
21 November 2018

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held in the **Council Chamber** at these offices on **THURSDAY, 29TH NOVEMBER, 2018 at 2.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

| | Pages |
|---|------------------|
| 1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc. | |
| 2. To receive apologies for absence. | |
| 3. To receive Declarations of Interest from Members in respect of any matter on the Agenda. | |
| 4. To confirm Minutes of the previous meeting of the District Planning Committee. | 3 - 8 |
| 5. To consider any items that the Chairman agrees to take as urgent business. | |
| Recommended for Approval. | |
| 6. DM/18/2342 - Land to the rear of Friars Oak, London Road, Hassocks, West Sussex | 9 - 100 |
| 7. DM/18/2616 - Hassocks Golf Club, London Road, Hassocks, West Sussex | 101 - 190 |
| 8. DM/18/3636 - Land at Worsted Farm, Worsted Lane, East Grinstead, West Sussex | 191 - 206 |

9. DM/18/4039 - Land at Barn Cottage, Lewes Road, Scaynes Hill,
Haywards Heath

207 - 226

Recommended for Refusal.

None.

Other Matters

None.

10. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

Human Rights Act

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

Risk Assessment

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

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

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

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

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

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

Members are also reminded the representations, plans and application file will also be available for inspection at these offices from 6.00 p.m. on the day of the meeting.

To: **Members of District Planning Committee:** Councillors R Salisbury, J Wilkinson, C Hersey, C Holden, E Matthews, N Mockford, P Moore, D Sweatman, A Watts Williams and P Wyan

Minutes of a meeting of the District Planning Committee held on 4 October 2018 from 2:00 p.m. to 2:55 p.m.

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

Pru Moore*
Christopher Hersey
Colin Holden

Norman Mockford
Edward Matthews
Dick Sweatman

Anthony Watts Williams
Peter Wyan

* Absent

Also Present: Councillors Andrew McNaughton, Margaret Hersey, Pru Moore and Norman Webster.

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

The Committee noted that Councillor Margaret Hersey substituted for Councillor Moore.

2. APOLOGIES FOR ABSENCE

The Committee noted that apologies had been received from Councillor Pru Moore as she attended the meeting as the Ward Member for Burgess Hill - Leylands.

3. DECLARATIONS OF INTEREST

None.

4. MINUTES

The Minutes of the Committee held on 6 September 2018 were agreed as a correct record and signed by the Chairman.

5. APPLICATIONS AND OTHER MATTERS CONSIDERED

DM/18/0509 - Land to the West of, Freeks Lane, Burgess Hill, West Sussex, RH15 8DG

Steve King, Planning Applications Team Leader introduced the report which detailed the application which sought outline planning permission for a residential development comprising up to 460 dwellings, public open space, recreation areas, play areas, associated infrastructure including roads, surface water attenuation and associated demolition (outline application with all matters reserved except for principal means of access from Maple Drive).

He drew Members attention to the information in the Agenda Update Sheet and the recommendation on p11 as the terms of the legal agreement had not been finalised. He advised that Burgess Hill Town Council had reconsidered in light of the commitment in the IDP and Planning Strategy to the early completion of the link road between the site and Isaacs Lane, provided their comments and now supported the application. Condition 18 had been removed as it was a duplicate of condition 12 and there were extra conditions covering ecology matters and additional highway works.

The Committee were informed that the outline planning application was to determine the access for the proposed development and that if this outline application was approved a reserved matters application would be received at a later date for the remaining matters. The Officer advised that the site was situated within an area that had been allocated for development in the District Plan. Key elements of the Northern Arc Masterplan were highlighted and plans providing indicative densities were displayed. The Officer noted that the application conformed with the principles set out in the Masterplan. The size of the site was 20 ha. He advised the Committee that there was a consented site to the south west of the application site and open fields to the west. The applicant had submitted a parameter plan showing broad areas of development within the site with public open spaces and play areas. The higher density areas would be at the southern end, medium density in the centre and low density at the northern end. The layout was only illustrative to highlight the means of access from Maple Drive and to show how the site could accommodate the proposed number of dwellings.

The Planning Applications Team Leader drew Members attention to the issues listed on p19 of the report but as the site had been allocated in the District Plan the principle of development had been established. He noted that the landscape impacts were detailed on p26 and that West Sussex County Council concluded that the development could be achieved with no severe highway impact. He advised that the design of the site would be a perimeter block layout with houses facing outwards towards the boundary treatments as detailed on p27. The housing mix was indicative and would be determined at reserved matters; the site would include 30% affordable housing which was acceptable and policy compliant. There were no significant amenity impacts to the properties in The Hawthorns. The site represented the first application for the development of the Northern Arc and the IDP and Phasing Strategy indicated that the application for the bridge and link road would be submitted and constructed early as it would provide a second access for the site. He highlighted condition 22 which stated that no more than 130 dwellings could be occupied until Section Five of the Northern Arc Avenue between Isaacs Lane, the site and the bridge associated with River Adur had been constructed. The Officer outlined how the site was intended to be drained and confirmed that the Council's Drainage Engineer was satisfied that the site could be satisfactorily drained. The detailed design of the drainage scheme for the site would be controlled by a planning condition and would be included in the reserved matters application.

Jim Strike from AECOM spoke in support of the application. He informed Committee that no changes had been made by Homes England to the original application first submitted by Rydon Homes. This would be the first development in the Northern Arc Masterplan. The proposal was for 30% affordable housing in accordance with the District Plan. The development would provide 7 ha of public open space including a replacement play area as the existing play area would be the location of the access to the site. He confirmed that no more than 130 dwellings would be occupied before the link road and bridge had been constructed. The internal road design to be

included in the reserved matters application would be designed to encourage low speed and would promote walking. The development would comply with Policies DP7 and DP9 of the District Plan.

Cllr Pru Moore spoke in support of the application and informed Committee that, the original applicant, Rydon Homes had consulted with the residents of her ward as they had not been receptive to the first scheme. The scheme had been redesigned to take into account the comments of local residents. She noted that the Officers work had protected the interests of the residents and that the link road and bridge would be completed in accordance with condition 22. Most comments she had received were concerned with traffic and had been addressed. A request was made for a condition to restrict the movement of construction traffic during school opening / closing hours and that the developers consult the young people about the design of the replacement play area. Cllr Moore commented that she had sent out 200 letters to local residents and had received only two replies from residents raising concerns.

The Chairman noted that this was the start of a significant development of many new sites and this application would feed into the Northern Arc Masterplan. He informed Members that they would not be discussing Section Five of the road (the bridge and link to Isaacs Lane) and the detailed application for Section Five would be received in the Spring 2019.

In response to a Member concern with the control of vehicles within the site, the Chairman advised that this would be a reserved matter and the Committee should only be concerned with access to the site.

A Member noted that a tenant farmer, with a lifetime tenancy, had been given three months' notice to vacate. The Planning Applications Team Leader advised that this was not a planning matter but he was aware that there had been further negotiations between the applicant and the tenant farmer to reach an agreement.

Simon Hall, West Sussex County Council replied to a Member's question regarding their response that there was no apparent severe highway and transport impact; this response related to a detailed assessment and any impact could be mitigated by conditions / improvements to the highway network.

A Member noted that no letters of objection had been received for this application.

In response to a question the Chairman informed Committee that condition 3 (h & i) covered storage on site, loading and unloading. The Planning Applications Team Leader added that if a vehicle was roadworthy and taxed they could not prevent the vehicle from parking on the highway, Maple Drive. However the site would be designed with sufficient designated parking area and the site manager should manage its use.

A Member noted that the report mentioned a current application DM/16/3947 for the 130 dwellings on the same site. He also asked whether the site would be designed to prevent all vehicles accessing Maple Drive.

The Planning Applications Team Leader replied that the application for 130 dwellings was expected to be withdrawn once this application for 460 dwellings had been determined.

Simon Hall confirmed that the application was designed to accommodate vehicles from all 460 dwellings.

A Member noted that there was an age restriction for the block of flats and this was in his opinion not acceptable; and also asked whether there would be safety measures around the ponds.

The Chairman informed Committee that the use of an age restriction, such as 55+, was common practice in the planning environment and any safety measures for the ponds would be a reserved matter. He confirmed that other off site areas would be improved as part of the scheme.

The Vice-Chairman commented that restrictions on construction traffic in the vicinity of the school would be a reserved matter and that the request for residents to be involved in the replacement play area had been noted by AECOM.

The Chairman noted that no Members wished to speak so moved to the recommendations contained in the report and the Agenda Update Sheet these were approved unanimously.

RESOLVED

That permission is granted subject to the conditions listed in the appendix and agenda update sheet and the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure provision. Authority to be delegated to officers to negotiate and complete a satisfactory planning obligation. The final heads of terms to be agreed by the Divisional Leader Planning and Economy and Head of Regulatory Services and Solicitor in consultation with Chairman and Vice Chairman of the District Planning Committee

6. ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS

None.

7. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10

None.

Meeting closed at 14:55

Chairman.

Minutes of a meeting of the District Planning Committee held on 18 October 2018 from 2:00 p.m. to 2:18 p.m.

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

Pru Moore
Christopher Hersey
Colin Holden*

Norman Mockford
Edward Matthews*
Dick Sweatman

Anthony Watts Williams
Peter Ryan

* Absent

Also Present: Councillors Andrew McNaughton, Margaret Hersey and Norman Webster.

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

Councillor Margaret Hersey substituted for Councillor Holden.

2. APOLOGIES FOR ABSENCE

Apologies had been received from Councillors Matthews and Holden.

3. DECLARATIONS OF INTEREST

None.

4. ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS

None.

5. APPLICATIONS AND OTHER MATTERS CONSIDERED

DM/18/258 - 21 - 23 PERRYMOUNT ROAD HAYWARDS HEATH WEST SUSSEX

Joanne Fisher, Senior Planning Officer introduced the report which detailed the application seeking outline planning permission to replace the existing 2,995sqm office building and replace with 7,575sqm office building with parking for approximately 91 vehicles and landscaped realm. She drew Members attention to the Agenda Update Sheet and provided a verbal update on pg 25 condition 15 which now read "Prior to the commencement of construction of any part of the building subject of this permission, including construction of foundations, details of the electric charging vehicle points including the location of these spaces have been provided and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for their designated use". The proposal would provide economic benefits to the area and retain employment land within Perrymount Road within a sustainable location. She identified the two main issues of the design of the replacement building, and the impact on the amenities of the neighbouring commercial occupier. Officers consider that the design and scale is appropriate to the character of the area. With regards to neighbouring amenities, the relationship with the neighbouring flats opposite is acceptable. The adjoining commercial property has

raised concerns to the proposal in respect of the new office building and its impact on daylight, sunlight and enjoyment of the existing office conditions. Policy DP26 of the District Plan relates to residential amenities and does not consider the impact to commercial properties. In addition the BRE guidance in relation to daylight and sunlight has no requirement to protect occupants of commercial buildings. The neighbour has raised further concerns in respect of right to light, however this is not a planning matter.

In response to a question the Senior Planning Officer identified the shared access with the adjoining building and informed the Committee that construction traffic would be controlled by a construction management plan.

Several Members commented that the development would provide increased office space for Haywards Heath boosting economic growth in the area.

The Chairman noted the building is to be of a contemporary design with a high use of glass. The design has the support of the Council's Urban Designer and condition 5 requires an elevational vignette of the front façade to ensure the quality of the detailing of the building.

The Chairman informed Committee that the development has included provision for cycle racks and was close to sustainable transport facilities.

The Chairman noted that no Members wished to speak so moved to Recommendations A and B and the Agenda Update Sheet, these were approved unanimously.

RESOLVED

That planning permission be granted subject to the following recommendations and amendments in the Agenda Update Sheet.

Recommendation A

That planning permission is approved subject to the completion of a S106 Legal Agreement to secure infrastructure contributions and the conditions set in Appendix A.

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments by the 18th January 2019, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

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

6. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10

None.

The meeting closed at 2:18.

Chairman.

