

MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

9 AUG 2018

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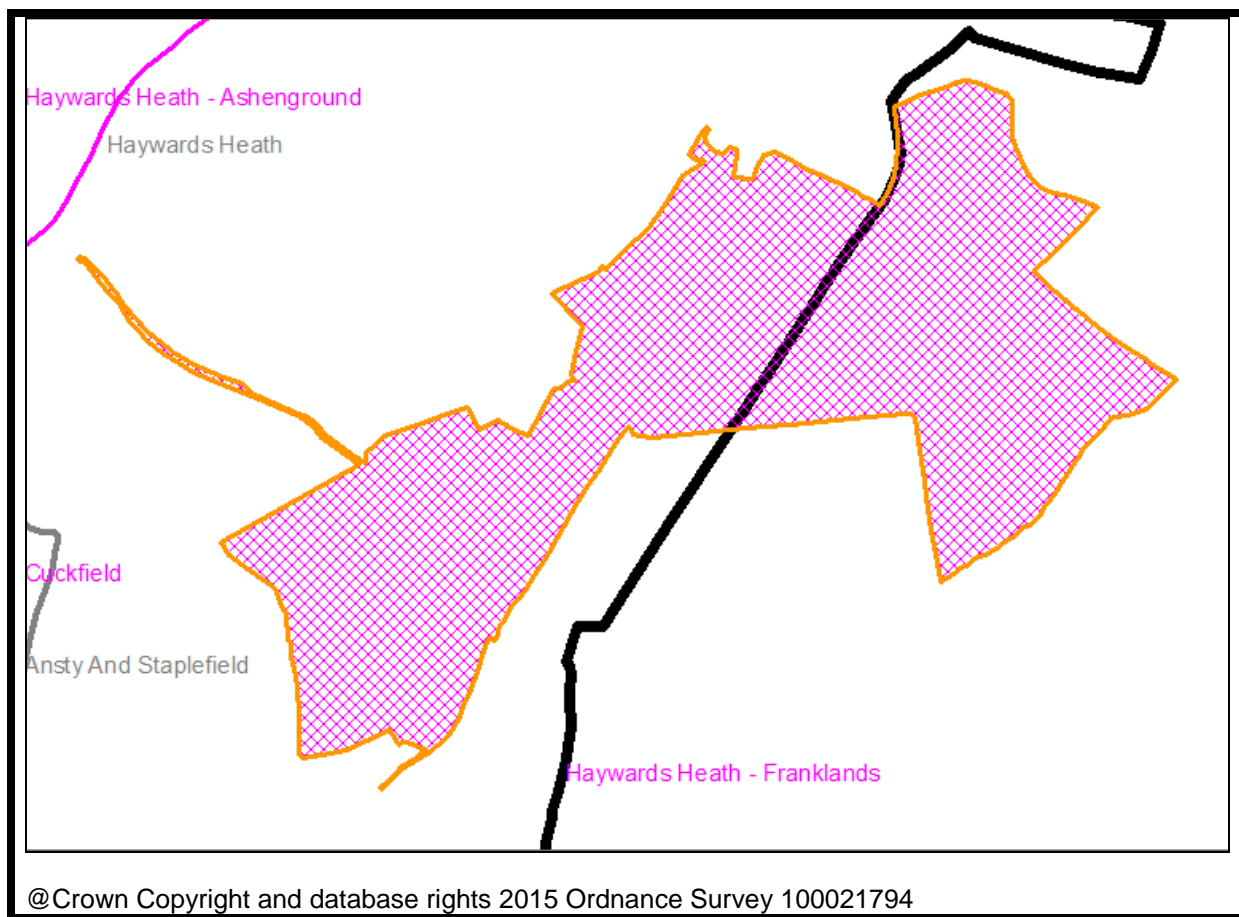
MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

9 AUG 2018

PART I - RECOMMENDED FOR APPROVAL

1. DM/17/2739



**LAND TO THE EAST AND WEST OF: HURST FARM HURSTWOOD LANE
HAYWARDS HEATH
OUTLINE APPLICATION FOR DEVELOPMENT OF UP TO 375 NEW HOMES, A 2
FORM ENTRY PRIMARY SCHOOL WITH EARLY YEARS PROVISION, A NEW
BURIAL GROUND, ALLOTMENTS, COUNTRY PARK, CAR PARKING, 'GREEN
WAY', NEW VEHICULAR ACCESSES AND ASSOCIATED PARKING AND
LANDSCAPING. ALL MATTERS ARE TO BE RESERVED EXCEPT FOR ACCESS.**

**ADDITIONAL TRANSPORT INFORMATION AND A RESPONSE TO HISTORIC ENGLAND RECEIVED ON 11 SEPTEMBER. ADDITIONAL INFORMATION RECEIVED ON 29TH MARCH 2018 REGARDING THE ILLUSTRATIVE LAYOUT, DRAINAGE AND A HISTORIC BUILDING RESPONSE. ADDITIONAL HIGHWAYS INFORMATION RECEIVED 11 MAY 2018.
MID SUSSEX DISTRICT COUNCIL AND CROSS STONE SECURITIES LTD.**

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 / Informal Open Space / Planning Agreement / Planning Obligation / Supplemental Planning Agreement / Sewer Line (Southern Water) / Tree Preservation Order / Advance Payment Code (WSCC) / Highways Agreement (WSCC) / Highways and Planning Agreement (WSCC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 29th September 2017

WARD MEMBERS: Cllr Garry Wall / Cllr Rod Clarke /

CASE OFFICER: Steven King

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks outline planning permission for a development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, a 'Green Way', new vehicular accesses and associated parking and landscaping on land to the east and west of Hurst Farm, Hurstwood Lane, Haywards Heath. All matters are to be reserved except for access.

The site of the planning application crosses the District boundary into Lewes District Council to the east. As such there is a duplicate planning application that has been submitted to Lewes District Council for their determination.

Approximately 80 % of the western side of the site is owned by Mid Sussex District Council (MSDC) with the remaining 20 % owned by other parties. All of the land comprising the eastern side of the site is owned by MSDC. The applicants are MSDC and Cross Stone Securities Ltd. The fact that the District Council is a part

landowner and applicant is not relevant to how this planning application is determined. The District Council, in its role as the Local Planning Authority, must determine the planning application in accordance with planning law, namely in accordance with the development plan unless material planning considerations indicate otherwise.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the Haywards Heath Neighbourhood Plan (HHNP) and the District Plan (DP).

The site is allocated for a mixed use development for approximately 350 additional homes, the retention of existing employment on the site, the provision of a new school, together with informal open space to include a burial ground and allotments under policy H1 in the HHNP. As such, the principle of developing the site for these uses accords with the development plan.

This application seeks consent for up to 375 dwellings. It is considered that this complies with the above policy, which does not set a cap of 350 dwellings. The figure of 375 dwellings is only 7 % more than 350 and therefore in numerical terms this is considered to be acceptable.

The planning application is in outline form with only the means of access to be determined at the outline stage. The purpose of the application is to establish the principle of the development and demonstrate that this amount of development can be accommodated within the site and that the proposed access to the development is satisfactory. The parameter plans that have been submitted are to inform what the proposed development will comprise in the different parcels within the site. The plans that are submitted with the application showing the internal layout of the roads and buildings within the site are for illustrative purposes to help to demonstrate that this amount of development could be accommodated within the site. If outline consent is granted, a subsequent reserved matters application will need to be submitted for the details of the proposal (the appearance, landscaping, layout and scale). It will be at this stage that detailed matters, (for example, the impact of the submitted layout on neighbouring properties, an assessment of the design quality of the layout and an assessment of the means of drainage) will need to be assessed.

It is considered that the provision of up to 375 dwellings, including a policy compliant level of 30 % affordable housing is a significant benefit. The provision of the school, allotments, burial ground and Country Park are all matters that are significant benefits of the scheme.

It is considered that a key issue in this case is transport, in particular highways matters. As the means of access is to be determined at this stage an assessment is required in relation to these access points and the impact of the development on

the wider highway network. It is considered that the new access points into the housing development on the western side of Hurstwood Lane and the school, Country Park, burial ground and allotments on the eastern side of the Hurstwood Lane are satisfactory in relation to highway safety. There is no objection to these points of access from West Sussex County Council, who are the Highway Authority for Mid Sussex, the statutory body responsible for roads within the District.

The Highway Authority also has no objection to the revised junction arrangements at Hurstwood Lane and onto the A272. In relation to impacts on the highway network, the test in policy DP21 of the District Plan is to avoid severe additional traffic congestion, individually or cumulatively. This is the same as National Planning Policy Framework, which advises that applications should only be refused on transport grounds where the residual impacts are severe. Although it is acknowledged by the Highway Authority that the development will add to queues and delays at peak times, the Highway Authority does not regard this as severe and they do not object to the scheme. In light of the position of the statutory body responsible for the highway network, it is not considered that there is a sustainable highways reasons for refusing outline planning permission.

The proposal would retain the existing business park as required by policy H1. The listed Hurst House would also be retained as required by policy H1. There would be some harm to the setting of Hurst House and other listed buildings, which would be classified as less than substantial as categorised in the National Planning Policy Framework (NPPF). This less than substantial harm must be given considerable importance and weight in the overall planning balance, to properly reflect the provisions with the Planning (Listed Buildings and Conservation Areas) Act 1990 that special regard should be had to the desirability of preserving listed buildings and their settings. It is considered that in the planning balance, the benefits of developing this allocated site for housing, allotments, burial ground, school and Country Park clearly outweighs the less than substantial harm that is caused to the setting of the listed buildings identified previously in this report.

The proposal would result in the loss of a small area of ancient woodland as a result of creating the access into the eastern side of the site. This is a factor that weighs against the proposal. Having regard to the guidance in the NPPF, it is considered that the benefits of delivering the school, allotments, burial ground and country park on a site allocated for these purposes in part of the development plan amount to wholly exceptional reasons justifying the loss of a small part of ancient woodland.

The technical evidence that has been submitted by the applicants in relation air quality indicates that the proposed development would not cause unacceptable levels of air pollution.

The site is allocated for a mixed use development for approximately 350 additional

homes, the retention of existing employment on the site, the provision of a new school, together with informal open space to include a burial ground and allotments under policy H1 in the HHNP. As such, the principle of developing the site for these uses accords with the development plan.

It is considered that there are clear benefits from the development of this allocated site for the uses that are set out in policy H1 of the Haywards Heath Neighbourhood Plan. The delivery of housing, including affordable housing should be given significant positive weight. The community benefits of the school, Country Park, burial ground and allotments should also attract significant positive weight.

There would be a negative impact on a small area of ancient woodland and less than substantial harm to the settings of a number of listed buildings. These matters weigh against the proposal.

In principle it is considered that the impacts on neighbouring amenities, ecology and drainage are all acceptable. Specific impacts in relation to these issues will need to be carefully considered when the layout of the scheme is submitted at the reserved matters stage.

Taking all of the issues into account, it is considered that the application complies with the development plan when read as a whole. It is therefore recommended that planning permission is granted subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure required for this development.

Recommendation

It is recommended that planning permission is granted subject to the conditions listed in the appendix and the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure provision.

SUMMARY OF REPRESENTATIONS

146 letters of objection:

- proposed access arrangements are inadequate to serve the development;
- highways modelling for the development is flawed and inadequate and needs to be reassessed because it assumes no queuing between junctions;
- whilst the development cannot be required to resolve existing traffic issues, the fact is there are existing traffic issues and these need to be properly taken into account and modelled when assessing how a development of this scale will serve to exacerbate them;
- the proposal will result in traffic backing up to roundabout which are already overloaded and road network on this side of town will cease to function;

- residents will be unable to join the road network at the time that they need to in order to get to work, school and so on;
- highway modelling does not conform to industry best practice and more emphasis should be placed on observed traffic impacts than flawed modelling;
- there are already significant queues on the A272 and this proposal will make this situation worse;
- will be impossible for existing residents to exit from old Farm Close which be turned into a huge cul-de-sac;
- a proposed school will make already severe traffic congestion in the area worse and will be cause a highway safety hazard;
- proposal is not sustainable development as it will significantly worsen resident's ability to access the road network;
- proposal will have an adverse impact on air quality;
- has been a lack of transparency in dealing with the application;
- MSDC as the applicants should not be determining the application as it has a financial interest in approving the scheme;
- there are poor pedestrian links to the town from the site;
- infrastructure of schools, doctors and hospitals is already over stretched;
- it is estimated that the 2 form entry primary would have some 400 pupils, if just 25% of pupils were brought to school by car this would be an additional 200 in/out movements loading this junction at the peak of rush hour;
- Inconsiderate parents are notorious for parking anywhere as they drop their children into school - despite parking restrictions - so this would likely create further difficulty on the northern leg of Hurstwood Lane;
- A completely separate access road should be built from the relief road to the new proposed new houses, primary school, burial ground, country park and allotments, or from Lewes road or by upgrading the southern section of Hurstwood Lane to be the sole means of access;
- application does not consider the impact of development on Kingfishers at the Hurst Farm pond which are a protected species and therefore the application is legally flawed and must be rejected;
- land was designated as open space in 1997 when it was purchased and we cannot understand how it can now be turned into a housing estate;
- MSDC is not representing the interests of existing residents in Haywards Heath by promoting this development;
- application will have an adverse impact on the setting of listed buildings;
- no consultation was undertaken with Wealden District Council about the adverse impact of the scheme on the Ashdown Forest;
- site was acquired by MSDC from the NHS for public open space but there has been no attempt to open up the land to the public;
- any increase in land value from the proposed development should go to the NHS;
- public vote on the Haywards Heath Neighbourhood Plan was fundamentally flawed;
- air quality modelling is flawed as the inputs are flawed;
- applicants' consultants have incorrectly input speeds into their air quality modelling and this makes the results unreliable;

- applicants' air quality modelling has not taken into account the closure of Hurstwood Lane;
- site has major drainage problems;
- will cause a significant loss of residential amenity by being over bearing and overlooking;
- positioning of the school, burial ground and allotments together is totally inappropriate;
- the scheme should be redesigned to add benefit to the community and whilst this would provide less profit to MSDC this is a price worth paying.

Haywards Heath Society

The HHS concurs with the support for this proposal put forward by the Haywards Heath Town Council as its Planning Committee meeting on 21st May 2018

The HHS supports the concerns of the Town Council in relation to traffic congestion and vehicle movement, construction management, Hurstwood Lane Closure and fully supports the conditions requests made by the Town Council-HHS requests affordable housing regulations on this scheme it is approved

Wealden District Council

Wealden District Council has no in principle objection to the development of this site however there does not appear to be an assessment of the effect upon the Ashdown Forest and this is a serious concern. We would urge you to address the deficiency of the supporting documentation to this application as competent authority (under the Conservation of Habitats and Species Regulations 2010).

SUMMARY OF CONSULTEES (full comments in appendices)

County Planning Officer

Requires schools infrastructure contribution based on a formula. Also require land which conforms to BB103 standards within the boundary of the development to accommodate a 2FE primary establishment. The contributions generated by this proposal shall be spent on a new free school for Haywards Heath or the expansion of St Augustine's C of E Primary School should the new school not progress.

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

Require library contributions based on a formula to be spent on expansion of the facilities at Haywards Heath Library.

West Sussex County Council (WSSCC), Lead Local Flood Authority (LLFA)

The majority of the proposed site being at low risk from surface water flooding although there are areas, in particular through the centre of the site around the ponds and watercourse, which are at higher risk.

Highway Authority

The site is to be split into two parcels. Both will be served via a diverted Hurstwood Lane. The existing Hurstwood Lane will be downgraded to provide access for non-motorised road users only. There are no objections to the proposed means of access into the development.

The proposed approach to trip generation is considered acceptable.

The introduction of signals will increase the capacity of the A272/Old Farm Close junction. The regular cycle of the signals will also create gaps in the flow of traffic making it easier for vehicles to exit Old Farm Close; it would not therefore be a like for like comparison to consider the operation of the junction currently with that as proposed. All arms of the signalised junction as well as the Hurstwood Lane north arm are forecast to operate well within theoretical capacity. Viewed against adopted local and national planning policy, the proposed junction arrangement is considered appropriate.

Conditions are recommended regarding highway works, Hurstwood Lane Closure and Travel Plan.

County Landscape Architect

It is recommended that the proposed development can be supported subject to the implementation of the landscape masterplan in full.

Archaeological Officer

Due to the fact any surviving archaeological horizons are likely to be destroyed by the proposed development; in line with NPPF and policy B18 of the Mid Sussex Local Plan, I recommend that further archaeological work is required in relation to this proposed development. I recommend that the required archaeological work can be secured as a condition of any planning permission granted.

East Sussex County Council Flood Risk Management

No objection in principle subject to the imposition of conditions.

East Sussex County Council Highway Authority

The proposed access for this application falls outside East Sussex and therefore it is considered that the main impact will be onto the West Sussex County Council highway network. There is a need for a robust travel plan for this proposed development to reduce single car occupancy.

Environment Agency

No objection.

Southern Water

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. If approved Southern Water would request a planning condition covering a drainage strategy for foul and surface water disposal.

MSDC Drainage Officer

Whilst I do not object to this development a more detailed flood risk assessment should be provided at the Reserved Matters Stage of this development. This document should identify the capacity and flood risk from all ponds, culverts and watercourses on or adjacent to the site and how such drainage infrastructure will be protected from development. Flood flow routes across the site should also be identified to demonstrate that the Reserved Matters layouts to be put forward will be feasible in terms of long term flood risk and climate change. Below I have provided more detail to emphasise the importance of getting this development right in terms of drainage and flood risk.

No objection subject to conditions.

Historic England

Historic England is content that your authority now has the required information to assess whether the harm is convincingly justified by the wider benefits brought about by the development when weighed in the planning balance. Your authority should be convinced that the less than substantial harm now being caused to the contribution made by the setting of the designated heritage asset to its significance is justified. If you are minded to approve the application the proposed minimisation and mitigation measures should be secured.

Historic England has no objection to the application on heritage grounds.

Natural England

Natural England has no comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

Ecological Consultant

The proposed development involves the loss of ancient woodland for the construction of a new access road. As such it is contrary to 118 of the NPPF unless MSDC is of the view that the need for, and benefits of, the development in that location clearly outweigh the loss. It may also be considered to be contrary to Policy DP37 of the District Plan, which states that ancient woodland will be protected and 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."

In my opinion, other impacts can either be avoided, adequately mitigated or compensated for in accordance with 118 of the NPPF and Policy DP38 of the District Plan. Therefore, if MSDC considers the loss of ancient woodland to be outweighed by other material considerations and grants consent, conditions are recommended.

[Note that since this representation was made, the new NPPF has been published. This is addressed below].

Sussex Police

Given that this outline application is only to determine the means of access and to seek approval in principle, I have no detailed comment to make at this stage. I am encouraged to note that the accompanying Design and Access Statement clearly indicates the applicant's intentions of creating a safe and secure environment by reference to and by applying the attributes of Safer Places - The Planning System and Crime Prevention.

Sussex Police (Infrastructure)

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

National Health Service

We would not object to this outline planning application if a Section 106 developer's contribution for NHS infrastructure improvements can be secured. Further additional

demand, as a result of this potential new housing built in the vicinity, will necessitate some building redesign by way of an extension at Northlands Wood and internal reconfiguration at Haywards Heath Health Centre to be able accommodate these patients more appropriately.

Urban Designer

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

Overall the layout of the main residential element appears well organised with the main open space sensibly positioned in the middle of the site; with the northern part of the site is also suitably broken up by another proposed open space to the north of Hurstwood Grange that also provides a separation gap for the listed building. The housing is laid out in a perimeter block arrangement with street frontages facing towards the public realm, and a secure private realm at the rear.

The new layout drawings now show much more detail including individual houses, their roof plans and the car parking provision, and for this the applicant can be commended, but it also reveals the following issues:

- The parking is poorly integrated and unduly dominates the street environment in some areas.
- There is still insufficient consideration given to the sloping nature of the site. Only a rudimentary site section has been supplied that is taken through an open space and does not demonstrate in sufficient detail how the development will respond to the slopes.
- The greater level of detail provided in the latest drawings also demonstrate that the building frontages do not follow / define the streets and spaces as well as suggested in the initially submitted illustrative layout, resulting in weaker enclosure.

These issues will be expected to be addressed at the reserve matters stage.

Housing Enabling & Development Officer

The applicant is proposing a development of up to 375 new homes which gives rise to an onsite affordable housing requirement of 30%. This equates to 113 units. The development must also comply with our clustering policy of no more than 10 affordable units per cluster. These clusters should be distributed throughout the site, with market units in between in order to achieve a satisfactory level of social integration. A tenure blind approach is expected.

Community Leisure Officer

Requires contributions towards formal sport and community buildings. Details of the on site LEAP regarding the layout, equipment and on-going maintenance will need to be agreed by condition.

Environmental Protection Officer

As part of this planning application the applicants have submitted an air quality assessment (Environmental Statement Vol 2, Section 9) which concludes that the overall impact on air quality will be Negligible. This conclusion is accepted, although it is noted that a slight adverse impact is predicted at three receptors as a result of increased traffic flows. The air quality objective level is not exceeded.

With regard to noise, the assessment (Environmental Statement Vol 2, Section 11) has considered traffic noise, construction noise and traffic increase. The report indicates that mitigation will be required for properties nearest to the A272 and that the worst case increase in traffic noise is below 2dB and is considered negligible by Highways England's DMRB guidance. The mitigation can be secured by condition.

Recommend conditions dealing with air quality, electric charging points for vehicles, construction management plan and noise/soundproofing.

Contaminated Land Officer

Requires a condition relating to contaminated land.

Tree Officer

I am largely satisfied 375 dwellings could be constructed on this site, whilst retaining a good relationship with existing and allowing room for new plantings (given its size).

Accordingly I have no objections to this application.

Wivelsfield Parish Council

- concerned about the proximity of the school to the burial ground and greater separation would be preferable
- concerned that there will only be a planning condition requiring mitigation of the impact of the burial ground
- concerned about the practicalities of a shared car park for the school, burial ground and allotments
- concerned about the impact of the development on the local road network

- concerned about whether the Free School has a sponsor and construction can go ahead promptly if consent is granted

HAYWARDS HEATH TOWN COUNCIL COMMENTS

The Hurst Farm site is specifically identified in Policy H1 of the Haywards Heath Neighbourhood Plan (HHNP), adopted in December 2016 as a developable site. The new school is supported under policy H1 and specifically the provision of a Cemetery under policy E4, provision of allotments under policy E5. The Country Park is stated in the HHNP, sitting across the Town/District and County border in the Parish of Wivelsfield.

Having duly considered the application at an extra-ordinary meeting of its Planning Committee dated 21st May 2018, the Town Council supported in principle the outline planning application, for development of 375 new homes. Under the Localism Act, the HHNP confirms this is what the community wants in this location, so Members of the Town Council's Planning Committee have scrutinised the outline application and highlighting concerns which must be addressed to validate the application.

These concerns are listed as relevant issues, which include, but are not limited to:

- The Town Council notes 375 homes are proposed in the application versus approximately supported 350 in the HHNP.
- Condition: Adoption of the detailed Masterplan by the applicant is required. This must include the design and the style of the housing/flats.
- Condition: The Town Council requires a Construction Management Plan, to include wheel washing, use of tonneau covers for earth moving vehicles, onsite parking for site/construction workers, and ancillary road cleaning. This CMP must include a Tree Management Plan *.
- Condition: Working hours of works and stacking of construction deliveries, restrictions are required to protect neighbouring residential amenity - 08:00 to 18:00 Monday - Friday, 09:00 to 13:00 Saturday. No work permitted Sundays or Public Holidays: Objective to protect residential amenity.
- Condition: The Town Council requires that the Town's green spaces and roads are protected. All grass verge and road damage/restoration costs are the responsibility of the developers at their expense.
- Traffic congestion and vehicle movements. It is noted that West Sussex County Council have outstanding questions alongside the Town Council.

- Relief Road traffic lights. These lights must be:
 - 1) situated at the junction of Hurstwood Lane/School Access/Hurstwood Lane synchronised to ensure that in turn traffic from Greenhill Way direction is given entry to Hurstwood Lane to the relief road.
 - 2) situated at the junction of Hurstwood Lane/School Access/Hurstwood Lane synchronised to ensure that in turn traffic from the school, community facilities is given entry to Hurstwood Lane to access relief road, noting that these need to be synchronised to allow access to school at busy times to prevent back up on relief road.
 - 3) situated at the junction of Hurstwood Lane/School Access/Hurstwood Lane synchronised to ensure that in turn traffic northern end of site is given entry to Hurstwood Lane to access relief road.
- Two pedestrian activated lights as already within the application (Fox Hill and Birch Hotel) are supported. Lights must also be synchronised at the Hurstwood Lane /Relief Junction (also a Toucan Crossing) so pedestrians at Birch Hotel roundabout do not activate lights when traffic is being cleared from the junction of the Relief Road and Hurstwood Lane.

The desk top study indicating 5 second gaps at rush hours to allow access/exit is believed to be flawed

- Bridge over Relief Road Committee preferred solution to provide bridge from Hurst Farm development towards the vicinity of Woodside, following resident input.
- Traffic Management Plan must be agreed with West Sussex County Council taking the above into consideration. The use of Section 106 monies is crucial to ensure that monies are not used on unsustainable bus services that will leave the site isolated in future years.
- Condition: Electric car charging points provided for all dwelling on the site, plus allowance for any future proofing required, to deliver the Environmental protection requirements of the HHNP and MSDP.
- Hurstwood Lane Closure. The Town Council has concerns for residents' road safety, and requires before construction commences, that Hurstwood Lane be closed to public through traffic before construction commences. This may require West Sussex County Council cooperation. Safe Green Space, the Town Council welcomes the comments of the applicant that surveillance of the main green space will be managed as part of the layout of the site. This is in line with the requirement with the detailed design in the Masterplan.
- Traffic Lights Fox Hill: Acknowledging the considerable road safety issues - The Town Council would like a condition requiring the developer to provide an additional set of traffic lights placed at the South Eastern tip of the site, at the junction with Hurstwood

Lane and Fox Hill. This will allow traffic to move systematically and provide a safe crossing for residents using the school, community facilities and accessing services from the south of the site and vice versa for commuting, entertainment and leisure. This is critical, because Hurstwood Lane as a commuter rat-run will be blocked, therefore increasing traffic movements down through Fox Hill. Traffic lights will reduce speed and provide much needed traffic calming in the Fox Hill area.

