



## **Agenda Update Sheet**

### **District Planning Committee**

**Date 31<sup>st</sup> October 2019**

## **Agenda Item 5:**

### **Recommended for Approval**

**APPLICATION NO: DM/19/1067**

### **Pg 24 Summary of Representations**

Since the report was published an additional 3 letters of presentation have been received from the residents at the following properties, raising the points summarised below;

#### **Barredale Court**

- Linden have not met the specification for planting agreed 12 new trees along the boundary
- As proposed the screening effect of the tree planting is insufficient to provide adequate screening within a reasonable timeframe.
- There is insufficient evidence within the application to prove that a no-dig solution with regard to Austrian pine tree is practicable.
- The submitted information shows a level difference between the plot 90 and the turning head and should it not be practicable in engineering terms, there will be excavation to ensure the level for the turning head is achieved and this is not acceptable in the Austrian pine tree's Root Protection Area.
- Parking within the RPA of the tree will cause compaction and bollards should be provided to prevent vehicles from doing this.
- Inaccuracies with site section J-J
- A TPO on the pine is essential for future health and amenity value of the tree.
- Wording of any planning condition should ensure that there is no impact on the Austrian pine tree and should include; 'the development will result in no direct or indirect harm to the Austrian pine tree during and after the ground preparation works, construction and proposed use of the land within the Austrian pine tree's RPA'.

#### **The Coach House**

- The 1.8m close boarded fence is welcomed although the exact positioning needs to be conditioned to ensure it does not conflict with trees within the bank.
- Remain concerned over the accuracy of the supplied information on the submitted plans.
- A requested section drawing has not been provided meaning it is difficult to assess the impact of flat block B with The Coach House.
- T84 shown on the plans is not present and gives the impression that significant screening exists.
- Do not understand how a recommendation/decision can be made without all the necessary information to properly assess the impact of the proposed development.
- The Coach House will have significantly reduced visual privacy.
- The Coach House will suffer from noise and disturbance from the car park to rear of flat block B that will be significant and change of character to the garden.
- Flat block B should be moved elsewhere on the site.
- Plot 67 will result in the loss of light.
- The applicant should be required to plant sufficient large mature screening trees and evergreen hedging, to ensure that the impact of block B on privacy is minimised.

#### **The Lodge**

- Progress has been made with regard to the fence along the boundary but the exact location needs to be agreed and this should be conditioned.
- The through footpath seriously compromises the security of The Lodge and Sussex Police should have been consulted specifically on this point, rather than having to discern it for themselves from the plans submitted.
- In contravention of the agreed parameters plan, a significant portion of plot 31 and the turning head adjacent to plot 51 are located within the area designated as open space in said plan. It could be considered disingenuous to place the building on plot 31 within the area marked for “development” on the parameters plan but with the garden and path of the same plot to be contained in the area previously marked as “open space”, and thereafter claim compliance with said parameters plan.
- Plot 31 will directly overlook the property and its garden causing significant harm. It should be re-designed.
- Concerned about the lack of information regarding the earthworks and the potential impact on trees.
- Concerned about the lack of community involvement in the whole process and the amount of additional information that has been submitted and required consideration in a short period of time.

#### Officer Comment

Turning to the matter of the impact of the proposed car park on the amenities of the occupiers of The Coach House, it is accepted that any development, let alone one for 200 dwellings, will result in additional noise and disturbance. The proposed car park will be set down by a significant degree in relation to The Coach House, and its garden, with an intervening fence and vegetation and while the some noise and disturbance will occur through the use of the car park, there is no evidence to suggest that such a relationship will cause an unacceptable level of harm. It is not considered that the use of the proposed car park is likely to give rise to significant harm to the amenities of The Coach House through noise and disturbance and thus the application complies with policies DP26 of the Mid Sussex District Plan.

In relation to the points raised with regard to the proposed scheme’s compliance with the approved parameter plan in compliance with condition 5, it is already recognised within your officer’s report (page 37) that the scheme as originally submitted did not comply with the approved parameter plan. However, the scheme as amended demonstrates that all physical buildings are within the developable area defined by the approved parameter plan and while there are some instances of garden areas (partial), footpaths or turning circles overlapping into areas defined (on the approved parameter plan) as ‘open space’, it is not considered that such elements amount, either individually or cumulatively, to a lack of compliance with condition 5.

The Inspectors assessment of the landscape, heritage and ecological impacts at the outline stage was based upon the parameter plan, hence the reasoning for condition 5. It is considered that scheme before members remains very much within what was considered by the Inspector at that time (paragraph 23 of Inspectors report states, in his description of the proposals, that the “general disposition of housing and open space is defined in the parameters plans) and does not necessitate consideration of anything other than what was envisaged by the Inspector on an application for reserved matters approval. It was envisaged by the Inspector that the reserved matters stage would provide the opportunity to ensure that satisfactory relationship between new and existing dwellings and managing visual impact and it is considered by officers that the proposed development provides for such satisfactory relationships.

### **Pg 30 Site and Its Surroundings**

First paragraph, fifth line, should refer to the 'Mid Sussex District Plan', not 'Local Plan'.

### **Pg 31 Application Details**

Second paragraph should read as '200 dwellings', not '303 dwellings'.

Seventh paragraph, second line, should read as 'flat roof design', not 'flat rood design'

Seventh paragraph, fifth line, should read as 'variation', not 'vibration'.

### **PG 39 Impact on Residential Amenity**

Last Paragraph heading should read as 'Old Mill Cottage'.

### **Pg 37 Layout, Appearance and Scale**

Additional policy context;

On the 1<sup>st</sup> October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1<sup>st</sup> October 2019 stating that "the National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed."

The assessment and conclusions reached on matters associated with the layout, appearance and scale of the proposals in design terms, as set out in the report, remain unchanged and the officers are content that the application complies with the National Design Guidance.

### **Pg 44 Impact on Residential Amenities – Barredale Court**

Second paragraph, fourth line, should read as follows;

'The submitted ground level details show that there are very little ground works in this vicinity and the proposed planting will take place 2.7 from the boundary, thus there is no evidence to suggest damage will occur.'

### **Pg 56 Landscaping / Impact on Trees**

Second paragraph, fifth line, should refer to plot 90, not plot 31.

### **Pg 56**

Third paragraph, eighth line, should read as 'a TPO has not been pursued'.

Fourth paragraph, first line, should refer to 'plot 90', not 'plot 91'.

### **Pg 62 Suggested Conditions**

Condition 8, remove the 'at' from the condition.

Condition 9, plot 51 should be added.

### **Additional Background Information**

The Section 106 Legal Agreement was signed and completed as part of the Appeal process and secured the following;

- Provision of 30% affordable housing
- Provision of a SANG
- Primary education contribution of £557,370
- Secondary education contribution of £599,869
- Sixth form education contribution of £140,529
- Library contribution of £55,541
- Highways contribution of £450,000
- Highway works scheme (a pedestrian crossing or traffic management features)
- Payment of £7,000 for Traffic Regulation Order, if speed limit reduction pursued
- Formal sport contribution of £221,000
- Healthcare contribution of £102,419
- Community building contribution of £96,000
- Local community infrastructure contribution of £112,640
- Ashdown Forest SAMM contribution (figure based upon formula based upon final housing mix).

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