MID SUSSEX DISTRICT COUNCIL

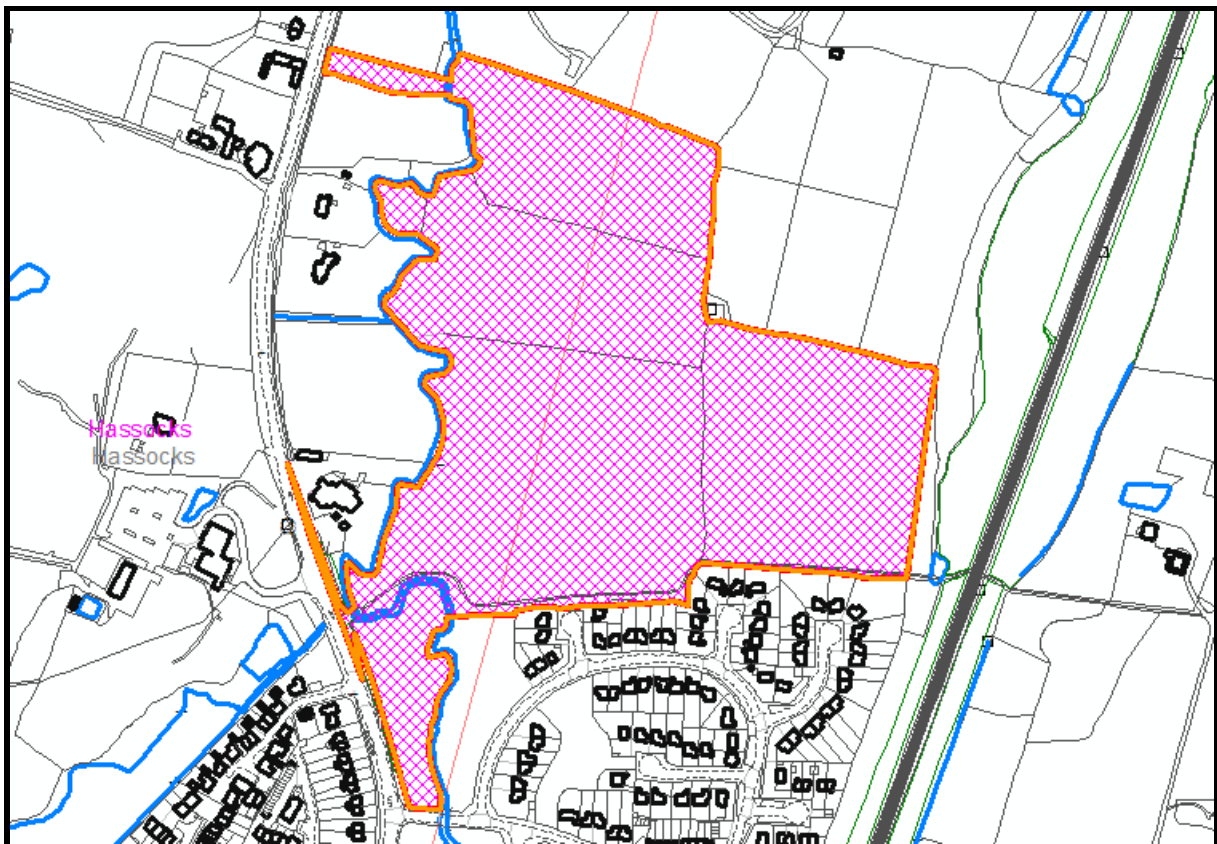
District Wide Committee

29 NOV 2018

RECOMMENDED FOR PERMISSION

Hassocks

DM/18/2342



© Crown Copyright and database rights 2012 Ordnance Survey 100021794

LAND TO THE REAR OF FRIARS OAK LONDON ROAD HASSOCKS WEST SUSSEX

HYBRID APPLICATION COMPRISING OF OUTLINE PROPOSAL FOR RESIDENTIAL DEVELOPMENT OF 130 DWELLINGS CONSISTING OF 12NO. 1 BEDROOM APARTMENTS, 27NO. 2 BEDROOM HOUSES, 47NO. 3 BEDROOM HOUSES AND 44NO. 4 BEDROOM HOUSES AND ASSOCIATED ACCESS, TOGETHER WITH CHANGE OF USE OF PART OF THE LAND FOR COUNTRY OPEN SPACE, FOLLOWING THE PROVISION OF A NEW FOOTBRIDGE ACROSS THE RAILWAY. ALL MATTERS RESERVED APART FROM ACCESS.

RYDON HOMES LTD

POLICY: Ancient Woodland / Areas of Special Control for Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Flood Map - Zones 2 and 3 / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey / Tree Preservation Order Points / Archaeological Notification Area (WSSCC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 13th September 2018

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

CASE OFFICER: Steven King

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks planning permission for the following: Hybrid application comprising of outline proposal for residential development of 130 dwellings consisting of 12no. 1 bedroom apartments, 27no. 2 bedroom houses, 47no. 3 bedroom houses and 44no. 4 bedroom houses and associated access, together with change of use of part of the land for country open space, following the provision of a new footbridge across the railway. All matters reserved apart from access.

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 District Plan (DP). The Regulation 16 Submission of the Hassocks Neighbourhood Plan is not a made plan and therefore does not form part of the development plan.

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

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

It is considered that there are other material considerations, specific to this site that are relevant to this application. These include:

- The views of the Secretary of State (SoS) on a previous application on this site for the same development (with the exception of the pedestrian bridge across the railway bridge that is part of this application).
- The location of consented development at the Hassocks Golf Club to the west of the application site.
- The proposal would deliver 130 dwellings, 30% of which would be affordable units. The mix of dwellings within the scheme is felt to be reasonable. A clear aim of National Government Policy is to significantly boost the delivery of housing. It is considered that there is no reason why a well designed and laid out scheme cannot come forward in a subsequent reserved matters application should outline consent be granted for this development. It is therefore considered that there would be compliance with policies DP26, DP30 and DP31 of the District Plan.
- It is relevant that since the SoS dismissed the previous application on 1 March 2018, the Local Planning Authority has allocated the site at Clayton Mills to the east of this application for approximately 500 dwellings and a primary school. The Council received the Inspectors Report on the District Plan on 12 March 2018 and the District Plan was adopted on 28 March 2018. As such this is a clear change in circumstances because there will now be a major northward extension to Hassocks that would mean that the site at Friars Oak will now be located in-between major housing developments at the Golf Course and Clayton Mills

It is considered that the proposal would provide a satisfactory vehicular access and would not result in a severe impact on the highway network, which is the policy test in both the development plan and the NPPF. The Highway Authority does not object to the scheme.

The proposal now provides for the provision of a pedestrian bridge over the railway line to seek to overcome the sole reason why the SoS refused planning permission for the previous proposal for 130 dwellings on this site. The bridge would be delivered under permitted development rights by Network Rail. A planning condition would be imposed on this permission to prevent development from taking place until the bridge had been provided. The proposed bridge would deliver a clear safety benefit by removing an unmanned railway crossing. The main drawback from the proposed bridge would be that it would not be fully accessible to those with mobility issues, those with pushchairs/prams and to a lesser extent, cyclists. However the current unmanned crossing is also not accessible to these groups as there are steps up to the railway line which is on an embankment at this point. Policy DP22 in the District Plan seeks to prevent development that adversely affects a public right of way. It is considered that accessibility for those using the public right of way would be no worse with the proposed bridge compared to the current situation (there are steps to access the crossing now and in the future there would be steps to access the bridge and then steps on the bridge itself). For those accessing the crossing the bridge would provide a safe means of crossing the railway line. It is therefore felt policy DP22 of the District Plan would be met.

It is considered that the scheme can be satisfactorily drained. The detailed means of drainage for the site can be controlled by condition. There are no objections from the Environment Agency or the Council's Drainage Engineer.

There are no ecological objections to the scheme from the Council's Ecological Consultant. The Council's Tree Officer also has no objection to the scheme.

The proposal will have a limited impact on the air quality management area at Stonepound Crossroads. The Council's Environmental Health Officer is of the view that the development is not likely to cause unacceptable levels of pollution, and is consistent with the local air quality action plan and he raises no objection to the scheme.

A section 106 legal agreement will be completed to secure the necessary infrastructure contributions to mitigate the impact of the development. These contributions will go towards the costs of providing County Council services (Education and libraries), District Council services (leisure and community buildings), Health Services and towards Policing Services. As these impacts would be mitigated by the section 106 agreement, these matters are neutral in the planning balance.

Weighing against the scheme is that the fact that dwellings are being proposed outside the built up area and would normally be restricted under the relevant District Plan and emerging Neighbourhood Plan policies. There would also be a limited adverse impact on the landscape as a result of the proposed development on a greenfield site but this is an inevitable outcome of building on an undeveloped site.

Also weighing against the scheme is a conflict with the emerging Hassocks Neighbourhood Plan, which proposes to allocate this site as a local green space. However the weight that can be attached to this issue is considered to be limited since the Hassocks Neighbourhood Plan can be afforded limited weight at present due to its stage in preparation.

Overall it is considered that the proposal is not in compliance with all of the policies in the development plan. In particular there is a conflict with policies DP6 (Settlement Hierarchy), DP12 (Protection and Enhancement of the Countryside) and DP15 (New Homes in the Countryside) of the District Plan because the proposal involves a major residential development in the countryside. The conflict with these policies in the development plan weighs against the proposal.

However it is considered that the proposal would comply with other policies within the development plan (DP13 Preventing Coalescence, 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, DP26 Character and Design, DP27 Dwellings space standards, DP29 Noise Air and Light Pollution, DP30 Housing Mix, DP31 Affordable Housing, DP37 Trees Woodlands and Hedgerows, DP38 Biodiversity, DP39 Sustainable Design and Construction and DP41 Flood Risk and Drainage).

In summary, the applicants have sought to address the single reason why the

Secretary of State refused planning permission for this development in March 2018, by including the provision of a pedestrian footbridge over the railway line. It is important to note that the planning policy position has moved on since the Secretary of States decision, with the adoption of the District Plan which replaced the Mid Sussex District Plan. At the present time the District Council can demonstrate a 5 year housing land supply and therefore the policies in the District Plan command full weight. However the views of the Secretary of State remain a very important material consideration in the determination of this application.

There would be conflict with some policies in the District Plan and conformity with others. There would be a conflict with policies 1 and 3 in the Regulation 16 Submission Hassocks Neighbourhood Plan. However the weight that can be attached to the Neighbourhood Plan is limited due to its stage in preparation. The scheme would provide additional housing, including a policy compliant level of affordable housing in a sustainable category 2 settlement which would accord with the aim of the NPPF to significantly boost housing delivery.

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

Recommendation

Recommendation A

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

Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure payments and affordable housing by 21st February 2019 then the application should be refused at the discretion of Divisional Lead for Planning and Economy for the following reason:

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

SUMMARY OF REPRESENTATIONS

Friars Oak Fields Residents Association (FOFRA) document with 153 replies setting out why people think the site is valued and special as a green space

148 letters of objection:

- Hassocks has already had to absorb a huge number of houses, 500 at Clayton Mills, Hassocks Golf Course, Ham Fields
- site is contrary to Neighbourhood Plan as the site is allocated as a local green space
- will result in a loss of habitat and an adverse impact on wildlife
- will result in drainage problems and potential flooding
- field already floods on a regular basis
- infrastructure is already overstretched
- schools and doctors surgeries are full
- proposed footbridge over railway will not be accessible to all and is contrary to the Equalities Act
- will bridge be enclosed to prevent objects being thrown on the line
- developers are trying to bully the Council and wear residents down
- will cause further traffic congestion
- will have an adverse impact on air quality management area at Stonepound Crossroads
- village is being turned into a town and planners are ruining the countryside
- proposal is contrary to policies DP6, DP12, DP13 and DP15 in the District Plan
- site is a valuable amenity for residents, walkers, dog walkers
- will pollute Herring Stream one of the ultra-rare 200 or so Chalk Streams that exist in the world for no good reason
- the Council can demonstrate a 5 year housing land supply so there is no presumption in favour of the development
- there is no need for additional dwellings in Hassocks as the village has met its housing targets
- will cause coalescence between Hassocks and Burgess Hill
- will have an adverse impact on peoples mental health by removing a quiet area that people can use to get in touch with nature
- a tunnel should be built instead of a bridge
- proposal would ignore the Neighbourhood Plan
- traffic is already grid locked in Hassocks at rush hour
- will set a precedent for more developments elsewhere
- with the development in place there will be more use of the public footpath so there should be a fully accessible crossing over the railway line
- railway crossing is the shortest route to many destinations in Hassocks
- the proposed footbridge would have a detrimental, intrusive and overbearing visual impact and urbanising effect within the locality. This is due to the overall scale and height of the structure that would be required to accommodate the railway embankment and the additional height--clearance required for the bridge span to accommodate the railway rolling stock
- design of the railway crossing cannot be left vague and must be dealt with in detail in this planning application. Unless it is certain that the solution can be implemented from a technical and planning perspective, to a design that satisfies inclusion and accessibility requirements, it is not acceptable to grant planning permission.

- we frequently see bats flying over the field at night and a variety of frogs, toads, reptiles, slow worms, and newts in the field

SUMMARY OF CONSULTEES (full comments in appendices)

County Planning Officer

Requires infrastructure contributions towards education and library provision

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

TBR

Highway Authority

Based on the revised Transport Statement, the LHA does not consider that the proposed would have 'severe' residual impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

Public Rights of Way Officer

It will be necessary for FP5K to be diverted before development can begin. A new footbridge is proposed over the railway line. This is welcomed to reduce the opportunity of footpath users crossing the railway at-grade and their risk of conflict with trains. Having a new footbridge (as referred to above) will to some extent mitigate the situation but, given that the railway runs on an embankment, this will be a limitation to some. Also, cyclists will not be accommodated. The applicant must be encouraged to investigate alternative solutions to overcome this deficiency.

Network Rail

Having considered the details of the proposal I can confirm that Network Rail have no objections. We are working with the applicant to deliver an alternative means of crossing the railway. We hope to be in a position to start the feasibility study before Christmas.

Archaeological Officer

Recommend Predetermination Archaeological Assessment. A Written Scheme of Investigation for the programme of archaeological works should be produced, submitted and approved in advance of any work commencing.

Environment Agency

No objection subject to condition

Southern Water

The wastewater discharged from the proposed development will be drained to Southern Water's Goddards Green Wastewater Treatment Works. The works

currently does not have the capacity to accommodate flows from the proposed development. Improvements are planned to provide for capacity to serve future developments. These are planned to be completed at the end of the current AMP period. We would wish occupation of development to be deferred until adequate treatment capacity is available to serve the development and request a condition to this effect.

MSDC Drainage Officer

I am satisfied that the site can be satisfactorily drained without increasing flood risk subject to details to be provided at the Reserved Matters stage should this application be approved.

Ecological Consultant

There are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the reserved matters application being supported by a full Ecological Impact Assessment Report, prepared in accordance with current Chartered Institute of Ecology and Environmental Management guidelines and BS42020: 2013 Biodiversity Code of Practice for Planning and Development in order to allow a thorough assessment of the detailed proposals (including measures to prevent impacts on the adjacent stream) and other conditions.