- Pedestrian access, pathways, crossings to and through the site to enable access. All cycle pathways must be designated as Public Rights of Access/Way. This provides the pedestrian access/connectivity needed to meet existing and future access needs to the Town. If this is not possible then additional fund must be provided to meet these accessibility needs. These must be DDA compliant, including the Anscombe Wood cycle/pathway.
- Condition: Affordable Housing Mid Sussex District Plan policy DP31 requires 30% affordable housing is placed on the site. Affordable housing provision must include a housing mix and be varied in location (maximum 10 unit concentration) supported by pepper-pot delivery and integration of the affordable housing with open market housing.
- The Town Council has serious concerns about the joint access and parking arrangements to the School, Cemetery, Allotments and Country Park. (E5/Obj10B applies) This must be included in the S106 Land Transfer Agreement.
- Condition: Parking the HHNP requires sustainable delivery/enforcement of off-street parking. Following informal officer advice, supporting a new Controlled Parking Zone on the site, to specifically prevent antisocial parking from nearby residential districts and commuters. The opportunity to deliver a fully integrated scheme, critically before first occupation will allow a streamlined implementation process, together with the associated cost saving this will approach deliver. This coordinated approach is especially required to protect from parking around the open parkland space, allow natural surveillance, allow a free flow for pedestrian and vehicle traffic in this arterial bus-route location and the roads elsewhere in the development which should remain free from car parking.
- Bin collections: The Town Council requires that all euro bins/commercial bins that offer the opportunity for ASB/Statutory noise issues, are protected by a CONDITION that there are no collections before 07:00 This will be a Reserved Matters Issue.
- Condition: The Town Council requires roads are adopted and/or an estate management plan, with a management company appointed, before first unit occupation.
- Tree management plan * to ensure protection of existing trees from destruction along with a long-term management plans for conservation/protection/replacement for trees and along with confirmation of funding arrangements.

- Green spaces, buffer zones and ancient woodland 15m buffer zones must be upheld in line with Mid Sussex District Plan policy DP36
- The Town Council welcomes the redesign of the site to protect the existing listed buildings on the developable land and requires that Hurst House and barns are protected from the development of housing, as required in the extant Neighbourhood Plan.
- The Town Council has major concerns, echoed by District Council Members on their planning committees (Rookery Farm/Beeches), that Councillors concerns are being over-ridden by Urban Planner support under DRP. The Town Council has significant reservations relating to exterior, aesthetic design and standards that have been forced upon the Town.
- The Town Council requires developer consultation for the design of site, houses and apartment buildings, before final discussions with Mid Sussex District Council, as the relevant planning authority. This is a pre-reserved matters requirement, detailed in the NPPF - National Planning Policy Framework, requiring Parish/Town Council involvement under localism legislation.
- Any Pollution, Light, Air, Water, flood risk, topography, springs, waste/drainage issues must adhere to SUD and IEA requirements.
- Play spaces - Conditions requiring delivery under must be under the guidance of Supplementary Planning Documents in the Reserved Matters Application.
- Landscaping - Conditions requiring delivery must be under the guidance of Supplementary Planning Documents in the Reserved Matters Application.

Section 106 Requirements

If the Planning Application is approved, the Town Council require ownership for the land designated for the County Park, Allotments and Cemetery at nil cost, together with the full Local Community Infrastructure payment allocated to the development of the Country Park.

Development of these Community facilities is to replace the loss of the green space being developed for housing within the Planning Application.

The Inspector raised serious concerns during inspection of the HHNP over the potential loss of green space but allowed this to be balanced by the CP/A/C land provision, which increases the quality of land usage for the residents of the Town.

Currently the Town Council has no information on land transfer requirements nor the implications of the proximity of the School and the associated access arrangements and car parking.

Before determination of this application, the Town Council must agree details of the land transfer.

INTRODUCTION

This application seeks outline planning permission for a development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping on land to the east and west of Hurst Farm, Hurstwood Lane, Haywards Heath. All matters are to be reserved except for access.

The site of the planning application crosses the District boundary into Lewes District Council to the east. As such there is a duplicate planning application that has been submitted to Lewes District Council for their determination.

Approximately 80 % of the western side of the site is owned by Mid Sussex District Council (MSDC) with the remaining 20 % owned by other parties. All of the land comprising the eastern side of the site is owned by MSDC. The applicants are MSDC and Cross Stone Securities Ltd. The fact that the District Council is a part landowner and applicant is not relevant to how this planning application is determined. The District Council, in its role as the Local Planning Authority, must determine the planning application in accordance with planning law, namely in accordance with the development plan unless material planning considerations indicate otherwise.

RELEVANT PLANNING HISTORY

This is not considered to be any planning history on the site of this planning application that is of direct relevance to the determination of this application.

SITE AND SURROUNDINGS

The Application site extends to approximately 33 hectares and is located on the south eastern side of Haywards Heath. The site lies to the south of the Haywards Heath Relief Road (A272) and is divided by Hurstwood Lane. The boundary screening along Hurstwood Lane means that the two parcels of land (east and west) are clearly separated from one another. Hurstwood Lane is a two way road that links Fox Hill to the south with the A272 relief road to the north.

The parcel of land located to the west of Hurstwood Lane (the "western site") is bounded to the west with the rear gardens of residential properties fronting Fox Hill and Hurstwood Lane. To the north the western site adjoins the Hurstwood Grange Business Estate, a

number of residential properties and the relief road beyond. To the north-west of the western site is a wooded area comprising translocated ancient woodland from the construction of the relief road.

This western parcel of land is laid to grass. There is a fall in levels through this part of the site from west to east. There is a tree belt that runs from east to west through this parcel of land that divides it. There is a pond within the centre of the site that is bounded by trees. The site is bounded by the rear gardens of the houses on Hurstwood Lane at the southern corner of the site. To the southwest, the site adjoins the rear gardens of the houses on Fox Hill. To the east there is tree screening along the boundary with Hurstwood Lane. There is a rise in levels from south to north along Hurstwood Lane

To the north there is a rise in levels towards the A272 relief road and beyond this is the new development around the old St Francis hospital.

Within the centre of the site there is an access road that serves several residential properties and the businesses located at Hurstwood Grange. These properties are all outside of the planning application site. The commercial premises are single storey. Hurst House is a residential dwelling that is a grade two star listed property and the neighbouring Hurst Barn is a grade two listed building.

The western parcel of the site is used for grazing. There is no wider public access to this land and there are no public rights of way that run through it.

The northern part of the western parcel of the site is a narrower parcel of land. There is a fall in levels from west to east through this parcel of land and a rise in levels to the northern tip of the site. There is low level screening along the northern boundary of the site.

There is a pedestrian crossing on the relief road by the junction with Hurstwood Lane. There is a footway that leads into the residential estate to the west. There is no footway on the relief road past the Hurstwood Lane junction. There is a right turn land on the relief road into Hurstwood Lane.

The relief road has a speed limit of 50mph. The northern end of Hurstwood Lane is subject to a 30mph speed limit. The majority of Hurstwood Lane is subject to the national speed limit.

To the eastern side of the site, there is a strong tree screen along Hurstwood Lane. Beyond this the majority of this part of the site is a field that is laid to grass. There is a fall in levels from north to south. To the north are the residential properties on Birch Way and Greenhill Park. To the south and east are fields laid to grass. The District boundary between Lewes and Mid Sussex runs through the eastern side of the site.

The eastern part of the site is grazing land. There is no wider public access to it and no public rights of way run through it.

In terms of planning policy the site is located within the countryside as defined in the District Plan. The site is allocated for residential development and associated infrastructure in the Haywards Heath Neighbourhood Plan.

APPLICATION DETAILS

This application seeks outline planning permission for a development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping on land to the east and west of Hurst Farm, Hurstwood Lane, Haywards Heath. All matters are to be reserved except for access. It is envisaged that the school would accommodate some 420 pupils and a 50 place early years facility. It is intended that the school would have 22 dedicated staff car parking spaces with additional drop off and pick up spaces for parents.

The layout plans that have been submitted with the application are illustrative and have been provided to demonstrate that the quantum of development that is being sought could be accommodated on the site. They illustrate one possible way that this level of development could be provided on the site. The means of access into the development is to be determined at the outline stage.

The application is accompanied by a number of Parameter Plans, including a Land Use Plan, Building Heights Plan and Vehicular Access Plan. These plans set out the outline of what is intended to be developed within the various parts of the site. The Land Use Plan shows that the residential element of the scheme would be located on the western side of Hurstwood Lane. The Land Use Plan shows that there would be 3 parcels of residential development on the western side of Hurstwood Lane, one in the southwestern corner, one in the centre and one in the north eastern corner. The Land Use Plan shows areas of open space/structural landscaping separating these residential areas.

On the eastern side of Hurstwood Lane the Land Use Plan shows an area of open space/structural landscaping adjacent to the road and then a larger area of open space on the eastern side of the site, which would be in the administrative boundary of Lewes District Council. The Land Use Plan shows an area for a burial ground and allotments on the eastern side of Hurstwood Lane and to the north of this, the Land Use Plan shows an area of land for a primary school.

The Building Heights Parameter Plan shows the intended heights of the buildings within the development. On the western side of the site, this plan shows that on the southwestern side of the site, building heights would be 2 storeys. Moving into the site this would rise to up to 2.5 storeys and then adjacent to the open space, the Parameter Plan shows houses up to 3 storeys in height and apartment blocks up to 4 storeys in height. In the centre of the site, this plan shows houses and apartment blocks up to 3 storeys in height. At the north eastern end of the site the Parameter Plan shows a mixture of residential development ranging from 2, 2.5 and 4 storeys in height. On the eastern side

of Hurstwood Lane, the Parameter Plan indicates that the primary school would be single storey.

There is also a Parameter Plan relating to the access to the site. This shows that for the northern part of the site on the west side of Hurstwood Lane, there would be a new access point from Hurstwood Lane into the site. This new junction would also provide access to the eastern side of the site for the burial ground, allotments, open space and school. At the southern end of the site, the Parameter Plan shows a new access being created onto Hurstwood Lane to serve the residential development in the southwestern corner of the site. The Parameters Plan also shows a pedestrian route from the southwestern side of the site running up to the roundabout at Fox Hill.

There is a further Parameter Plan relating to Landscaping and Green Infrastructure. On the western side of Hurstwood Lane, this shows an area for a village green within the site, an area of open space to the east of the listed Hurst House and a smaller landscaped area at the north eastern end of the site. This plan shows planting being retained alongside Hurstwood Lane. On the eastern side of Hurstwood Lane, this plan shows the existing ancient woodland being retained in the Country Park.

There is also a Parameter Phasing Plan that separates the development within the site into 3 phases. Some of the residential development in the southwestern corner of the site is shown as being within phase 1, as is the burial ground and allotments. Some of the residential development in the southwestern corner of the site, together with that in the centre of the site and the primary school are shown as being within phase 2. The remainder of the residential development and the country park are shown as being in phase 3.

Following a request by your officers, the applicants have submitted a more detailed illustrative layout plan within the site to show how this development could be accommodated within the site. It is important to emphasize that these are illustrative plans and only show one possible way that the development could be brought forward, having regard to the overall parameter plans.

The illustrative plans show the following:

At the southwestern side of the site the internal arrangement is based on a perimeter block layout. This allows the houses to front onto the street and to have a traditional back to back arrangement. The taller buildings within this part of the site would face onto the village green and would also be located within the centre of this area.

In the centre of the site the illustrative plans show the taller 3 and 4 storey buildings facing onto the village green and a group of 3 storey buildings to the southeast of Hurstwood Grange. Within the central area of this part of the site the illustrative plans show 2 and 2.5 storey development, again arranged around a perimeter block layout.

At the northern end of the site the illustrative plans show 3 storey development at the northern and southwestern corner of this parcel, with the remainder of the units being 2 and 2.5 storeys. This block is also shown as being arranged in a perimeter block layout.

In relation to the access to the site the plans submitted with the application show the following:

- a new signalised junction being created at the point where Hurstwood Lane currently joins the A272. The plan shows that there would be a right turn lane on the A272 into Hurstwood Lane. There would be a left and right turn lane at the point where Hurstwood Lane joins the A272.
- There would be a pedestrian link between the top of Hurstwood Lane and a pedestrian crossing over the A272.
- The northern end of Hurstwood Lane would be amended so that Hurstwood Lane was amended so that it goes into the site. There would be a priority junction for the access into the eastern side of the site.
- The plans show a section of Hurstwood Lane some 550m in length being closed to vehicular traffic. This section of the Lane would be available for pedestrians and cyclists only.
- A new junction would be formed within the site, parallel to the closed off Hurstwood Lane to serve Hurstwood Grange.
- At the southern end of Hurstwood Lane, the Lane would be closed to vehicular traffic and the Lane would be diverted into the application site. A new footway would be created on the western side of Hurstwood Lane to link up with the existing footway at the southern end of the Lane.
- Improvements would be made to the roundabout at the Fox Hill/A272 junction. This would include the provision of a Toucan Crossing for pedestrians and cyclists across the A272 and a new footway adjacent to this road.
- A new footway construction adjacent to the A272 where the roundabout meets the Lewes Road

LIST OF POLICIES

Mid Sussex District Plan

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

Relevant policies include:

DP6 Settlement Hierarchy
DP12 Protection and Enhancement of Countryside
DP13 Preventing Coalescence
DP15 New Homes in the Countryside
DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 Securing Infrastructure
DP21 Transport
DP22 Rights of Way and other Recreational Routes
DP23 Communication Infrastructure
DP26 Character and Design
DP27 Dwelling Space Standards
DP29 Noise, Air and Light Pollution
DP30 Housing Mix
DP31 Affordable Housing
DP34 Listed Buildings and other Heritage Assets
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

Neighbourhood Plan

Haywards Heath Neighbourhood Plan (2016). This is a made plan with full weight.

Policy H1: Land at Hurst Farm
Policy E8: Sustainable development
Policy E9: Design
Policy E11: Major development
Policy E13: Outdoor space
Policy T1: Pedestrian and cycle links
Policy T2: Cycle routes
Policy L3: Country Park

National Policy and Legislation

National Planning Policy Framework (NPPF) (July 2018)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural

resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

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

Paragraph 38 of the NPPF states that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

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

Para 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

Technical Housing Standards

ASSESSMENT

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

- The principle of development;
- Impact on the setting of listed buildings
- Landscape Impacts
- Design/layout/housing mix
- Affordable housing and mix
- Neighbour amenity
- Highways matters
- Air quality
- Trees and Ecology
- Drainage
- Infrastructure
- Ashdown Forest
- Archaeological matters
- Whether the proposal would be sustainable development; and
- Planning Balance and Conclusion

Principle of Development

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (2018) and the Haywards Heath Neighbourhood Plan (2016). The District Plan has been adopted and has superseded the Mid Sussex Local Plan (MSLP), other than the policies in the MSLP which relate to site specific allocations.

Policy DP6 in the District Plan states:

Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.

The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
- 2. The site is contiguous with an existing built up area of the settlement; and*

3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

The developer will need to satisfy the Council that:

- *The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
- *A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.*

The site is allocated for development under policy H1 of the HHNP. As such the principle of the development is supported by policy DP6 as the site is allocated for development in a Neighbourhood Plan. Policy H1 in the HHNP states;

Land at Hurst Farm, Hurstwood Lane - Land is allocated either side of Hurstwood Lane for a mixed use development for approximately 350 additional homes, the retention of existing employment on the site, the provision of a new school, together with informal open space to include a burial ground and allotments (11.5ha). The new development will:

- *Be progressed in accordance with a Master plan, Infrastructure delivery strategy and phasing strategy prepared in collaboration with Haywards Heath Town Council and other stakeholders.*
- *Provide infrastructure as set out in the Mid Sussex District Council Infrastructure Delivery Plan.*
- *Deliver sustainable transport measures and other infrastructure requirements identified in technical assessments of transport impact, including measures to mitigate impact upon the local road network in the vicinity of the site.*
- *Retain the listed farmhouse and barn at Hurstwood Farm, including the curtilage of both buildings, in a continued beneficial viable use that sustains their special historic or architectural interest and maintain an open, rural setting to the farmhouse that sustains its special historic interest and character.*
- *Identify and take account of the environmental, landscape and ecological constraints.*
- *Take account of onsite water features and comply with SUD policy E7.*

To be acceptable the planning application (s) must be accompanied by a Master plan and delivery statement that sets out:

- *Site specific infrastructure requirements;*

- *Details of the phasing of the proposed development;*
- *Identification of the housing mix and location of the affordable housing element of the development;*
- *Details on how the allotments, cemetery, school and informal open space infrastructure will be delivered;*
- *Details on how the proposed publicly accessible spaces and facilities would be managed and maintained;*
- *Details on how the existing ancient woodland within the site will be safeguarded, managed and maintained;*
- *Details of the mitigation measures for Hurstwood Lane to include its closure to through traffic which will be subject to statutory procedures.*

In light of the above, the principle of this development on the site accords with development plan policy. This policy refers to approximately 350 dwellings. The application is seeking consent for up to 375 dwellings. It is considered that in purely numerical terms, the proposed development does not conflict with policy H1. The figure of 350 is not an absolute cap on numbers as the policy allows for flexibility by being worded as "approximately 350 additional homes". In percentage terms the planning application is therefore seeking consent for up to 7 % more units than the figure of 350 referred to in the policy. It is therefore considered that in numerical terms, this application complies with policy H1 of the HHNP. It is also relevant that the more recent policy DP26 in the DP contains, amongst other criteria, applicants will be required to demonstrate that development: *"optimises the potential of the site to accommodate development."*

It is therefore necessary to assess whether the applicants have demonstrated that up to 375 dwellings could be satisfactorily accommodated within the site, in compliance with the site specific policy and the other relevant policies in the development plan. This will be assessed in the following sections of this report.

In relation to the specific requirements of policy H1 in the HHNP, there is an overlap between many of these requirements and the general requirements of other policies in the District Plan. An assessment of the application against the requirements of H1 is set out below.

The planning application is in outline form and is accompanied by Parameters Plans that set out the principles for development within the site. These plans are in effect a Master Plan for the site.

The application will deliver the required infrastructure contributions. These would be secured by a section 106 legal agreement.

The application does retain the listed farmhouse and barn at Hurstwood Farm. An assessment in relation to heritage matters is set out later in this report.

The application is accompanied by ecological survey information, a landscape survey and these matters are assessed later in this report.

The application is supported by drainage information and these matters are assessed later in this report.

The application is accompanied by a Delivery Statement. Matters relating to the infrastructure will be assessed later in this report.

Policy H1 refers to "*planning application(s)*" and then lists a number of matters that would need to be addressed to make the scheme acceptable. It is considered that the wording of the policy recognises the fact that not all matters can be determined at the outline stage. For example, the location of the affordable housing within the scheme would be dealt with at a subsequent reserved matters application.

Impact on the setting of listed buildings

The setting of a listed building is defined as the surroundings in which it is experienced.

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

The NPPF sets out the government's policies for sustainable development. When considering the impact of a proposed development on the significance of a designated heritage asset the NPPF requires that great weight should be given to its conservation, irrespective of the level of any potential harm. The more important the asset, the greater the weight should be. It explains that the significance of a heritage asset can be harmed or lost through development within its setting and as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (Para. 194).

NPPF paragraph 190 advises that the effect of a proposal on the particular significance of a heritage asset must be assessed "including by development affecting the setting of a heritage asset".

Following an initial objection to the scheme from Historic England, the applicants provided further information in relation how the impact on the grade two star listed building at Hurst House had been assessed and also amended the illustrative layout to show a greater separation between the proposed development and Hurst House.

Following these amendments Historic England has advised that they no longer object to the planning application. The Council's Conservation Officer also does not object to the planning application. Both consultees are satisfied that whilst there would be harm to the setting of the listed building, this would be less than substantial.

Paragraph 196 of the NPPF states

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

As such it is necessary to carry out a balancing exercise between harm that might arise to a heritage asset and the public benefits of the proposed development.

Hurst Farm derives its key significance from the fact that it is a fine example of a 16th century farmhouse, which has retained a large quantity of surviving historic fabric. It is considered the surviving open fields to the north east and south west of the farm make a positive contribution to the setting of the listed building and the manner in which its special interest as a former farmhouse is appreciated, as do the surviving barn and farm buildings to the west of the house (now in different uses), and the tree-lined approach to the house from Hurstwood Lane to the south, which has a distinctly rural character.

Although the barn and outbuildings and the approach to the house are not directly affected by the current proposal, the development of a large portion of the surviving open fields around the house will have a significant impact on their character, which will affect the manner in which the special interest of the listed building is appreciated.

The Council's Conservation Officer stated *"The scheme has, however, been amended on the basis of comments offered by Historic England and a subsequent analysis of how the farmhouse is experienced within its setting in order to mitigate the harm caused by the proposal. The amendments have increased the distance of the development from Hurst Farm, lowered the height of the nearest buildings to two storeys, and retained the existing field to the south east of the building as an informal green space. This field has been identified as being of particular significance within the setting of the farmhouse."*

In relation to Hurst House and Hurst Barn your officer agrees with the views of the Conservation Officer and Historic England and it is considered that whilst there will be some harm to the setting of the listed buildings at Hurst Farm and Hurst Barn, this amounts to less than substantial harm as defined in the NPPF. It is important to note that it will be necessary for this issue to be assessed again at the reserved matters stage when the proposed layout for the scheme is determined. It is your officer's view that at the outline stage sufficient information has been submitted for a reasoned conclusion to be drawn that the scheme will cause less than substantial harm to the setting of the listed building.

To the west of the site, facing onto Fox Hill, is Middlefield Cottage, which is a Grade II listed 17th century cottage. By introducing new development adjacent to the garden of this property, the Council's Conservation Officer is of the view that this will have a significant impact on the character of this part of the setting of the Cottage, and will effectively remove the last traces of its formerly rural environment. In terms of the NPPF, it is considered that this harm is less than substantial.

To the north west of the site and partly separated from it by the A272 and recent housing development, is the former St Francis Hospital, now in residential use, which dates from the mid 19th century and is Grade II listed. The Council's Conservation Officer has considered the impact of the proposed development on the setting of the former St Francis Hospital. She advises that *"although the proposal may have some impact on the rural outlook to the south of the hospital buildings and their setting, it is likely that this impact will be limited. The proposal is therefore considered to cause less than substantial harm to the setting of St Francis Hospital, such that the criteria set out in paragraph 134 of the NPPF would apply."* (NB: paragraph 134 has been renumbered as paragraph 196 of the new NPPF)

It is considered that the significant benefits of the scheme (provision of new housing (including affordable housing), burial ground, country park and school on a site that has been allocated for such development in a Neighbourhood Plan, economic benefits including construction jobs, additional spending in the locality and new homes bonus) do outweigh the less than substantial harm to the setting of the heritage assets outlined above. The harm should nonetheless be given considerable importance and weight in accordance with the relevant provisions of the 1990 Act.

Landscape Impacts

The Application Site is not in or adjacent to an environmentally sensitive area, as defined by Regulation 2(1) of the EIA Regulations (i.e. sites designated as Sites of Scientific Interest (SSSI), National Parks, World Heritage Sites, Schedules Ancient Monuments, Area of Outstanding Natural Beauty and sites covered by international conservation designations). The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). This assessment defines the existing landscape conditions, assesses the character and quality of the landscape and analyses the visual and landscape effects of the proposals. The assessment of effects is based on the scheme Masterplan and the related parameter plans, namely the density plan, phasing plan and the illustrative landscape and green infrastructure plan.

The LVIA sets out in detail a professional assessment of the landscape impacts of the proposal. There are no reasons to question the methodology of this assessment. It is however clearly the case that an assessment of the impact of the proposal on the character of the landscape is ultimately a subjective one for the decision maker to make. The LVIA has been considered by the Council's Landscape Architect and her consultation response is set out in full in the appendices.

The Landscape Architect states *"The LVIA identifies that the proposed landscape masterplan would conserve the key landscape features throughout the site including mature trees and woodland. There would be adverse impacts on landscape character due to the loss of open fieldscapes and the impact on the perceptual experience with interruption to some of the long views to the South Downs."*

"Visual impacts would be contained within the site area as the topography and vegetation screen long views into the site area from the wider countryside. The school building would be prominent in some shorter distance views. This could be mitigated if the building is of a high quality design as a feature on the hillside with mitigating elements such as a green roof."

"The masterplan includes structural landscape elements which would help to integrate the development into the local landscape. The masterplan incorporates extensive green infrastructure including the country park to protect the rural interface on the most prominent part of the site."

Overall, the Council's Landscape Architect concludes *"It is recommended that the proposed development can be supported subject to the implementation of the landscape masterplan in full."*

Your officer agrees with the overall findings of the LVIA and the Council's Landscape Architect. It is clear that with any green field development there will be a significant change at the local level from that of an undeveloped landscape to a housing development. It is accepted that many people would regard this as a significant adverse impact on the landscape. In order to meet the housing needs of the District, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). By definition, a significant change to the landscape has been accepted as part of the planning policy process as a result of the allocation of the site in the HHNP for a major development. It is therefore considered that there are no grounds to resist the application based on landscape matters.

Design/layout/housing mix

Design/Layout

Policy DP26 in the District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.*

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.

Paragraph 124 of the NPPF states that *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Paragraph 117 of the NPPF states in part *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."*

Paragraph 122 of the NPPF states *"Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places."*

In this case, it is only the principle of the development and the means of access that are to be determined at the outline stage. The plans that have been submitted are illustrative to

seek to demonstrate that this quantum of development could be accommodated on the site. The illustrative layout that the applicants have submitted is therefore simply a possible way that this development could be accommodated on site. If this outline application is approved, a subsequent reserved matters application will need to be submitted to determine the remaining details of the appearance, landscaping, layout and scale of the dwellings. It is at this point that the merits of the layout that will be put forward in the reserved matters application will be determined.

