	160830/SL/RM/02	J	16.04.2018
Proposed Site Plan	160830/SL/RM/03	K	16.04.2018
Proposed Site Plan	160830/SL/RM/04	K	16.04.2018
Proposed Floor and Elevations Plan	160830/HT/1BA-2BA/EP	A	11.10.2017
Proposed Floor and Elevations Plan	160830/HT/1BA-2BA-BAR/EP	D	16.04.2018
Proposed Floor and Elevations Plan	160830/HT/FAL/EP	A	11.10.2017
Proposed Floor and Elevations Plan	160830/HT/COL-HOR-LOU-EP	E	16.04.2018
Proposed Elevations	160830/HT/T55/EL	D	16.04.2018
Proposed Elevations	160830/HT/T55-B/EL	D	16.04.2018
Proposed Floor Plans	160830/HT/T55/FP	A	16.04.2018
Proposed Elevations	160830/HT/T51/EL	D	16.04.2018
Proposed Elevations	160830/HT/T51-B/EL	A	16.04.2018
Proposed Floor Plans	160830/HT/T52/FP	A	16.04.2018
Proposed Elevations	160830/HT/2BF-BAR/EL	D	16.04.2018
Proposed Floor Plans	160830/HT/2BF-BAR/FP	A	16.04.2018
Proposed Elevations	160830/HT/2BF.1-BAR/EL	D	16.04.2018
Proposed Floor Plans	160830/HT/2BF.1-BAR/FP	A	16.04.2018
Proposed Elevations	160830/HT/SH55/EL	B	16.04.2018
Proposed Floor Plans	160830/HT/SH55/FP	A	16.04.2018
Proposed Elevations	160830/HT/SH52/EL	C	16.04.2018
Proposed Floor Plans	160830/HT/SH52/FP	A	16.04.2018
Proposed Elevations	160830/HT/SH51/EL	C	16.04.2018
Proposed Floor Plans	160830/HT/SH51/FP	A	16.04.2018
Proposed Elevations	160830/HT/2BF/EL	C	16.04.2018
Proposed Floor Plans	160830/HT/2BF/FP	A	16.04.2018
Proposed Elevations	160830/HT/2BF.1/EL	C	16.04.2018
Proposed Floor Plans	160830/HT/2BF.1/FP	A	16.04.2018

APPENDIX B – CONSULTATIONS

Ansty and Staplefield Parish Council

Application noted.

No objection.

MSDC Urban Designer

Summary and Overall Assessment

The scheme benefits from a perimeter block arrangement with most of the building frontages facing towards the roads and spaces, revealing the attractive woodland areas in the middle of the site and around the boundaries. The main open space is well positioned at the centre of the site and has been increased in size since the outline stage although it is still quite modest once the woodland buffer and drainage requirements are considered; however the detention basins have been designed so they have the capacity of recreational space during the dry months of the year. The spine road benefits from generally well-defined street frontages which have been mostly achieved with the absence of front threshold parking; although this is not the case on some of the secondary roads as a consequence of front threshold parking dominating the street environment.

The Design Review Panel (DRP) were concerned that insufficient consideration had been given to the sloping nature of the site. The applicant has now provided a 3 dimensional "fly-through" model and re-worked street elevations that demonstrate how the buildings will be stepped to follow the slopes. I nevertheless share the DRP's concerns that the topography is more likely to reveal blank flanks, and show-up inconsistent roof pitches; the former has now to some extent been addressed by the inclusion of incidental windows on many of the houses and flats. A comprehensive set of street elevations have been supplied but there are a number of terrace houses that are not shown as a group, and because of the awkward topography we still need elevations to demonstrate how these frontages respond to the slopes, and I also have a specific concern with the configuration of plots 231-233.

I also agree with the DRP that the analysis of the different "character areas" is unconvincing. Except for the grouping of the flats in the central part of the site, there is little architectural variation for such a large scheme; however the applicant has advised this will be partially addressed through the application of facing materials.

Overall, the building design is still bland and ubiquitous contributing little to giving the development a sense of place beyond the natural attributes of the site, and there are also clumsy juxtapositions between adjacent buildings. However the revised elevations have improved the composition of some of the facades including the blocks of flats

chiefly through more consistent fenestration. Also the highly visible Rocky Lane street elevation has been improved with a more consistent run of buildings.

In conclusion, this scheme has a number of design deficiencies, however the overall layout is well organised and the design of the most prominent parts of the site is now generally acceptable. Given the improvements that have been made I feel on balance there are insufficient grounds to defend a refusal on design grounds. I therefore withdraw my previous objection.