Sussex Police

The development in the main has outward facing dwellings with back to back gardens. Unobserved parking courts should be avoided.

Sussex Police (Infrastructure)

Requires a contribution of £20,490.85 to mitigate the impact of the development.

National Health Service

Requires a contribution of £82,590 to mitigate the impact of the development.

Urban Designer

This is an outline scheme in which appearance, design, landscaping and scale are reserved matters. My observations are therefore initial comments. The scheme benefits from a perimeter block layout with frontages that face the street and some of the boundary threshold. I do have some concerns about the location of the open space, configuration of some plots and some of the parking layout.

Housing Enabling & Development Officer

The applicant is proposing a residential development of 130 dwellings which gives rise to an onsite affordable housing requirement of 30% (39 units). The applicant's indicative affordable housing mix proposes 10 x 1 bed dwellings, 17 x 2 bed dwellings and 12 x 3 bed dwellings. The applicant has been advised that this mix

contains too high a number of 3 bed affordable dwellings and this will need to be addressed by reserved matters stage. An increased number of smaller affordable dwellings will better meet housing need.

Community Leisure Officer

Requires contributions to mitigate the impact of the development

Environmental Protection Officer

No objection subject to conditions regarding noise, air quality and construction.

Contaminated Land Officer

No objection subject to condition

Tree Officer

Satisfied with the AIA report but an AMS report also needs to be submitted.

HASSOCKS PARISH COUNCIL COMMENTS

RECOMMEND REFUSAL.

The following set out why Hassocks Parish Council recommends that this application should be refused:

1. There is no requirement for additional housing in Hassocks, and there is no presumption in favour of development
Mid Sussex District Council adopted the Mid Sussex District Plan 2014-2031 at its meeting on 28th March 2018, this therefore impacts on the previous statements made in the Inspector's Report following a Public Local Inquiry on a virtually identical application at the same location in June 2017.

District Plan Policy DP6 - Settlement Hierarchy.

"Based on the overall housing requirement, the minimum housing requirement for each settlement for the first 8 years of the Plan (until 2021/22) can be calculated; this is the 5-year supply period at the time of adoption. On this basis, the majority of settlements have sufficient commitments to meet their need until at least 2021/22. Therefore, the District Plan requirement at 876dpa to 2023/24 does not suggest that Neighbourhood Plans will necessarily need to be reviewed within the next 5 years (as at April 2017) to meet housing supply, although Town and Parish Councils may choose to do so in order to boost supply, or to meet need for the full plan period to 2031.

Some settlements (Burgess Hill, Hassocks, Hurstpierpoint, Ashurst Wood, Handcross, Pease Pottage, Scaynes Hill, Ansty, Staplefield, Slaugham and Warninglid) have already identified sufficient commitments/completions to meet their

minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans."

Extracts from the Inspector's Report dated 1 March 2018. Paragraph 12 states that "For the reasons given ... the Secretary of State agrees with the Inspector that limited weight should be given to the emerging Hassocks Neighbourhood Plan (HNP) *until the new housing figures for the MSDP have been settled.*"

Given that those numbers have now been finalised, it would imply that greater weight should now be given to the emerging Hassocks Neighbourhood Plan. The proposed development would be located within the Burgess Hill gap, as defined in Policy 1 of the Regulation 16 Hassocks Neighbourhood Plan, and is thus contrary to Policy 1- Burgess Hill Gap, of the Regulation 16 Draft Hassocks Neighbourhood Plan.

Furthermore given that Mid Sussex District Council has identified a five year housing supply and that Hassocks has met its commitments in the supply of land and housing for the full plan period, this application is in direct conflict with the following District Plan policies which Mid Sussex District Council has a responsibility to apply to protect the countryside in Hassocks:

DP12 Protection and Enhancement of the countryside (Supersedes Policy C1 Protection of the Countryside in LP)

Inspector's Report extract:

IR par. 20. *"On the proposals map16, the application site is outside the built-up area boundary of Hassocks, and within a Countryside Area of Development Restraint (CADR). Policy C1 states that the CADR will include all of the plan area outside the defined settlement boundaries, and that within such areas, the countryside will be protected for its own sake, and development firmly resisted.*

IR par. 32. *"The southern half of the site is proposed to be allocated as a Local Green Space (LGS). Policy 3 seeks to protect the proposed LGSs from development that would conflict with their purpose."*

District Plan Policy DP12 extract:

"To create places that encourage a healthy and enjoyable lifestyle by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to walk, cycle or ride to common destinations. The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan."*

Hassocks has lost significant green space to development (notably at Ham Fields) and to lose Friars Oak fields in addition would severely restrict residents in their access to local green space. Therefore, **we conclude that application DM/18/2342**

is in direct conflict with District Plan Policy DP12 and should be refused on that ground. As the District has a five year land supply this application can only be considered on its merits, without any presumption in favour of development. In our opinion, conflict with policy DP12 on its own is sufficient to warrant refusal.

DP13 Preventing Coalescence (Supersedes C2 Strategic Gap in LP)

Inspector's Report extract:

IR 21. *"The site is also within a defined Strategic Gap, between the villages of Hurstpierpoint, Hassocks and Keymer and the town of Burgess Hill. Policy C2 states that the Strategic Gaps will be safeguarded, in order to prevent coalescence and retain the separate identity of settlements."*

IR 31. *"On the proposals map, the application site is shown outside the settlement boundary, and within a proposed Burgess Hill Gap. Policy 1 states that the Burgess Hill Gap will be safeguarded to prevent coalescence and to retain the settlements' separate identities."*

District Plan Policy DP13 extracts:

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

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

This proposed application is therefore in conflict additionally with MSDC policy DP13 Preventing Coalescence, therefore Hassocks Parish Council considers it should be refused on these grounds.

DP15 New Homes in the Countryside

Inspector's Report extract:

IR par. 20. *"On the proposals map16, the application site is outside the built-up area boundary of Hassocks, and within a Countryside Area of Development Restraint (CADR). Policy C1 states that the CADR will include all of the plan area outside the defined settlement boundaries, and that within such areas, the countryside will be protected for its own sake, and development firmly resisted.*

IR par. 32. *"The southern half of the site is proposed to be allocated as a Local Green Space (LGS). Policy 3 seeks to protect the proposed LGSs from development that would conflict with their purpose."*

District Plan Policy DP12 extract:

"To create places that encourage a healthy and enjoyable lifestyle by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to

walk, cycle or ride to common destinations. The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan."*

Further extracts from the Inspector's Report Para. 9. State that "The Secretary of State considers that the ... most relevance to this case are those set out at IR18-21, and ...he agrees with the Inspector's conclusions at IR151 that the proposed scheme would conflict with Policies C1 and C2 of the MSLP.

As the proposed application meets none of the criteria to constitute a development under policy DP12, Hassocks Parish Council considers it cannot be approved as a development under this policy.

2. Proposal for the provision of a footbridge across the railway.

The provision of a footbridge bridge will be a considerable expense and it is considered likely that much of this cost will be funded from S106 contributions, thus reducing the funds available for other community projects.

The gradient and height required for this footbridge would be restrictive to many sectors of the community due to the climb. For example those with mobility difficulties or reduced fitness or health, those using pushchairs or parents/carers walking with young children would find the bridge a significant challenge if not inaccessible. Therefore it is difficult to maintain that this bridge would serve the community as a whole, nor is it a good use of S106 funds.

Hassocks does not therefore consider the proposed footbridge is either a good use of funds, nor removes a flaw in the development proposal so as to make the proposed building development acceptable. On the contrary, the proposed development is fundamentally at odds with District Plan policies, and it cannot be made acceptable by the addition of a footbridge. Our overall conclusion therefore, is that the plan should be refused owing to conflict with District Plan policies and the false carrot of a footbridge is irrelevant to this conclusion.

INTRODUCTION

This application seeks planning permission for the following:

Hybrid application comprising of outline proposal for residential development of 130 dwellings consisting of 12no. 1 bedroom apartments, 27no. 2 bedroom houses, 47no. 3 bedroom houses and 44no. 4 bedroom houses and associated access, together with change of use of part of the land for country open space, following the

provision of a new footbridge across the railway. All matters reserved apart from access.

RELEVANT PLANNING HISTORY

A planning application for the following development was reported to the District Planning Committee on 13 October 2016:

"Hybrid planning application comprising outline application for access only for residential development of 130 dwellings consisting of 12no. 1 bed apartments, 27no. 2 bed houses, 47no. 3 bed houses and 44no. 4 bed houses and associated access, together with change of use of part of land to form country open space."

Members resolved to approve the application subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure contributions. Prior to the decision being issued, the application was called in by the Secretary of State (SoS) for his own determination.

A Public Inquiry was held on 6-8 June 2017. The Planning Inspector appointed by the SoS recommended that the planning application be refused for the sole reason that in the absence of any measure to improve the safety of the unmanned railway crossing, permitting the proposed development in such close proximity to it would involve an unacceptable risk to the safety of future occupiers. The SoS accepted the recommendation of his Inspector and refused planning permission for the development on this basis on 1 March 2018.

SITE AND SURROUNDINGS

The site of the application is a broadly L shaped area of land located to the east of the London Road, Hassocks. The site is to the east of the Friars Oak Public House. The site consists of fields that are laid to grass. The total site is some 10.51 hectares.

Within the southern part of the site there is a public right of way that runs from west to east. To the south of this is the built up area of Hassocks, which includes the residential properties on Shepherds Walk, The Bourne, Bankside and The Spinney. To the east there is a wooded embankment that leads up to the London to Brighton railway line. The public right of way crosses the railway line and then goes eastwards into Hassocks. To the west of the site there is the Herring stream with the Friars Oak public house to the southwest. To the north there are trees and hedge along the field boundaries with open fields beyond this.

There is an existing access point to the southwest that crosses the stream and provides access into the site.

In terms of planning policy the site lies within the countryside as defined in the District Plan (DP).

APPLICATION DETAILS

The application seeks outline planning permission for the erection of 130 dwellings comprising 12no. 1 bed apartments, 27 no. 2 bed houses, 47no. 3 bed houses and 44no. 4 bed houses. The matter to be determined at the outline stage is the means of access to the site. If this application is approved then a subsequent reserved matters application would need to be made to determine the layout, scale, appearance and landscaping of the site. The illustrative site layout that has been submitted has been provided to demonstrate that this number of dwellings can be accommodated within the site.

The application is proposing that 30% of the dwellings would be affordable.

In addition to this, the application also proposes a change of use of an area of land within the site from agricultural land into a country open space. This area of land is located to the northwest of the site and measures some 180m by 100m.

The proposal provides for the provision of a pedestrian bridge over the railway line to seek to overcome the reason why the SoS refused planning permission for the previous proposal for 130 dwellings on this site. The bridge would be delivered under permitted development rights by Network Rail. The illustrative plans submitted with the application show a stepped footbridge that would be some 5.5m above the railway line.

The proposed vehicular access to the site would from the southwest onto the London Road. The access point would be located some 30m to the south of the existing access on the opposite side of the road that serves the Hassocks Golf Club. The plans show that there would be a new road 5.5m in width that would provide access into the site. The existing bridge across the stream would be replaced with a new bridge with a span of 15m. This bridge would have a footway 3.5m in width on the southern side to allow access by emergency vehicles if the access road became blocked.

This new access road would be on an embankment as a result of the height needed on the new bridge to cross the stream.

The plans show a new right turn lane being formed on the London Road to access the site. The pedestrian refuge island in the London Road would be relocated to the north of the new access. The plans show visibility splays of 3m by 120m in both the north and southerly direction.

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
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

Neighbourhood Plan

Hassocks Neighbourhood Plan

Hassocks Parish Council submitted the Regulation 16 Submission version Neighbourhood Plan in June 2016. The Hassocks Neighbourhood Plan is still emerging and is not a "made" plan. It does not therefore form part of the development plan. Works have now ceased on the Regulation 16 Submission and a new version of the Neighbourhood Plan is being worked on by the Parish Council. In light of the above the Regulation 16 Neighbourhood Plan can only attract limited weight in the determination of planning applications.

Policy 1: Hassocks-Burgess Hill Gap (Burgess Hill Gap)
Policy 3: Local Green Spaces
Policy 7: Air Quality Management
Policy 8: Character And Design
Policy 10: Outdoor Playing Space
Policy 18: Housing Mix

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 objectives 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 paragraph 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;
- Landscape Impact, local character designations and coalescence
- Access and Transport
- Air quality
- Impact on the railway crossing
- Drainage
- Ecology / Biodiversity
- Design and Layout
- Noise
- Housing Mix and Affordable Housing
- Neighbour amenity
- Infrastructure
- Neighbourhood Planning
- Energy efficiency
- Archaeology
- Impact on Ashdown Forest
- Planning Balance and Conclusion

Principle of Development

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan. The District Plan has been adopted and has superseded the Mid Sussex Local Plan (MSLP), other than the policies in the MSLP which relate to site specific allocations. The Regulation 16 Submission of the Hassocks Neighbourhood Plan is not a made plan and therefore does not form part of the development plan.

Policy DP6 in the District Plan relates to the settlement hierarchy in the District. It 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.*

Whilst the site is contiguous with the built up area boundary of Hassocks it is for more than 10 dwellings. As such the proposal would be contrary to policy DP6.