Whilst the layout plans within the site are illustrative, they are important to demonstrate that this amount of development could be accommodated on the site in a manner that complied with the design policies identified above. In light of this, the Council's Urban Designer has been consulted on the proposals and his comments are summarised at the start of the report and set out in full in the appendix. He states *"Overall the layout of the main residential element appears well organised with the main open space sensibly positioned in the middle of the site; with the northern part of the site is also suitably broken up by another proposed open space to the north of Hurstwood Grange that also provides a separation gap for the listed building. The housing is laid out in a perimeter block arrangement with street frontages facing towards the public realm, and a secure private realm at the rear. The exception to this are: (a) the buildings in the middle part of the site that back-on to the access road to Hurstwood Grange; and (b) the houses on the southern edge of the site which back-on to Hurstwood Lane. These are mitigated by the existing dense hedgerow providing it can fully screen the rear gardens from the adjacent roads."*

These comments are supported. It is considered that the principles of the illustrative layout that have been provided are sound. The Urban Designer has identified a number of specific concerns in relation to the illustrative plans that have been submitted. He states *"The new layout drawings now show much more detail including individual houses, their roof plans and the car parking provision, and for this the applicant can be commended, but it also reveals the following issues:*

- *The parking is poorly integrated and unduly dominates the street environment in some areas. This is especially an issue around the blocks of flats that face the central open space. Despite the incorporation of rear courtyards, there is still too much parking on the road frontage; on blocks 97-107, 117-127, 155-169, the rear court parking is insufficiently screened by development and results in an unfortunate gap in the street frontage. The FOG's (flats over garages) on plots 209, 215, 221, 249, 302 are unfortunately set-back from the road generating inconsistent building lines and unfortunately revealing parking in front of them that combine with the adjacent threshold parking to dominate the street environment; this is particularly an issue at the junction of the main access road and central open space. Many of the blocks of flats also do not provide sufficient defensible space between the ground floor and the parking areas.*
- *There is still insufficient consideration given to the sloping nature of the site. Only a rudimentary site section has been supplied that is taken through an open space and*

does not demonstrate in sufficient detail how the development will respond to the slopes. While the site layout has helpfully been overlaid with contours on top of the site layouts, the contours (at 5m intervals) are too spaced out and do not show the variations in the slope with sufficient accuracy. This is especially an issue in the high to medium density (particularly at the steeper northern end of the site), as the need for space efficiency risks generating a hard-edge design incorporating unsightly retaining walls to deal with the gradients. Level differences are especially likely to affect longer fronted buildings with single floor plates on blocks of flats likely to generate high flanks on the lower part of the slope that may look unsightly and generate uncomfortable juxtapositions with adjacent buildings. The slope may also disrupt the harmony of a run of terraced or semi-detached houses if they need to be stepped. The roofline of the semi-detached houses suggest they have been designed as symmetrical / mirrored pairings, that would be upset with a step; to avoid this it would be better to put the entrances in the middle of the frontages rather than the outside edge of the building as they are currently shown on plan.

- *The greater level of detail provided in the latest drawings also demonstrate that the building frontages do not follow / define the streets and spaces as well as suggested in the initially submitted illustrative layout, resulting in weaker enclosure. This arises as a result of inconsistent building lines, gaps in the street frontages, wide roads with overgenerous face-to-face distances most notably on the main access road. While the latter might be compensated to some extent with regular tree planting employing heavy standard large variety trees; in practice this rarely happens.*

These issues will be expected to be addressed at the reserved matters stage."

As has been stated by the Urban Designer, if outline consent is granted, all of the issues relating to the detail of the layout and design of the dwellings within the site will need to be addressed in the reserved matters submission. It is helpful that these issues have been identified at this stage because this will assist in informing any reserved matters submission. However, it would not be appropriate to seek to resist this outline planning application on these detailed matters of design because these matters are not before the LPA for determination; it is the principle of the development and the means of access that are to be considered now.

The same principles will apply to the layout and design of the school on the eastern side of the site. Once outline consent has been granted, there will need to be a subsequent reserved matters application for the details of the appearance of the school and its exact location within this part of the site. There are no reasons why a satisfactorily designed building for the school cannot come forward at the reserved matters stage.

Policy DP23 of the District Plan seeks to encourage the incorporation of digital infrastructure in major new housing developments. As this is an outline application where the design and layout of the scheme has not been determined, there is no reason why such infrastructure cannot be incorporated into the final design. A planning condition would be appropriate to secure the provision of such infrastructure.

Housing Mix

Policy DP30 of the DP seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs. The indicative mix for open market housing is as follows:

1 bed flat	7%
2 bed flat	7%
2 bed house	15%
3 bed house	38%
4 bed house	28%
5 bed house	5%

It is considered that this indicative mix would comply with the aims of policy DP30.

Affordable Housing

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

The scheme would provide a policy compliant level of affordable housing of 30% affordable dwellings. This is provided at a rate of 75% socially rented and 25% intermediate homes. The indicative mix for the affordable housing is as follows:

1 bed flat	25%
2 bed flat/house	63%
3 bed house	10%
4 bed house	2%

It is considered that the proposal complies with policy DP31 and that the provision of affordable housing should be afforded significant positive weight in the determination of this application.

Effect on neighbouring amenity

Policy DP26 seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

If this outline application is approved, it would be at the subsequent reserved matters application that the detail of the layout of the site and the design of the proposed buildings would be submitted and assessed. It is therefore at the reserved matters stage that a detailed assessment about the impact of the proposed development on the amenities of

existing occupiers surrounding the site would need to be made since it is at this stage that the detail of these relationships would be known.

Nonetheless it is relevant to make an assessment of the outline application in relation to its impact on the amenities of existing residential occupiers based on the illustrative information that has been submitted. There will be a significant change for the occupiers of the properties on Fox Hill and Hurstwood Lane from the proposed development. The open fields to the rear of these existing properties will be replaced with a major residential development. However, it is not considered that this will result in significant harm to the amenities of neighbouring residents for the reasons explained below. The principle of this change has been accepted as a result of the decision that was made in the HHNP to allocate this site for residential development.

At the southwestern side of the site, the site is bounded by residential properties that front onto Fox Hill and Hurstwood Lane. There is a rise in levels from south to north in the southwestern corner of the site so the application site is at a higher level than the properties on Hurstwood Lane. It is important to note that the layout plans that have been submitted are illustrative, to show a possible way the site could be laid out. These illustrative plans show that the new dwellings would be some 44m away from the rear elevations of the houses on Hurstwood Lane. The Building Heights Parameters Plan shows that the new dwellings would be two storey at this point.

It is recognised that there would be a very significant change to the outlook from the properties on Hurstwood Lane as their view would change from an open field to a major residential development. However it is considered that it would be possible at the reserved matters stage to achieve a layout at this part of the site that did not significantly impact on their residential amenities. The illustrative layout shows a substantial distance between the new properties and those on Hurstwood Lane and there is no reason to suggest that this could not be progressed at the reserved matters stage.

There are a number of properties on Fox Hill that back onto the site. Towards the southern end of the site the illustrative plans show that there would be a distance of some 27m between the new two storey properties and Bumbles. Moving up Fox Hill the back to back distances between the existing and proposed properties increase to some 40m at Sherwood. Moving further northwards there is a new property to the rear of White House. This is very close to the mutual boundary with the site. The illustrative layout plan does not account for this new dwelling and therefore at this part of the site, the reserved matters submission will need to take account of this new dwelling so that there is an appropriate distance between the existing and proposed development. Given the large site area, it is considered that the reserved matters submission should be able to address this issue. There should be no reason why a satisfactory layout cannot come forward at the reserved matters stage that fully addressed the impact on neighbouring residential amenity

It is therefore considered that whilst the outlook from the properties on Fox Hill and Hurstwood Lane will change significantly (which is the inevitable consequence of this site

being allocated for housing development), this will not cause a significant loss of residential amenity as defined by policy DP26.

There are a number of residential properties adjacent to the Hurstwood Grange business premises. The illustrative plans show the proposed development being located some 59m away from the listed Hurst House. The new houses are shown as being two storey in the Building Heights Parameters Plan. These houses would be at a higher level than Hurst House. Given the distances between Hurst House and the proposed dwellings it is considered that the impact on residential amenity will be acceptable. The final layout would need to be assessed and determined at the reserved matters stage.

The Land Use Parameter Plan shows that the primary school would be located to the south of Birch Way and Greenhill Park. It is considered that there are no reasons why a school cannot satisfactorily be accommodated on this site. It is not unusual for a school to be located adjacent to residential properties. The final location of the school building and its design would need to be determined in a subsequent reserved matters application.

Objections have been raised to the application from the occupier of Broadcast Bionics, a business on the Hurstwood Grange Estate. This business designs, builds and operates studio facilities for the BBC and other national and global broadcasters. The Managing Director of the business states "We have audio test, studio, development, R&D and other highly audio/vibration sensitive activities occurring from this site of considerable economic and employment significance locally, nationally and internationally. Our unique location was selected to ensure that we could carry out these activities without disturbance." The Managing Director of this business is concerned about the proximity of the flats shown on the illustrative layout to his premises.

The impact of proposed new development on existing businesses is a planning issue. Paragraph 123 of the NPPF states in part "*Planning policies and decisions should aim to:*

- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established"*

In terms of planning use, the businesses within the Hurstwood Grange Estate will fall within the B1 business category. This includes offices, research and development and light industry. By definition such uses are appropriate in a residential area.

It is important to note that the layout plans that have been submitted are illustrative. It would be at the reserved matters stage that a detailed layout would be submitted for consideration and the layout may be subject to change at the reserved matters stage. It would be at this time that an assessment would need to be made about the impact of the design and layout on neighbouring properties. At the outline stage it is only necessary to come to a view on the principle of whether the overall development that is being sought can be accommodated within the site without significant adverse impact on neighbouring

businesses. It is considered that as a matter of principle, up to 375 dwellings can be accommodated within the site without significant adverse effect on the neighbouring businesses.

In relation to disturbance during the construction phase, it is inevitable for a major development such as this that there will be some disruption during construction. A construction management plan can seek to minimise this but it must be acknowledged that there will be temporary disruption. This in itself would not be a reason to refuse the planning application. A condition will secure the provision of a construction management plan.

Access, Parking, and Highway Safety

The application is in outline form, with the means of access to the site to be determined at the outline stage. The proposed highway works and changes to crossing and pedestrian routes were summarised earlier in this report.

Policy DP21 in the District Plan states

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*

- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 109 of the NPPF, which states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

(N.B. Paragraph 109 in the new NPPF is similarly worded to paragraph 32 in the previous version of the NPPF, which is referred to by the Highway Authority in their comments, although it makes clear that permission should be refused where there would be an unacceptable impact on highway safety.)

The site specific policy H1, quoted earlier in the report refers to transport matters, including details of the mitigation measures for Hurstwood Lane to include its closure to through traffic.

Capacity issues

The application is accompanied by a Transport Assessment and a Traffic Signals Addendum that was prepared in response to comments from WSCC Highway Authority.

In the Traffic Signals Addendum, the applicants have modelled the operation of the A272/Old Farm Close junction based on the changes proposed in this application. The plans show that the gap between the stop line of the A272/Old Farm Close junction and the Old Farm Close/Hurstwood Lane junction is between 25-30m. The applicants model has been run for the year 2022 and year 2024 AM and PM peak. The applicants state *"The modelling shows a highest mean maximum queue of 3.5 passenger car units (PCUs) in the left-turn only lane on Old Farm Close during the 2024 AM peak. A queue of*

3.5 PCUs equals approximately 20m which is within the available stacking space between the junctions. This suggests that the queue back from the proposed signal's stop line is not expected to extend back past the Hurstwood Lane junction and therefore will not present a problem for vehicles wishing to emerge from Hurstwood Lane onto Old Farm Close."

The proposed revised junction of Old Farm Close/Hurstwood Lane has been modelled by the applicants for the AM and PM time periods in 2022 and 2024. The applicants state *"The results in the above tables show that in the AM and PM peaks, the priority junction operates with very low levels of queueing and high levels of reserve capacity in the proposed layout situation. The amended priority junction does not materially affect capacity levels or queueing at this location with the mean max queue estimated to reach a maximum of 0.2 PCUs in the AM peak at 2022 and 2024."*

A concern that has been raised by local residents that particularly during the AM peak at school dropping off times that traffic will struggle to exit the southbound arm of Hurstwood Lane due to the weight of traffic leaving the development. Objectors have raised the concern that with the additional development taking place within Lewes District Council at the end of Greenhill Way and Ridgeway, there will be nearly 278 dwellings that will all have to access the revised junction with Hurstwood Lane and this will result in a cul-de-sac that they will not be able to exit at peak times. Concerns have also been raised that the modelling used for the application is flawed because the model assumes free flowing junctions whereas this is not currently the case at the site at peak times. Criticisms have also been made about the data that has informed the model; in particular that the baseline traffic figures have been taken from a period in time when the A272 was less well used than it is now.

West Sussex County Council, in their role as the Highway Authority, has assessed all the information that the applicants have provided in relation to highways matters. Their comments are set out in full in the appendices. In relation to the modelling work they state *"I would confirm that the modelling work (including data collection) has been completed in accordance with current best practice and guidance. Industry accepted modelling packages have also been used. The approach applied within the transport assessment reflects that used within other permitted developments in this local area."*

The traffic modelling is also completed for a future year whereby the proposed development is anticipated to be fully occupied. The future year scenario includes all other nearby permitted residential developments, including those at Greenhill Way, Rookery Farm, The Beeches, as well as those in Lindfield and at Penland Farm. A background traffic growth rate has also been applied. This accounts for the general increase in car ownership as forecast by the National Traffic Model. The traffic flows (including those derived from surveys of the existing network) used in the modelling are taken as being robust. Trip generation from the development itself has been derived using the same data accepted for DM/16/0402."

In conclusion on highway capacity matters the Highway Authority state "*...the appropriate test is that within paragraph 32 of the NPPF, this being that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. The development cannot be held accountable or required to resolve existing traffic issues. Whilst there is no definition of severe within the NPPF, the views of the Planning Inspectorate in recent appeal decisions gives more weight to demonstrable highway safety issues resulting from developments rather than increased queues and delays for drivers. On the basis of the mitigation proposed (those highway works to be delivered by the development and a contribution towards wider improvements proposed by WSCC), WSCC remain satisfied that the development in principle will provide safe and suitable access for non-motorised road users and not give rise to any residual severe impacts as required by the NPPF.*"

"The County Council accept that the development will result in additional traffic at peak times and these will add to queues and delays. Comparing the with and without Hurst Farm scenarios, it's considered that the development would not result in a severe capacity impact."

In relation to the traffic modelling, a number of technical objections have been raised by objectors. These have been referred to the Highway Authority for consideration. The Highway Authority have stated that they "*remain satisfied that the modelling of the proposed traffic signals would also work within theoretical capacity. It's accepted that this is a limitation of the modelling in that this views the junctions as standalone elements that cannot account for queuing back from other junctions.*" They do not regard the applicants' modelling work as flawed and are aware of existing traffic conditions around the site. In relation to predicting future traffic conditions, this can only be done by modelling. The issue relates to the inputs that are put into the model and how the model operates. The Highway Authority, who are the statutory body responsible for the road network in the District are satisfied that the methodology the applicants have used for their transport work is satisfactory.

It is accepted by the Highway Authority and by officers that the development will result in additional traffic at peak times and these will add to queues and delays. This is the inevitable outcome of this large scale housing development. Whilst Travel Plans can be provided and are clearly a useful tool in providing alternatives to the private car, it would not be realistic to say that this site, which is on the southern edge of Haywards Heath, will not add to queues and delays. Whilst such queues/delays are a negative factor in relation to the development, the test in both local plan policy DP21 and in the NPPF, relates to severe residual impacts and severe traffic congestion.

The Highway Authority is of the view that the proposal will not cause severe capacity impacts on the local highway network. Given the views of the Highway Authority and the fact that this site is allocated for development, it is not considered that there is any sustainable basis for refusing planning permission on the basis of impacts on the local highway network.

At present a request for a departure from standards in relation to the A272/Old farm Close junction is being considered by the Highway Authority. Based on the Design Manual for Roads and Bridges two departures have been identified.

In relation to this the Highway Authority have stated *"It is an accepted principle that in some instances it is not possible or even desirable (for reasons of cost or environmental impact for example) to fully comply with the design standards within the Design Manual for Roads and Bridges. The applicant has applied in the appropriate way to the County Council to review the non-compliance of design standards for two elements of the development. The County Council is in discussion with the applicant in progressing these departures. The Stage One Road Safety Audit is also based upon the design as submitted with the planning application that includes the departures. This has not raised any safety issues with the design as a consequence of the non-compliance of standards."*

Sustainable Transport

The applicants have stated that a local bus operator has been approached about the possibility of delivering a service to the development site in order to improve accessibility. It is intended that bus stops would be located on the spine road that would run through the development, with a connecting route retained within the site between the northern and southern parcels of the site. This route would not be open to general traffic and would need to be controlled by bollards, barriers or another agreed method.

It is considered that enabling such provision would assist in providing an alternative to the private car. It would be important at the reserved matters stage to ensure that the layout could accommodate a bus route through the site. This can be secured by a suitably worded planning condition.

The application is accompanied by a Framework Travel Plan. This outlines some of the measures that could be taken to seek to shift transport away from the private car to more sustainable means. These include providing information relating to public transport and information of walking and cycling routes. The details of the final Travel Plan can be secured by a planning condition.

The application is also accompanied by a Framework School Travel Plan. This outlines measures that could be taken to seek to reduce reliance on the private car. Again, such a Travel Plan can be secured by a planning condition.

In relation to walking and cycling, the scheme proposes a link from the southern part of the site to the Fox Hill roundabout. A toucan crossing would be provided to cross the A272 to allow pedestrians to then go north towards the town centre of Haywards Heath. This provides a more direct route into Haywards Heath compared to going down to the junction of Hurstwood Lane and Fox Hill and then going northwards up Fox Hill. A pedestrian path would also be provided on the southern end of Hurstwood Lane from the development to link with the existing pavement. The plans also show a new pedestrian link at the northern end of Hurstwood Lane through to the A272 with a toucan crossing over the A272 to allow

pedestrians to go westwards towards the hospital and Haywards Heath town centre. In respect of the pedestrian link at the northern end of Hurstwood Lane, the details of this would need to be secured and controlled by a planning condition.

It is considered that these proposals will assist in providing appropriate pedestrian connectivity with the town.

The application also proposes the closure of a section of Hurstwood Lane to vehicular traffic, as required by policy H1 in the HHNP. The closure of this part of the Lane will allow it to be used by pedestrians and cyclist free from vehicular traffic. It is considered that this would be a benefit to these users.

The applicants will need to make a separate application for a Traffic Regulation Order to West Sussex County Council for the closure of part of Hurstwood Lane to vehicular traffic. This is a separate process that is outside planning legislation.

The applicants submissions are predicated on the basis that a traffic regulation order will be approved to close a section of Hurstwood Lane as set out in their submissions. The decision on the closure of Hurstwood Lane to vehicular traffic will be made by West Sussex County Council in their role as the Highway Authority. As the planning application is based on part of Hurstwood Lane being closed, it is considered that it is necessary to impose a negatively worded planning condition that requires this to have happened, prior to other works commencing to implement the planning permission.

The guidance on the use of planning conditions is contained in the Planning Practice Guidance (PPG). The PPG advises that it is possible to use a negatively worded condition to prohibit development authorised by the planning permission until a specified action has been taken. The PPG advises that such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. It is not felt that this is such a case as there is a realistic prospect of the Traffic Regulation Order being granted within the time limit of the planning permission. If for whatever reason, a Traffic Regulation Order is not approved for the closure of part of Hurstwood Lane to vehicular traffic, then it would not be possible to implement the planning permission as the planning condition could not be complied with. Under such circumstances the applicants would need to amend their proposals.

Air quality

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

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

- *It does not cause unacceptable levels of air pollution;*

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

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

Para 181 of the NPPF states that "Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan".

As part of this planning application the applicants have submitted an air quality assessment (Environmental Statement Vol 2, Section 9) which concludes that the overall impact on air quality will be Negligible. The Council's Environmental Health Officer (EHO) has assessed this report and his full comments are set out in the appendix to this report . In relation to air quality the EHO states *"This conclusion is accepted, although it is noted that a slight adverse impact is predicted at three receptors as a result of increased traffic flows. The air quality objective level is not exceeded."*

The EHO notes that whilst no emissions mitigation calculation has been included with the applicants air quality report, *"it does recommend suitable mitigation measures, which are accepted, and can be ensured by way of planning condition."* It is recommended that such a condition is included to require home charging points for vehicles and on street charging bays. This would accord with one of the aims of policy DP21 which states in part *"Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles."*

There have been representations that have made detailed technical criticisms of the applicants' air quality modelling. These concerns are available on file for inspection. A criticism that has been made relates to how the closure of Hurstwood Lane has been dealt with in the modelling. A further criticism relates to how the speed of vehicles has been used within the modelling work; specifically the criticism is that the applicants' modelling has reduced vehicle speeds at some of the road junctions.

The applicants have responded to these concerns. They have confirmed that the proposed development has considered the impact of the closure of Hurstwood Lane on local pollution concentrations. They have also stated that we have chosen speeds based on the traffic data received from the transport consultants and adapted the speeds to account for local congestion in line with TG16 guidance

The Council's EHO has considered the correspondence from the applicants and the objectors on these points. He considers that the objectors' concerns have been addressed and that there is no reason to believe that the air quality assessment is flawed. Accordingly he confirms that in his view, the development is in accordance with local and national planning policy.

It is considered that with such a condition in place, the development would comply with policies DP21 and DP29 of the District Plan and the Government guidance highlighted above.

Ecology and Trees

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

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017/1012.

Paragraph 170 of the National Planning Policy Framework states:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air,*

- water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate..."*

The application is accompanied by an Environmental Statement (ES) that is available on file for inspection. The western site is agricultural land, currently comprising three fields, two of which are used for grazing sheep. These pasture fields contain scrub, hedgerows, trees and woodland which form field boundaries. Two ponds are also present within the application site boundary. The eastern site is currently predominantly a pasture field grazed on a rotational basis by sheep with a strip of broadleaved woodland on the western boundary along Hurstwood Lane and an area of woodland to the north. The site also contains an area of mixed woodland to the south-east.

The majority of habitats within the application site are composed of widespread and common species. Two areas of woodland present within the application site boundary along Hurstwood Lane known as 'Hursthouse Lane Wood' and within the north of the eastern site known as 'Asylum Wood' are listed on Natural England's Provisional Ancient Woodland Inventory as ancient & semi natural woodland (ASNW). Asylum Wood is within Lewes District Councils administrative area. In relation to hedgerows, the applicants report states the only hedgerows within the application site boundary are in the western site to the north-east and along the access road into Hurstwood Grange Estate. These hedgerows are mature, intact but species-poor.

There are two ponds present in the western site, both located towards the western end.

The southern pond is a concrete-sided disused reservoir. The northern pond which is located directly north of the southern pond in an area of broadleaved woodland is a very large water body adjacent to the northern boundary and fed by woodland springs which originate from the broadleaved woodland north of the relief road.

In summary, in relation to species, the ES make the following findings:

Bats

- The trees identified as having bat potential that are to be removed as part of the scheme were not found to support roosting bats following targeted dusk emergence/dawn re-entry fixed point surveys.
- No bat roosts were identified within the application site during the targeted surveys.
- Due to the early recording times of bats during the surveys, including Common Pipistrelle and Soprano Pipistrelle, it is likely that bat roosts are present in the locality but will not be directly impacted by the proposals.

- Bat activity across the application site was generally low, with low numbers of bats recorded.
- One of the areas that had the highest activity was the area of Anscombe Wood to the south of the tunnel that extends under the relief road at the north-west corner of the western site where Common Pipistrelle bats (up to four bats) were recorded foraging regularly during surveys. The other areas that had the highest bat activity was along Hurstwood Lane and the access lane into Hurstwood Grange Estate where Common Pipistrelle (up to five bats) and Soprano Pipistrelle (up to two bats) were recorded foraging regularly during surveys.

The applicants' ES concludes that the majority of suitable and key habitat for bats within the application site will be retained. Whilst some woodland and hedgerow will be removed to facilitate the accesses, the existing high tree canopy cover over Hurstwood Lane where bats have been recorded foraging and commuting will be maintained, a large section of Hurstwood Lane will be turned into a green lane with no lighting and that any street lighting to be installed as part of access creation will be minimised and designed as part of a Lighting Strategy to limit lighting effects.

The Councils Ecological Consultant has assessed the applicants ES and has raised no objection to the scheme in relation to impacts on bats.

Great Crested Newts

- The results of the Habitat Suitability Index survey (along with professional judgement) indicated that six ponds should be subjected to a presence/likely absence survey (Ponds 3, 8, 10, 11, 14 and 15).
- Following the presence/likely absence survey visits, no evidence of Great Crested Newt was recorded within the six ponds and are therefore considered to be absent.
- It is considered reasonable that Great Crested Newt are likely to be absent from within the Zone of Influence, and therefore the Application Site is unlikely to result in any significant effects on Great Crested Newt populations.

The Council's Ecological Consultant has assessed the applicants' ES and has raised no objection to the scheme in relation to impacts on GCN.

Specific criticism of the applicants' supporting information has been made by way of a letter from AA Environmental Ltd that has been submitted by an objector to the scheme. The letter from AA Environmental Ltd is dated 8th August 2017 and relates to a different planning application that is near to the site of this current planning application. The objector to the scheme has submitted the letter from AA Environmental Ltd to highlight what he considers to be flaws in the applicants' submissions.

The Council's Ecological Consultant has considered these objections and his comments are available on file for inspection and are set out in full in the appendices. In summary the Council's Ecological Consultant is of the view that the criticisms raised in relation to this matter do not alter his view that there are no reasons to object to the planning application based on Great Crested Newts.

Reptiles

- The majority of the habitat present within the application site is considered to be unsuitable for reptiles, either because of heavy grazing or shading. Most of the good quality reptile habitat is restricted to field boundaries and woodland/scrub edge where grazing pressure is reduced.
- Clearance of vegetation within the application site will result in the permanent loss of some, albeit mostly sub-optimal, reptile habitat.
- The retained habitats will be enhanced within open space areas to be provided which will maintain connectivity through the application site and into the wider landscape.
- The ES concludes that there will be an insignificant effect on reptiles with relation to habitat loss and fragmentation.

The Council's Ecological Consultant has assessed the applicants ES and has raised no objection to the scheme in relation to impacts on reptiles.

Badgers

There is a confidential badger report on file. No known Badger setts in current use are planned for removal as part of proposals. The applicants report advises that the proposed scheme presents an opportunity to enhance both the western site and eastern site for Badgers and other wildlife, through the use of fruit- and nut-bearing native local provenance plants in the landscaping and the inclusion of areas of mown grassland within the masterplan. During the construction phase precautionary measures including the covering of trenches or the provision of an escape route are recommended.