I would nevertheless recommend conditions requiring submission of further information and drawings for the approval of the following:

- Facing Materials
- Landscaping including the boundary treatment, sections through the detention basins and the details of the pedestrian linkage across the boundary with the public right of way in the south west corner of the site.
- The design and configuration of the full terrace house groupings and adjacent parking in respect of plots 231-233 and the terraces that do not already feature on the street elevations.
- The position of the rainwater downpipes on all the building frontages facing the street showing the position of the downpipes on the full terrace and semi-detached grouping.
- The design of the front entrances and porch-ways serving the blocks of flats except for 274-279

Layout

Since the outline consent, additional open space has been provided on the west side of the site, but approximately a half of this is to accommodate the detention basin, and much of the green space on the site plan is required for drainage requirements or to provide ancient woodland buffers. However the applicant has indicated that the detention basins are to be designed so they have the capacity of being used as open recreational space during the dry months of the year. It is nevertheless recommended that further detail is submitted to demonstrate this.

In comparison with the outline layout, the linear open space between 280-88 and 290-96 has been reduced in width by car parking and the access road on both sides; its utility value has been further undermined as it has not been possible to negotiate a connection across the Sandrocks boundary to the adjacent open space. This is also the case with the part of the boundary adjacent to the main open space.

The layout nevertheless successfully integrates the existing public right of way through the site, and the layout shows a pedestrian linkage to the public right of way in the south west part of the site.

Parking has been accommodated fairly discreetly along the main spine road, with the incorporation of rear courts and parking at the side of houses. Elsewhere though front threshold parking is too prevalent, resulting in inconsistent building lines, weaker building enclosure and hard-edged street environments; this is a problem along the secondary roads especially the threshold of plots 70-79, 152-157, 202-208, 172-179 in between 38-47 and 245-7, and between 57-60 and 237-242. The applicant has sought to soften these areas with additional tree planting, however this will only impact when the trees are in leaf; the choice of trees and safeguarding arrangements will also influence the effectiveness of this strategy.

In the rear parking courts there is a lack of defensible space between some of the flats and the parking / vehicle access ways. The opportunity should be taken to landscape these areas as much as possible.

Street Elevations

Street elevation AA on Rocky Lane has been significantly improved with the latest revisions that replace Woodvales with the Maidstone house types on plots 314-315 providing a more consistent frontage and avoiding the previous untidy juxtaposition between differently proportioned frontages. These houses also benefit from more consistently proportioned fenestration and while plot 1 is unfortunately flank-on to Rocky lane, the windows are at least carefully positioned in this facade. The applicant has given a commitment to plant large variety trees on the street threshold that should help deliver an attractive frontage to the development.

Street elevations BB, CC, DD, EE, FF are still characterised by a mix of buildings, some of which sit inelegantly next to each other with ridge and eaves lines that do not always follow the gradient; the uncomfortable juxtaposition of horizontally and vertically proportioned frontages further exacerbates this. The revised drawings show the "Falkirk" block of flats on plots 274-279 raised-up with the front door level with the street, so that it no longer appears to be sunken. However the three house terrace on plots 231-233 is particularly untidy with plot 233 inconsistently stepped-up in relation to the rest of the terrace frontage with a ridge line that rises above the houses further up the slope on plots 234 and 235; I have therefore recommended a condition to address this (the street elevation and site layout drawing also appears to be inconsistent as the elevation shows a break in the roofline that suggests 233 is set back from 231/2 while the site layout indicate a consistent building line) and requiring the configuration of the run of terraces not shown in full to be submitted for further approval (terrace groupings work best when they have underlying rhythm generated by a consistent run of replicated frontages with consistently positioned front doors; this can work whether the ridge line is consistently stepped or consistently flat, but breaks down with inconsistent elements).

Street elevation GG, HH, JJ - 209-221 and 136-139 work well as a group, but elsewhere the inter-mixing of the taller vertically proportioned 2+1 storey semi-detached houses with the squatter proportioned 2 storey detached frontages is less satisfactory, particularly as the latter are punctuating the corners.

Elevations

Windows

The revised drawings now incorporate simpler more rationalised fenestration that benefits from being more consistently proportioned. This particularly improves the Heskeths, Hertfords, Alderneys (with the defined gable), Ennerdale, Walsham's and the Woodvale. Other house types which lack other articulation, such as the Lambertons, Radleigh and Stamborne still look bland where they do not feature a secondary facing material.