Objections have been raised to the principle of the development on the basis that Hassocks has already contributed significantly to housing delivery in the District and therefore there is no further requirement for Hassocks to provide additional housing beyond these commitments. There is a table within the District Plan that accompanies policy DP6 that provides clarity between the District Council housing requirements and the role of Neighbourhood Plans in meeting this. The table shows the minimum residual amount of development for each settlement over the plan period as at April 2017. The text within the District Plan explains that

"During the life of the plan it is likely that the settlement requirements will need to change in response to:

- *The allocation of additional sites by the District Council*
- *Under or over-delivery by settlements - albeit the figures are assumed to be minima*
- *The identification of future constraints*
-

Therefore this position will be updated annually within the Authority Monitoring Report (AMR)."

The text goes on to state "Some settlements (Burgess Hill, Hassocks, Hurstpierpoint, Ashurst Wood, Handcross, Pease Pottage, Scaynes Hill, Ansty, Staplefield, Slaugham and Warninglid) have already identified sufficient commitments/completions to meet their minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans. However, this does not preclude Town and Parish Councils from identifying further sites within their Neighbourhood Plans should they wish to do so, in order to boost supply. Similarly, further sites may be allocated in the future to ensure that the minimum residual for each settlement category (set out in DP4: Housing) is met, based on monitoring."

It is important to note that the figures contained within the table that accompanies policy DP6 are not a cap on development. The numbers are referred to as minimum requirements. The fact that the table indicates that Hassocks has met its minimum requirement for the full plan period is not a reason in itself to resist this application. It is also worth noting that the Inspectors report to the SoS for the previous application stated *"Whilst Hassocks has already made a considerable contribution to the District's housing needs [33, 111], the village is amongst the District's most sustainable locations [24], and there seems no compelling reason why it should not be able to take some more if necessary, consistent with its position in the settlement hierarchy."*

Policy DP12 of the District Plan seeks to protect the character of the countryside. It states:

The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council. Economically viable mineral reserves within the district will be safeguarded.

The above policy is a key part of the overall spatial strategy of the DP, which seeks to protect the countryside and to focus development on the higher category settlements which have a wider range of services, facilities and better accessibility.

A fundamental principle of this policy is that the countryside is protected for its intrinsic beauty. Development can be permitted where it maintains or enhances the quality of the rural landscape character of the District and it is supported by a policy reference elsewhere in the DP, a development plan document or a neighbourhood plan.

In light of the above, a key issue is the impact of the proposal on the character of the area which will be assessed later in this report.

Policy DP15 in the District Plan allows for new dwellings in the countryside subject to a number of criteria. This proposal does not fall into one of the categories of development that are allowed under policy DP15.

In light of the above, it is considered that the proposal would be contrary to the policies that have been identified above because the proposal is for a large scale major development of residential development outside the built up area of Hassocks and the site has not been allocated for development. As such it is necessary to

consider other material planning considerations to determine if there are grounds to come to a decision that is not in compliance with the development plan.

In this case it is considered that the planning history of the site is highly relevant to an assessment about the principle of this proposal. Members resolved to approve the same scheme on this site (with the exception of the footbridge over the railway crossing) at the District Planning Committee meeting on 13 October 2016. Prior to the decision being issued, the application was called in by the Secretary of State (SoS) for his own determination. A Public Inquiry was held on 6-8 June 2017. The Planning Inspector recommended that the planning application be refused for the sole reason that in the absence of any measure to improve the safety of the unmanned railway crossing, permitting the proposed development in such close proximity to it would involve an unacceptable risk to the safety of future occupiers. The SoS accepted the recommendation of his Inspector and refused planning permission for the development on this basis on 1 March 2018.

The planning policy background has moved on since the above Public Inquiry was held and the subsequent decision was issued by the SoS. Specifically, at the time of above decision, the development plan consisted of the Mid Sussex Local Plan (MSLP); the District Council could not demonstrate a 5 year housing land supply; and the presumption in favour of sustainable development applied. The planning policy position now is that the District plan has been adopted and the District Council can demonstrate a 5 year housing land supply as required by the NPPF. Consequently, the presumption in favour of sustainable development no longer applies.

However, it is considered that there is a clear benefit in providing additional housing in the sustainable settlement of Hassocks. It is the aim of the NPPF to significantly boost the supply of homes. The provision of this site would assist the LPA with delivering new housing. As per the Inspectors report on the District Plan, the position is that the LPA could demonstrate a 5.2 year housing land supply without the Clayton Mills site and a 5.34 year supply with the Clayton Mills site. It is important for the LPA to maintain the 5 year housing land supply so that the policies in the DP continue to command full weight. It is also relevant that the scheme would provide a policy compliant level of affordable housing. The provision of affordable housing is a corporate priority of the District Council.

It is also relevant to note that there was no overriding objection to the previous scheme from the SoS on environmental grounds.

In light of the above circumstances, it is considered that there are sufficient material considerations that would justify a decision that was not in accordance with the development plan.

Further, and notwithstanding the change in the planning policy background, the views of the Planning Inspector and the SoS on matters such as landscape impact, air quality and flood risk are still considered to be important material considerations in the determination of this planning application.

Landscape Impact, local character designations and coalescence

Landscape Impacts

The site is not subject to any national landscape designations. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) that is available on file for inspection. 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 notes the MSDC Landscape Capacity Study of 2007 concludes that the wider landscape area of Hurstpierpoint, Hassocks, Keymer, Sayers Common and Albourne being of substantial value. The LVIA also notes that the draft Neighbourhood Plan Local Landscape Capacity Study of 2014 finds the sites visual sensitivity to be low with a moderate capacity for development in the south becoming low to the north. These findings are reflected in the high sensitivity to change attributed in this assessment to the landscape to the north and the high-medium sensitivity to the site and landscape to the east of the railway.

The LVIA states "Acknowledging that the landscape is sensitive the proposed scheme has incorporated a number of inherent design measures to ensure a fit within the environment and to limit impacts on immediate and surrounding areas. Of particular note is the retention and conservation of the existing hedgerows and trees, the retention of the wooded corridors along the Herring Stream course and the railway embankment, the provision of wide landscape buffers and the landscape approach to treating the attenuation ponds."

The LVIA concludes by stating "In conclusion whilst a few significant effects have been identified, these are all contained locally and are not considered to be detrimental to the South Downs National Park, the settlement character of Hassocks or to the wider landscape character of the area."

Whilst it will change the nature of existing views for some of residents in the immediate vicinity, and will amend the built edge of the village, the natural enclosure and considerate design effectively limits these effects such that important landscape features are retained and the perception of change minimised including any possible perceived reduction in the Strategic Gap.

On balance the Site is considered to be developable without undue or significant harm on the wider landscape or townscape, or on visual amenity value beyond that which might be reasonably expected of any residential development. The principles represented by the illustrative scheme and the measures they include are considered to be comprehensive and aimed at securing a good fit with the environment. They should be taken forward at the detailed stage and opportunities for other associated enhancements and improvements, such as lighting and biodiversity, incorporated at the appropriate stage."

It is clear that with any green field development there will be a significant change at the local level from that of an undeveloped field 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). It is also the case that much of Mid Sussex is subject to national designations (AONB and the South Downs National Park) that further limit the available area for new development.

Although it is your officer's view that there would be an impact on the landscape as a result of the proposed development it is considered that this impact will be localised and that it could be ameliorated by the retention of landscape planting and new planting within the development. This site provides the opportunity for a well-designed residential development that would provide a good environment for people to live in. The significant benefits of new housing must be weighed in the planning balance when considering the adverse local impact on the landscape of this proposal.

It is considered that there will be fairly significant change at the local level as a result of the construction of the new access into the site. The new access road would result in the loss of a large number of trees and would contribute to the urbanisation of this part of Hassocks. However the extent of this harm in visual terms would be limited to the areas surrounding the proposed access and would not be experienced in the wider locality.

As the access road runs into the site it will be on an embankment and will then return to the natural ground level. At its highest point where it will adjoin the new bridge, the embankment would be some 1.75m above the existing ground level. It would then join the natural ground level some 105m to the east. The proposed embankment and road would have some adverse impact on the landscape as they would appear as a manmade engineered feature. The plans show that the slope on either sides of the embankment would be 1 in 3. It is considered that this element of the proposed scheme would have some adverse impact on the landscape and this is a negative factor in relation to the scheme. However this harm is limited to the immediate locality around the access road and does not have an impact on the wider landscape.

It is relevant to note that in terms of changes to the wider landscape, the site is bounded to the south by existing residential development and will have housing development in the future to the west where consent exists for a residential development on the Golf Course and also by a strategic residential development to the east where a site has been allocated for 500 dwellings and a primary school. On this basis the harm to the character of the landscape is limited because this proposal will not be seen as an isolated incursion into the countryside. It will predominantly be enclosed by existing development to the south and the consented development to the west and allocated development to the east. As such the settlement boundary of Hassocks will not be extended further northwards than the allocated site to the east.

In his report to the SoS, the Inspector appointed to make a recommendation on the previous scheme for 130 dwellings on this site stated "*As noted earlier, I agree that*

there would be some harm to the landscape, irrespective of the coalescence issue [156]. But the site is not unduly visible. Most of the existing landscape features could be retained, and some mitigation could be achieved through new planting. On balance, the harm to the landscape would not be so great as to warrant refusal on this ground." The SoS did not disagree with the views of his Inspector on this point. It is considered that notwithstanding the fact that this called in application was determined under a different planning policy background, the conclusions of the Inspector in relation to landscape impact should still be afforded significant weight.

As the previous proposal did not include a bridge over the railway line, this was not an issue that was before the Inspector. It is clear that the proposed bridge would be a fairly significant structure. The applicants state that it would be some 5.5m above the railway line with a maximum height of some 7m. It may be the case that some trees would need to be removed to install the bridge. However due to the wooded nature of the majority of the embankment it is unlikely that the bridge would have a significant adverse impact on local landscape character and views. It is also the case that bridges are a typical feature over railway lines so as a standalone structure it would not be appear as out of the ordinary.

Given the above it is considered that whilst there will be some harm to the landscape as a result of the site changing from a green field to a residential development, the impact of this can be limited by appropriate boundary treatments and is also tempered by the consented residential development to the west and strategic housing allocation to the east. Your officer agrees with the views of the Planning Inspector that it would not be appropriate to refuse this application based on landscape matters. Therefore whilst there is some conflict with policy DP12 of the DP, this can be mitigated by the works that have been outlined above.

Coalescence

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

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

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

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

The District Plan does not define strategic gaps on any policy maps. It is the role of Neighbourhood Plans to identify local gaps in accordance with the criteria laid out in policy DP13.

Policy 1 in the HNP states

A Gap has been defined and will be safeguarded between Burgess Hill and Keymer/Hassocks (as defined on the Proposals Map), with the objectives of preventing coalescence and retaining the separate identity and amenity of settlements.

Development will be supported within the Burgess Hill Gap where:

- *It is necessary for the purposes of agriculture, or some other use which has to be located in the countryside;*
- *It is necessary for the purposes of the provision of formal/informal open space to serve the existing residents of Clayton Mills and new residents of development at land north of Clayton Mills and Mackie Avenue (Policy 15: Land to the north of Clayton Mills and Mackie Avenue)*
- *It makes a valuable contribution to the landscape and amenity of the Gap and enhances its value as open countryside; and*
- *It would not compromise individually or cumulatively the objectives and fundamental integrity of the Gap.*

The clear aim of policy DP13 in the DP and policy 1 in the HNP is to prevent coalescence between Burgess Hill and Hassocks. The issue therefore is whether this proposal would result in coalescence between the two settlements. There would be a distance of some 1.34km between the edge of the built development proposed in this scheme and the built up area of Burgess Hill at its closest point. At present at this point the distance between the two built up areas is some 1.56km.

Whilst it is a fact that the distance between the built up areas of Hassock and Burgess Hill would be reduced as a result of this proposal, the issue is whether this results in coalescence between the settlements.

In assessing the issue of coalescence on the called in application, the Inspector stated *"Policy C2's purpose is more targeted, in seeking to preserve a gap between Hassocks and Burgess Hill. But that does not necessarily justify protecting the whole of the existing gap in its entirety. The development already approved at Hassocks Golf Club will result in the gap being narrowed to some extent. In that context, the proposed development at Friars Oak would not reduce it any further. Although the development would be seen in glimpsed views from London Road, and distantly from the edge of Burgess Hill, it would not be unduly dominant in the landscape, nor would it extend the village threshold [68 - 71]. A clear gap of around 1.3km to Burgess Hill would still remain. As such, although the development would conflict with Policy C2, and would cause some landscape harm, it would not significantly damage the policy's main aims with regard to coalescence and preserving settlement identity. In the circumstances, it seems to me that the conflict with Policy C2 should carry no more than moderate weight."* The SoS did not disagree with his Inspector's conclusion on this point.

As the MSLP has been superseded, policy C2 from that plan no longer exists. It has been replaced with policy DP13 which has similar aims.

Since the Inspector's report on the previous application here, a further change has been the allocated of a strategic site for 500 dwellings and a primary school at Clayton Mills in Hassocks. The site allocation at Clayton Mills extends further northwards than the site of the planning application at Friars Oak field.

In light of the Inspector's conclusions, which were not disputed by the SoS, the fact that consent has been granted on the Hassocks golf club for residential development and the fact that a strategic site for development has been allocated on the eastern side of the railway line, it is not considered that a reason to refuse the application based on coalescence could be sustained. Given the fact that the site is well screened from the Highway, it is your officer's view that the proposal would not result in coalescence between the two settlements and that their individual identity would be maintained. It is not considered that the proposed development would result in coalescence between Hassocks and Burgess Hill. When travelling along the London Road between the two settlements it is not felt that there would be a noticeable difference in the journey between the two settlements after the development being constructed compared to the current situation and there would still be a clear experience of departing from one settlement and then arriving in another. As such there is no conflict with policy DP13 in the DP and policy 1 in the HNP.