The Council's Ecological Consultant has assessed the applicants' badger report and has raised no objection to the scheme in relation to impacts on badgers . The Council's Ecological Consultant has considered the objection to the scheme that has referenced the letter of 8th August 2017 from AA Environmental Ltd. He has confirmed that this does not alter his view that there are no reasons to object to this scheme based on the issue of badgers.

Breeding Birds

- The vast majority of bird nesting habitat will be retained as part of the Application Site, including Asylum Wood and most hedgerows. Losses will be limited to small sections

of hedgerow and woodland to be breached along Hurstwood Lane to create access roads. No birds of conservation concern were recorded as holding territory here and these breaches are not considered to be significant in terms of their potential to affect the conservation status of the breeding bird assemblage.

- The ES states that whilst it's likely there will be some negative impacts from disturbance and predation this is considered unlikely to affect the overall conservation status of the breeding bird assemblage

An objection to the scheme has been received from a third party relating to Kingfishers. Kingfishers are listed as a Schedule 1 species under the Wildlife and Countryside Act 1981. The objector refers to the presence of and known habitat for Kingfishers at the Hurst Farm pond. The objector is concerned that the application *"provides no supporting surveys, mitigation or authorisation from any competent authority with respect to the prevention of disturbance to the Kingfisher habitat at Hurst Farm. Alarming the more detailed plans provided in early 2018 make public the applicants intent to build 3 story flats and associated car parking directly adjacent to this sensitive and protected habitat."*

The Council's Ecological Consultant has been made aware of the objector's comments and has stated *"I am of the view that impacts on the species referred to could be avoided or adequately mitigated in accordance with planning policies for biodiversity."* It is important to recognise that this application is not seeking consent for the detailed layout of the site, but simply the principle of the development and the means of access. Therefore, any issues regarding the detailed layout of the scheme and a potential impact on Kingfishers can be addressed at the reserved matters stage. The view of the Council's independent ecological advisor is that there is no objection to the principle of the development based on the impact on Kingfishers.

Ancient woodland

To the northwest of the site is Anscombe Wood, which is classified as Ancient Replanted Woodland. The submitted plans show a proposed footway/cycle link that would go through this ancient woodland and join up to the roundabout at Fox Hill/Wivelsfield Road.

The proposed development will result in the loss of a small area of Hursthouse Lane Wood to facilitate the construction of an access road off Hurstwood Lane into the eastern site.

Asylum Wood (which is within Lewes District Councils) is to be retained. In relation to ancient woodland, the loss of a small area of Hursthouse Lane Wood cannot be avoided or mitigated as this habitat will be lost to facilitate construction of the new access road into the application site. It is a requirement of policy H1 in the Neighbourhood Plan that Hurstwood Lane is closed to vehicular traffic. Bearing this in mind, in order for a meaningful length of Hurstwood Lane to be closed to vehicular traffic, it is necessary for the access to the eastern side of the site to be located towards the northern end of Hurstwood Lane. The Environmental Statement says that compensation is needed to

address the partial loss of this feature of ecological importance and this compensation will include management to bring Hursthouse Lane Wood into a more favourable condition, understory planting and replanting of trees on a like for like basis.

The applicants have stated that the management measures for the newly created and retained woodland within the application site will be included within a Biodiversity Management Plan. It is suggested that with such measures in place the future management of ancient woodland within the site can be properly controlled. Any subsequent reserved matters application for the detail of the layout within the site would need to take account of the ancient woodland so that the requirements of any Biodiversity Management Plan can be met.

The applicants ES states *"The proposed location of the road is in the least diverse area of woodland and has been kept to the minimum. In the absence of mitigation, the loss of this area of ancient woodland is assessed as being a permanent significant negative effect within the Zone of Influence level."*

Policy DP37 in the DP states:

The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

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, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.

Paragraph 175 of the NPPF states

"When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."*

The footnote to this policy in relation to the "wholly exceptional reasons" referred to in criteria c above states: *"For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat."*

It is therefore clear that in relation to the loss of ancient woodland national advice in the NPPF states that such loss should be wholly exceptional and provides some examples of what these exceptions might be and states that the public benefit would need to clearly outweigh the loss or deterioration of habitat. The revised NPPF sets a higher threshold for permitting the loss of ancient woodland than the previous version, which said that the benefits of the development must "clearly outweigh" the loss. It also makes clear that a suitable compensation strategy must be provided.

In his consultation comments, the Council's Ecological Consultant states *"Whilst the Ecology chapter of the EIA report and Design and Access Statement refers to 'translocation' of woodland soils to compensate for the loss of ancient woodland and the EIA, this, in my opinion, should in no way be seen as an effective method of compensation. At best it is an experimental technique for helping to accelerate the establishment of woodland flora and potentially some of the micro-organisms necessary for woodland soil function into new tree plantations and therefore potentially accelerating the development of new woodland by salvaging a component of the woodland that is being lost. However, it cannot compensate for the loss of the complex ecosystem represented by long-established woodland or for the heritage value of such woodland."*

It is therefore appropriate to approach this issue on the basis that an area of ancient woodland at Hursthouse Lane Wood will be lost as result of the access road into the eastern side of the site. In assessing this issue, it is considered to be relevant that it is a small area of this woodland that would be lost as a result of the new access road into the eastern side of the site. The entire wood is some 312m in length and is effectively a finger of woodland running adjacent to Hurstwood Lane. It is some 0.76 hectares in area. The access road and pavement would be some 8m in width and would be some 25m in length through the woodland. Therefore, the proposal would result in a direct loss of some 0.02 hectares of woodland through the construction of this access road. Therefore the majority of this woodland would be retained.

In this case, it is considered to be relevant that this site is allocated for development in a made Neighbourhood Plan. The land to the east of Hurstwood Lane is shown on the proposals map in the HHNP as being a burial ground and allotments site. The text of policy H1 in the HHNP refers to land either side of Hurstwood Lane being allocated *"for a mixed use development for approximately 350 additional homes, the retention of existing employment on the site, the provision of a new school, together with informal open space to include a burial ground and allotments."* The policy allocation in the HHNP has been made with the knowledge of the existence of the ancient woodland at the site. By definition, there needs to be a way of accessing the development on the eastern side of Hurstwood Lane; as such it is implicit from the neighbourhood proposals map that there would be a requirement for some form of access to the eastern side of the site.

The applicants have stated that *"The small number of trees to be felled will be replaced through planting of new trees on a like-for-like or greater extent to match those species to be removed that will create an extension of the woodland to the south. Understorey planting will also occur to provide greater structure. The management measures will be*

included within a Biodiversity Management Plan which is recommended to be included as a Condition."

The loss of ancient woodland is a negative factor that weighs heavily against the application. Whilst not within the specific examples in the footnote to paragraph 175 of the NPPF, it is considered that there are wholly exceptional reasons for permitting the loss of ancient woodland in this case:

- 1) The proposed loss of a small area of ancient woodland
- 2) The area of ancient woodland lost is the least diverse section of the woodland concerned
- 3) There is considered to be no alternatives that would generate less harmful impacts
- 4) The site is required to deliver a development that is allocated in a Neighbourhood Plan.
- 5) The Neighbourhood Plan policy requires the closure of part of Hurstwood Lane to vehicular traffic. In order to achieve such a closure for a meaningful length of the road to provide a green way. It is necessary to cross the ancient woodland to access the eastern side of the site at the proposed point.
- 6) Accordingly there is no alternative to the loss of some ancient woodland if the Neighbourhood Plan policy requirements are to be fulfilled. Although the NPPF is an important material consideration, the development plan including the Neighbourhood Plan remains the starting point (see paragraph 12 of the NPPF).
- 7) The permission will secure a suitable compensation strategy.

In all the circumstances it is considered that there are wholly exceptional reasons which justify the loss of ancient woodland. In accordance with the NPPF, a compensation strategy can be secured by condition

Having regard to the guidance in the NPPF, it is your officer's view that the benefits of delivering the school, allotments, burial ground and country park on a site allocated for these purposes in the part of the development plan, and the need to occasion the loss of some ancient woodland to give effect to the Neighbourhood Plan and deliver the benefits of the allocation, do clearly outweigh the loss of this relatively small area of ancient woodland. Whilst replanting is unlikely to fully compensate for the loss of ancient woodland it would still be a positive proposal that can be secured by a suitable planning condition, and it amounts to a suitable compensation strategy.

Drainage

Policy DP41 in the District Plan seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. Paragraph 163 of the National Planning Policy Framework states: *"When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁰.*

Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan..."*

The application is accompanied by a Flood Risk Assessment that is available on file.

Surface Water

The site is entirely within Flood Zone 1, which is defined as having less than 1 in 1000 (0.1 %) chance of flooding, from rivers and the sea, occurring each year. There are several small unclassified streams on the site and a number of ponds.

The applicants have stated that the drainage strategy is to maintain existing ponds and overland flow routes through the site. They also states *"It is likely that some existing surface water drains will need to be replaced or relocated to suit the layout of the proposed development. Given the anticipated increase in flow rates, some of the existing surface water drains may need to be replaced, along a similar route, with larger diameter pipe, to increase discharge capacity. The post-development drainage design will be guided by the pre-development discharge rate."*

The Council's Drainage Engineer has assessed the information that has been put forward by the applicants and her comments are set out in full in the appendices. The Council's Drainage Engineer has stated *"The overall strategy is to maintain existing ponds and overland flood flow routes through the site and this is welcome. The surface water drainage from the site will link into existing ponds and watercourses but will be managed to flow at a controlled rate so as not to increase flood risk."* She has gone on to highlight a number of specific issues that will need to be addressed as part of the submission of the reserved matters application. Specifically there are existing culverts within the site and the Council's Drainage Engineer has advised that *"A full CCTV and location survey of the existing culverts running through the site needs to be carried out prior to any layout for the development being fixed. This is to ensure that where the culvert is not able to be relocated it can be protected."* She notes that *"The culverts are known to be important surface water drainage conveyance systems and there has been internal flooding resulting from the pond situated on the Hurstwood Grange Industrial Estate so the proposals need to be well thought out and appropriately evidenced."* The Drainage Engineer has questioned the location of the block of flats on plots 270-275 south of the

pond at the business park as there is a question as to whether the necessary maintenance access and exceedance flow strips can be achieved.

The layout that has been submitted is illustrative to demonstrate that as a matter of principle, this level of development can be accommodated within the site. It is helpful for the issues relating to the need to address existing drainage infrastructure within the site to be highlighted now at the outline stage. It is considered that it should be possible for a reserved matters layout to be submitted that addresses the existing drainage infrastructure within the site. This may mean that the layout that is submitted under the reserved matters applications differs from the illustrative layout submitted with this outline application. It is for the applicants to design a scheme for the reserved matters application that addresses the relevant issues, including designing a layout that provides satisfactory drainage for the site. The LPA would need to be satisfied at the reserved matters stage the layout that had been put forward was satisfactory in relation to drainage.

Foul Drainage

Foul water drainage from the proposed residential development and the existing Hurstwood Grange Estate will discharge into the Southern Water public sewer network. The applicants state *"Outline foul water drainage design assumes that the foul water discharge from the residential and commercial areas to the west of Hurstwood Lane will discharge towards the low point in the informal open area, and from there will be connected to the public sewer, either by a gravity connection to the existing sewer towards the southwest, at the junction of Hurstwood Lane and Fox Hill, or via a pump station and rising main which would discharge the flow into the existing sewer system north of the primary school site. It might be possible to have a drainage system where the foul flow is split, with some flow being discharged through a gravity connection towards the southwest, and the remainder of the flow is pumped to the north of the site."*

The Council's Drainage Engineer has advised that evidence should be provided at an early stage of discussions with Southern Water to ensure that a suitable scheme is being designed. Southern Water has advised that they cannot accommodate the needs of this application without the development providing additional local infrastructure. Southern Water has therefore requested a condition requiring details of the foul drainage and an implementation timetable to be approved prior to works commencing.

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

Infrastructure

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

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

and:

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

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

These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework the infrastructure set out below is to be secured via a planning obligation. Copies of all relevant consultation responses including the housing and leisure officer of the Council, West Sussex County Council, NHS Sussex and the Sussex Police & Crime Commissioner are available in the appendices.

West Sussex County Council Infrastructure Requirements:

- Library provision: Contribution based on a formula;
- Education Primary: Contribution based on a formula;
- Education Secondary: Contribution based on a formula;

- TAD: Contribution based on a formula
- The Provision of land within the application site to be transferred to West Sussex County Council for a primary school
- Traffic Regulation Order Contribution
- Contribution towards improvements at the Sussex Square Roundabout and public realm improvements on South Road (east)

Mid Sussex District Council Infrastructure Requirements (including police and health requirements)

- Affordable Housing: The Planning Obligation will secure 30% of the overall dwellings as affordable dwellings to include a tenure split of 25 % shared ownership and 75 % rented in accordance with Policy DP31 of the District Plan.
- Formal sport: Contribution based on a formula towards formal sport facilities at the St Francis Social and Sports Club site which is adjacent to the development site. The funds would be used toward Phase 3 of the development of these facilities, to upgrade pitch 2 to an ATP to increase the playing capacity.
- Community buildings: Contribution based on a formula to fit out the lower ground floor of the new St Francis Social and Sports Club community building.
- Local community infrastructure: Contribution based on a formula. It is proposed that the local community infrastructure contribution will be transferred from the Council to Haywards Heath Town Council upon the transfer of the land comprising the country park, allotments and burial ground towards the maintenance of these areas. The contribution would be calculated on the basis that a deduction is made to reflect the value of the land forming the country park, allotments and burial ground.
- NHS Sussex: Contribution based on a formula.
- Sussex Police have requested the sum of £53,018.29 towards specified policing infrastructure.
- Country Park, Allotments and Burial Ground: The application includes provision for a country park, allotments and a burial ground. This reflects the policy H1 of the HHNP. It is intended that these areas will be transferred to Haywards Heath Town Council.

It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations.

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

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017/1012 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Where the likelihood of significant effects exists the District Council must carry out an Appropriate Assessment, and only grant planning permission if satisfied that there would be no adverse effect on the integrity of the sites concerned, unless certain strict conditions are met.

The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

The views of Wealden District Council on the impact of the development on the Ashdown Forest SAC are noted. A HRA screening assessment for the development has, however, been undertaken. The outcome is that there is not considered to be a significant in combination effect on the Ashdown Forest SAC. The screening assessment is available to view on the planning file. Given the fact that the application site is not within 7km of the Ashdown Forest SPA and the proposal includes a country open space there is not considered to be any likely significant effect on the Ashdown Forest in relation to recreational pressure.

Archaeological matters

The application site is extensive and should therefore be considered to have enhanced potential for containing known and previously unknown below ground heritage assets. Chapter 10 of the EIA deals with the potential impact on Archaeology and Heritage. The Councils Archaeological Advisor has requested that a planning condition is imposed requiring archaeological work to be secured to establish what archaeological assets are and may be present, and the results of the evaluation will enable suitable mitigation measures to be developed if and where necessary. With such a condition in place the application complies with policy DP34 of the District Plan.

Other matters

Construction phase

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

Human Rights

Objectors have raised concerns about the impact on their human rights. Article 8 of the European Convention on Human Rights (as incorporated into national law through the Human Rights Act 1998) provides for a right to private and family life, and Article 1 of the First Protocol provides for the protection of property. It is considered that any interference with the enjoyment of private or family life, or of property, is necessary and proportionate to deliver the benefits of the proposed development as described above. The necessary balancing exercise is struck through the planning system. Objectors have also raised Article 2 of the ECHR (right to life) in respect of air quality. In light of the negligible changes to air quality arising from the development (as assessed by the applicants and accepted by the Council's EHO), it is not considered that Article 2 is engaged in this decision.

CONCLUSION

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the Haywards Heath Neighbourhood Plan (HHNP) and the District Plan (DP).

The site is allocated for a mixed use development for approximately 350 additional homes, the retention of existing employment on the site, the provision of a new school, together with informal open space to include a burial ground and allotments under policy H1 in the HHNP. As such, the principle of developing the site for these uses accords with the development plan.

This application seeks consent for up to 375 dwellings. It is considered that this complies with the above policy, which does not set a cap of 350 dwellings. The figure of 375 dwellings is only 7 % more than 350 and therefore in numerical terms this is considered to be acceptable.

The planning application is in outline form with only the means of access to be determined at the outline stage. The purpose of the application is to establish the principle of the development and to demonstrate that this amount of development can be accommodated within the site and that the proposed access to the development is satisfactory. The parameter plans that have been submitted are to inform what the proposed development will comprise in the different parcels within the site. The plans that are submitted with the application showing the internal layout of the roads and buildings within the site are for illustrative purposes to help to demonstrate that this amount of development could be accommodated within the site. If outline consent is granted, a subsequent reserved matters application will need to be submitted for the details of the proposal (the appearance, landscaping, layout and scale). It will be at this stage that detailed matters, (for example, the impact of the submitted layout on neighbouring properties, an assessment of the design quality of the layout and an assessment of the means of drainage) will need to be assessed.

It is considered that the provision of up to 375 dwellings, including a policy compliant level of 30 % affordable housing is a significant benefit. The provision of the school, allotments, burial ground and Country Park are all matters that are significant benefits of the scheme.

It is considered that a key issue in this case is transport, in particular highways matters. As the means of access is to be determined at this stage an assessment is required in relation to these access points and the impact of the development on the wider highway network. It is considered that the new access points into the housing development on the western side of Hurstwood Lane and the school, Country Park, burial ground and allotments on the eastern side of the Hurstwood Lane are satisfactory in relation to highway safety. There is no objection to these points of access from the Highway Authority, the statutory body responsible for roads within the District.

The Highway Authority also has no objection to the revised junction arrangements at Hurstwood Lane and onto the A272. In relation to impacts on the highway network, the test in policy DP21 of the District Plan is to avoid severe additional traffic congestion. This is a similar threshold to the National Planning Policy Framework, which advises that applications should only be refused on transport grounds where the residual impacts are severe. It is acknowledged by the Highway Authority and officers that the development will add to queues and delays at peak times. However the Highway Authority does not regard this as severe and they do not object to the scheme. In light of the position of the statutory body responsible for the highway network, it is not considered that there is a sustainable highways reasons for refusing outline planning permission.

The proposal would retain the existing business park as required by policy H1. The listed Hurst House would also be retained as required by policy H1. There would be some harm to the setting of Hurst House and other listed buildings, which would be classified as less than substantial as categorised in the National Planning policy Framework (NPPF). This less than substantial harm must be given considerable importance and weight in the overall planning balance, to properly reflect the provisions with the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of listed buildings and their settings is desirable. It is considered that in the planning balance, the benefits of developing this allocated site for housing, allotments, burial ground, school and Country Park clearly outweighs the less than substantial harm that is caused to the setting of the listed buildings identified previously in this report.

The proposal would result in the loss of a small area of ancient woodland as a result of creating the access into the eastern side of the site. This is a factor that weighs against the proposal. Having regard to the guidance in the NPPF, it is considered that the benefits of delivering the school, allotments, burial ground and country park on a site allocated for these purposes in part of the development plan amount to wholly exceptional circumstances justifying the loss of a small part of ancient woodland.

The technical evidence that has been submitted by the applicants in relation air quality indicates that the proposed development would not cause unacceptable levels of air pollution.

In conclusion, it is considered that there are clear benefits from the development of this allocated site for the uses that are set out in policy H1 of the Haywards Heath Neighbourhood Plan. The delivery of housing, including affordable housing should be given significant positive weight. The community benefits of the school, Country Park, burial ground and allotments should also attract significant positive weight.

There would be a negative impact on a small area of ancient woodland and less than substantial harm to the settings of a number of listed buildings. These matters weigh against the proposal.

In principle it is considered that the impacts on neighbouring amenities, ecology and drainage are all acceptable. Specific impacts in relation to these issues will need to be carefully considered when the layout of the scheme is submitted at the reserved matters stage.

Taking all of the issues into account, it is considered that the application complies with the development plan when read as a whole. It is therefore recommended that planning permission is granted subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure required for this development.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

2. In all aspects the reserved matter submissions shall be broadly in conformity with submitted parameters plan drawing (drawing no 02-353-215 B, 02-353-216 D, 02-353-217 B, 02-353-218 B, 02-353-219 B, 02-353-220 B and 02-353-221 B)

Reason: In the interest of appearance, character and amenity of the area to accord with policy DP26 of the District Plan and policy H1 of the Neighbourhood Plan.

Pre-commencement conditions

3. Prior to any works commencing (including site clearance/preparation and/or demolition), a construction management plan shall be submitted to and be approved in writing by the Local Planning Authority after consultation with WSCC. Thereafter the applicant and contractors shall complete the works in accordance with the approved plan throughout the construction period in order to minimise disturbance during demolition and construction and will include details of the following information for approval:

- a) the phased programme of construction works;
- b) the means of access and road routing for all construction traffic associated with the development;
- c) details of a scheme for the monitoring of noise, dust and vibration (including any piling) in accordance with the appropriate British Standard (BS). The report on the assessment made under the BS shall include estimated values of LAeq and show all calculations;
- d) provision of wheel washing facilities and details of their operation and location;
- e) construction work including delivery times;
- f) details of a means of suppressing dust arising from the development and site boundary fencing;
- g) details of all proposed external lighting to be used during construction;
- h) details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- i) details of areas to be used for the storage of plant and materials associated with the developments;
- j) details of the temporary construction site enclosure to be used throughout the course of construction;
- k) details of any construction accesses to be used;
- l) details of the appropriate public consultation that will be required;
- m) details of scheme to protect residential properties from the noise sources during construction

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy H1 of the Neighbourhood Plan.

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

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan 2014 - 2031 and Policy E7 of the Neighbourhood Plan.

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

The drainage strategy and subsequent details to be submitted to the LPA shall include details of but not necessarily be restricted to the following matters:

1. The results of groundwater monitoring and infiltration tests that have been carried out between October and March;
2. The peak discharge rates from the site (not to exceed QBAR), together with information regarding the associated control structures, attenuation measures and their locations within the site;
3. The drainage system capacity including calculations;
4. How storms above the drainage system capacity (i.e. between the 1 in 30 year and 1 in 100 year event) will be safely managed within the site so that flood risk is not increased elsewhere;
5. Overland exceedance flow routes for events in excess of the 1:100 year + climate change to ensure that no new or existing properties will be put at risk of flooding from this development;
6. The protection, relocation and improvement [as applicable] of existing ponds, culverts, surface water pipes and watercourses including details of the creation of easements and buffer zones in order demonstrate that the runoff from the development will be adequately accommodated and that flood flow routes will be maintained;
7. The future management and maintenance of surface water drainage systems, ponds, culverts, attenuation structures and any other apparatus necessary for the operation of the surface water drainage system including how the maintenance will be funded to ensure that the surface water drainage will function satisfactorily for the lifetime of the development;
8. Independent verification that the drainage systems have been constructed and installed as designed and as agreed by the LPA.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity and to accord with Policy DP41 of the District Plan 2014 - 2031 and Policy E7 of the Neighbourhood Plan.

6. No development shall take place, including any works of demolition, until a Management of Surface Water during Construction Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
 - a) The protection of receiving watercourses from polluted runoff including silt;
 - b) The protection of ancient woodland and other wildlife habitats from polluted runoff and silt;
 - c) The pumping of water from excavations and how it will be disposed of
 - d) Methods to prevent runoff from the site during construction to ensure that properties situated lower than the site will be protected from flooding
 - e) Methods to attenuate surface water during construction and how it will be managed following collection.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity and to accord with Policy DP41 of the District Plan 2014 - 2031 and Policy E7 of the Neighbourhood Plan.

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

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

8. Prior to any works commencing on the burial ground, hydrogeological risk assessment must be undertaken to show that there are minimal risks to the environment either at time of burial, or in the future. This assessment should have regard to the Environment Agency document "Assessing the Groundwater Pollution Potential of Cemetery Developments". The hydrogeological risk assessment shall be submitted to the Local Planning Authority and no works in relation to the provision of the burial ground shall take place until the hydrogeological risk assessment has been approved by the Local Planning Authority.

Reason: To improve and protect water quality and improve habitat and amenity and to accord with Policy DP41 of the District Plan 2014 - 2031 and Policy E7 of the Neighbourhood Plan.

9. Prior to development, of any phase, or any preparatory work and to support the Reserved Matters application, a Construction Environmental Management Plan will be produced, submitted and approved in writing by the Local Planning Authority. The CEMP shall describe how the development construction will proceed to mitigate potential impact on local ecology. The CEMP will pick up all recommended mitigation arising out of the recommendation made within the chapter of the Environmental Statement and supporting appendices. The development shall only be implemented in accordance with the approved CEMP unless first agreed in writing with the Local Planning Authority.

Reason: To protect the ecological value of the site and to accord with policies DP37 and DP38 of the District Plan 2014 - 2031.

10. Prior to development of each phase, or any preparatory work and to support the Reserved Matters application, an ecological enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. All approved details within that phase shall then be implemented in full and in accordance with the agreed timings and details, unless first agreed in writing with the Local Planning Authority.

Reason: To protect the ecological value of the site and to accord with policies DP37 and DP38 of the District Plan 2014 - 2031.

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

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

12. Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures necessary to ensure an appropriate level of air quality within the development shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

The scheme shall include, as a minimum:

- Provision of at least 1 EV rapid charge point per 10 residential dwellings and / or 1000m² of commercial floor space. Where on-site parking is provided for residential dwellings, EV charging points for each parking space should be made.
- Provision of a detailed travel plan (with provision to measure its implementation and effect) which sets out measures to encourage sustainable means of transport (public, cycling and walking) via subsidised or free-ticketing, improved links to bus stops, improved infrastructure and layouts to improve accessibility and safety;
- All gas-fired boilers to meet a minimum standard of <40 mgNO_x/kWh

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

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

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

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

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

15. No development shall take place until a Traffic Regulation Order has been approved by the relevant Highway Authority for the closure of part of Hurstwood Lane to vehicular traffic. The details of the Traffic Regulation Order shall be provided to the Local Planning Authority and shall be approved in writing by the Local Planning Authority prior to works commencing on the site.

Reason: In the interests of highway safety and to secure a high quality development and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy H1 of the Neighbourhood Plan.

16. Details of bat sensitive lighting shall be produced and submitted to and approved in writing by the Local Planning Authority with the submission of reserved matters. The scheme shall only be implemented in accordance with all the approved details unless first agreed in writing with the Local Planning Authority.

Reason: To protect the ecological value of the site and to accord with policy DP38 of the Mid Sussex District Plan 2014 - 2031.