Facing Materials

The replacement of render with the white weatherboarding is welcomed as are the more comprehensive application of the materials on all sides of the buildings.

It is proposed this is left to condition to ensure that materials are consistently applied and grouped to give more variety to different parts of the site.

Roofs

Many of the houses still have weak shallow pitched roofs and these juxtapose poorly when they sit next to steeper pitched roofs as is the case with the 2+1 storey houses and the detached houses in the street elevations (as above).

Pastiche Elements

The cornice dentils that feature on some of the houses is an unconvincing pastiche detail. The small glazing panels such as on the Laytons and Henleys may also be undermined if fake glazing bars are used.

Blocks of Flats

The latest drawings incorporate improvements with a more consistent approach to the design of the windows that allows for more cohesive elevations, and the consistent grouping of French windows gives the frontages some interest and focus. The west elevation of 222-230 and east elevation of 265-273 facing the main spine road have been significantly improved with the symmetrical composition of the central bay flanked by the mirrored pairings of the French windows. The previous blank flanks on the affordable blocks have been animated with windows. Nevertheless the front entrance porch serving the affordable block is now weaker than the previous design and it is recommended this and the porch serving 222-230 and 265-273 are subject to condition. 274-279 front elevation is more interestingly elevated at the front with its pair of gabled bays flanking the main entrance but the steeper angled gables are nevertheless inconsistent with the shallow angled main roof; the utilitarian-looking rear elevation of 274-279 is still very bland and bears no relationship to the front; however it is tucked-away and not visible from the street or public realm.

Rainwater Downpipes

Rainwater downpipes are not shown on the elevations. As they have a big impact upon the articulation of the frontages particularly on the run of terrace and semi-detached

houses, a condition is recommended for the position of the downpipes to be subject to further approval.

Boundary Treatment

The revised drawings now mostly show brick walls facing the public realm. However there are some areas where this is not the case therefore I would like the boundary treatment to be subject to a condition to ensure the visible boundaries are well designed.

MSDC Drainage Officer

To be reported.

MSDC Housing Officer

The applicant is proposing a scheme that delivers 320 dwellings giving rise to an onsite affordable housing requirement of 30% (96 units). The agreed mix and tenure of the affordable units is shown below and will meet a broad range of housing needs. It also complies with our policy requirement of 75% rented and 25% shared ownership:

Property Size/Type	Tenure: Rented	Tenure: Shared Ownership	Total
1 bed flat	18	-	18
2 bed flat	15	-	15
2 bed house	33	16	49
3 bed house	6	8	14
Total	72	24	96

The applicant has been mindful of social integration between the market and affordable units and generally, when viewed as a whole, the affordable units are distributed evenly across the site. For this reason, we are prepared to acknowledge some of the design constraints that this particular site presents and accept some larger clusters of affordable housing where we would ordinarily insist on no more than 10 units per cluster.

MSDC Tree and Landscape Officer

I've reviewed the submitted landscape management plan provided, please find my comments below.

All trees are to be planted within pits, secured with supports and fitted with suitable pest/rodent protection to aid establishment of all newly planted trees.

The report addresses, in detail, the early management of newly planted trees, including: watering, weeding around the base of trees, chemical/manual weed control, checking (and replacing if needed) all supports/protection and pruning. All of which are suitable and give all newly planted trees the best chance of establishing and growing to maturity.

Any trees that suffer from disease or damage within the first five years shall be replaced on a like for like basis.

Woodland management plans and maintenance are also detailed within the plan;

All fencing surrounding the woodlands shall be repaired/improved to deter public access.

Kilnrough Wood Ancient Woodland:

Selective thinning of Hornbeam trees is planned to increase diversity of species and open up the woodland as to promote further ground flora.

Furze Wood Ancient Woodland:

Large scale removal of understorey Holly trees is planned, this will increase species diversity and again, open up area of sunlight to promote ground flora within the woodland.

Coalpit Wood Ancient Woodland:

Removal of understorey Sycamore trees is planned. Again this will increase species diversity by allowing retained species to flourish while not being out competed by Sycamore.

Fencing repairs and establishing dense borders are planned to deter public footfall and promote regeneration within the woodland.

All of the above is suitable good practice and will aid in the development to promote the long term health of both retained and newly planted tree stock within the development.

However, the report does not include a planting schedule. I would expect to see a planting schedule that includes size and species of all new trees to be planted.

Unfortunately the condition 17 has not been met due to the lack of this planting schedule, although all other aspects of landscape maintenance have been addressed.