Access and Transport

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 were summarised earlier in this report. The application is accompanied by a Transport Assessment (TA) that is available on file for inspection.

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.

The proposal seeks the approval of the means of access at the outline stage. The views of the Inspector and SoS on the previous application are material considerations in the determination of this application.

With regards to the new access onto the London Road, the vehicular access will be provided with a 6m wide access reducing to 5.5m as it enters the site. The 6m width of the access, is sufficient to allow two large vehicles to pass and re pass. The plans show that the new crossover would provide visibility splays of 3m by 120m in each direction. At this point the speed limit of the road is 30mph. According to Design Manual for Roads and Bridges (DMRB) visibility splays of 90m should be provided where the speed limit is 30mph. As such the visibility splays would be sufficient and there is no objection from the Highway Authority to this element of the scheme.

With regards to the impact of the development on the highway network, traffic surveys have been undertaken at the Stonepound Crossroads and the golf club

access to inform the applicant's submissions. Automated Traffic Count (ATC) including vehicle speeds has been undertaken on the A273 London Road in the vicinity of the proposed site access. The above traffic surveys were undertaken on behalf of RPS by 360 TSL traffic survey company on Thursday 19 April 2018. The ATC traffic and speed survey was undertaken on the week period commencing on 16 April 2018. The resultant peak highway hours are 08.00 to 09.00 and 16.45 to 17.45.

The applicants have also factored in a number of schemes as committed development in their highway modelling. These are the development at Little Park Farm and Highfield Drive (157 dwellings), Hassocks Golf Club (130 dwellings) and land at Ham Fields (129 dwellings). Clayton Mills is a site that has been allocated in the District Plan for some 500 dwellings and a new primary school. The site sits between the railway line and Ockley Lane and is to the north of the development off Mackie Avenue. Vehicular access to this site will be via Ockley Lane. The TA states that a review of potential movements to and from the site using the work place destinations shows that very few if any trips are likely to pass through the Stonepound crossroads; as such no movements associated with this site have been included for this in the TA submitted with this application.

The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposal. It suggests that there will be 83 and 80 two way movements in the morning and evening peak hours respectively.

The following improvements have previously been agreed with WSCC and are those being put forward as part of the development at the Hassocks Golf Course by i-transport:

- Introduction of MOVA version 6 (updated version of existing MOVA);
- A HGV/bus detectors;
- Re-positioning of loops for right turning traffic at stop-lines;
- Change Stage Sequence to improve efficiency;
- Road widening on Hurst Road to enable a left turn filter on Hurst Road;
- Upgrade the existing controlled crossing; and
- Including tactile paving and dropped kerbs at all crossing points.

In relation to capacity on the network, the Highway Authority have stated "The junction analysis has been undertaken using the Industry standard Junctions 9 computer programme for the site access priority junction and LINSIG programme for the signalised junction. The results of the assessment show that the proposed access arrangement will operate well within capacity, the existing signalised junction is demonstrated to operate above its design capacity in the existing situation and with the introduction of the committed and proposed development traffic, this level of capacity reduces further. The mitigation measures identified have been agreed with WSCC and will either be implemented as part of this development proposal or as part of the Hassocks Golf Course application which also proposes these measures. The measures identified are considered to be sufficient to mitigate the developments impact at this junction.

It is recognised that this proposal would give rise to a more intensive use of London Road; however, based on the above it is not anticipated to result in a severe cumulative impact on the operation of the local network."

In making his recommendation to the SoS on the previous application, the Inspector stated *"Traffic impact and the safety of the proposed vehicular access are dealt with in the TA, and the Highway Authority's initial objections have been overcome [82-85]. Even with the proposed junction improvement at Stonepound, there would continue to be some queuing, but the development's net effect would not be severe, and therefore would not justify refusal on those grounds. The safety of the access onto London Road has been properly audited, and I see no reason to disagree with the conclusions reached by the Highway Authority."* Whilst it is acknowledged that there have been further developments since this report was written (the additional units at Ham Fields compared to the originally consented scheme and the allocation of the site at Clayton Mills) it is considered the comments by the Inspector demonstrate the importance and weight that was given by the Inspector to the views of the Highway Authority, who are the statutory body responsible for the highway network in the District.

Given the views of the Highway Authority on the evidence that has been submitted, it is not considered that the proposal would have a severe impact on the operation of the highway network. As such there would be no conflict with this element of policy DP21 in the District Plan or the NPPF.

The proposed plans show the creation of a 15m single span bridge. This would require an embankment to be formed for the bridge and access road. The sections provided by the applicant show that at the point of the bridge, the road level would be some 2m above the existing ground level. Moving eastwards into the site, the sections show that the access road would be raised above the existing ground level for some 130m into the site at which point the natural ground level rises and would then meet the new road. The Highway Authority had no objection to the principle of this bridge on the previous application and has raised no issue in relation to the proposed bridge on the current application.

With regards to pedestrian accessibility to the site, the proposed pedestrian crossing over the railway line will be addressed separately. Hassocks is a category 2 settlement as defined in the District Plan with the associated services that come with such a designation, such as shops, public houses, school and places of employment. Footway provision extends as far north as Hassocks Golf Club and to the signalised junction with the B2116 to the south of the site. There is a pedestrian link through the site into Shepherds Walk to the south. It would therefore be possible for prospective residents to walk to the centre of Hassocks to access a variety of amenities. In this respect the pedestrian access of the site is considered to be similar to the site allocated (and now with the benefit of planning permission) in the Neighbourhood Plan at Hassocks Golf Club for development on the opposite side of the London Road. Therefore whilst prospective residents are likely to use the private car for many day to day trips, this would be no different to the golf club site opposite.

Public right of way

The Council is in receipt on a separate application (reference DM/16/3730) to stop up a section of the public right of way that runs through the site and to divert it. This application is submitted under Section 257 of the Town and Country Planning Act 1990. This permits the making of an order for the stopping up or diversion of a footpath or bridleway which is necessary to enable development to be carried out either in accordance with a valid planning permission or by a government department. The order cannot be made unless the LPA (or Secretary of State) is satisfied the order is necessary to enable the development in question to proceed.

The diverted section would be some 195m in length. The purpose of this would be to divert the PROW around a proposed flood compensation area that is shown within the illustrative site plan. The applicants have stated that this will allow the continued use of the footpath through the development, even during flood events where currently sections are impassable during flood events.

In terms of timing, the LPA can make an order either once planning permission has been granted or, following an amendment to Section 257 by the Growth and Infrastructure Act 2013, in anticipation of planning permission (i.e. once an application for planning permission has been made) but an order made in advance of planning permission cannot be confirmed until that permission has been granted. An order can take at least 3 months to be confirmed (if unopposed). If there are unresolved objections, the order must be submitted to the relevant Secretary of State for confirmation and a local inquiry may need to be held. This can delay the decision for 12 months or more.

As with the previous application, the Council have received a number of objections to the application to divert the PROW. In relation to this planning application, concerns have been raised that if the PROW cannot be diverted, the applicants will not be able to provide the flood compensation area that is shown in the southwest corner of the site. Whilst this concern is noted, it must be remembered that this is an outline planning application to establish the principle of providing 130 dwellings on the site. It is only the means of access that is to be determined at the outline stage; the layout that has been submitted is for illustrative purposes.

If outline planning permission is granted for this development, it will be subject to a number of conditions, including conditions regarding foul and surface water drainage. A subsequent reserved matters application will need to be made to the LPA showing the proposed layout of the site. If the application to divert the PROW is not approved, this will simply mean that the applicants will have to revise their proposed layout, including any proposed flood compensation areas, to take account of this. If the developer cannot satisfy the LPA that the drainage condition that is attached to the outline planning permission can be satisfactorily discharged, then the LPA would not discharge the planning condition and the planning permission could not be implemented.

In making his recommendation on the previous application, the Inspector stated "*The diversion of public footpath 5k, to accommodate one of the proposed attenuation ponds and the new access road [10], would lengthen it slightly, and would add to the*

changes to its character. But there is no reason to doubt that the path would be retained, and that an appropriate surfacing and landscape treatment could be devised. Although the separate application for the footpath diversion remains before MSDC for a decision, for the purposes of the present inquiry, the SCG records the parties' view that the proposed diversion does not give any grounds to justify a refusal of permission for the proposed housing development¹⁵⁴. I agree."

In light of all the above it is considered that there are no reasons to resist the application based on the proposal to divert a section of the PROW through the site.

Air Quality

The Stonepound crossroads to the south of the site was designated an Air Quality Management Area (AQMA) with Defra in March 2012 due to the levels of nitrogen dioxide (NO₂) being above the target. The boundary of the AQMA has been defined on the basis of the areas which are, or are likely to exceed the air quality objectives for nitrogen dioxide and where there is "relevant exposure", that is places where people live close to the road. The Air Quality Management Area at Stonepound Crossroads includes parts of Keymer Road, Brighton Road, London Road and Hurst Road. Eight properties are affected within the Designated Area, 1-6 Overcourt and The Coach House, Keymer Road, and Shooldarry, Brighton Road Hassocks.

Local Authorities are required to produce annual air quality reports to identify local areas where the air quality objectives will not be met and to ensure that air quality considerations are considered as part of decision making processes e.g. land use planning and traffic management.

In locations where particular pollutants are found to be above National Air Quality Objective levels, which are based on expert advice concerning health effects relating to AQ, the local authority must declare an Air Quality Management Area (AQMA) and formulate an Air Quality Action Plan which specifies the steps to be taken to move towards the air quality objectives. The only AQMA in Mid Sussex district is at Stonepound Crossroads. The pollutant of concern is NO₂ which tends to be related to traffic fumes. Measured levels have remained above the Air Quality Objective level of 40 ug/m³. The Council are not required to monitor particulate matter (PM) levels locally but levels are monitored county wide by Sussex Air. The monitored levels are below the objective levels for PM.

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".

The PPG states "Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife)."

Given the fact that there is an AQMA around 1km to the south of the site it is considered that air quality is a material planning consideration in the determination of this application.

The planning application is accompanied by an Air Quality report that is available on file for inspection. This report has been reviewed by the Councils Environmental Health Officer (EHO). The EHO explains *"The submitted Air Quality report refers to the NO₂ monitored results obtained by the Environmental Protection Team. This data was obtained by using passive monitoring devices at various sites around the area of Stonepound Crossroads. These are described as either kerbside or façade sites and are determined by the monitoring location. Two additional sites, both facades, were installed in 2013.*

In the Stonepound area monitoring is carried out using passive devices rather than a continuous monitor as there is no suitable representative site to locate a continuous monitor.

Passive devices are not as accurate as continuous monitoring, so a bias-adjustment factor is applied that makes them as accurate as possible. This bias-adjustment factor is derived from a Defra approved method where the passive devices are located with numerous continuous monitors around the country so comparisons between the two methods can be made. The bias-adjustment figure is calculated from the average of all of these comparisons and applied to the less accurate raw data from the passive devices.

To assess the potential impact of the proposed development on air quality, the report uses an advanced air quality forecasting model, 'ADMS Roads ', which is a recognised model for such a process. The model requires a variety of information to be inputted, which includes: traffic data; emission factors and meteorological data.

The inputted traffic data was obtained from a specialist company using both automated and manual traffic counts and includes the Annual Average Daily Traffic and traffic speed. The traffic data was validated by comparison with other available traffic survey data.

Pollution mitigation measures for traffic related pollutants derive mainly from ever increasing emissions standards. Defra figures indicate that overall pollution levels are expected to drop over time as the standards increase and technology improves. To account for this the modelling incorporates an emissions factor. The emission factor is taken from a Defra approved database."

It is necessary to use modelling to predict future air quality; it is not possible to measure the future. The EHO explains that "Any model is reliant upon the accuracy of the data used. With future predictions the uncertainty is greater and the model cannot be verified (compared to measured data) at the time. Instead projections provided by DfT and DEFRA are used to estimate traffic volumes, background pollution and vehicle emission changes and these projections result in the emissions factor mentioned above. However a disparity has become evident between the projected NO₂ levels and actual measured levels - NO₂ levels were expected to fall by around 15% from 2002 to 2009 but actually remained broadly stable.

In order to account for this modelling uncertainty, the AQ assessment has included a "best case" and "worst case" scenario, with modelled NO₂ levels both with DEFRA's predicted improvements and using the consultants' specialist CURED model. It seems likely that actual future levels will fall somewhere between the best and worst case scenarios.

MODELLED POLLUTION IMPACTS

The scheme, if approved, will result in a small increase in the volume of road traffic (i.e. in relation to the existing volume). It is predicted that by the time the residential units are occupied, NO₂ levels will be below the objective level of 40ug/m³. Impacts are therefore assessed as being Low/Imperceptible overall as the increase in NO₂ caused by development traffic is not predicted to cause a breach of the objective levels. It should be noted that while there is a risk of short term slight adverse impacts at two properties within the AQMA, by the time the development is completed in 2024 the assessed impact will be negligible at all properties."