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

- detail extent and type of new planting (NB planting to be of native species)
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around ancient woodland
- details of management responsibilities

Reasons: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

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

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

19. No development shall commence until such time as a schedule for the implementation of the on and off site highway works linked to the proposed phasing of the development has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

- The improvements to the A272/B2112 Wivelsfield Road Roundabout as shown indicatively on drawing titled Proposed A272 Rocky Lane/B2112 Fox Hill/Wivelsfield Road Roundabout Improvement, drawing number 0022, revision A03
- The provision of a signalised pedestrian crossing to the south of the Lewes Road Roundabout as shown indicatively on drawing titled A272 Relief Road/Lewes Road Haywards Heath Proposed Toucan Crossing, drawing number 0031 revision A02
- The provision of a signalised pedestrian crossing to the north of the Wivelsfield Road Roundabout, as shown indicatively on drawing titled Proposed A272 Rocky Lane/B2112 Fox Hill/Wivelsfield Road Roundabout Improvement, drawing number 0022, revision A03
- The provision of a footway on Hurstwood Lane as shown indicatively on drawing titled Southern Site Access and Footway Provision, drawing number 0036, revision A02
- The provision of a pedestrian/cyclist route to the south of the A272 leading from the development to the proposed signalised pedestrian crossing located to the north of the Wivelsfield Road Roundabout.
- The downgrading of Hurstwood Lane following the closure of the lane to vehicular traffic.

Reason: To ensure the necessary infrastructure is delivered at the appropriate time in connection with the build out and occupation of the development and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

Pre occupation conditions

20. No part of the development shall be first occupied until plans and details for the improvements to the A272/B2112 Fox Hill Roundabout as shown indicatively on drawing titled Proposed A272 Rocky Lane/B2112 Fox Hill/Wivelsfield Road Roundabout Improvement, drawing number 0022, revision A03 have been submitted to and agreed in writing by the Local Planning Authority. The works shall thereafter be completed in accordance with the approved plans and the Schedule for On and Off-Site Highway Works within condition 19.

Reason: To increase highway capacity and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy H1 of the Neighbourhood Plan.

21. No part of the development shall be first occupied until plans and details for the provision of a signalised pedestrian crossing to the south of the Lewes Road Roundabout as shown indicatively on drawing titled A272 Relief Road/Lewes Road Haywards Heath Proposed Toucan Crossing, drawing number 0031 revision A02. The works shall thereafter be completed in accordance with the approved plans and the Schedule for On and Off-Site Highway Works within condition 19.

Reason: In the interests of highway safety and to improve the accessibility of the development and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy H1 of the Neighbourhood Plan.

22. No part of the development shall be first occupied until plans and details for the provision of a signalised pedestrian crossing to the north of the Fox Hill Roundabout, as shown indicatively on drawing titled Proposed A272 Rocky Lane B2112 Fox Hill Wivelsfield Road Roundabout Improvement, drawing number 0022, revision A03. The works shall thereafter be completed in accordance with the approved plans and the Schedule for On and Off-Site Highway Works within condition 19.

Reason: In the interests of highway safety and to improve the accessibility of the development and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy H1 of the Neighbourhood Plan.

23. No part of the development shall be first occupied until plans and details for the provision of a footway on Hurstwood Lane as shown indicatively on drawing titled Southern Site Access and Footway Provision, drawing number 0036, revision A02. The works shall thereafter be completed in accordance with the approved plans and the Schedule for On and Off-Site Highway Works within condition 19.

Reason: In the interests of highway safety and to improve the accessibility of the development and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy H1 of the Neighbourhood Plan.

24. No part of the development shall be first occupied until plans and details for the provision of a pedestrian/cyclist route to the south of the A272 leading from the development to the proposed signalised pedestrian crossing located to the north of the Fox Hill Roundabout. The works shall thereafter be completed in accordance with the approved plans and the Schedule for On and Off-Site Highway Works within condition 19.

Reason: In the interests of highway safety and to improve the accessibility of the development and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy H1 of the Neighbourhood Plan.

25. No part of the development shall be first occupied until the works indicatively shown on the drawing titled Old Farm Close/A272 Proposed Signalised Junction, drawing number 0044 revision A02 have been constructed in accordance with plans, details, and a construction specification submitted to and approved in writing by the Local Planning Authority.

Reason: To secure appropriate access into the development in the interests of highway safety and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy H1 of the Neighbourhood Plan.

26. No part of the development shall be first occupied until details indicating the position, design, materials, finish and type of all boundary treatments, and a timetable for implementation, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and timetable.

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

27. Prior to the commencement of the development hereby permitted, details of a scheme of acoustic protection shall be submitted, and approved in writing by the Local Planning Authority. The scheme shall be in accordance with recommendations listed in Section 11.12 and 11.13 of the submitted Environmental Statement Volume II Main Report dated June 2017 and shall include details of acoustic protection sufficient to ensure the maximum internal noise levels in bedrooms and living rooms in residential properties, post construction, will comply with those stated in Table 4 of BS8233:2014. Where internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation or other ventilation capable of providing adequate ventilation to the occupants. The scheme shall include details of acoustic protection sufficient to ensure external amenity area & garden noise levels of not more than 55dB LAeq T (where T is 07:00 - 23:00) unless otherwise agreed in writing. All works which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of future residents with regard to external noise and to comply with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the District Plan 2014 - 2031.

29. No part of the school shall be first occupied until such time as a travel plan has been submitted to and approved in writing by the Local Planning Authority. Once approved, the travel plan shall be implemented in accordance with the approved details.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the District Plan 2014 - 2031.

30. No part of the development shall be first occupied until details indicating the position, design, materials, finish and type of all boundary treatments, and a timetable for implementation, have been submitted to and approved in writing by the local planning authority. This shall include details of a chicane in the pedestrian access from the site to the recreation ground. Development shall be carried out in accordance with the approved details and timetable.

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

31. No dwelling in the development hereby permitted shall be occupied until details of external lighting within the site have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To safeguard the visual appearance of the area and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

32. No dwelling within any of the phases shall be occupied until details of the space to be laid out for parking and the stationing of vehicles clear of the public highway, within that phase, have been approved in writing by the Local Planning Authority. No dwelling shall be occupied until the parking space related to that dwelling has been surfaced, drained and completed. The space so provided shall not thereafter be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highway and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

Construction phase

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

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

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

34. No burning of demolition/construction waste materials shall take place on site unless first agreed in writing by the Local Planning Authority

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

APPENDIX B – CONSULTATIONS

County Planning Officer

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

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

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

The advice is as follows:

1. School Infrastructure Contribution

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

1.2 Financial Contribution

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

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

DfE Figure x ACP = School Infrastructure Contribution where:

Note: x = multiplied by.

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

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

Using the above occupancy rates to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000

population in each school year group for flats. There are 7 year groups for primary (years R to 6) and 5 for secondary (years 7 to 11). For Sixth Form, a factor of 0.54 is applied to the Child Product figure as this is the average percentage of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

DfE Figure = Department for Education (DfE) school building costs per pupil place (for pupils aged 4 to 16) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2014/2015 are - Primary £15,558, Secondary £23,442, Further Secondary £25,424), updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

- 1.3 We will require land which conforms to BB103 standards within the boundary of the development to accommodate a 2FE primary establishment, plus a financial contribution as described below.

The contributions generated by this proposal shall be spent on a new free school for Haywards Heath or the expansion of St Augustine's CofE Primary School should the new school not progress.

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

2. Library Infrastructure Contribution

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

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

2.2 Financial Contribution

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

any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

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

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

Note: x = multiplied by.

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

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

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

- 2.3 The contributions generated by this proposal shall be spent on expansion of the facilities at Haywards Heath Library.

General points

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

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

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

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

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

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

West Sussex County Council (WSCC) Lead Local Flood Authority (LLFA),

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

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

Flood Risk Summary

Modelled surface water flood risk	Medium risk
<p>Comments: Current uFMfSW mapping shows the majority of the proposed site being at low risk from surface water flooding although there are areas, in particular through the centre of the site around the ponds and watercourse, which are at higher risk.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.</p> <p>Reason: NPPF paragraph 103 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere...’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p> <p>Any existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.</p>	

Modelled ground water flood risk susceptibility	Negligible risk
<p>Comments: The area of the proposed development is shown to be at negligible risk from ground water flooding based on the current mapping.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	

Records of any historic local flooding?	No
<p>Comments: We do not have any records of historic flooding either nearby or within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

Ordinary watercourses nearby?	Yes
<p>Comments: Current Ordnance Survey mapping shows an ordinary watercourse through the centre of the site and then along the western boundary of the proposed development area.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>No development should take place within 5m of any ordinary watercourse. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District or Borough Council.</p>	

Future development - Sustainable Drainage Systems (SuDS)

The FRA included with this outline application proposes that a combination of SuDS techniques such as permeable paving, swales, attenuation ponds/tanks are being considered to restrict the runoff from the development to Greenfield run-off rates. These methods would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

The disposal of surface water via infiltration should be shown to have been investigated through an appropriate assessment carried out under the methodology set out in BRE Digest 365.

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

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

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

WSCC Highway Authority

comments dated 19th July 2018

TRO for Hurstwood Lane Closure

As per SK suggested wording.

Schedule for On and Off-Site Highway Works

No development shall commence until such time as a schedule for the implementation of the on and off site highway works linked to the proposed phasing of the development has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

- The improvements to the A272/B2112 Wivelsfield Road Roundabout as shown indicatively on drawing titled Proposed A272 Rocky Lane/B2112 Fox Hill/Wivelsfield Road Roundabout Improvement, drawing number 0022, revision A03
- The provision of a signalised pedestrian crossing to the south of the Lewes Road Roundabout as shown indicatively on drawing titled A272 Relief Road/Lewes Road Haywards Heath Proposed Toucan Crossing, drawing number 0031 revision A02
- The provision of a signalised pedestrian crossing to the north of the Wivelsfield Road Roundabout, as shown indicatively on drawing titled Proposed A272 Rocky Lane/B2112 Fox Hill/Wivelsfield Road Roundabout Improvement, drawing number 0022, revision A03
- The provision of a footway on Hurstwood Lane as shown indicatively on drawing titled Southern Site Access and Footway Provision, drawing number 0036, revision A02
- The provision of a pedestrian/cyclist route to the south of the A272 leading from the development to the proposed signalised pedestrian crossing located to the north of the Wivelsfield Road Roundabout.
- The downgrading of Hurstwood Lane following the closure of the lane to vehicular traffic.

Reason: To ensure the necessary infrastructure is delivered at the appropriate time in connection with the build out and occupation of the development.

Wivelsfield Road Roundabout Improvements

No part of the development shall be first occupied until plans and details for the improvements to the A272/B2112 Fox Hill Roundabout as shown indicatively on drawing titled Proposed A272 Rocky Lane/B2112 Fox Hill/Wivelsfield Road Roundabout Improvement, drawing number 0022, revision A03 have been submitted to and agreed in writing by the Local Planning Authority. The works shall thereafter be completed in accordance with the approved plans and the Schedule for On and Off-Site Highway Works within condition XX.

Reason: To increase highway capacity

Lewes Road Pedestrian Crossing

No part of the development shall be first occupied until plans and details for the provision of a signalised pedestrian crossing to the south of the Lewes Road Roundabout as shown indicatively on drawing titled A272 Relief Road/Lewes Road Haywards Heath Proposed Toucan Crossing, drawing number 0031 revision A02. The works shall thereafter be completed in accordance with the approved plans and the Schedule for On and Off-Site Highway Works within condition XX.

Reason: In the interests of highway safety and to improve the accessibility of the development

North of Wivelsfield Road Roundabout Pedestrian Crossing

No part of the development shall be first occupied until plans and details for the provision of a signalised pedestrian crossing to the north of the Fox Hill Roundabout, as shown indicatively on drawing titled Proposed A272 Rocky Lane B2112 Fox Hill Wivelsfield Road Roundabout Improvement, drawing number 0022, revision A03. The works shall thereafter be completed in accordance with the approved plans and the Schedule for On and Off-Site Highway Works within condition XX.

Reason: In the interests of highway safety and to improve the accessibility of the development

Hurstwood Lane Footway

No part of the development shall be first occupied until plans and details for the provision of a footway on Hurstwood Lane as shown indicatively on drawing titled Southern Site Access and Footway Provision, drawing number 0036, revision A02. The works shall thereafter be completed in accordance with the approved plans and the Schedule for On and Off-Site Highway Works within condition XX.

Reason: In the interests of highway safety and to improve the accessibility of the development

Pedestrian Link to North of Wivelsfield Road Roundabout Pedestrian Crossing

No part of the development shall be first occupied until plans and details for the provision of a pedestrian/cyclist route to the south of the A272 leading from the development to the

proposed signalised pedestrian crossing located to the north of the Fox Hill Roundabout. The works shall thereafter be completed in accordance with the approved plans and the Schedule for On and Off-Site Highway Works within condition XX.

Reason: In the interests of highway safety and to improve the accessibility of the development

Hurstwood Lane Downgrading

No part of the development shall be first occupied until plans and details for the downgrading of Hurstwood Lane for use by non-motorised road users and the emergency services only have been submitted to and agreed in writing by the Local Planning Authority. The downgrading works shall thereafter be completed in accordance with the approved plans and the Schedule for On and Off-Site Highway Works within condition XX.

Reason: In the interests of highway safety and to improve the accessibility of the development

Hurstwood Lane Traffic Signals

No part of the development shall be first occupied until the works indicatively shown on the drawing titled Old Farm Close/A272 Proposed Signalised Junction, drawing number 0044 revision A02 have been constructed in accordance with plans, details, and a construction specification submitted to and approved in writing by the Local Planning Authority.

Reason: To secure appropriate access into the development in the interests of highway safety

Travel Plan - Residential

No residential dwelling shall be first occupied until such time as a travel plan has been submitted to and approved in writing by the Local Planning Authority. Once approved, the travel plan shall be implemented in accordance with the approved details.

Reason: To encourage and promote the use of sustainable modes of transport.

Travel Plan - School

No part of the school shall be first occupied until such time as a travel plan has been submitted to and approved in writing by the Local Planning Authority. Once approved, the travel plan shall be implemented in accordance with the approved details.

Reason: To encourage and promote the use of sustainable modes of transport.

Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout

the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

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

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

Comments dated 4th June 2018

West Sussex County Council in their role as Local Highway Authority have previously issued formal comments on this proposal. As part of the response dated 6th October 2017 a number of points were raised that required addressing. Additional information has now been submitted by the applicant in response to LHA's comments. Taking those outstanding matters, the LHA would wish to make the following further comments.

The modelling of A272/Old Farm Close/Hurstwood Lane Junction

The LHA's comment here related to the operation of these junctions, primarily that of the A272/Old Farm Close junction once this has been signalised. Combined with this, it is also proposed to give priority to traffic entering and exiting the development. Traffic exiting the existing dwellings at the northern end of Hurstwood Lane would then have to give way to development traffic. The comments made by the LHA were in relation to whether the modelling reflected the constraint created by the traffic signals on the free flow of traffic, and subsequently the potential for queuing back blocking traffic exiting the northern arm of Hurstwood Lane.

Further modelling work has consequently been undertaken. The scope and suitability of this work has been agreed with the LHA. This accounts for the proposed traffic signals and the consequences that would result on traffic flows. For the northern Hurstwood Lane arm during the AM peak period, which coincides with the arrival and departure of school related traffic, this is indicated to operate well within theoretical capacity with minimal queuing.

It should be noted that the mean maximum queues as summarised within the TA and forecast by the modelling program for each arm is reflective of the maximum queue anticipated within a typical cycle averaged across all the cycles of the time period being modelled. If queue lengths were to be measured for each individual cycle of the signals

then these would invariably differ from those forecast by the modelling program. The use of averages would mean that some queues are longer than others, conversely though some will be shorter.

It is accepted by the LHA that the introduction of traffic signals will introduce delays both at the junction and at the Hurstwood Lane north arm as traffic has to give way to vehicles exiting the development. It is also accepted that during school dropping off and picking up times that these delays may be greater than the model forecasts. The key aspect remains that the signals would operate within capacity across the modelled period.

Notwithstanding the above, it is accepted that there will at times be differences between the modelled and actual queues. This is inevitable due to variations in traffic flows during the modelled hour; arrivals and departures associated with the school for example will create some variability, although this will depend on the opening times of the school and whether there are pre-school clubs that will spread the number of movements. The model still allows for some random movements and does not assume traffic arrives consistently through the modelled period. The junction will also be installed with MOVA (Microprocessor Optimised Vehicle Actuation). This alters the length of the traffic phases to react to increasing queue lengths. This cannot be modelled as MOVA will react to specific traffic conditions.

However the introduction of signals will increase the capacity of the A272/Old Farm Close junction. The regular cycle of the signals will also create gaps in the flow of traffic making it easier for vehicles to exit Old Farm Close; it would not therefore be a like for like comparison to consider the operation of the junction currently with that as proposed. All arms of the signalised junction as well as the Hurstwood Lane north arm are forecast to operate well within theoretical capacity. Viewed against adopted local and national planning policy, the proposed junction arrangement is considered appropriate.

Departures from Standard for Proposed A272 Signalised Junction

The design of the A272/Old Farm Close signalised junction has been considered against the Design Manual for Roads and Bridges. Based on DMRB standards, two departures from standard have been identified. These relate to the intervisibility between vehicles at stop lines at the A272 southbound and Old Farm Close arms and forward visibility to the stop line on the Old Farm Close approach to the signals.

The departures are currently under consideration by WSCC.

Design of Pedestrian Crossing South of Lewes Road Roundabout

The comment here related not to the crossing itself but the approach for pedestrians from the east. The drawing submitted shows a link through from Hurstwood Lane. This doesn't appear to account for the steep embankment between Hurstwood Lane and the A272. There is a solution to this but the drawing would need to be updated accordingly or alternative secured via condition.

Contribution towards Haywards Heath Town Centre Study

The development through the installation of traffic signals will introduce delays on the A272. Consequently, there is the potential that traffic would seek to use alternate routes through the town centre. As highlighted in the WSCC response dated the 6th October 2017, there is the requirement for the development to contribute towards those measures within the Haywards Heath Town Centre Transport Study. The Study includes a range of measures that seek to lessen the impact of vehicular traffic within the town centre and improve conditions for non-motorised road users. As a consequence of these works, these will encourage traffic to use the relief road.

For the purposes of calculating a contribution to the works within the study, for simplicity it is recommended that the WSCC Total Access Demand formula is included in the s106. This approach has been used for other nearby developments, including Gamblemead (DM/17/0331) and Rookery Farm (DM/16/4496). The contribution sought from this development would be used towards the South Road (east) public realm improvements and works to the Sussex Square crossing points.

Other Matters

Although not covered within the initial WSCC response, it has been noted that the footway along the eastern side of Wivelsfield Road is discontinuous. Consequently pedestrians leaving the development onto the A272 at the western end and wishing to head northwards towards Haywards Heath will have to cross the B2112 Wivelsfield Road. The preferred solution would be for a connecting length of footway on the east side of the B2112 to complete the route. This could be completed within the adopted public highway. However the verge required is at notable gradient and any footway construction would impact upon the hedgerow. There would be practical issues in completing the route. In considering alternatives, pedestrians are provided with a splitter island at the Fox Hill Roundabout over the B2112 Wivelsfield Road arm as well as having informal facilities where the footway on the eastern side terminates. Both are uncontrolled with pedestrians having to give way to traffic. Alternatively the foot/cycle link that runs through to Colwell Road could be used albeit this would introduce a slight diversion. Taking account of the options, pedestrians are provided for within the proposed and existing highway arrangements.

Summary

Whilst the departures from standard process is on-going, the only other matter that has not been responded to is the pedestrian link to the northern pedestrian crossing. All other aspects are considered acceptable. Conditions will be suggested once these final matters have been concluded.

Comments dated 6th October 2017

Summary

1. West Sussex County Council in its role as Local Highway Authority has previously issued comments on this proposal. At that time various matters were raised that required additional information being submitted. Further information has now been submitted in the form of a Transport Assessment Addendum (TAA) and revised Stage One Road Safety Audit. Where necessary, the originally submitted TA is also referred to.

Access

2. The site is to be split into two parcels. Both will be served via a diverted Hurstwood Lane. The existing Hurstwood Lane will be downgraded to provide access for non-motorised road users only. The mechanism for this is covered elsewhere in this report.
3. The northern part will contain 196 dwellings, the 2FE school, the burial ground, and the Country Park. Traffic from the northern part of the development will access the wider highway network via the A272 Haywards Heath Relief Road/Hurstwood Lane junction. All of the residential dwellings in the northern parcel will be served by way of a diverted Hurstwood Lane. The proposed school, burial ground, and Country Park will be accessed via a new priority junction on the eastern side of Hurstwood Lane.
4. The access arrangement for the northern parcel will entail changes to traffic priorities where traffic arriving from the A272 Relief Road has to currently give way to north and south bound vehicles on Hurstwood Lane. The development proposal will require Hurstwood Lane traffic to give way to traffic heading to the development. Should priorities remain as they are, the concern is that traffic will then queue back onto the A272 Relief Road.
5. The southern part will contain 179 dwellings. These will access the highway network via the B2112 Fox Hill/Hurstwood Lane junction.
6. The proposed access arrangements have been the subject of a Stage One Road Safety Audit. Whilst the Audit and Audit Addendum raise a number of problems, none are raised in connection with the principle of access.
7. There are no objections to the proposed means of access into the development

Trip Generation and Capacity

8. There are a number of aspects of to the highway capacity modelling included within the TA. For clarity, these different aspects are included below.

Trip Generation

9. There are various uses proposed within the proposed development. For the proposed residential dwellings, the proposed trip generation has been altered from the originally submitted TA. The same trip rate accepted for and applied to phase 2 of the permitted development at Greenhill Way (DM/16/0402) has now been used. This is derived from the TRICS database, which is an industry accepted means of forecasting trip generation for new developments. Given the similarities between the locations of the permitted Greenhill Way development and of that now proposed, the use of this trip rate is considered acceptable.

10. During the network peak hours, the residential dwellings are forecast to generate,

	AM Peak			PM Peak		
	Arrivals	Departures	Total	Arrivals	Departures	Total
Northern	23	71	94	65	37	102
Southern	20	64	84	60	34	94
Total	43	135	178	125	71	196

11. For the proposed school and early years provision, again TRICS has been used. Various selection parameters have been applied to ensure that only those sites reflective of that proposed are used. Based on the proposed number of pupils (420) and early years places (50), these are forecast to generate,

	AM Peak			PM Peak		
	Arrivals	Departures	Total	Arrivals	Departures	Total
School	98	71	169	43	34	76
Early Years	24	12	36	14	25	39

12. The school is proposed in part to meet demands arising from the development. For the purposes of the TA, it is assumed that 94 pupils (22% of pupils) will reside within the proposed or nearby developments. Of these, a number (12% of trips generated by the school) will result from the northern parcel adjacent to the proposed school. As these trips originate from within the development, these are assumed to be linked to other trip purposes (e.g. parents dropping children off at school on their way to work). As these movements will already be taking place and accounted for within the rates for the proposed residential dwellings, the trip rates have consequently been adjusted.

13. Although the early years provision will also in part be used to meet demands from the development, no account has been given to the potential for linked trips.

14. The LHA acknowledge the proposed burial ground and Country Park, and the potential for these to generate vehicle trips. The TA focuses primarily upon the impact of the development during the peak hours when it's recognised that the network is most sensitive to change in traffic flows. Due to the nature of these two uses, these are not anticipated to result in any significant number of trips during peak times. For

the purposes of the TA, no specific account is made to these two uses. This has been agreed with the LHA.

15. The proposed approach to trip generation is considered acceptable.

Distribution

16. Census data has been applied to determine what routes will be used by trips arising from the residential land uses. The Census data is taken from the existing residential areas and as such is considered to be an acceptable proxy for the proposed development.

17. For the school and early years uses, trips have been assigned based upon the density of nearby residential areas. For these uses, it is recognised that there will be no defined catchment area. There is the potential for trips to occur from the wider area. For the school and early years, the proposed facilities within the development are merely providing an alternate destination for trips; these trips will occur regardless of the proposed development given that pupils will still need to travel to school.

Redistribution of Traffic following Hurstwood Lane Closure

18. As the development includes provision for the closure of Hurstwood Lane, that traffic which uses this as through route at present will be forced to use alternatives. For the purposes of the modelling work all vehicles are reassigned to the shortest possible alternate route option. Effectively this will redistribute all through traffic to the A272/B2112 Fox Hill Roundabout.

Committed developments

19. The LHA commented initially that the permitted Rookery Farm development (320 dwellings) had not been included in the assessment. It was also requested that the revised application at Gamblemead (increasing the number of dwellings from 99 to 151) was also included. These have now been included alongside all other permitted developments within the immediate area.

20. A growth rate taken from TEMPRO has also been applied to surveyed traffic to produce the base (without development) situation for the future year scenarios. To avoid double counting, this has been adjusted to remove traffic growth arising from committed developments given that these have been factored in separately.

Development Capacity Impacts

21. Following from the above, the impacts of increased traffic flows arising from the development have been considered in future year scenarios (of 2022 and 2024) with and without the proposed development at the following junctions. Unless otherwise stated, comments made below are made in respects of the 2024 assessment results.

A272 Relief Road/Hurstwood Lane priority junction

22. This has been modelled with three different layouts; the existing arrangement, an arrangement with a widened approach on the Hurstwood Lane arm (this is effectively as per the permitted improvement included as part of DM/16/0402 Phase 2 Greenhill Way), and a converted to a signalised junction.
23. With both the existing and proposed un-signalised arrangements, all arms of the junction are forecast to operate well within theoretical capacity. The greatest delays are forecast for vehicles turning right from Hurstwood Lane onto the A272. These delays are not significantly increased compared to the scenario without development and if Hurstwood Lane is closed to through traffic.
24. The development is however proposing to convert this junction to traffic signals. This element of the proposal is under review by the WSCC Traffic Signals team. Any comments made in respects of this are subject to possible change.
25. The proposed arrangement will include a phase to enable pedestrians to cross the A272. In safety terms, such an arrangement is favourable. In capacity terms however, whilst the junction will operate within theoretical capacity, the imposition of signals will introduce delays to north and south bound movements on the A272. Increased queuing will also result on the Hurstwood Lane arm, although more positively signals will introduce regular intervals in traffic on the A272 to enable traffic to exit.
26. The length of these delays depends on the number of stages included within the signals. The signals will though be fitted with MOVA, which will adjust the timings on each arm depending on traffic flows. Nevertheless, delays will still be introduced to traffic on the A272 and there is the potential for traffic to seek alter routes.
27. In order to counter this, it is recommended that a contribution be secured towards the measures proposed as part of the Haywards Heath Town Centre Transport Study. Some of the works within this seeks to discourage traffic from using the town centre, and to encourage more traffic to use the A272 Relief Road. The implementation of these measures will therefore assist in making the A272 more attractive despite the introduction of traffic signals compared with routes through the town centre.
28. Notwithstanding matters relating to capacity, the design of the proposed signalised junction has been checked against current design standards. Several departures from standard have been identified. The applicant will need to make formal submissions to the LHA for the approval of these. A copy of the departures from standard application form is included alongside this response.
29. The proposed works to the junction have also been the subject of a Stage One Road Safety Audit in accordance with current WSCC Policy. The Audit raises a number of

problems, although these all are accepted by the designer and can be resolved as part of the detailed design.