MSDC Environment Protection Officer

This application seeks approval pursuant to Condition 1 of Outline Approval DM/16/4496. Additionally, a Construction Environmental Management Plan has also been submitted with regards to satisfying condition 3. This does not relate to condition 6, which requires the submission of a Construction Management Plan.

Given the comments already made by Environmental Health in relation to application DM/16/4496, I have nothing further to add at this stage.

MSDC Ecology Consultant

Firstly, it is good to see that previous comments on the need to provide at least 15m of buffer between ancient woodlands and any structures or private gardens has been demonstrated on plans. It is also good to see a naturalistic approach taken to the emergency access to minimise the isolation between the existing ancient woodlands.

I note that Natural England have made comments in response to an objection reiterating their standing advice that ancient woodland buffers should comprise semi-natural habitat. I note also that the letter gives a view that this "should not include any structures, including swales, which have the capacity to adversely impact the ancient woodland". It is rather unclear whether this means Natural England considers swales to be structures that are inherently harmful to ancient woodland or simply that they are features that may in some circumstances cause harm, in which circumstances they shouldn't be allowed. The latter would be more understandable and certainly their excavation could impact the roots of edge trees. However, the appropriate standard to apply for this is BS5837: 2012 which provides specific guidance on appropriate root protection zones, so it is not necessarily the case that no excavations can occur within 15m of the woodland edge (15m zones would only apply to large trees). Appropriate root protection zones should be calculated from arboricultural survey information for the edge trees. Therefore, I would recommend that evidence should be sought from the applicant that that root protection zones will not be compromised.

I agree that buffer zones should comprise semi-natural habitat where it exists and the establishment of new habitat with semi-natural characteristics where it doesn't. However, in my view, this does not necessarily all need to be woodland habitat. I think for this site it is appropriate that a high proportion of it is new woodland in order to compensate for loss of hedgerow / dormouse habitat elsewhere, mitigate indirect effects on the existing woodland and enhance, as far as practicable, the existing woodland resource. Some more open habitat types, are also acceptable in my opinion, including species rich grassland, some areas of which may function as water retention basins, all of which can provide complimentary ecotones for species using the woodland edges (e.g. many bat species).

Looking at the proposed planting plans in detail, I think the amount of woodland establishment should be increased. The areas to the north of Kiln rough Wood in particular could support more woodland establishment with shrubs on the southern edge or the proposed detention basin. Also, non-native species i.e. horse chestnut that are currently proposed should be removed. I am not sure what the ecological basis is of the proposed native species mixes, but this should be justified in relation to the community types present in the existing woodlands and there should be a stipulation that planting stock is of native origin and provenance from appropriate suppliers (eg. Flora Locale listed).

West Sussex County Council Highways

I do have a few more comments as the majority of carriageways and footways/paths to be offered for adoption as public highway. The applicant should note that whilst these don't affect the acceptability in terms of planning, these may cause issues during the highway adoption agreement.

Demarcation of Parking Spaces in Shared Surface Areas

I see limited merit in demarcating on-street visitor parking bays in the shared surface areas. Unless enforceable waiting restrictions are installed throughout these areas, it couldn't be guaranteed that parking would actually take place within them and not elsewhere; It would be more expected for visitors to park on-street where it is safe and doesn't cause an obstruction. This may not necessarily be within demarcated bays. For the purposes of the current application, these spaces are taken more as indicative of where parking could take place rather than formalised bays.

Servicing for Plots 314-320

I don't think the potential for parking or deliveries associated with these dwellings has been fully taken into account. Measures will be required to prevent parking/loading/unloading on the main spine road in the immediate vicinity of the junction onto Rocky Lane. The following condition is suggested to cover this matter.

Prior to the first occupation of any dwelling, details shall be submitted to the Local Planning Authority setting out how on-street parking and servicing associated with plots 314-320 is to be controlled. Once approved, these measures shall be implemented prior to the occupation of any of these dwellings.

Reason: In the interests of highway safety.

Emergency Link

The comments are noted. As part of any adoption agreement, it is quite likely that WSCC will require the emergency link/footpath to be lit to an appropriate standard. This will have further ecological impacts. The applicant may consequently wish to retain the link under private maintenance. The northern end of the emergency link in any case looks very narrow and unlikely to accommodate the swept path of a fire engine.