The conclusion of the EHO is that "The development is not likely to cause unacceptable levels of pollution, and is consistent with the local air quality action plan. It is therefore in accordance with national and local guidance. The proposed mitigation measures are welcomed. These are:

- *Travel Plan*

- *Electric vehicle charging points for all allocated spaces as part of Marketed Units and possibly those associated with the affordable units subject to further discussion with the Housing Association;*
- *Covered cycle parking for units without garages;*
- *Information identifying routes to public transport and local facilities by foot and cycle;*
- *Improvements to the Stonepound traffic signals, improving the flow of traffic through the junction;*
- *Cycle and public transport travel vouchers;*
- *Low NOx boilers for all residential units;*
- *Information on Car Sharing Schemes; and*
- *Provision of a new footbridge over the railway from the site that will allow good pedestrian access to local amenities and also encourage existing local residents to travel via walking rather than private vehicle use."*

In light of the above it is considered that the application complies with policy DP29 and the impact on air quality is acceptable.

Impact on the railway crossing

The previous application was refused by the SoS for a sole reason relating to the impact of the development on the safety of the pedestrian crossing over the London to Brighton railway line. The SoS agreed with the recommendations of his Inspector on this issue. The Inspector stated *"For access to most local facilities, the walking distances from the application site do not differ markedly, whatever the choice of route, whether by the Woodside railway crossing, or the Woodland Tunnel or the Semley Road/ Stanford Avenue route [86, 87, 125]. Faced with this range of options, it seems probable that, for these types of trips, the majority would opt for the easier and safer alternatives, rather than the unmanned rail crossing, with its steep steps, stiles, sometimes muddy paths and lack of surveillance, to say nothing of the likely feeling of danger in crossing the track itself.*

I acknowledge the argument that users of the rail crossing should be responsible for their own actions. But in a development of 130 dwellings there is also the likelihood that some potential users would be persons classed as vulnerable, for one reason or another, who could not necessarily take such responsibility. In this context, paragraph 32 of the NPPF requires safe and suitable access for all people. Although in this case the rail crossing would not be the only access available, the issues that it raises would still potentially affect the safety of some persons in accessing the development.

Drawing these considerations together, it seems to me that the potential implications for public safety are an important consideration. In the absence of any measures to improve the safety of the unmanned railway crossing, permitting the proposed development in such close proximity to it would in my view involve an unacceptable risk to the safety of future occupiers, contrary to the aims of NPPF paragraph 32."

The SoS stated *"...in the absence of any measure to improve the safety of the unmanned railway crossing, the Secretary of State concludes that permitting the proposed development in such close proximity to the crossing would involve an*

unacceptable risk to the safety of future occupiers and, for this reason, the development should be resisted.

Overall, therefore, the Secretary of State concludes that, despite the benefits that would flow from the proposal, the unacceptable risk to the safety of future occupiers from the unmanned railway crossing represents a sufficiently substantial material consideration to outweigh the benefits, so that the application should be refused."

The applicants have sought to address this reason for refusal by including the provision of a footbridge over the railway line in the description of their application. The applicants state that *"Network Rail will provide the footbridge and install it under Permitted Development rights within their current land boundaries. A limited local diversion of Public Footpath FP 5K will be required to access the footbridge on either side of the track, together with the closure of the section of the public footpath that currently runs across the railway track. The pedestrian bridge will be constructed in steelwork, will span the running rails, with stairs and trestle support on each side and will provide clearance of around 5.5m above the rails with a maximum height above the track of about 7m. A similar footbridge has recently been installed at Dean Valley, Redhill. The provision of the new footbridge will be secured by means of a S106 Planning Obligation to which Network Rail will be signatories. The provision of the footbridge will not only protect occupiers of the new houses but will also benefit the safety of all current and future users of the crossing. It will contribute to Network Rail's objective to remove all unmanned surface crossings of the railways where the opportunity presents itself."*

The Equality Act 2010 came into force on 1 October 2010. It provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. As part of the Equality Act, a Public sector equality duty came into force on 5 April 2011. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The equality duty covers the nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The broad purpose of the equality duty is to integrate consideration of equality and good relations into the day-to-day business of public authorities. This is relevant in a planning context and a claim that the Public Sector Equality Duty (PSED) has not been discharged in reaching a relevant decision can be cited in a challenge seeking, for example, to quash a planning permission or a declaration that a certain policy is unlawful.

In this particular case, objections have been received to the provision of the proposed footbridge as a means of addressing the refusal of the previous planning application on the basis that the footbridge would not be accessible to those with physical disabilities, persons with pushchairs and prams. Objectors to the scheme

have stated that the proposed bridge would conflict with modern standards of inclusivity and sustainability and that the applicants and Network Rail should install a pedestrian tunnel under the railway line instead.

This issue has also been raised by the PROW Officer at WSCC. She has stated

"This site is adjacent to the Clayton Mills strategic allocation site. That site, combined with this proposal, will create a significant number of new residential houses in close proximity. There is, therefore, good reason to ensure safe and convenient connections between each and their surroundings. Presently the London - Brighton mainline railway creates a barrier to safe and convenient local access. Having a new footbridge (as referred to above) will to some extent mitigate the situation but, given that the railway runs on an embankment, this will be a limitation to some. Also, cyclists will not be accommodated. The applicant must be encouraged to investigate alternative solutions to overcome this deficiency and so realise MSDC policies DP21 and DP22. It may be beneficial for both the applicant and the applicant / consortium developing Clayton Mills to work together to identify and propose a solution."

Policy DP22 in the DP states

"Rights of way, Sustrans national cycle routes and recreational routes will be protected by ensuring development does not result in the loss of or does not adversely affect a right of way or other recreational routes unless a new route is provided which is of at least an equivalent value and which does not sever important routes."

Access to the countryside will be encouraged by:

- *Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes;*
- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible;*
- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders)."*

It is important to recognise that the current unmanned pedestrian crossing over the railway is not accessible to those with physical disabilities, persons with pushchairs and prams. The railway line is on top of a substantial embankment and there are steep steps up to the crossing itself and also stiles at either side of the crossing. It is acknowledged that a tunnel under the railway line would be accessible to more people such as those with impaired mobility compared with a footbridge. However that is not the proposal that is before the LPA. The applicants have submitted a proposal for a footbridge, to be delivered under permitted development rights and it is this proposal that the LPA must come to a decision on.

In light of the above facts, it is not considered that the provision of the footbridge would reduce accessibility to those wishing to cross the railway line. At present it is only the able bodied who can access the crossing. The provision of the footbridge would provide a safe means of crossing the railway line and is likely to increase

usage of the public right of way. It is not considered that there is a conflict with policy DP22 because the PROW would not be "lost" or "adversely affected". The route will remain in place. Whilst there will be additional steps to traverse to cross the bridge, there are already a significant number of steps to get to the top of the embankment. On this basis it is not considered that there is a breach of the Equalities Act from this proposal.

The PSED referred to above does not mean that the scheme has to provide access for the disabled but for the reasons that have been outlined above, the proposed bridge would not be accessible to such persons because of the number of steps that would need to be climbed. There is a pedestrian tunnel under the railway line that is some 800m to the south of the site (this is the actual distance to walk and not as the crow flies). As such there is an available alternative to cross the railway line for those unable to access the proposed footbridge.

Drainage

Surface Water

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 assessment. 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 supported by a Flood Risk Assessment (FRA) which has been considered by WSCC, as Local Lead Flood Risk Authority, the Environment Agency (EA) and your own drainage engineer.

The applicants FRA state that in terms of the site itself, there is a band of land adjacent to the Herring Stream on the western side of the site and falls within Flood Zones 2 and 3. The majority of the site is located within Flood Zone 1.

The NPPF contains a Sequential Test that is a decision making tool designed to direct development away from areas at high risk of flooding. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower

probability of flooding. In Table 1, Paragraph 065 of 'Planning Practice Guide - Flood Risk and Coastal Change', land is divided into four basic zones:

Zone 1 Low Probability: Land having a less than 1 in 1,000 annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map - all land outside Zones 2 and 3)

Zone 2 Medium Probability: Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. (Land shown in light blue on the Flood Map)

Zone 3a High Probability: Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding. (Land shown in dark blue on the Flood Map)

Zone 3b The Functional Floodplain: This zone comprises land where water has to flow or be stored in times of flood. Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. (Not separately distinguished from Zone 3a on the Flood Map)

The PPG identifies the vulnerability of land uses to flooding by dividing land use into five distinct categories

- i. Essential infrastructure
- ii. Highly vulnerable
- iii. More vulnerable
- iv. Less vulnerable
- v. Water-compatible development

Table 3 in the Planning Practice Guidance (PPG) that accompanies the NPPF states

| Flood Zones | Flood Risk Vulnerability Classification | | | | |
|-------------|---|-------------------------|-------------------------|-----------------|------------------|
| | Essential infrastructure | Highly vulnerable | More vulnerable | Less vulnerable | Water compatible |
| Zone 1 | ✓ | ✓ | ✓ | ✓ | ✓ |
| Zone 2 | ✓ | Exception Test required | ✓ | ✓ | ✓ |
| Zone 3a † | Exception Test required † | x | Exception Test required | ✓ | ✓ |

| | | | | | |
|--------------|------------------------------|---|---|---|----|
| Zone 3b * | Exception Test required * | X | X | X | ✓* |
|--------------|------------------------------|---|---|---|----|

Key:

- ✓ Development is appropriate
- X Development should not be permitted.

The PPG provides the Government's detailed guidance on flood risk matters. In relation to Flood Risk Vulnerability Classification the PPG defines Essential Infrastructure as follows:

- Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk.
- Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood.
- Wind turbines.

The Exception Test, as set out in paragraph 159 of the NPPF, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

The two parts to the Exception Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

Concerns were raised by third parties, including FOFRA in relation to drainage issues at the site on the previous application. One of the concerns raised related to the Sequential Test as set out in the NPPF. Objectors to the scheme contended that a Sequential Test is required in the first instance and that this then determines whether an Exception Test can even be applied. FOFRA contended that the LPA must first consider the extent to which Sequential Test considerations have been satisfied for identifying a site for development and be satisfied that there are no alternative sites available that have a lower risk of flooding. FOFRA contended that if there are no alternative sites having a lower risk of flooding and if the Exception Test is passed, only then would it be appropriate to assess the technical solutions for draining the site within the planning application. The same concerns have been raised with this new application.

The applicant states that the housing element of the scheme lies entirely within Flood Zone 1 but the proposed access will cross areas designated as Flood Zones 2 and 3. The applicant therefore contends that the proposal should be assessed in its component parts. Flood Risk vulnerability is set out in table 2 to the PPG. Dwellings are a "more vulnerable" use and in this case the more vulnerable use is restricted to

Flood Zone 1. As such the applicant contends that the Sequential Test does not need to be applied to the housing element.

The applicant then contends that essential infrastructure (in this case the access road into the site) can be appropriate to any of the Flood Risk Zones but an Exception Test is required in relation to essential infrastructure projects that are proposed within Zones 2 and 3. The applicants state that the proposal would pass the Exception Test because the benefits of new housing, including affordable housing in a sustainable location will contribute to meeting the housing needs of the District. It has also been shown in the Flood Risk Assessment that risk can be managed, there will be no increased flood risk elsewhere and there is a potential reduction in flood risk overall.

On the previous application, your officer's report to committee stated *"It is considered that it is an arguable point as to whether the applicants should have carried out a Sequential Test in relation to the development as a whole. The purpose of the Sequential and Exception Tests is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. However the fact of the matter is that such an assessment has not been carried out and a planning application has been submitted that the LPA has a duty to determine."* Issues relating to the drainage of the site were addressed by the Planning Inspector who conducted the Public Inquiry and his report is relevant to the determination of this application.

The PPG states *"Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere."*

In assessing the issue of the drainage of the site the Inspector stated

"RHL's proposed drainage strategy has been subjected to extensive and rigorous testing [74-78]. The resulting scheme has been accepted by all of the relevant bodies who have statutory responsibilities for drainage and flooding [80]. There is no technical evidence to counter that of the applicants. Although some elements, such as the proposed road bridge, are not yet designed in full detail, the testing has taken in an appropriate range of worst-case scenarios. I therefore see no reason to doubt that the scheme would be effective in controlling surface water run-off by sustainable means, managing flooding from fluvial and any other sources, maintaining a safe, dry access route, and accommodating 130 dwellings and open space, without risk to future occupiers or to the surrounding area."

Although the western part of the site is within flood zones 2 and 3, the applicants have adequately demonstrated that vulnerable development would not need to be located in this area. If this were not the case, then in accordance with PPG advice, it would have been necessary to apply the sequential test (and possibly also the exceptions test), based on the scheme as a whole. But in this case the scheme lends itself to the 'component-parts' approach that the applicants have taken [79]. That approach is not ruled out by anything in the PPG, and indeed is clearly envisaged in the third footnote to Table 3. In any event, in the present case it is evident that through the MSDP process, MSDC has already sought to identify the

most suitable sites for housing, and it seems likely that any sequentially preferable alternative sites would by now have come to light. In this context, the sites already identified in the HNP are not alternatives, as they are already part of the identified supply. In the circumstances, I consider that the approach taken by the applicants is acceptable.

Satisfactory arrangements will be needed for the future management and maintenance of the drainage infrastructure. However, the need for such arrangements is commonplace in large developments. There is no reason why this cannot be dealt with satisfactorily by condition.

I therefore conclude that the proposed development could be carried out without giving rise to unacceptable flood risks, either on or off-site. In this regard, the scheme would comply with the relevant MSLP Policies CS13, CS14 and CS15, which together seek to ensure that all developments have adequate drainage, and that river channels and floodplains are properly protected."

It is therefore considered that irrespective of whether a Sequential Test should have been applied or not to this proposal, it is reasonable for the LPA to consider the development that has been submitted and to come to a view on whether or not the site can be satisfactorily drained.