Development Spine Road/ Hurstwood Lane priority junction

30. The proposed development will change the priority for traffic compared with the existing situation; the priority will be given to traffic entering and exiting the development with traffic on the northern section of Hurstwood Lane having to give way.
31. The modelling work indicates that in all scenarios, this arrangement is forecast to work well within capacity. In practice, delays will be encountered by traffic having to give way. As traffic signals are proposed at the A272 Relief Road/Hurstwood Lane junction. Compared with the un-signalised arrangement, these will introduce a regular break in traffic on the A272 allowing vehicles to exit Hurstwood Lane.
32. There is however the concern that the signalisation of the A272/Hurstwood Lane junction will introduce a constraint upon traffic exiting the Hurstwood Lane. This is potentially not accounted for in the modelling; the modelling assumes that traffic on the development spine road will be free flowing. It is though noted that the predicted queue on the Hurstwood Lane arm of the signalised junction would not suggest that traffic will queue back and block the exit for vehicles leaving the minor road arm of the Hurstwood Lane/development spine road junction.
33. Notwithstanding the above, it is recommended that this junction is modelled so as to account for the potential restriction on traffic exiting from Hurstwood Lane onto the proposed spine road.

B2112 Fox Hill/Hurstwood Lane priority junction

34. No changes are proposed to this junction. It is acknowledged that the closure of Hurstwood Lane to through traffic will remove a large number of peak hour movements. These will effectively be replaced by trips associated with the proposed southern parcel of development. In all scenarios, the existing junction is proposed to work well within theoretical capacity.

A272 Fox Hill Roundabout

35. In the without development scenario, the B2112 Fox Hill and A272 Rocky Lane arms are forecast to be operating close to capacity. These issues are worst during the AM peak hour. The resultant increase in traffic from the development results a worsening of queues and delays, and consequently both these arms are then expected to operating very close or over theoretical capacity.
36. Mitigation is proposed to improve the operation of this roundabout. These improvements would then increase queuing capacity and circulatory width. With the

proposed improvements and with the development traffic, the operation of the A272 Rocky Lane arm improves compared to the scenario without the development. Conditions on the B2112 Fox Hill arm are slightly worse with the development and mitigation compared to the without development scenario. However the residual delays are not considered to be severe.

37. With respects to the design of the mitigation at this roundabout, these have been viewed against the standards within the Design Manual for Roads and Bridges. The design check submitted as part of the TA demonstrates that all mandatory sections of the standards are met. The design check does however indicate that the exit radius (this effectively governs the spacing between arms on a roundabout) on the south east arm (from the A272 to the B2112 Fox Hill) is below the 20 metre minimum. Confirmation would be sought as to what the existing radius is. A view can then be taken as to whether the development proposed works will materially affect an existing situation; this is presumed as the situation in this instance given that no works are proposed on either of these two arms.

Hurstwood Lane/Eastern Site priority junction

38. In all scenarios, this arrangement is forecast to work well within capacity.

A272 Sandrocks Roundabout

39. In all scenarios, this arrangement is forecast to work well within capacity.

A272 Highbank Roundabout

40. In all scenarios, this arrangement is forecast to work well within capacity.

Sussex Square Roundabout

41. Without the proposed development during, there are capacity issues on certain arms in both the AM and PM peak periods. During the AM peak, capacity issues are anticipated on the Sussex Road arm with queues increasing by 17 vehicles and delays by 49 seconds.
42. In the PM peak, capacity issues are anticipated on the Hazelgrove Road arm is forecast to be operating over capacity. The South Road arm is also expected to be nearing capacity. The development will increase traffic flows on both of these arms and subsequently increase queues and delays. The development worsens of queues and delays by 12 vehicles and 56 seconds at Hazelgrove Road and 2 seconds and 8 vehicles at the Sussex Road arm.
43. The National Planning Policy Framework is quite in stating that development should only be prevented or refused on transport grounds where the residual cumulative

impact of the development is severe. Whilst the LHA note the increase of queues and delays, no mitigation is proposed as a consequence of the development.

44. As set out above, the measures within the HHTC Study are aimed at reducing traffic flows through the town centre. The undertaking of the works within the Study will assist in reducing through traffic and therefore aid the operation of this roundabout.

Conclusions of Capacity Impacts

45. It is accepted that the proposed development will increase traffic flows on the local highway network. Based on the modelling work that has been completed in accordance with the scope agreed with WSCC and national best practice, subject to the mitigation works identified, for the majority of junctions no severe highway impacts are identified. It is recommended that further consideration be given to the modelling of the spine road/Hurstwood Lane junction.
46. Although not referenced above, the development will also seek to implement travel plans to encourage reduced car use. Further comments are made in respects of the travel plans within the Accessibility section of this report.

Accessibility

47. The TA identifies that there are a range of services within reasonable walking (2km) and cycling (5km) distance of the development. The presence of these services would provide an opportunity for residents to travel by sustainable modes and not be reliant upon the use of the private car for all trip purposes. It's still acknowledged that the private car will be required for some trips. The accessibility of the site in terms of distance to services are also not greatly different to those permitted developments at Gamblemead and Greenhill Way.
48. A key issue with accessibility for this site is the potential for severance due to the need to cross A272. Various options have been considered and these are set out within the Footway and Cycling Options report included as an appendix to the TA. Certain options that are not being pursued are also included in the Stage One RSA. For clarity, the following measures set out below are to be delivered by the development.
49. Measures are proposed to provide a means of crossing the A272. These take the form of controlled crossings located to the north of the Fox Hill Roundabout and to the south of the Lewes Road Roundabout. These have been reviewed by way of the Stage One RSA.
50. Pedestrian phases are also included within the proposed signalised junction at A272 Relief Road and Hurstwood Lane. These will then provide a connection to those residential dwellings to the immediate east of the A272 Relief Road. There is also a consented but as yet unbuilt pedestrian/cyclist link through the now complete

Woodside development to Colwell Road. Once built there will then be a route from Colwell Road through to the proposed development.

51. Additional lengths of foot/cycle way are proposed to link to the respective parcels of the development to the controlled crossing points. From the southern parcel, a link is proposed that runs to the northwest and then parallel to the A272 before emerging at the controlled crossing point. From here, the route connects to footways that lead into the town centre. Details of this route (to include width, surfacing, and lighting) will need to be secured via condition.
52. From the south-eastern corner of the southern parcel of the development, a route is proposed onto Hurstwood Lane. A new length of footway is proposed along the western side of the Lane to provide a continuous route to the B2112 Fox Hill. Due to the limited width of public highway available, the footway width is restricted in places to approximately 1.2 metres. In this instance, it's considered that the provision of a footway albeit of limited width is of greater benefit than no footway at all. Again details will be required by condition.
53. For the proposed signalised crossing south of the Lewes Road Roundabout, a short link is shown linking to the northern end of Hurstwood Lane and the A272. There is quite a level difference between the two roads not to mention quite significant landscaping. It's questioned whether this link can be provided as shown and to a suitable gradient (as set out within Inclusive Mobility) to be usable by all. Should the link not be achievable, this is not considered as an over-riding issue given that the proposed crossing is only a very short distance south of the existing uncontrolled crossing. Pedestrians would not be unduly inconvenienced with the additional walking distance. Guard railing may still be needed to direct pedestrians to the proposed crossing point but this can be determined through the detailed design.
54. There is a further controlled crossing point shown on the development access road to the immediate south of the junction into the school site. This is intended to be used by pedestrians arriving from the north and east. A direct route to meet the demand from these directions is understood to not be achievable due to the presence of ancient woodland on the eastern side of Hurstwood Lane. Footways and crossing points are provided as close to the desirelines to meet these demands.
55. The only other point with respects to the crossing is whether the northern end of the proposed closed Hurstwood Lane can be diverted so as to lead to the crossing rather than emerging into the school junction. This in practice appears achievable. This would then benefit onward connectivity.
56. The majority of the above works will be linked either to the northern or southern parcel of the development, or otherwise the school site. Conditions will need to be framed accordingly to ensure that the works are in place prior to the first occupation of either the residential or school uses.

57. Travel plans are also submitted covering the residential and school uses. For the school, it's recognised that this will not be operated by the applicant of the planning application but will be operated by a free school or academy trust. To ensure buy in to travel planning measures, it's recommended that a planning condition is included to require details of the school travel plan to be submitted and approved prior to the first use of the school site. This will then enable the final occupier of the school to prepare a plan that meets their needs.
58. With regards to the residential travel plan, the framework of measures within this is broadly acceptable. There are a number of matters though that are not in line with current WSCC requirements. For example, it would be a necessary target for the development to reduce the 12 hour (7am to 7pm) vehicular trip rate by 10% rather than 5%. It would also be necessary for the travel plan to be monitored by way of the TRICS Standard Assessment Methodology at years 1, 3, and 5 with the monitoring commencing at the occupation of the 188th dwelling (approximately 50% of occupations). Other measures should also be included to promote reduced car use (such as the provision of vouchers towards bus or train travel). Similar to the school travel plan, it is recommended that the residential travel plan is secured by condition with this to be agreed prior to occupation of the first dwelling.

Layout

59. Matters relating to the layout are not being approved at this time. The Design and Access Statement does though include certain principles in terms of the design of carriageways and footways throughout the development. The broad principles within the DAS are acceptable and comply with current guidance. The exact design of the scheme will be reviewed as part of any reserved matters.
60. As specific matters, the site has some quite noticeable gradients running from north to south. As part of the reserved matters long sections would be required of carriageways through the site to determine potential finished road levels. Based on the illustrative layout there is also a long section of carriageway that runs down through the northern parcel. Measures will be required on this to ensure that vehicle speeds do not exceed the proposed design speeds for the internal roads.
61. There are also a number of existing properties that access directly onto Hurstwood Lane at present. Some of these (in particular those at Hurst House and Hurstwood Grange) will be affected by the closure of Hurstwood Lane. Whilst there are no in apparent issues why access cannot be achieved directly from the roads proposed within the site, these new junctions will need to be designed accordingly.
62. The design of the emergency/bus link between the northern and southern parcels will need to be shown in greater detail as part of any reserved matters application.
63. Matters relating to parking would also be considered through the reserved matters.

Other Matters

64. Although shown as part of the current application, the closure of Hurstwood Lane to traffic would need to go through a separate formal process necessitating a Traffic Regulation Order to prohibit driving. This process would be funded entirely at the expense of the applicant of the current planning application. The formal process would though be managed by WSCC. Due to the TRO requiring further statutory consultation (this would include consultation with the public as well as local stakeholders), the outcome of which cannot be predetermined, it is necessary for the outcome of the consultation to be known before development commences. Should the consultation then fail, it would be necessary for any permitted scheme that shows the closure of Hurstwood Lane to be revised accordingly.
65. The applicant can commence the TRO at any time. Work on this can then progress separately without unduly delaying the development.

Conclusions

66. There are certain matters relating to the design of the proposed mitigation works. These matters need to be resolved prior to this development being permitted. Conditions will be recommended once all matters have been concluded.

East Sussex County Council Highway Authority

comments dated 2nd July 2018

Thank you for the re-consultation of this application. It is not considered that the comments provided by East Sussex County Highway Authority will need to be updated in light of the details recently provided as they do not materially change the traffic impact on the East Sussex network.

There is a need for a robust travel plan for this proposed development to reduce single car occupancy. The following initiatives are recommended to reduce unnecessary car journeys and should include measures to promote car club use to reduce second and further car ownership, promote increased bus travel through complimentary tickets for ideally 3 months minimum, promote cycling (vouchers, training and Dr Bike visits), shopping delivery vouchers to reduce trips as well as providing a residents information pack with local travel information on walking/cycling distances, public transport, health benefits, local shops, and services.

comments dated 28th July 2017

The proposed access for this application falls outside East Sussex and therefore it is considered that the main impact will be onto the West Sussex County Council highway network. Haywards Heath serves as the closest commercial centre and provides connections to London and Brighton by rail and to surrounding towns by bus.

As with all proposed development sites in Mid Sussex that either straddle or are in close proximity to the Lewes district boundary there is inevitably some impact that affects the East Sussex highway network. The Transport Assessment addresses the impact of the development on the surrounding highway network within West Sussex. However, as flagged up by West Sussex highways it does not reflect entirely the committed development or potential commitments nearby in both West and East Sussex.

LW/16/0057 Land West Of Rookhurst House Colwell Lane North Wivelsfield for 113 houses (2 phases) is not included, nor is North Common Road Wivelsfield [LW/13/0720] for 75 houses, and combined traffic impact that the additional traffic will have on nearby villages and in particular on the mini-roundabout junction of B2112 (Ditchling Road)/C6 (Green Road) in Wivelsfield. Therefore the cumulative impact on the surrounding roads/junctions of these developments upon East Sussex is not known and should be identified in terms of the impact and severity.

With regard to modelling of the development and future growth predictions, it has been identified in the response from West Sussex that this should include a revised scope to be agreed, so that all relevant development is included and have a realistic growth forecast year.

The development proposed for the Lewes District administrative area of the site is part of the primary school, part of the burial ground, informal open space and allotments. The catchment for these land uses will likely be from Haywards Heath. The road layout to serve these is likely to fall between both West and East Sussex and being layout related, is a reserved matter. The site layout would need to be in accordance with Manual for Streets and would be subject to a section 38 agreement if offered for adoption.

Parking for the area within the Lewes district area should accord with the parking standards of West Sussex to safeguard any overspill of parked vehicles from the school, burial ground, allotments and open space onto the West Sussex network. Parking provision could be provided within a community car parking area that can be shared between the school, burial ground, open space and allotments. This would be efficient use of space as the busy periods for each use would not necessarily conflict, provided there are a sufficient number of spaces for the long term requirements (staff). It is unclear at this stage if the school drop off area/parking is within Lewes or Mid Sussex district or if the administrative boundary is likely to be revised

There is the presence of a by-way (no.25) bounding the south-east boundary of the site, land within Lewes District. It is not entirely clear if this within the site boundary, but the PROW team at ESCC should be consulted, particularly if there are connections being proposed internally within the site. It would appear that 3 positions are shown on the illustrative masterplan.

The vehicular access is within the county of West Sussex and should be considered by the appropriate authority in terms of safety, capacity and accessibility to other modes of travel for serving development within Lewes District or connecting with roads to be adopted as part of the East Sussex Network.

I wish to be re-consulted in response to the assessment of impact on the East Sussex highway network.

East Sussex County Council Lead Local Flood Authority

No objection in principle subject to the imposition of conditions: Whilst the application documentation has not met all the County Council's requirements, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions which are outlined in this response.

Detailed Comments:

This is an updated response following the receipt of further information submitted directly to the County Council on 25 August 2017.

We are disappointed to see the proposal to manage surface water runoff using underground tanks this early on in the process. The proposed surface water drainage arrangements also show that surface water management was an afterthought with no effort made to integrate surface water management within the layout and landscape proposals. Therefore we would expect any reserved matters application to clearly show that surface water drainage has been integrated within the drainage layout with above ground sustainable drainage systems given priority since both the River Adur and Pellingford Brook are Water Framework Directive waterbodies downstream of the application site.

The design of the development layout should respect any local overland surface water flow paths which might not have been picked up by the national surface water flood risk dataset, updated Flood Map for Surface Water. This is to ensure that the development does not increase flood risk upstream due to blocking of existing overland surface water flow paths. In addition any existing culverts on site should be retained with enough easements (5m recommended) on either side to allow access for maintenance.

The submitted Flood Risk Assessment states that surface water runoff discharge from the development will be limited to the mean annual runoff rate (Q_{bar}) while providing attenuation for the 1 in 100 (plus 40% for climate change). Although this reduces the peak runoff rates in extreme rainfall events, it can increase the surface water runoff rates during rainfall events with an annual probability of occurring greater than 1 in 2.33 (the approximate probability for Q_{bar}). Therefore runoff rates for rainfall events with an annual probability of occurrence great than 1 in 2.33 should be limited the existing greenfield runoff rates.

It would be preferable if the storage structure for the proposed school is a pond, (with the appropriate health and safety measures) with an open swale conveying runoff from the pond to the watercourse within the informal open space. This will ensure that its location and the need for maintenance requirements are not forgotten in the future.

British Geological Survey data indicates that the application has a potential for groundwater flooding in some areas.

Therefore the design of the surface water storage structures should be informed by findings of groundwater monitoring undertaken between autumn and spring. The design should leave at least 1m between the base of the storage structure and the highest recorded groundwater levels.

If the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:

1. Surface water runoff from the proposed development should be limited to the greenfield runoff rates for rainfall events with an annual probability of occurring greater than 1 in 2.33 and Q_{bar} for rainfall events with an annual probability of occurrence less than 1 in 2.33, including those with a 1 in 100 (plus climate change) annual probability of occurrence.

Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

2. The surface water culverts crossing the site should be retained with at least a 3m (5m recommended) easement on either side to allow access for maintenance/replacement.

Evidence that the sewer has not been damaged by construction activities should be submitted prior to occupation of the development.

3. The details of the outfalls of all proposed surface water storage structures and how they connect into watercourses should be provided as part of the detailed design; this should include cross sections and invert levels. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
4. The condition of the culverts and ditches/watercourses which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the watercourses should be carried out prior to construction of the outfalls.
5. The detailed design of the attenuation surface water storage structures (such as ponds/swales, tanks) should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided. Evidence of how

impacts of high groundwater on the structural integrity of the storage structure will be managed should also be provided.

6. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.
7. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Environment Management Plan for the development.
8. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

For clarification purposes, ESCC has considered this application in terms of proposals within our LLFA area and the potential impacts of the development outside of our area on the downstream watercourses within our area. The above recommended conditions are requested within this context.

Southern Water

Please find attached a plan of sewers records showing the approximate position of 600 mm public surface water sewer and foul pumping station within the site. The exact position of the surface water sewer and pumping station must determine on the site by the applicant before the layout of the proposed development is finalised.

Please note:

No development or new tree planting should be located within 3.5 metres either side of the external edge of the surface water sewer and all existing infrastructure should be protected during the course of construction works.

No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public gravity sewer, rising main or water main.

No habitable rooms should be located less than 15 metres from the pumping station compound boundary, in order to protect the amenity of prospective residents.

All other comments in our response dated on 31/07/2017 remain unchanged and valid for the amended details.

comments dated 31 July 20147

Please find attached a plan of the sewer records showing the approximate position of foul sewers and combined sewer within the site. The exact position of the foul sewers and combined sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 5 metres either side of the centreline of the 525 mm foul sewer.
- No development or new tree planting should be located within 3 metres either side of the centreline of the 150 mm foul sewer.
- No development or new tree planting should be located within 4 metres either side of the centreline of the 160 mm combined rising main.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

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

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

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

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development

shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

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

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

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

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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

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

The design of drainage should ensure that no land drainage or ground water is to enter public sewers network.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water."

Environment Agency

comments dated 2nd May 2018

We have reviewed the Environmental Statement Addendum and note that sections 3.3 and 3.4 state the overall strategy and impacts remain unchanged in terms of drainage and ground conditions respectively. Therefore we have no further comments to add from our previous response (our ref HA/2017/119598/01-L01 dated 1 August 2017).

Should you have any further queries please do not hesitate to contact me.

comments dated 1st August 2017

Environment Agency Position

We have **no objections** to the proposed development as submitted.

Advice to Local Planning Authority

This site is underlain by the Upper Tunbridge Wells Sandstone Formation which is designated a Secondary A Aquifer. It does not lie within a Source Protection Zone. We have reviewed the Preliminary Environmental Risk Assessment (Waterman Infrastructure and Environment Ltd. December 2016). This report recommends that prior to development a Tier 2 Assessment should be undertaken focusing on the area of the proposed burial ground. In addition a ground investigation is recommended to target the area of the former sand pit and sewage tanks on site. The report notes that the location of historical abstraction well which is recorded in the southeast of the site needs to be confirmed and if it is within the site boundary it should be decommissioned.

The Preliminary Environmental Risk Assessment (Waterman Infrastructure and Environment Ltd. December 2016) identifies former sand pits and sewage tanks on site, which poses a medium risk of pollution to controlled waters.

However, we have recently revised the priorities for deployment of the EA's technical resource towards focusing on:

- The protection and improvement of the groundwater that supports existing potable drinking water supplies.
- Groundwater within the most strategically important aquifers for future supply of potable drinking water or other environmental use.

We would therefore advise that you refer to our published "Guiding Principles for Land Contamination" which outlines the approach we would wish to see adopted to manage risks to the water environment from this site.

We also recommend you consult with your Environmental Health/Environmental Protection Department for further advice on generic aspects of land contamination management. Where planning controls are considered necessary we would recommend that you seek to integrate any requirements for human health protection with those for protection of the water environment. This approach is supported by Paragraph 109 of the National Planning Policy Framework.

Model Procedures and good practice

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
4. Refer to the contaminated land pages on GOV.UK for more information.

Cemeteries outside of Source Protection Zones and more than 250m from a well, borehole or spring used for the supply of water for human consumption.

Operators of cemeteries should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. These measures are set out in our comments below. The Local Planning Authority should consider whether they wish to secure specific measures through appropriate planning conditions.

We recommend that reference should be made to the cemetery section in the Environment Agency's Groundwater Protection: Principles and Practice and information on the Natural Death Centre website.

A hydrogeological risk assessment must be undertaken to show that there are minimal risks to the environment either at time of burial, or in the future. Reference should be made to the Environment Agency document "Assessing the Groundwater Pollution Potential of Cemetery Developments". Relevant best practice guidance must be followed and the design should be appropriate for the local circumstances, and should be based on site investigation.

In principle any new cemetery or the extension of any existing cemetery must:

- be at least 250 metres from a well, borehole or spring used to supply water that is used for human consumption, or for use in dairy farms;
- be at least 30 metres from any other spring or watercourse and at least 10 metres from any field drain;
- have at least one metre of subsoil below the bottom of the burial pit, allowing a hole deep enough for at least one metre of soil to cover the remains; and
- have at least one metre of unsaturated zone (the depth to the water table) below the base of any grave. Allowance should also be made to any potential rise in the water table (at least one metre should be maintained).

If you wish to discuss any of these issues the Environment Agency can be contacted on 03708 506 506 or by enquiries@environment-agency.gov.uk.

We support the recommendations of the Preliminary Environmental Risk Assessment (Waterman Infrastructure and Environment Ltd. December 2016), which states that prior to development an assessment should be undertaken focusing on the area of the proposed burial ground. As a minimum this investigation should determine the depth the groundwater to ensure there is a minimum of one metre of unsaturated zone below the base of any grave.

Historic England

comments dated 24 April 2018

Thank you for your letter of 16 April 2018 regarding the amended information relating to the setting of Hurst Farm, the revised masterplan and the amended environmental statement for the proposed development at the above site. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Historic England has previously provided advice on this application and welcomes the positive response from the applicants to concerns raised in our letters. The further analysis of the contribution made by the setting to the significance of Hurst Farm, as assessed by CgMs in their letter of 23 March 2018 (Ref EDS/HF/RL/1), has provided the detailed analysis we requested; including now from the designated heritage asset itself. That analysis does still rely heavily on the assessment of views but does also address the question of experience of the asset and includes functional and associative relationships, as recommended by the HE Good Practice in Planning Advice.

The amendments proposed to the layout of the masterplan, increasing the distance of development from Hurst Farm and ensuring that the development at the edge is only two storeys high, goes some way to minimising visual impact. More significantly the proposal

to retain the field as a simple informal green space far as possible will allow the designated heritage asset to be experienced more appropriately, even if not as currently, in a semi-rural setting where the fields once supported the "gentleman's house" (as referred to by CgMs) by producing income and being part of his "estate".

The change in the wider setting to the designated heritage asset and the consequent erosion of its contribution to significance is less than substantial and proposals to minimise the harm both from the residential development, the access road and the character of the retained green space have now been clearly set out. Historic England is therefore content that your authority now has the required information to assess whether the harm is convincingly justified by the wider benefits brought about by the development when weighed in the planning balance.

Your authority should be convinced that the less than substantial harm now being caused to the contribution made by the setting of the designated heritage asset to its significance is justified. If you are minded to approve the application the proposed minimisation and mitigation measures should be secured. In particular, the details of how the long-term management of the field and green space will be secured and funded should be clearly established and controlled.

Recommendation

Historic England has no objection to the application on heritage grounds. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course

comments dated 31 July 2017

Thank you for your letter of 10 July 2017 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

Historic England has provided previous advice that the most significant historic environment issue relevant to our interests is for the contribution that setting makes to the significance of Hurst Farm as a grade II * listed building. We are concerned that our advice does not appear to have been followed to and we seek clarification of the proposed open land and how this is considered to respond to issues of setting. We will be pleased to provide further advice should additional information now be provided but

should the application move to a decision in its current form we have no option but at present to make an objection.

Historic England Advice

This application is in outline with all matters reserved except for access. However, the principles of the uses, landscaping, density, typology of residential development and proposed phasing have all been the subject of public consultation. The application is accompanied by a detailed and extensive Environmental Statement alongside a Design and Access Statement so that future major amendment to the proposals under the reserved matters stage is unlikely, or even inappropriate. It is therefore important that those principles can be seen to have responded to Government objectives for conservation of the historic environment as part of delivering sustainable development.

Historic England has provided advice on both the Scoping Opinion (February 2016) and also the illustrated master plan (June 2016) which preceded this application. We are therefore disappointed, indeed concerned, that the key issue of understanding the contribution made to significance by this site, as part of the setting to Designated Heritage Assets which will be affected by this major development, appears not to have been adequately addressed.