Connectivity to Cedar Park/Sandrocks Park

Again, the applicants comments are noted. It would be desirable to create links between the development sites. It is recognised that this relies on the co-operation of the adjacent developer and this cannot be insisted upon. The point is still raised though given that there are two footpath links that run towards Sandrocks Park, thereby suggesting that links are achievable. However as the residents committee of Sandrocks Park have commented on the application, stating that they do not wish for any links to be created, there seems very limited benefit in providing footpaths that then simply terminate at the site boundary.

Other Matters

As the areas of adoption are now indicated, this raises several additional points.

- Limited account is made of the requirement to provide service margins through the adoptable shared surface areas. In a number of places, there are private parking bays and planting indicated right up to the carriageway edge. All of these areas would be affected by the provision of service margins. If suitable margins cannot be achieved, this may prevent these areas from being adopted.
- There are footpaths shown in a number of areas crossing open space. As indicated above, it is more than likely that WSCC will require these footpaths to be lit. Some of the footpaths are potentially of limited public benefit, for example, those lengths running towards Sandrocks Park, that to the south of plots 213 and 219, and to the west of plots 83-85. Also it's not clear why only part of the footpath running around plot 96 is being offered for adoption. It would seem more straightforward to continue the extent of adoption all the way through to the adoptable shared surface.
- All of the entrances to adoptable shared surface areas are indicated to be of footway construction (presumably constructed as crossovers). Given the number of dwellings served from these, the accesses into these should be constructed in full depth bellmouth/carriageway construction.
- There are two pinch points (outside plots 135/141 and 143/184) that appear to be of limited benefit; notwithstanding that the first pinch point is on a gradient, the carriageway alignment would act to constrain speeds rather than needing any additional physical features.
- 1 metre wide hard margins should be provided around those lay-bys that are to be offered for adoption. These can be provided and checked as part of any s38 agreement.

In summary, there are a number of matters raised that relate to the detailed design. Such matters would not justify a highway objection as no severe impact would result. However, these would need to be checked as part of the detailed design/highway adoption process.

Original Comments dated the 6th November 2017

1. From the notations on the submitted plans, it's understood that the internal roads, footways, and casual parking areas are not to be offered for adoption as public highway. Matters of adoption are not in any case a material planning consideration. If the internal highway layout is to be offered for adoption at a later time, this would be subject to a separate review.
2. Related to the above, details of materials are also shown. Again, whilst it is understood that the proposed highway layout will remain private, the Local Highway

Authority will review the acceptability of materials should the development be offered for adoption. The acceptability of materials for adoption has not been considered nor are these being approved by the LHA as part of the current reserved matters approval.

3. With respects to the plans and details submitted, a range of carriageway widths are proposed through the development. This includes a 6 to 5.5 metre wide primary route with 4.8 metre secondary routes. Both have 2 metre wide footways generally along both sides. There are also a number of shared surface areas (where there is no defined footway) of 6 metres width. The widths and proposed arrangements are considered suitable for the intended function of the road when viewed against the guidance of Manual for Streets.
4. With the shared surface areas, some are shown as blockwork whereas others are shown as tarmac. To differentiate between standard carriageway/footway areas and shared surfaces, it is best practice to have materials with a tonal difference. This then highlights to partially sighted pedestrians as well as motorists that they have moved from one area to another. The shared surface area that runs from plot 38 to 236 should be constructed in a material other than tarmac. The same applies to that length of road between plots 151 to 161.
5. Although more a comment if the site were offered for adoption, margins would be required to accommodate services along both sides of shared surface areas. Whilst this is not an issue through most of the development, there are areas where service margins are restricted. The provision of service margins would be reviewed as part of any highway adoption agreement.
6. Details would be required to ensure that sufficient parking (both allocated and unallocated, including visitors) to meet all demands associated with the proposed mix of dwellings. Such details should be provided along with a plan showing the location of unallocated residents and visitor parking.
7. Related to the above, there are a number of parking spaces proposed within shared surface areas. Whilst some of these are located in lay-bys, some are shown on-street. Confirmation is sought as to how these spaces are to be demarcated. If it's not intended for these spaces to be formally marked out, it would then be questioned how parking in other locations within the shared surface will be prevented. Whilst not necessarily a highway safety issue, ad-hoc parking would be obstructive to larger vehicles trying to negotiate the site.
8. Garages are presumed as being counted towards the overall parking provision. Confirmation would be sought that these meet the minimum internal dimensions of 6 by 3 metres to allow these to be counted as spaces.