There are no objections to the scheme based on drainage matters from either the EA or the Council's own Drainage Engineer. In light of the fact that there are no objections from the relevant consultees and having regard to the Inspector's views (which were not disputed by the SoS), it is considered that the applicants have demonstrated that the site can be satisfactorily drained in accordance with policy DP41 of the DP. As with the previous application this conclusion is based on modelling but it must be acknowledged that this is a realistic way to proceed since it is not possible to measure the future.

Foul Drainage

The applicant's intention is to dispose of foul water to the public sewer. Southern Water has stated *"The wastewater discharged from the proposed development will be drained to Southern Water's Goddards Green Wastewater Treatment Works. The works currently does not have the capacity to accommodate flows from the proposed development. Improvements are planned to provide for capacity to serve future developments. These are planned to be completed at the end of the current AMP period. We would wish occupation of development to be deferred until adequate treatment capacity is available to serve the development. Should the Local Planning Authority be minded to grant planning permission for this development we request that the following condition is attached to the consent: "Occupation of the development will not be permitted until the Local Planning Authority is satisfied that, in consultation with Southern Water, that adequate wastewater treatment facilities exist to effectively drain the development"*.

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.

In light of the above it is felt that policy DP41 of the District Plan is met with respect to the foul drainage of the site.

Ecology / Biodiversity

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 NPPF 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."*

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 application has been supported by an Ecological Report. Bat, Reptile and Great Crested Newt (GCN) surveys have been carried out by the applicants. The report has been considered by the Council's ecology consultant.

In relation to GCN, are two ponds (P1 and P2) located within 250m of the site that are not separated by significant dispersal barriers. All additional ponds within 250m of the site are separated by London Road (A273) and a stream, which are significant dispersal barriers. Pond P1 was surveyed for the presence of Great Crested Newts between April and May 2017 but access was denied to survey Pond P2. The applicant's report concludes that it *"is considered that Great Crested Newts are not be present within the site and no further consideration is given to this species within this document."*

In relation to bats, the applicants' report concludes that *"During the activity survey carried out on the 28th of April 2017, very low levels of bat activity were recorded within the site, the majority of registrations recorded from Common Pipistrelle Pipistrellus pipistrellus (a total of 14 registrations). Less activity was recorded for Noctule bats Nyctalus noctula (a total of five registrations) and only a single registration was recorded for Soprano Pipistrelle Pipistrellus pygmaeus."*

In relation to reptiles a small number of Slow Worms *Anguis fragilis* were recorded within the site along the field margins.

With regards to mitigations and enhancements, the hedgerow within the site offer suitable foraging and navigational opportunities for bats. The hedgerows within the

site will be retained with only minor loss to facilitate access. The applicant's report states that the inclusion of new tree planting and the creation of new attenuation ponds as part of the development proposals will provide improved navigational and foraging opportunities for bats. The report recommends a sympathetic lighting scheme be employed to retain the suitable foraging and navigation opportunities for bats.

In relation to reptiles the applicants report states that *"Given that reptiles have only been recorded around the margins of the fields, it is considered that a simple habitat manipulation / translocation exercise could be carried out to persuade reptiles to move to suitable areas of retained / new habitat. The creation of new areas of open space, oversown with a species-rich seed mix, within the development proposals will provide new opportunities for reptiles."*

The applicants report has been assessed by the Council's Ecological Consultant. He has advised that in his view there are no biodiversity or policy reasons for refusal or amendment of the proposals subject to the reserved matters submission being accompanied by an Ecological Impact Assessment Report and a condition regarding wildlife construction and management plans.

Your Officer agrees with the findings of the Council's Ecological Consultant. It is therefore considered that policy DP38 of the MSDP is met.

There are four Oak trees within the site that are protected by a Tree Preservation Order. These trees are situated within the central hedgerow which runs from north to south across the site. A large Oak is also located along the southern boundary. The trees will be preserved as they make a significant contribution to the character of the area and where necessary, mitigation will be undertaken in order to do so. As such there would be no conflict with policy DP37 of the DP in relation to these trees.

Design and Layout

The application is submitted in outline form with only the means of access to be determined at the outline stage. The layout plan that has been submitted is illustrative to show how the site could be developed to provide 130 units.

The illustrative plan shows the site divided into 3 field parcels of development. The illustrative plan shows a mixture of detached, semidetached and terraced properties. The illustrative layout shows the site arranged with a perimeter block layout. This allows for houses to front onto the street to provide a proper street scene and allows the houses to have a traditional back to back arrangement. It also allows the houses to front onto the attractive boundary planting so that this is all in the public realm. It is considered that as a matter of principle this is a sound way of laying out a development.

The site is of a sufficient size to be able to accommodate this quantum of development. It would be at the reserved matters stage that the layout of the site would be determined. If the LPA is not satisfied with the layout of the site at the reserved matters stage then the reserved matters application would not be approved.

The site area totals 10.51 ha, of which the two primary land uses are residential and open space. The applicants have stated that the site would provide some 5.51 hectares of open space. Based on the remaining area of the site being developable this would equate to a density of some 26 dwellings per hectare. This is a relatively low density by modern standards and as such it is considered that the scheme would not be fully in accordance with the final bullet point of policy DP26 in the District Plan, which seeks to optimise the potential of sites to accommodate development. This is also reflected in paragraph 122 of the NPPF. Whilst the scheme would be capable of providing the high quality homes that are sought by policy DP26 and the NPPF it is considered that the relatively low density of the scheme is a negative factor in the overall planning balance.

The layout of the site shows an area of public open space being positioned at the north western end of the site. As well as providing an amenity for residents of the site and others to use, the applicants have stated that the position of this open space would provide a defensible barrier to prevent further northwards development. In his decision letter on the previous application the SoS *"gives moderate weight to the social benefit arising from the provision of a large area of public open space. In coming to this conclusion, the Secretary of State also agrees with the Inspector at IR198 that the "country open space" would make the best use of the site's landscape features, avoid built development in the floodplain, and limit the incursion into the countryside."* Your officer has no reason to come to a different view on this matter now.

Noise

In relation to noise, policy DP29 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:*

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development;"*

Noise is a material planning consideration. The Planning Practice Guidance (PPG) states neither the Noise Policy Statement for England nor the NPPF (which reflects

the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

The PPG advises that increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. The PPG that advises that noise should not be considered in isolation to the economic, social and environmental dimensions of the proposed development.

The application is accompanied by a noise and vibration assessment that has considered by the Council's EHO. The main source of noise to the site is the railway line to the east and the London Road to the west. The railway line is on an embankment some 5m in height. The applicants' report concludes *"The provision of standard double glazing units will be appropriate to mitigate environmental noise at the site. In order to achieve the recommended internal noise criteria in bedrooms, the ventilation strategy should recognise a 'closed window' solution. In living rooms, background ventilation requirements for the easternmost row of houses closest to the railway line, where glazing is facing the railway, should be met assuming acoustically treated trickle ventilators. Given the relatively low daytime noise levels, living room windows may still be openable for rapid or purge ventilation, or occupants' choice. Elsewhere on site, natural ventilation is acceptable in living rooms from a noise perspective.*

Given the design of the proposed layout, the majority of the site will not require any mitigation in order to achieve acceptable external noise levels in gardens. It may be appropriate to consider an acoustic fence for those few garden boundaries where acoustic protection is not afforded by the new layout (e.g. the north eastern and south western corner plots where there is a direct line of sight to the road/railway from the garden).

The site is not impacted by significant vibration from the railway line. There is unlikely to be adverse comment from newly introduced residential receptors as a result of vibration from the railway."

The Council's EHO has stated *"The submitted Idom Merebrook noise assessment (June 2018) has considered the noise from the adjacent A273 and railway line, which are the dominant noise sources in this location. The report indicates that due to high noise levels, bedroom windows (in the form of standard double glazing) at the proposed development would need to be kept closed in order to avoid sleep disturbance and meet World Health Organisation and BS8233 internal noise standards.*

This in turn would mean that additional ventilation will be required, with adequate air flow to allow thermal comfort. In this case there are two questions which the Planning officer may wish to consider:

- 1) *How acceptable is it to have residents in this development sleeping all year round in a windows closed environment?*
- 2) *If acceptable, what type of ventilation would be deemed appropriate for these residents?*

With regard to the first question, there are a number of Planning appeals where this issue has been commented on. The prevailing view of Inspectors seems to be that closed window solutions are not desirable but can be acceptable for traffic noise and/or general background noise but are less acceptable where noise is of an industrial/commercial nature.

In our view, closed windows with additional ventilation is not an ideal solution, but may be acceptable where developers can demonstrate that good design has been used to minimise the need for artificial ventilation. Accordingly, care should be taken to minimise the potential impact of noise within the buildings themselves; living rooms and bedrooms should ideally be located on shielded façades with non-sensitive spaces such as corridors, bathrooms, en-suite, utility rooms, windowless gable ends and kitchens located on the railway facing façades of residential properties.

In any event, a judgement is required on whether closed windows for notable periods will provide an acceptable living environment for future occupiers.

With regard to the second question, developers and consultants tend to argue that attenuated trickle ventilation and suitably glazed windows should suffice where a noisy area means internal noise levels will be compromised with open windows. Our view is that a ventilation system should be a mechanical air supply ventilation system which can be used as a viable alternative to opening windows in order to allow the provision of outside air for breathing and allow residents control of their thermal comfort. Therefore a forced, mechanical ventilation supply system (not necessarily extract system), should be provided for bedrooms where BS8233/WHO internal noise levels are not achievable with windows open. Other systems which can provide sufficient airflow for thermal comfort may be acceptable. Trickle vents, which are designed to address condensation issues, not thermal comfort, are not sufficient in our view."

The Inspector's report on the previous application stated that a suitably worded planning condition could be imposed to ensure that noise levels could be appropriately controlled. The Council's EHO has recommended that such a condition be imposed. It is considered that with this in place the application complies with policy DP29 of the DP.

Housing Mix and Affordable Housing

Policy DP30 in the District Plan seeks to ensure that housing development provides a mix of dwelling types and sizes that reflect current and future housing needs. Policy DP31 seeks to provide 30% affordable housing on development so 11 dwellings or more, with a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix.

Whilst the application is in outline form, the description of the application refers to a particular housing mix. The applicants have confirmed that the overall housing mix is fixed as per the application description. The applicants have stated *"With regards to the proposed affordable housing mix, both in terms of tenure and unit sizes is indicative. We are committed to working with the LPA and MSDC Housing team to providing a mix which reflects the demand. So when at a reserved matters stage, should a greater member of 2 beds be preferred over 3 bed units as per (the Housing Officer's) comments , we can substitute between open market and affordable within the approved overall housing mix at that point."* The scheme would provide a policy compliant level of 30% affordable housing.

The overall housing mix, both market and affordable is as follows:

1 bed dwellings 12 units (9%)
2 bed dwellings 27 units (21%)
3 bed units 47 dwellings (36%)
4 bed units 44 dwellings (34%)

It is considered that this is a reasonable mix and would help to contribute to the sustainable communities sought in policy DP30. Whilst clearly under a different policy context in terms of the local plan and the previous version of the NPPF, it is considered that the Inspector's conclusions on the previous application, which was for the same mix of dwellings as is proposed now, are still relevant to assessing the issue of housing mix on this application. The Inspector stated *"The Section 106 agreement provides for a range of tenures, with 30% affordable housing, complying with adopted MSLP Policy H4. As such, the development would be capable of creating a mixed and inclusive community, whilst also widening the opportunities for home ownership."* He concluded on this point that *"...the development would accord with the aims of the NPPF's housing policies. The social benefits of providing such a development, in accordance with national policy, command significant weight."*

In respect of affordable housing the scheme would provide a policy compliant level of affordable housing, namely 30%. The Council's Housing Officer has advised that they would wish to see a greater number of smaller dwellings in the affordable housing. The applicants have confirmed that the mix of the 39 affordable dwellings that are to be provided is illustrative. As such, the comments of the Housing Officer could be addressed at the reserved matters stage. The appearance of the affordable dwellings and their location within the development would also all be determined at a subsequent reserved matters application.

In light of the above it is considered that policies DP30 and DP31 of the DP are met.

Neighbour amenity

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

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.

The illustrative plans show the footprint of the proposed houses some 24m away from the nearest properties on Bankside to the south. Whilst illustrative these distances would be sufficient so that there was no significant impact on residential amenity in relation to overlooking and the new properties would not be overbearing. As such policy DP26 would be met

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 31 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, guidance in the NPPF and the material planning consideration outlined above, 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 Contributions:

Requires the following infrastructure contributions:

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

District Council Infrastructure Requirements (including police and health requirements)

Formal sport: a financial contribution of £159,297 is required toward pitch drainage, ancillary facilities and the creation of additional community sports pitches at Downlands School, London Road Recreation Ground and/or Hassocks FC

Community Buildings: a financial contribution based on a formula is required toward pitch drainage, ancillary facilities and the creation of additional community sports pitches at Downlands School, London Road Recreation Ground and/or Hassocks FC

Local Community Infrastructure: a financial contribution based on a formula is required towards the provision of allotments at Parkland Close and/or improvements to the Clayton Green Recreation Ground

Horsham and Mid Sussex CCG: A financial contribution of £82,590 is required to go towards Hassocks Health Centre

Sussex Police: A financial contribution of £20,490.85 is required to go towards police infrastructure.

The details of the infrastructure to be provided with this development will be secured by a section 106 legal agreement.

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.