Without a clear understanding of the contribution made by the currently rural setting to the significance of Hurst Farm and associated buildings it is not possible to demonstrate that every effort has been taken to avoid or minimise any conflict between the proposals and the conservation of the heritage assets, as required by the NPPF (para 129) and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act.

The key significance of the Hurst Farm is that it is a farmhouse, dating from the C16, which is a particularly fine example of its type. The quality of the materials and the unusual degree of their survival has justified listing at Grade II*. The rural character of the setting therefore makes a major contribution to understanding and experiencing its significance as an historic farmhouse and it is this character that will be fundamentally altered under these proposals.

The Environmental Assessment contains a chapter on archaeology and heritage prepared by RPS-CgMs. The significance of Hurst Farm is stated to be mainly its fine architectural detail (para 10.6.13) which is not correct (see above). The assessment of setting also appears to be based upon the contribution made by the site (i.e. the proposed development site) as part of the setting of the listed buildings from "publicly accessible areas" (para 10.3) and concentrates upon views to the building. It appears that experience of the rural setting and its contribution from **within** the sites of the listed buildings has not been assessed and we would welcome clarification on this point.

The assessment of the contribution made by the setting to significance gives little analysis of how they are currently experienced rather than seen. For example the rural nature of approach from the south and the tranquil character of landscape in terms of its

current use and appearance to the south-west, south and south-east, re-inforce an understanding of the connection between the farmhouse and its rural setting and help to understand and appreciate why and how the buildings came to be located here. The more urban character to the north and north-west, with the relief road as the boundary, detracts from any experience of the listed building and contributes little to understanding its special interest.

In these circumstances proposals which further urbanise the setting by developing into currently tranquil areas that make a positive contribution to the significance of a highly graded asset, need to demonstrate that they are based upon a sound understanding of all aspects of their impact if they are to "respect the setting of the listed building" as suggested in the Design and Access Statement.

Historic England advice (letter dated 2nd September 2016) to provide an analysis of key views towards **and out of** (my emphasis) Hurst Farm appears to have been ignored and we would welcome clarification on whether that exercise has been carried out and, if so, how it has informed the precise location and extent of the proposed open space.

The location and extent of the open space are two important elements in acting as a buffer between new development and the designated heritage assets, but in order for it to provide a setting that continues to contribute to their significance the character of any space has also to be carefully considered. The illustrative material indicates that the open space is to be used as a play area (LAP figure 12.1) and sculpted earth mounds, specimen trees and seasonal bulb planting are all proposed. This is a very different and clearly not a rural character which will be seen to relate to the new urban development rather than being one that relates to the former farmhouse.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the application does not meet the requirements of the NPPF, in particular paragraph number 128 and then arising from this paragraphs 132 and/or 134. Government policy has a clear commitment to achieving sustainable development which in its environmental role includes contributing to protecting and enhancing the natural, built and historic environment (NPPF paragraph 7.) This is reflected in the core planning principle to conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations (NPPF para 17). Heritage assets are an irreplaceable resource and the approach set out in the NPPF (paras 128 and 129) requires applicants to describe and local planning authorities to take account of the particular significance of any heritage asset that may be affected by a proposal (**including by development affecting the setting**) to **avoid** or **minimise** (our emphasis) conflict between the heritage asset's conservation and any aspect of the proposal. When considering the impact of a proposal the local planning authority should give great weight to the assets' conservation and the more important the asset the greater the weight should be (NPPF para 132).

In determining this application you should also bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

We would welcome clarification about how the proposed provision of open land and the character of this is considered to take account of the contribution to the significance of designated heritage assets made by their setting and we would be pleased to advise further should any new information now be provided.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Please contact me if we can be of further assistance.

Sussex Police

Comments dated 3rd May 2018

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

Given that the additional information received on 29th March 2018 refers to the illustrative layout (reserved matters) drainage and a historic building, I have no further comment to make from a crime prevention perspective. I would like to state that my colleagues comments of 12th July 2017 within DD/MID/17/21/A remain extant.

comments dated 12th July 2017

Thank you for your letter of 10 July 2017, advising me of an outline application for development at the above location, to include 375 new homes, a 2 form entry primary school, burial ground, allotments, country park, car parking, green way, landscaping and new vehicle access, for which you seek comment from a crime prevention viewpoint.

The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and with the level of crime and anti-social behaviour in Mid Sussex district being below average when

compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

Given that this outline application is only to determine the means of access and to seek approval in principle, I have no detailed comment to make at this stage. I am encouraged to note that the accompanying Design and Access Statement clearly indicates the applicant's intentions of creating a safe and secure environment by reference to and by applying the attributes of Safer Places - The Planning System and Crime Prevention. These attributes can be applied to each aspect and every phase of the development.

I thank you for allowing me the opportunity to comment and I look forward to being further consulted at the reserved stage, when I would hope to respond in more detail.

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

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

Sussex Police Infrastructure

I write on behalf of the Office for the Police and Crime Commissioner (PCC) concerning the outline planning application DM17/2739 to provide up to 375 new homes (and associated infrastructure) on the land to the east and west of Hurst Farm, Hurstwood Lane, Haywards Heath.

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

It is the responsibility of the PCC to ensure our Chief Constable has sufficient financial support to deliver a high level of policing to the residents of Sussex. Our office continues to actively seek financial contributions via S106 agreements and Community Infrastructure Levy funds to support our capital program. This will enable Sussex Police to deliver the highest possible service to ensure the protection of the communities that we serve.

In line with many other police forces Sussex & Surrey Police have updated our methodology for infrastructure requests to ensure our representations are transparent and provide an up to date, accurate reflection of our capacity.

The information provided has previously been used only as background information however will now be included with all future funding requests submitted by Sussex and Surrey Police. Our new methodology has been developed through a joint partnership with Leicestershire, Thames Valley, and West Mercia Police Forces. This methodology was considered Community Infrastructure Levy REG122 compliant by Mr Justice Green in the case of *Jelson v SoSCLG and Hinckley and Bosworth Council* [2016] CO/2673/2016 (Appendix 1). In addition, there are a significant number of recent appeal decisions and High Court judgments supporting both the principle of Police contributions and our methodology (see attached appendices).

The principle of developer contributions towards Sussex Police has recently been upheld by the Secretary of State in the allowed appeal relating to new 400 homes on the land east of Fontwell Avenue, West Sussex (Appeal ref: APP/C3810/V/16/3143095 - Appendix 2).

I will go into further detail on the various items of infrastructure and provide evidence of their compliance with Regulation 122 tests.

The additional population generated by new housing development in Mid Sussex will inevitably place an increased demand upon the existing level of policing for the area. The development of 375 dwellings and a 2FE primary school would have a significant impact on the workloads of our existing neighbourhood policing team. In the absence of developer contributions towards the provision of additional infrastructure, Sussex Police would be unable to retain the high level of policing that is currently delivered in the District.

7. COSTS

In order to mitigate against the impact of this housing growth in Mid Sussex, Sussex Police have calculated that the capital "cost" of policing this increased population equates to approximately £53,018.29

The contribution requested will fund, in part, the following items of essential capital expenditure in order to meet the policing needs of the proposed development and mitigate impacts and is broken down as detailed below.

County Landscape Architect

comments dated 8th May 2018

I have reviewed the amended plans and submissions from Enplan. It would appear that the changes would be minor and would provide an improved masterplan in terms of the likely landscape and visual impacts of the proposals. I can confirm that I have no further comments to those set out in my letter of 03.08.17.

comments dated 3rd August 2017

With reference to your letter of 10th July 2017 asking for comments on the above application, having reviewed the application and visited the site and surrounding area, I have the following comments with regard to the potential landscape and visual impacts.

Landscape Policy Context

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

Landscape and Visual Context and Potential Impacts

5. A landscape and visual impact assessment (LVIA) has been provided as part of the application and is incorporated within the EIA. This provides a comprehensive and accurate description of the baseline landscape and visual characteristics of the site and surrounding area.
6. The LVIA identifies that the proposed landscape masterplan would conserve the key landscape features throughout the site including mature trees and woodland. There would be adverse impacts on landscape character due to the loss of open fieldscapes and the impact on the perceptual experience with interruption to some of the long views to the South Downs.
7. Visual impacts would be contained within the site area as the topography and vegetation screen long views into the site area from the wider countryside. The school

building would be prominent in some shorter distance views. This could be mitigated if the building is of a high quality design as a feature on the hillside with mitigating elements such as a green roof. Shared parking is suggested for the school and other facilities at the front of the building. This could be intrusive and impact on the open views to the building. The detailed design for the car park needs to take this into consideration in order to overcome this potential adverse impact. The LVIA states that the school building will be set down on the hillside so that the long views from the Greenhill area to the wider countryside will be protected.

8. There are long views from the A272 Rocky Lane at its junction with Hurstwood Lane. These would be obscured by the development and proposed structure planting in the northern part of the site. Consideration should be given to protecting this view by setting the houses lower down the slope and restricting the building heights. The potential impacts on this view would also be reduced if the buildings have green roofs.
9. The landscape masterplan has evolved with the benefit of extensive public consultation and pre application discussions with the local planning authority. The masterplan includes structural landscape elements which would help to integrate the development into the local landscape. The masterplan incorporates extensive green infrastructure including the country park to protect the rural interface on the most prominent part of the site. Avenue tree planting is proposed for the primary access roads, the species selected would need to be trees which are ultimately large at maturity to provide the required landscape structure such as beech or lime. It is noted that there would be a hierarchy of streets with tree planting throughout the development in streets and court yards; this is welcomed as it will break up the mass of the development. A 20 metre wide landscape buffer is proposed to mitigate the potential impact on existing properties in Foxhill.
10. If the application is successful a detailed landscape scheme should be required for approval to ensure that the proposed planting is in character with the local area.
11. A long term management plan should be required as a condition to ensure that the green infrastructure elements of the landscape masterplan are managed and protected in perpetuity.

Conclusion and Summary Recommendations

12. It is recommended that the proposed development can be supported subject to the implementation of the landscape masterplan in full.

Archaeological Consultant

The application site is extensive and should therefore be considered to have enhanced potential for containing known and previously unknown below ground heritage assets. The application is supported by an Environmental Impact Assessment (EIA), of which chapter 10 deals with the potential impact on Archaeology and Heritage. I have also

referred to previous Desk Based Archaeological Assessments which have been produced for this site, but do not appear to have been submitted with this application. Within the EIA the archaeological background to the site and the surrounding area is brief, and provides only a cursory summary of the archaeological implications with a greater focus on built heritage, and it is particularly disappointing that the results of recent archaeological works adjacent to the site were not reproduced or synthesised in any detail. Nonetheless the assessment does conclude that a number of heritage features have been recorded on the site including a historic farmstead, historic garden features and a brickworks. In addition it identifies that it is possible that previously unknown buried remains may be present, with a moderate potential for prehistoric remains in particular, and I agree with these broad brush conclusions.

Due to the fact any surviving archaeological horizons are likely to be destroyed by the proposed development; in line with NPPF and policy B18 of the Mid Sussex Local Plan, I recommend that further archaeological work is required in relation to this proposed development. In the first instance, this should comprise an archaeological evaluation trial trenching exercise within those areas of the site where groundworks proposed as part of the development have the potential to impact on archaeological assets. This may include areas proposed for landscaping, parking, access, allotments and the burial ground as well as the areas proposed for housing development. The evaluation will aim to establish rapidly what archaeological assets are and may be present, and the results of the evaluation will enable suitable mitigation measures to be developed if and where necessary.

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

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

Given that the site boundary appears to extend over the border to East Sussex, and that it is unclear whether the East Sussex Historic Environment Record has been consulted in the production of the supporting archaeological assessments, I would also recommend that the views of the East Sussex Archaeological Advisory team also be sought on this proposal.

Please note that these comments are from the perspective of below ground archaeology only and the views of the relevant Conservation Officer/Historic England should be sought regarding the potential impact on built heritage.

Ecological Consultant

comments dated 25th June 2018

Recommendation

The proposed development involves the loss of ancient woodland for the construction of a new access road. As such it is contrary to 118 of the NPPF unless MSDC is of the view that the need for, and benefits of, the development in that location clearly outweigh the loss. It may also be considered to be contrary to Policy DP37 of the District Plan, which states that ancient woodland will be protected and 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."

In my opinion, other impacts can either be avoided, adequately mitigated or compensated for in accordance with 118 of the NPPF and Policy DP38 of the District Plan. Therefore, if MSDC considers the loss of ancient woodland to be outweighed by other material considerations and grants consent, the following conditions are recommended:

The reserve matters application shall be supported by the following information:

- An Ecological Impact Assessment report for the detailed layout proposals supported by up dated ecological survey information;
- Details of all measures required to avoid, mitigate, compensation and enhancement measures required to conserve biodiversity so far as possible;

Long term proposals for the monitoring of biodiversity impacts and management of habitats, including details of management body responsible, funding provision, monitoring methods (with baseline data), implementation, review and updating.

Comments

Whilst the Ecology chapter of the EIA report and Design and Access Statement refers to 'translocation' of woodland soils to compensate for the loss of ancient woodland and the EIA, this, in my opinion, should in no way be seen as an effective method of compensation. At best it is an experimental technique for helping to accelerate the establishment of woodland flora and potentially some of the micro-organisms necessary for woodland soil function into new tree plantations and therefore potentially accelerating the development of new woodland by salvaging a component of the woodland that is being lost. However, it cannot compensate for the loss of the complex ecosystem represented by long-established woodland or for the heritage value of such woodland.

I note that an objection to the development has been received from Mr McQuillin. However, subject to the recommended conditions, I am of the view that impacts on the species referred to could be avoided or adequately mitigated in accordance with planning policies for biodiversity.

Horsham & Mid Sussex Clinical Commissioning Group (CCG)

Thank you for your consultation dated 10th July 2017 consulting on this outline planning application which is much appreciated.

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

Horsham & Mid Sussex CCG therefore cover the entirety of Mid Sussex District Council's catchment area and the above planning application would be close to Northlands Wood Practice. In addition, Haywards Heath Health Centre which contains several Community NHS services and Newtons Surgery. Should a planning consent be given this would create a potential further 849 new residents/patients.

Both NHS Service buildings have been taking on a considerable number of new patients as a result of new housing developments in their locality in Haywards Heath, Accordingly, further additional demand, as a result of this potential new housing built in the vicinity, will necessitate some building redesign by way of an extension at Northlands Wood and internal reconfiguration at Haywards Heath Health Centre to be able accommodate these patients more appropriately. This is something which the CCG and the practices have been discussing as a realistic requirement so as not to disadvantage existing patients by virtue of excessive pressure.

Overall, all potential new residents will utilise some of the health services the CCG commissions and will put further pressure on medical services generally. We are also mindful that new housing developments do not disadvantage the health services for existing residents/patients, as mentioned, by diluting healthcare delivery. GPs being the gatekeeper into the NHS,

The CCG was pleased to have been consulted by the developer's agent earlier in the year of this proposed development of up to 375 dwellings, which is not something which often happens in our experience. In this connection, we indicated that we would be seeking a Section 106 contribution given the potential number of new residents and the pressures likely to be experienced.

Accordingly, we would not object to this outline planning application if a Section 106 developer's contribution for NHS infrastructure improvements can be secured.

In calculating our requirement, we utilise currently available West Sussex average occupancy figures, agreed with West Sussex County Council and use the Senior District Valuer's approved formula with revised NHS infrastructure costs updated annually.

As there are some 1 bedroomed properties in the unknown category in the planning application form we have assumed that on an interim basis that these may be flats. We will be happy to return to this overall Section 106 calculation when actual numbers and types of properties are known.

In the meantime we are seeking a Section 106 application for £212,851 on a pro rata basis equates to an average of £368 for flats and £609 per houses.

Community Leisure Officer

Thank you for the opportunity to comment on the plans for the development of up to 375 new homes, a primary school, burial ground, allotments, Country Park, associated parking and landscaping on Land To The East And West Of: Hurst Farm Hurstwood Lane Haywards Heath West Sussex on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the Local Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

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

FORMAL SPORT

In the case of this development, a financial contribution of £373,170 is required toward formal sport facilities at the St Francis Social and Sports Club site which is adjacent to the development site. The funds would be used toward Phase 3 of the development of these facilities, to upgrade pitch 2 to an ATP to increase the playing capacity (IDP Ref: HH/171).

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £162,101 is required to fit out the lower ground floor of the new St Francis Social and Sports Club community building (IDP Ref: HH/170).

It should be noted that a pedestrian / cycle path across, over or under the relief road would be beneficial to enable the residents of the new development to access the sporting and community facilities which are within 100m of their homes and practically on their doorstep but difficult to reach without some form of crossing.

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

Housing Officer

Our comments are essentially the same as last time although I have added some further detail about the specific requirements for wheelchair accessible units:

The applicant is proposing a development of up to 375 new homes which gives rise to an onsite affordable housing requirement of 30%. This equates to 113 units and it is agreed that the mix shall be broadly in line with the below:

1 bed flats	28	25%
2 bed flats/houses	71	63%
3 bed houses	12	10%
4 bed houses	2	2%
Total	113	100%

This mix will meet a broad range of housing needs and will also reflect our required tenure split of 75% rented and 25% shared ownership. Furthermore, there will be 3 wheelchair units for rent which will take the form of 1 x 3 bed house, 1 x 2 bed house and 1 x 1 bed flat. The wheelchair flat must have direct access to its own private outdoor space. All the wheelchair accessible units are to comply with Schedule 1 of the Building Regulations 2010 Part M4(3) Category 3 - Wheelchair user dwellings and specifically the requirements of M4(3)(2)(b) for wheelchair accessible dwellings. The development must also comply with our clustering policy of no more than 10 affordable units per cluster. These clusters should be distributed throughout the site, with market units in between in order to achieve a satisfactory level of social integration. A tenure blind approach is expected.

Urban Designer

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

Overall the layout of the main residential element appears well organised with the main open space sensibly positioned in the middle of the site; with the northern part of the site is also suitably broken up by another proposed open space to the north of Hurstwood Grange that also provides a separation gap for the listed building. The housing is laid out in a perimeter block arrangement with street frontages facing towards the public realm, and a secure private realm at the rear. The exception to this are: (a) the buildings in the

middle part of the site that back-on to the access road to Hurstwood Grange; and (b) the houses on the southern edge of the site which back-on to Hurstwood Lane. These are mitigated by the existing dense hedgerow providing it can fully screen the rear gardens from the adjacent roads.

As previously reported, the pedestrian links / access roads are also generally well organised within the site including the Hurstwood Lane green lane link. In terms of the pedestrian connections to the town centre the green link route adjacent/parallel to the relief road suffers from a lack of natural surveillance; and the alternative pedestrian link for the southern part of the site via the existing roads (Hurstwood Lane/Fox Hill) is circuitous. The northern part of the site is better served by a dropped kerb and central island arrangement across the relief road close to the junction of the access road.

The three character areas (featured in the DAS) help to inform the urban design strategies, and I am pleased to see that rear courtyard parking is employed in the higher density areas to help reduce the dominance of parking within the public realm and allow for stronger street enclosure (that can be achieved without front threshold parking).

The blocks of flats are appropriately positioned adjacent to the main open space where they benefit residents without gardens; and the 3 and 4 storeys frontages provide more enclosure and surveillance over the open space. The local shop is also well placed facing the main open space, as together with the play areas this should help generate a level of activity in this area that helps make it the natural focus of the scheme.

The new layout drawings now show much more detail including individual houses, their roof plans and the car parking provision, and for this the applicant can be commended, but it also reveals the following issues:

- The parking is poorly integrated and unduly dominates the street environment in some areas. This is especially an issue around the blocks of flats that face the central open space. Despite the incorporation of rear courtyards, there is still too much parking on the road frontage; on blocks 97-107, 117-127, 155-169, the rear court parking is insufficiently screened by development and results in an unfortunate gap in the street frontage. The FOG's (flats over garages) on plots 209, 215, 221, 249, 302 are unfortunately set-back from the road generating inconsistent building lines and unfortunately revealing parking in front of them that combine with the adjacent threshold parking to dominate the street environment; this is particularly an issue at the junction of the main access road and central open space. Many of the blocks of flats also do not provide sufficient defensible space between the ground floor and the parking areas.
- There is still insufficient consideration given to the sloping nature of the site. Only a rudimentary site section has been supplied that is taken through an open space and does not demonstrate in sufficient detail how the development will respond to the slopes. While the site layout has helpfully been overlaid with contours on top of the site layouts, the contours (at 5m intervals) are too spaced out and do not show the

variations in the slope with sufficient accuracy. This is especially an issue in the high to medium density (particularly at the steeper northern end of the site), as the need for space efficiency risks generating a hard-edge design incorporating unsightly retaining walls to deal with the gradients. Level differences are especially likely to affect longer fronted buildings with single floor plates on blocks of flats likely to generate high flanks on the lower part of the slope that may look unsightly and generate uncomfortable juxtapositions with adjacent buildings. The slope may also disrupt the harmony of a run of terraced or semi-detached houses if they need to be stepped. The roofline of the semi-detached houses suggest they have been designed as symmetrical / mirrored pairings, that would be upset with a step; to avoid this it would be better to put the entrances in the middle of the frontages rather than the outside edge of the building as they are currently shown on plan.

- The greater level of detail provided in the latest drawings also demonstrate that the building frontages do not follow / define the streets and spaces as well as suggested in the initially submitted illustrative layout, resulting in weaker enclosure.

This arises as a result of inconsistent building lines, gaps in the street frontages, wide roads with overgenerous face-to-face distances most notably on the main access road. While the latter might be compensated to some extent with regular tree planting employing heavy standard large variety trees; in practice this rarely happens.

These issues will be expected to be addressed at the reserve matters stage.

The contemporary architectural language of the elevations has an individuality that is a refreshing change to the ubiquitous styling of many residential developments, and I would hope that this approach is maintained with the reserve matters application as it engenders a stronger sense of place. The illustrated street frontages are generally well articulated with the run of repeated terraced houses providing a strong rhythm that contributes positively to the quality of the scheme. However, I also note the elevations are illustrative; furthermore they no longer correspond to the latest site layout plans.

The proposed school, burial ground and allotments are not shown in sufficient detail to comment on at this stage.

Conservation Officer

The site and nearby heritage assets

The application site is a parcel of land, currently open fields, located between Hurstwood Lane, Fox Hill and the A272. The site wraps around Hurst Farm, which is a Grade II* listed building dating from the 16th century, and its associated farmyard and barn, now converted to business and residential use. The barn, which dates from the 17th century, is separately listed at Grade II.

To the north west of the site and partly separated from it by the A272 and recent housing development, is the former St Francis Hospital, now in residential use, which dates from the mid 19th century and is Grade II listed.

To the west of the site, facing onto Fox Hill, is Middlefield Cottage, which is a Grade II listed 17th century cottage.

The current proposal is an outline application for the construction of 375 new homes, a primary school, burial grounds, allotments, country park, car parking and associated access and landscaping, with all matters reserved except for access.

Impact on the setting of Hurst Farm and Hurst Barn

The proposal has been revised following the receipt of adverse comments from Historic England in order to mitigate the impact on the setting of the listed house. Further information has also been provided in the form of an assessment of how the former farmhouse is experienced within its setting, and the impact that the proposal will have on this - this assessment has informed the above revisions.

Hurst Farm (formerly known as Asylum Farm, later Hospital Farm, a reference to the County Asylum, later St Francis's Hospital located just to the north west), derives its key significance from the fact that it is a particularly fine example of a 16th century farmhouse, which has retained a large quantity of surviving historic fabric. The surviving open fields to the north east and south west of the farm make, in my opinion, a positive contribution to the setting of the listed building and the manner in which its special interest as a former farmhouse is appreciated, as do the surviving barn and farm buildings to the west of the house (now in different uses), and the tree-lined approach to the house from Hurstwood Lane to the south, which has a distinctly rural character.

Although the barn and outbuildings and the approach to the house are not directly affected by the current proposal, the development of a large portion of the surviving open fields around the house will have a significant impact on their character, which will affect the manner in which the special interest of the listed building is appreciated.

The scheme has, however, been amended on the basis of comments offered by Historic England and a subsequent analysis of how the farmhouse is experienced within its setting in order to mitigate the harm caused by the proposal. The amendments have increased the distance of the development from Hurst Farm, lowered the height of the nearest buildings to two storeys, and retained the existing field to the south east of the building as an informal green space. This field has been identified as being of particular significance within the setting of the farmhouse.

With these amendments, the proposal is considered to cause less than substantial harm to the setting of the listed building and the manner in which its special interest is appreciated. As such the criteria set out in paragraph 134 of the NPPF would apply, such

that the harm caused to the heritage asset stands to be weighed against the public benefits of the proposal.

Grade II listed Hurst Barn is set just to the north of the farmhouse and its grounds and is to some extent shielded by it from the full effect of the development proposal. Nonetheless, the proposal will have an impact on the currently semi-rural character of the wider setting of the Barn and the approach to it from Hurstwood Lane. As a former agricultural building the semi-rural character of the Barn's setting has a positive impact on the manner in which its special interest is appreciated and the erosion of this character will therefore have a negative impact. It is considered that the harm caused to the manner in which the setting of the heritage asset will be appreciated will again be less than substantial, such that the same criteria would apply under the NPPF.

Impact on the setting of the former St Francis Hospital (Southdowns Park)

The former St Francis Hospital (now known as Southdowns Park), was opened in 1858 as the County Lunatic Asylum. It remained a mental health institution until its sale for redevelopment in 1995. At the time that it was built the Asylum was in a rural location outside the then small village of Haywards Heath, and nearly all of the land on which the Asylum was developed was purchased from Hurst Farm, which was later to become the Asylum's farm, where some of the patients will have worked growing food for the hospital's use. There is therefore a direct historical link between Hurst Farm, the surrounding farm lands and the Hospital.

It is apparent that the siting and orientation of the hospital buildings, as well as the landscaping of the formal grounds to the south of the principal building, are such as to take advantage of the long views obtainable from the elevated site towards the distant Downs and the intervening rural landscape. Fresh air and healthy outdoor activities such as walking in the grounds and gardening were considered beneficial for patients, as is evidenced by the shelters which are still present in the gardens. Although housing development has encroached to the south east and south west of the former hospital, and the grounds are separated from the surviving open fields to the south by a sports club and the route of the A272 bypass road, the generally rural outlook which is still the predominant feature of views from the grounds and from the southern side of the building itself is considered to make a strong positive contribution to the setting of the heritage asset and the manner in which its special interest as a former asylum and mental hospital is appreciated.