9. In terms of servicing, plots 314 to 320 have frontages only onto a footpath. Servicing for these (for example, food deliveries) would be awkward. Consideration should be given as to how and where deliveries will be completed.
10. The Planning Authority should liaise with the waste collection team to ensure that the arrangements for refuse collection are appropriate.
11. The emergency link is shown passing through an area where additional planting is proposed. The planting should be set back to ensure adequate headroom is retained for emergency vehicles. The surfacing of this link needs also to be sufficient to accommodate a fully laden emergency vehicle.
12. Planting is also shown along the site frontage onto the A272 Rocky Lane. Whilst this planting doesn't appear to encroach upon the approved visibility splays at the junction, this is a matter that would need to be checked as part of the detailed design/s278 agreement required to enable the works within the public highway.
13. Comments were made as part of the outline planning permission regarding connectivity to the adjacent development at Cedar Avenue. It was accepted at that time that the Cedar Avenue and Rookery Farm developments are under separate land ownerships and as such there is no means of insisting upon connections between the two. Even so, a pedestrian/cyclist link is shown to the west of plot 264. Confirmation would be sought that this link can actually be achieved with the owner of the adjacent development having granted a right of access to enable any connection works to be undertaken. There would also appear scope for a further connection to the west of plot 290. Again, it would be helpful to understand if any additional discussion has taken place to regarding any other links between the two developments.
14. In summary, whilst there are no substantial in principle issues, there are still a number of points as listed above that would benefit from a response from the applicant.

West Sussex County Council Public Rights of Way

I note the route the applicant proposes to provide for FP104CR beginning south of Rookery Way; however this is not the legally recorded route on the Definitive Map, the legal map of PROW. Various houses and associated gardens appear intended to be built on the footpath, e.g. nos. 76-81, so a legal diversion Order will be required. The applicant must be advised that the granting of planning permission does not authorise obstruction of, interference to, diversion or stopping up of any PROW across the site. In order to divert the footpath and enable development to take place, an Order would need to be made by Mid Sussex District Council as the local planning authority under the Town and Country Planning Act 1990 section 257. The WSCC PROW Team will be a formal consultee as part of this diversion Order application process and its prior

agreement to a specification will be required before lending formal support to any diversion.

I am not, at this time, able to comment on whether the route shown in the Masterplan drawing is acceptable or not. It is noted the route is generally quite open and does not have close board fencing proposed immediately adjacent to it, which could create a future social misuse problem and would reduce path users' enjoyment by creating a darkened, tunnel-like environment.

Once a diversion has been formally completed, and when it is necessary to undertake works within the legal width of the newly diverted footpath, e.g. install utilities or lay the agreed footpath surface, the applicant must apply to WSCC PROW Team for a temporary path closure to protect the public's safety. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 8 weeks is needed to consider an application; and that any temporary path closure will not be granted as a pre-cursor to seeking permanent diversion of PROW.

Once planning consent is granted and this site occupied, it can be reasonable predicted user demand of public footpath 104CR will increase. It is also an ambition within the West Sussex Cycling and Walking Strategy to up-date FP104CR for cycle use. This would make a link to Valebridge Road, from where a short link to bridleway 92CR could be established in time or users could cycle on Valebridge Road to Burgess Hill having avoided using the A272 and a twisty section of Rocky Lane. Up-grading FP104CR to bridleway would establish a cycling link in addition to providing a known ambition of local horse riders; you have been contacted previously by Mid Sussex Area Bridleways Group. I am also aware your colleague, Matthew Bird, has been examining off-road options to link Haywards Heath and Burgess Hill, and this could become an additional option of feeder path to an enhanced and wider future local network. In principle I support up-grading footpath 104CR to bridleway. Clearly a site study will be needed and, assuming it is technically possible, it will be necessary to secure legal agreement(s) and funding. The applicant should be required to use 'reasonable endeavours' and work with WSCC to secure bridleway rights along the route; and thereafter be required, at its expense, to accept to implement works agreed with and to the satisfaction of the West Sussex County Council Public Rights of Way service. All of these conditions are to be included within a suitable Section 106 to be drafted and submitted to West Sussex Council Public Rights of Way service for approval.

In the event the route cannot be upgraded to bridleway use, the predictable increase in use as a footpath will make it necessary still for the surface to be upgraded; without improvement the rate of damage to the path surface will inconvenience walkers and despoil their enjoyment. The path must be improved along its entire length from Rocky Lane to Clearwater Lane and the applicant required, at its expense, to accept to implement works agreed with and to the satisfaction of the West Sussex County Council Public Rights of Way service; a suitable Section 106 is to be drafted and submitted to West Sussex Council Public Rights of Way service for approval.

No new structure, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.