The currently proposed development will have a significant impact on the character of the currently open fields to the south of the A272. However, despite the historical link between these fields and the hospital, it is likely that due to the intervening topography and screening by existing buildings and trees the visibility of the development from the hospital building and its immediate setting will be limited from most viewpoints, with the new development being largely if not entirely hidden from ground level, possibly becoming more prominent only in views from the upper floors of the building.

Therefore although the proposal may have some impact on the rural outlook to the south of the hospital buildings and their setting, it is likely that this impact will be limited. The proposal is therefore considered to cause less than substantial harm to the setting of St Francis Hospital, such that the criteria set out in paragraph 134 of the NPPF would apply.

Impact on the setting of Middlefield Cottage

Middlefield Cottage at one time sat in a rural position, and only during the second half of the twentieth century did development spread from Fox Hill along the road to encompass it to either side. At present it retains its rural setting to the rear, although with some tree planting providing partial screening along the rear garden boundary.

The current proposal places residential development hard up against the rear boundary of the garden to Middlefield Cottage. This will have a significant impact on the character of this part of the setting of the Cottage, and will effectively remove the last traces of its formerly rural environment. It is considered that this will be harmful to the setting of the listed building and the manner in which its special interest as a modest rural Sussex cottage dating from the 17th century is appreciated.

In terms of the NPPF, the degree of harm caused by the proposal is considered to be less than substantial such that the criteria set out in paragraph 134 of that document applies. However in any future submission of a more detailed layout and/or landscaping plan a more rigorous consideration of the impact of the proposal on this heritage asset including the proximity of the new buildings and the width and nature of a landscaped buffer between them and the rear garden of Middlefield Cottage could result in a partial mitigation of this harm.

MSDC Drainage Officer

Recommendation: No objection subject to conditions, however, alterations to the indicative layout will be necessary

Summary and overall assessment

Whilst I do not object to this development a more detailed flood risk assessment should be provided at the Reserved Matters Stage. The more detailed flood risk assessment should identify the capacity and flood risk from all ponds, culverts, conveyance pipes and watercourses on or adjacent to the site and how such drainage infrastructure will be protected from development. Flood flow routes across the site should also be identified to demonstrate that the Reserved Matters layouts will be feasible in terms of long term flood risk and climate change. Below I have provided more detail to emphasise the importance of getting this development right in terms of drainage and flood risk.

Flood Risk

The proposed development is situated within Flood Zone 1 and is deemed to be at low risk of fluvial flooding. However, the proposed development is affected by some areas of surface water flood risk associated with the watercourses, culverts and ponds situated

both on and adjacent to the site. Constructing residential properties in these areas is ill advised as space needs to be kept clear for exceedance flows from surface water drainage, ponds and watercourse systems. Detailed design of the proposed development should make allowance for flood flow conveyance routes, as stated in the initial FRA, and this information should be provided at the Reserved Matters stage to ensure that the layout will be feasible.

There is a risk of flooding to the site from the surface water balancing pond adjacent to the A272 Relief Road even though the pond has a controlled outlet and a spillway for exceedance flows at its south-western corner. The flow route from the pond should be identified in case of bank failure and any nearby development should be properly protected from this risk.

There is also a risk of flooding to the site from the pond situated on the Hurstwood Grange Industrial Estate so the flood flow route from this pond should also be identified and any nearby development should be properly protected from this risk. There is a history of flooding associated with this pond and two of the existing adjacent premises have suffered internal flooding in the past. There are photographs on the planning file that indicate one of these events.

Surface Water Drainage Proposals

The overall strategy is to maintain existing ponds and overland flood flow routes through the site and this is welcome. The surface water drainage from the site will link into existing ponds and watercourses but will be managed to flow at a controlled rate so as not to increase flood risk.

There is mention of ditches and swales possibly being incorporated into the design of streets and open spaces but looking at the current ideas for layout there does not appear to be any space to provide such systems. Green, above ground drainage infrastructure can improve the amenity and biodiversity of development sites and should be incorporated into the masterplan for sites at an early stage. I also note that a tree lined avenue is proposed along the same road that the culvert may be situated beneath. This could lead to a future clash between tree roots and the culvert and so should be considered carefully and evidenced appropriately. It is preferred that above ground surface water conveyance and attenuation systems are used throughout the site as this keeps the water at a shallow depth and makes it easy to see if there is a problem with their function.

The revised FRA states that "Surface Water flows should be able to discharge off the site via the existing minor streams that drain the current Greenfield site. Flow attenuation will be designed to limit off-site discharge from developed areas to no greater than the Greenfield Mean Annual Flood flow rate (QBAR) from the total site area." However, flows off the site should not be increased for more frequent storms. The 1 in 1 year predevelopment Greenfield runoff rates should be matched for each development area with the discharge rate increasing to a maximum of QBAR for 1 in 2.33 year (QBAR) storms and for all lower frequency storms up to and including the 1 in 100 year + 40%

Climate Change. The remaining Greenfield runoff will need to be included in the calculations to ensure that there is no overall increase in surface water runoff from the site. Attenuating to the 1 in 1 year Greenfield runoff rates will increase the requirement for storm water storage across the site and may well affect the layout so these calculations and designs should be completed prior to the submission of the Reserved Matters application.

As there may be opportunities for infiltration drainage on parts of the site percolation tests and groundwater monitoring should be carried out between the autumn and spring in order to identify the level of the groundwater table and areas where infiltration systems could be utilised. These tests should inform the drainage design and the layout so will need to be carried out prior to the Reserved Matters application being submitted.

The new school is currently proposed to be drained via pipes to an underground attenuation tank and then via a pipe all the way to the ditch on the boundary of the informal open space. At this early stage in the development proposals there is no reason at all why above ground Sustainable Drainage Systems should be discounted. The school could have educational planted rain gardens collecting water from the rainwater downpipes which are then discharged through an open system of ponds and swales. There could be a green roof on the school building to reduce surface water runoff and there are plenty of other examples. The car park could be drained via filter strips and into a pond and this would treat the pollution and provide amenity and biodiversity as part of the open space. Case Studies are available at <https://www.susdrain.org/>

It is noted that the current Drainage Strategy Overall Site Plan shows proposed surface water attenuation ponds in various locations across the site. Most of these ponds are shown on plan as rectangles so clearly would be underground attenuation tanks rather than open ponds. Whilst I have not raised an objection to this development as it has been shown that adequately draining the site is feasible I am concerned that it will be thought that these underground drainage structures are acceptable. As stated above in an earlier paragraph green sustainable drainage infrastructure should be used on this site and the layout may well need adjustment to accommodate this. It must not be assumed that the current indicative layout is acceptable in drainage terms.

Existing culverts running through the site will affect the layout of development

Where the culverts will be relocated or replaced, the existing flows need to be calculated and agreed by the LPA prior to the layout being agreed, to ensure that the systems will be adequate for the future. If an increase in size is necessary this should be appropriately designed and documented to ensure that the flood risk to downstream areas is not increased.

A full CCTV and location survey of the existing culverts running through the site needs to be carried out **prior to any layout for the development being fixed**. This is to ensure that where the culvert is not able to be relocated it can be protected. Where the culvert is to be relocated, such as under the highway, then full investigations need to be made into existing connections to ensure that relocation will be possible and affected surface water

drainage systems remain in working order. Works to relocate the culverts should be carried out ahead of any other development on the site. The culverts are known to be important surface water drainage conveyance systems and there has been internal flooding resulting from the pond situated on the Hurstwood Grange Industrial Estate so the proposals need to be well thought out and appropriately evidenced.

Following development, all culverts either existing or relocated should have a 3 to 5 metre access strip either side to enable future maintenance. This area can also act as an area where exceedance flows can safely occur without causing flooding to any new properties. All watercourses should have a 5 metre buffer zone either side of the watercourse where no development should take place in order to maintain ecology and to allow future access for maintenance.

Whilst I understand that the layout currently shown is not to be approved under the outline application, I need to raise a question about the location of plots 270 -275 south of the pond at the business park. The location of this 3 storey block of flats coincides with the culvert outlet from the pond. Whilst it may well be possible to relocate the culvert under the estate road, water still has to be channelled from the pond into the relocated culvert and it seems to me that this block of flats will be in the way and it won't be possible to achieve the necessary maintenance access and exceedance flow strips. I also have concern about the location of plots 261 and 262 as they are located over the top of the outfall pipe from the large balancing pond. (Shown as Pond A on the Drainage Strategy Overall Site Plan). This pipe should also be given an easement/access strip for maintenance. The ground is also very marshy in this area down from the pond so is likely to be the natural flood flow route. Development would be best pushed to the east of this outfall pipe to ensure that none of the development will be placed at risk of flooding in the future. To assist, I have attached a plan indicating these two locations.

Foul Water Drainage Proposals

Proposals are to connect into existing public foul sewers either on or adjacent to the site. Evidence should be provided at an early stage of discussions with Southern Water to ensure that a suitable scheme is being designed. What will happen to the pumping station near to the business estate as this is in the way of development proposals and does not appear to have been identified in any of the proposals? Details of the future management and maintenance of the foul drainage should be provided including details of adoption and any other agreements being reached or negotiated with Southern Water.

Recommended Conditions

Planning Conditions are needed for this site. They should be worded so that the overall drainage strategy for the foul and surface water can be agreed ahead of the details for each phase. My suggestions for conditions are as follows:-

Foul Water Drainage

No development shall take place until details of the proposed foul drainage strategy and means of disposal have been submitted to and approved in writing by the Local Planning

Authority, in consultation with Southern Water. No phase of the development shall be commenced until the detailed drainage design for that phase has been to and approved in writing by the Local Planning Authority, in consultation with Southern Water. No dwelling shall be occupied until all drainage works for that phase have been carried out in accordance with such details as approved by the Local Planning Authority. The details shall include a timetable for the foul drainage construction and a management plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

Surface Water Drainage

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

The drainage strategy and subsequent details to be submitted to the LPA shall include details of but not necessarily be restricted to the following matters:

1. The results of groundwater monitoring and infiltration tests that have been carried out between October and March;
2. The peak discharge rates from the site (not to exceed QBAR), together with information regarding the associated control structures, attenuation measures and their locations within the site;
3. The drainage system capacity including calculations;
4. How storms above the drainage system capacity (i.e. between the 1 in 30 year and 1 in 100 year event) will be safely managed within the site so that flood risk is not increased elsewhere;
5. Overland exceedance flow routes for events in excess of the 1:100 year + climate change to ensure that no new or existing properties will be put at risk of flooding from this development;
6. The protection, relocation and improvement [as applicable] of existing ponds, culverts, surface water pipes and watercourses including details of the creation of easements and buffer zones in order demonstrate that the runoff from the development will be adequately accommodated and that flood flow routes will be maintained;

7. The future management and maintenance of surface water drainage systems, ponds, culverts, attenuation structures and any other apparatus necessary for the operation of the surface water drainage system including how the maintenance will be funded to ensure that the surface water drainage will function satisfactorily for the lifetime of the development;
8. Independent verification that the drainage systems have been constructed and installed as designed and as agreed by the LPA.

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

Surface Water Management during construction

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

- a) The protection of receiving watercourses from polluted runoff including silt;
- b) The protection of ancient woodland and other wildlife habitats from polluted runoff and silt;
- c) The pumping of water from excavations and how it will be disposed of
- d) Methods to prevent runoff from the site during construction to ensure that properties situated lower than the site will be protected from flooding
- e) Methods to attenuate surface water during construction and how it will be managed following collection.

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

The current, and any subsequent, applicants and developers should ensure that the details pursuant to the recommended conditions include at least the following information detailing how the development will:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk beyond the boundary of the site.
- Seek to reduce existing flood risk.
- Protect the existing culverts, drainage pipes and sewers running across the site. Pre and post construction Condition Surveys should be carried out to demonstrate that the development has not had a detrimental impact on this infrastructure.
- Limit the runoff from the site to existing Greenfield rates for the 1 in 1 year storm event up to a maximum discharge equivalent to QBAR and follow natural drainage routes as far as possible.

- Manage the runoff created by the 1 in 100 year storm + up to 40% climate change (including hydraulic calculations).
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Manage the existing ponds on site and demonstrate (by calculations) that they are suitable to receive flows from the new development taking into consideration all existing inlets.
- Utilise a sustainable approach to drainage design managing surface water at source and on the surface of the ground.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Environmental Protection Officer

I refer to the above application and make the following comments in relation to air quality and noise.

As part of this planning application the applicants have submitted an **air quality** assessment (Environmental Statement Vol 2, Section 9) which concludes that the overall impact on air quality will be Negligible. This conclusion is accepted, although it is noted that a *slight adverse* impact is predicted at three receptors as a result of increased traffic flows. The air quality objective level is not exceeded.

No emissions mitigation calculation has been included with the report. The purpose of this calculation is to assess the local emissions generated by the development and determine the appropriate level of mitigation required to help in reducing the potential effect on health and the environment. The intention is to identify, and ensure the integration of, appropriate mitigation into a scheme at the earliest stage. However the report does recommend suitable mitigation measures, which are accepted, and can be ensured by way of planning condition (below). A development such as this can make a significant contribution to MSDC's air quality strategy and also have an influence on public behaviour; for example, by providing 3 or 7kW home charge points in garages/drives and also on-street charging bays, residents can be encouraged to consider switching to low emission vehicles. Additionally, charge points are much cheaper and easier to install during the construction phase rather than by way of retrofit.

Air quality will also be affected during the construction phase and given the large scale of the development, the type of construction and the proximity to hospitals, the development is assessed as high risk with regard to potential dust effects. Mitigation and monitoring should therefore be secured by a CEMP condition (below).

With regard to **noise**, the assessment (Environmental Statement Vol 2, Section 11) has considered traffic noise, construction noise and traffic increase. The report indicates that mitigation will be required for properties nearest to the A272 and that the worst case increase in traffic noise is below 2dB and is considered negligible by Highways England's DMRB guidance. The mitigation can be secured by condition (below). Where additional

ventilation is required to allow windows to be closed to meet required standards, this should be a last resort, as per ProPG: Planning & Noise - New Residential Development guidance and should provide adequate air flow to avoid overheating. Where possible, design should be such that noise standards can be met without the need for ventilation.

There is also the potential for noise from both plant (e.g. air conditioning, refrigeration, extract fans etc.) and deliveries relating to the planned school and convenience store. This can be controlled by condition (below).

Additionally, it is recommended that the school playground be sited at least 100m from the nearest residential properties, or be shielded by buildings, to minimise disturbance.

As the development includes a burial ground which could pose a contamination risk to **groundwater**, the Environment Agency should be formally consulted.

Finally, whilst it may not be a matter for the Planning process, it is recommended that the allotments management includes a code of practice to minimise the likelihood of smoke from bonfires adversely affecting residents.

Accordingly, should the development receive approval, Environmental Protection recommends the following conditions:

Conditions:

- **Air Quality:** Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures necessary to ensure an appropriate level of air quality within the development shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

The scheme shall include, as a minimum:

- Provision of at least 1 EV rapid charge point per 10 residential dwellings and / or 1000m² of commercial floor space. Where on-site parking is provided for residential dwellings, EV charging points for each parking space should be made.
- Provision of a detailed travel plan (with provision to measure its implementation and effect) which sets out measures to encourage sustainable means of transport (public, cycling and walking) via subsidised or free-ticketing, improved links to bus stops, improved infrastructure and layouts to improve accessibility and safety;
- All gas-fired boilers to meet a minimum standard of <40 mgNO_x/kWh
- **Construction hours:** Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

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

Reason: To protect the amenity of local residents.

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

- measures to monitor and control noise and vibration affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);
- dust management plan - monitoring and control in accordance with industry best practice
- artificial illumination
- complaints procedure and site contact details in case of complaints from nearby residents.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

- **Smoke:** No burning of demolition/construction waste materials shall take place on site unless first agreed in writing by the Local Planning Authority

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

- **Soundproofing** - Prior to the commencement of the development hereby permitted, details of a scheme of acoustic protection shall be submitted, and approved in writing by the Local Planning Authority. The scheme shall be in accordance with recommendations listed in Section 11.12 and 11.13 of the submitted Environmental Statement Volume II Main Report dated June 2017 and shall include details of acoustic protection sufficient to ensure the maximum internal noise levels in bedrooms and living rooms in residential properties, post construction, will comply with those stated in Table 4 of BS8233:2014. Where internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation or other ventilation capable of providing adequate ventilation to the occupants. The scheme shall include details of acoustic protection sufficient to ensure external amenity area & garden noise levels of not more than 55dB LAeq T (where T is 07:00 - 23:00) unless otherwise agreed in writing. All works

which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of future residents with regard to external noise.

- **Plant & Machinery (Operational):** Prior to use of any ventilation, refrigeration or air conditioning plant or machinery, details of a scheme of acoustic protection shall be submitted, and approved in writing by the Local Planning Authority. The plant or machinery noise rating level shall be at least 5dB below the existing background noise level at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

Contaminated Land Officer

I have reviewed the information contained within the contaminated land GIS records, and also the following report submitted in support of the application:

- Preliminary environmental risk assessment. Waterman Infrastructure and Environment Limited, December 2016. Reference WIE10247-101-R-1-1-3-PERA.

The report represents a desk study report, and identifies potentially contaminative historic uses in the form of infilled sand pits and sewage tanks. It concludes with non-detailed recommendations for an intrusive investigation to explore these features and the general site conditions. Having read the report, it should be noticed that it focuses heavily on the protection of controlled waters, and additional details in terms of the location and extent of historic sand excavation and infilling are required. To this end, it is also considered that the conceptual site model presented in Appendix A is not adequate.

On this basis, and due to the scale and sensitivity of the proposed development, any planning permission granted should include the following conditions relating to contaminated land:

- i) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
 - a) A *desk study* report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;

and unless otherwise agreed in writing by the LPA,

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

and, unless otherwise agreed in writing by the LPA,

- c) A *remediation method statement* detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.
- ii) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):
 - a) Description of remedial scheme
 - b) as built drawings of the implemented scheme
 - c) photographs of the remediation works in progress
 - d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

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

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

In addition, a precautionary condition relating to unanticipated contamination should be placed:

- iii) In the event that any signs of contamination such as poor plant growth, odour, oily, ashy, odorous or fibrous materials, staining or unusual colouration of the soil, asbestos fragments or fibres, inclusions of putrescible materials, plastics, any liquid other than clean groundwater are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development. The development must be halted on that part of the site and if the LPA considers it necessary then an assessment of the site undertaken in accordance with BS10175: 2011. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

Tree Officer

Having reviewed the submitted documents, I can confirm that I am largely satisfied 375 dwellings could be constructed on this site, whilst retaining a good relationship with existing and allowing room for new plantings (given its size).

Accordingly I have no objections to this application.

Wivelsfield Parish Council

comments dated 4th May 2018

I write with reference to the re-advertisement of the above application for land to the east and west of Hurst Farm.

Wivelsfield Parish Council would like to take this opportunity to respond to Enplan's email of 16 August 2017 which commented on original objections to the application.

The comments received did not allay the Parish Council's concerns and there are several matters within the response which the Parish Council would like to address.

1. Burial Ground and School Siting

1.1. We acknowledge that Enplan considers our objection to the relative location of these two facilities to be without any planning merit. However, the fact remains that, as parents, members of the Council felt that they would not wish their children to be exposed to activities at a burial ground during the course of a normal school day and believe that many future users of the school would feel likewise.

1.2 Whilst perhaps having schools and churchyards in close proximity is a (historic) feature of life in many areas, in this case, when starting with a blank canvas, it is a matter

of choice. It may be that only two burials would be anticipated per week, but this takes no account of activity on the site around these with grave-digging, the installation of gravestones, general maintenance and visiting of grieving relatives.

1.3 A greater separation would surely be preferable not only for families attending the school, but also for mourners.

1.4 Since this is purely an outline application, the Parish Council requests that, should consent be granted, careful consideration is given to the siting of the school in relation to the burial ground, to minimise overlooking by anything other than ancillary rooms (school office, staff room, medical room, kitchen etc.).

1.5 The Parish Council would wish for significant planting/screening to also be a condition of any consent.

2. Burial Ground and Allotments Siting

2.1. Enplan's e mail refers to the ES's conclusion that, after effective mitigation, the burial ground will have a "negligible" environmental impact. It is of concern however that outline planning consent may be granted with only a planning condition requiring mitigation. It would be preferable to know that an effective scheme of mitigation has been identified and drawn up, prior to consent being given.

2. 2 Likewise it is still considered preferable to have the allotments on higher ground, with the burial ground below them, rather than the reverse situation as currently proposed.

3. Shared Car Park - it is felt that the proposal to have a shared car park to be used by visitors to all three facilities (school, burial ground and allotments) is impractical. With the best will in the world, there are bound to be overlaps and conflicts. Not all visitors to the allotments and burial ground will be mindful of school pick up and drop off times. Likewise, school events, assemblies, meetings etc. will generate car park use outside traditional pick-up and drop-off times and could create parking issues for grieving families attending a funeral or grave.

The Parish Council would further like to register its concerns about the impact of the development on the local road network. East Sussex Highways has acknowledged that the cumulative impact of this development, on top of the myriad other developments ongoing locally (Greenhill Way, Fox and Hounds, Cala Homes site in Wivelsfield Green, Rocky Lane developments etc., to name but a few) has not been assessed.

The Parish Council believes that adding up to another 375 homes will create a hugely adverse impact on local roads and junctions, which are already struggling. Only last week, a works lorry struck the Fox and Hounds pub, causing the closure of the B2112 between Haywards Heath and Wivelsfield. Drivers were forced to make significant detours to get around the problem. The planned closure of Hurstwood Lane and its conversion to a green land, will further limit peoples options for routes and funnel all traffic

onto what will become heavily congested roads. The Parish Council already has safety concerns about the junction from Hurstwood Lane onto the A272 which can be difficult to turn right on to. Adding up to another 375 homes (on top of the additional 175 going in off Greenhill Way) is bound to cause congestion, difficulties and frustration amongst residents.

The Parish Council also has queries and concerns over how the school will work, when built on a cross-border site. Will a certain proportion of places be given to children coming from Wivelsfield Parish? It is felt that very careful consideration needs to be given to the practicalities of how the school will work and we would like assurances that this is being addressed by East and West Sussex County Councils. Likewise, without prejudice to its other objections, the Council feels that, should planning consent be granted, it is imperative that the school is at least 50% complete before work begins on the associated housing. It is essential that, when residents move into the new properties, school places are available immediately. Finally in this respect, it is our understanding that any new schools built are now free schools and, as such, require a sponsor. Is sponsorship for the proposed school in place, to ensure that its construction can go ahead promptly as, when and if planning consent is granted?

Finally, in respect of the cross border nature of the site and Haywards Heath Town Councils request that the site be marked as a green space within the Wivelsfield Neighbourhood Plan, we would like assurances that, since the proposed allotments will be situated on land within Wivelsfield, provision will be made for at least a proportion of the allotments to be available to residents of Wivelsfield Parish.

To conclude, whilst recognising the merits of having the facilities of the school allotments and burial ground, Wivelsfield Parish Council feels the way in which these have been planned is short sighted and unfortunate and that there is more work to be done to make the proposals acceptable. Without prejudice, if planning consent is granted, the Parish Council would ask that appropriate conditions are imposed to ensure, as a minimum, that the school is built and ready before the housing is occupied, that mitigation schemes for surface water on the site in general and for run-off from the burial ground are required in advance of any work commencing on site, that places in both the school and allotment are made available for residents of Wivelsfield Parish, that the relative siting of the burial ground and allotments is given further thought and that excellent screening is mandatory between the facilities.

comments received 7th August 2017

Wivelsfield Parish Council strongly objects to the above application in its current form. Whilst it does not seek to comment upon the housing element of the application (recognising that this is a preferred site within the Haywards Heath Neighbourhood Plan), it has significant reservations about the school, burial ground, allotments, parking and access.

The developer appears to have taken no account of the concerns and objections raised at the pre-application exhibition or at its meeting with the Parish Council, in respect of the location of the burial ground in relation to the school and the allotments. No-one wants their children to be constantly exposed to activities at a burial ground, or to have an allotment situated below it, knowing that water will be running off the burial ground onto their fruit and veg. The relative siting of these facilities is considered not only poor, but likely to cause upset, distress and logistical problems.

Parking also remains a significant concern. Whilst it may be desirable for people to walk their children to school, the reality is that many working parents have no choice but to take their children to school in the car before going on to work. It is not always practical for parents to simply drop and go (many - particularly younger children - need to be settled, parents may need to go into the school office etc.) and parking for school events also needs to be considered. It is not considered adequate - or appropriate - to have shared parking facilities with the allotments and burial ground and the Parish Council feels that, to serve the demands of a two-form entry school, parking provision needs to be significantly enhanced.

The location of the school is also of concern. It is understood that the original intention was for the school to be situated entirely on land within Mid-Sussex. At the pre-application exhibition stage plans showed it encroaching a little on to land within Lewes District/Wivelsfield Parish, but in the plans now submitted the school appears to further straddle the boundary.

When Haywards Heath Town Council approached Wivelsfield Parish Council during the development of the Wivelsfield Neighbourhood Plan, it was to request that the area of land adjacent to Asylum wood (falling within Wivelsfield Parish) be earmarked as a green space, for inclusion as a part of a country park. No mention was made of having a school and burial ground on it.

The Parish Council is concerned that, by accepting having a school located on what was intended to be a green space purely for recreational use, this could pave the way for future development applications on this land which would be entirely against its wishes.

As discussed with the developer during a pre-exhibition discussion last year, the Parish Council has grave reservations about the proposal to shut off the centre section of Hurstwood Lane. At present, if an accident occurs on the adjacent bypass, residents living at the top of Hurstwood Lane (in the area around Greenhill Way) have the ability to access their homes by driving up Hurstwood Lane and vice-versa. Plans to massively increase the amount of housing in the vicinity, whilst simultaneously limiting access, seems a recipe for disaster.

At our meeting with the planners, it was suggested - in response to this concern - that a route through the middle of the new housing might be able to be retained as emergency access in the event of a problem on either approach road (owing to the number of documents associated with the application online, we have been unable to verify whether

this was carried forward to the plans). However, residents need to know that there are alternative routes available, simply for when traffic is heavy or a delivery van is causing chaos, not just when there is a recognised 'emergency' or road closure.

Overall, the Parish Council feels that the developer has failed to address a number of serious and legitimate concerns regarding the school, burial ground, allotments and access which should be dealt with prior to approval being considered.