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

Neighbourhood Planning

Hassocks Parish Council submitted the Regulation 16 Submission version Neighbourhood Plan in June 2016. Works have now ceased on the Regulation Submission of the Neighbourhood Plan and it is likely to be withdrawn. Works have now ceased on the Regulation 16 Submission and a new version of the Neighbourhood Plan is being worked on by the Parish Council. In light of the above the Regulation 16 Neighbourhood Plan can only attract limited weight in the determination of planning applications. The PPG sets out the Government's

guidance on what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity. It states

"arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process."

In his recommendation on the previous planning application on this site, the Inspector stated *"Local people have invested time and energy in the neighbourhood plan process [145]. In the course of that process, the Friars Oak site was rejected for housing. Granting permission contrary to local opinion could undermine public confidence in neighbourhood planning. But the HNP has not reached the stage where it would carry significant weight. In the Ham Fields decision, the SoS gave the draft plan moderate weight, but that was before its progress had been halted [41]. The WMS on Neighbourhood Planning does not apply, and none of the objectors raises any serious arguments as to prematurity. In the circumstances, I conclude that the conflict with Policies 1 and 3 in the draft HNP carries only modest weight."*

Since the Inspector's report on the previous application was written the Neighbourhood Plan has not progressed to a stage where it could be afforded significant weight. As set out above works have now ceased on the Regulation 16 Submission and a new version of the Neighbourhood Plan is being worked on by the Parish Council.

Whilst the proposal would have a significant impact on one of the currently proposed green space allocations in the Regulation 16 Submission HNP, it is not felt that it could be reasonably argued that approving this application would undermine the whole plan making process for the HNP. As such it would be very difficult to justify a refusal of planning permission based on grounds of prematurity. Nonetheless, the conflict with the emerging neighbourhood plan policies 1 and 3 is a negative factor that weighs against this proposal.

Energy efficiency

Policy DP39 in the DP requires developers to seek to improve the sustainability of their developments. The policy refers to a number of measures that should be incorporated where appropriate into new development. The application is accompanied by an Environmental Performance Statement that is available on file for inspection. In summary it refers to a number of water saving features that will be used and low energy design for the buildings. For example, the applicants state that the development will utilise devices to reduce water consumption to 105 Litres/per person/per day. This would accord with policy DP39 which refers to a figure of 110 litres/person/day. It is considered the applicants have addressed policy DP39 of the DP. It is at the reserved matters stage that the layout of the scheme would be considered and it is at this stage that the potential for minimising energy use through the layout of the scheme can be addressed.

Communications infrastructure

Policy DP23 of the DP seeks to encourage the incorporation of digital infrastructure in major new housing development. It is considered that a suitable worded condition can be used to require the details of this to be submitted.

Archaeology

Policy DP34 in the DP relates to listed buildings and other heritage assets. Archaeological assets fall within the definition of heritage assets in this policy. The policy seeks to conserve heritage assets in a manner appropriate to their significance.

The application is accompanied by a desk based assessment (DBA) of the site to consider known historic environment evidence and the potential for hitherto unknown below ground archaeological evidence. This DBA concludes that there is high potential for encountering Romano-British remains and moderate potential for prehistoric and Anglo-Saxon archaeological evidence. On the previous application the Council's Archaeological Consultant had no objection to the application subject to a safeguarding condition. On the current application the Council's Archaeological Consultant has recommended that a predetermination evaluation is carried out. The Archaeological Consultant has stated "In addition to the size of the planning application, it should also be noted that it is also traversed by the projected line of a Roman road (Archaeological Notification Area - Route of the Roman Road through Mid Sussex). If the heritage asset is present I would expect to recommend that it be respected in the design of the new landscape. Whilst the decision obviously lies with your office, I will reiterate that a predetermination evaluation is my recommendation."

The details of the planning application, other than the proposal for a bridge over the railway line, are no different to the scheme previously considered by this Council and then ultimately determined by the SoS. In light of the history of the site is it your officer's view that it would still be appropriate for there to be a planning condition imposed regarding archaeological matters. It would be possible for the reserved matters submission to be informed by the results of archaeological work on the site.

It is therefore your officer's view that with such a condition the application would comply with policy DP34 of the DP.

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.

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, there is not considered to be any likely significant effect on the Ashdown Forest in relation to recreational pressure.

CONCLUSION

The planning application for the housing element of the scheme 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 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, an assessment of the design quality of the layout) will need to be assessed.

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 District Plan (DP).

The application site lies in countryside, outside the built up area of Hassocks and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its

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

However it is considered that the proposal would comply with other policies within the development plan (DP13 Preventing Coalescence, 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), DP26 Character and Design, DP27 Dwellings space standards, DP29 Noise Air and Light Pollution, DP30 Housing Mix, DP31 Affordable Housing, DP37 Trees Woodlands and Hedgerows, DP38 Biodiversity, DP39 Sustainable Design and Construction and DP41 Flood Risk and Drainage).

Notwithstanding the compliance with some policies, it is considered that the application is not in accordance with the development plan, read as a whole, and that this is the proper starting point for decision making. However, the Council also must have regard to other material considerations, including the National Planning Policy Framework (NPPF).

It is considered that there are other material considerations, specific to this site that are relevant to this application. These include:

- The views of the Secretary of State (SoS) on a previous application on this site for the same development (with the exception of the pedestrian bridge across the railway bridge that is part of this application).
- The location of consented and allocated development around the application site.
- The contribution the development would make to the Council's housing land supply. Whilst the Council currently has a 5 year housing land supply, a clear aim of National Government Policy is to significantly boost the delivery of housing, and this proposal would help maintain the current position.

The proposal would deliver 130 dwellings, 30% of which would be affordable units. The mix of dwellings within the scheme is felt to be reasonable.

It is considered that there is no reason why a well designed and laid out scheme cannot come forward in a subsequent reserved matters application should outline consent be granted for this development. It is therefore considered that there would be compliance with policies DP26, DP30 and DP31 of the District Plan.

It is considered that the proposal would provide a satisfactory vehicular access and would not result in a severe impact on the highway network, which is the policy test in both the development plan and the NPPF. The Highway Authority does not object to the scheme.

The proposal now provides for the provision of a pedestrian bridge over the railway line to seek to overcome the reason why the SoS refused planning permission for the previous proposal for 130 dwellings on this site. The bridge would be delivered under permitted development rights by Network Rail. A planning condition would be imposed on this permission to prevent development from taking place until the bridge had been provided. The proposed bridge would deliver a clear safety benefit by

removing an unmanned railway crossing. The main drawback from the proposed bridge would be that it would not be fully accessible to those with mobility issues, those with pushchairs/prams and to a lesser extent, cyclists. However the current unmanned crossing is also not accessible to these groups as there steps up to the railway line which is on an embankment at this point. Policy DP22 in the District Plan seeks to prevent development that adversely affects a public right of way. It is considered that accessibility for those using the public right of way would be no worse with the proposed bridge compared to the current situation (there are steps to access the crossing now and in the future there would be steps to access the bridge and then steps on the bridge itself). For those accessing the crossing the bridge would provide a safe means of crossing the railway line. It is therefore felt policy DP22 of the District Plan would be met.

It is considered that the scheme can be satisfactorily drained. The detailed means of drainage for the site can be controlled by condition. There are no objections from the Environment Agency or the Councils Drainage Engineer.

There are no ecological objections to the scheme from the Council's Ecological Consultant. The Councils Tree Officer also has no objection to the scheme.

The proposal will not have an adverse impact on the air quality management area at Stonepound Crossroads that would justify resisting this application.

A section 106 legal agreement will be completed to secure the necessary infrastructure contributions to mitigate the impact of the development. These contributions will go towards the costs of providing County Council services (Education and libraries), District Council services (leisure and community buildings), Health Services and towards Policing Services. As these impacts would be mitigated by the section 106 agreement, these matters are neutral in the planning balance.

Weighing against the scheme is that the fact that dwellings are being proposed outside the built up area and would normally be restricted under the relevant District Plan and emerging Neighbourhood Plan policies. Although it is your officer's view that there would be an impact on the landscape as a result of the proposed development it is considered that this impact will be localised and that it could be ameliorated by the retention of landscape planting and new planting within the development.

Also weighing against the scheme is a conflict with the Regulation 16 Submission Hassocks Neighbourhood Plan, which proposes to allocate this site as a local green space. However the weight that can be attached to this issue is considered to be limited. Works have now ceased on the Regulation 16 Submission and a new version of the Neighbourhood Plan is being worked on by the Parish Council. In light of the above the Regulation 16 Neighbourhood Plan can only attract limited weight in the determination of planning applications.

In summary, the applicants have sought to address the single reason why the Secretary of State refused planning permission for this development in March 2018, by including the provision of a pedestrian footbridge over the railway line. It is important to note that the planning policy position has moved on since the Secretary

of State's decision, with the adoption of the District Plan which replaced the Mid Sussex District Plan. At the present time the District Council can demonstrate a 5 year housing land supply and therefore the policies in the District Plan command full weight. However the scheme would provide additional housing, including a policy compliant level of affordable housing in a sustainable category 2 settlement which would accord with the aim of the NPPF to significantly boost housing delivery, and the views of the Secretary of State remain a very important material consideration, in so far as they demonstrate that there is no overriding environmental objection to this application.

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

APPENDIX A – RECOMMENDED CONDITIONS

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

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.

The development hereby permitted must be begun before the expiration of 1 year from the date of approval of the last of the reserved matters.

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

Pre commencement

2. No development other than works to construct the road bridge over the Herring Stream shall take place until the pedestrian bridge over the railway line (or a pedestrian tunnel) has been constructed and is available for use by the public.

Reason: In order to provide a safe crossing over the railway line and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031.

3. No development shall take place until a programme of archaeological work has been secured in accordance with a written scheme of investigation, to be submitted to the local planning authority and approved in writing. The scheme of investigation shall thereafter be carried out in full.

Reason: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031

4. No development shall take place until a scheme of ecological mitigation has been submitted to the local planning authority and approved in writing. The scheme shall include details of:

- i) the relocation of reptiles from within the site
- ii) other ecological management measures during construction
- iii) a lighting strategy to minimise light pollution to wildlife
- iv) new habitat creation and enhancement
- v) a Landscape and Environmental Management Plan

The ecological mitigation scheme shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.

5. No development of any kind shall be commenced until a detailed Flood Risk Management Scheme has been submitted to the local planning authority and approved in writing. The scheme shall contain detailed proposals for the management of all types of flood risks within the site, including the detailed design of all proposed bridges, culverts and structures within the floodplain, all necessary flood compensation areas, and any other necessary mitigation measures, broadly in accordance with the principles outlined in the approved Flood Risk Assessment, dated June 2018. The scheme shall also set out a timetable for the implementation of these measures, and the proposed arrangements for their future management and maintenance. The Flood Risk Management Scheme shall thereafter be implemented in accordance with the details and timetable thus approved, and the measures provided shall be retained and maintained in full working order for the lifetime of the development.

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

6. The access to the development shall be constructed in accordance with the approved access plan, No JNY8994-05. The remainder of the main access road, including the proposed bridge, embankments and culvert, shall be constructed in accordance with further details, to be submitted to the local planning authority and approved in writing. No other development on the site shall be commenced until the junction with London Road, and the first 200 metres of the access road, have been provided, at least to base course, in accordance with these approved details.

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

Pre occupation

7. No dwelling shall be occupied until the estate roads, footways, turning areas, and parking spaces to serve that dwelling have been provided, at least to base course, in accordance with details to be submitted to the local planning authority and approved in writing.

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

8. No dwelling shall be occupied until the submitted Residential Travel Plan, dated 4 June 2018, has been brought into effect. Thereafter, the Travel Plan shall be implemented in accordance with the recommendation set out therein.

Reason: In the interests of promoting sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

9. No dwelling shall be occupied until a footpath link has been provided from the development to Shepherds Walk, in accordance with details to be submitted to the local planning authority and approved in writing.

Reason: In the interests of promoting sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

10. No construction work on any dwelling shall commence until a detailed scheme for the provision of the proposed public open space, shown on the approved plan No 10552-OA-02, has been submitted to the local planning authority and approved in writing. The open space scheme shall include detailed proposals with regard to layout, landscaping, drainage, equipment, footpaths, cycleways, and boundary treatments within the open space areas. The scheme shall also contain proposals for the future management and maintenance of the open spaces, and the timing of provision. The open space scheme shall thereafter be implemented in accordance with these approved details, and the open space shall be kept available for use by the public.

Reason: To ensure satisfactory provisional equipment and to ensure that play area is provided and retained within the development for use by the general public and to accord with Policy DP24 of the Mid Sussex District Plan 2014 - 2031

11. No construction work on any dwelling shall commence until a detailed scheme of surface water drainage has been submitted to the local planning authority and approved in writing. The scheme shall contain details of all proposed attenuation ponds, basins, swales, and other surface water drainage infrastructure, broadly in accordance with the principles outlined in the approved Flood Risk Assessment, dated June 2018. The scheme shall also set out a timetable for the implementation of these measures, and the proposed arrangements for their future management and maintenance. The Surface Water Drainage Scheme shall thereafter be implemented in accordance with the details and timetable thus approved, and the measures provided shall be retained and maintained in full working order for the lifetime of the development.

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

12. No construction work on any dwelling shall commence until a Foul Drainage Scheme for the development has been submitted to the local planning authority and approved in writing. The foul drainage scheme shall thereafter be implemented as approved, and no dwelling shall be occupied until the relevant foul drainage infrastructure to serve that dwelling has been provided.

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

13. No dwelling shall be occupied until an Air Quality Mitigation Scheme for the whole development has been submitted to the local planning authority and approved in writing. The scheme shall contain full details of the mitigation measures that are proposed, and their costs, broadly equating to the emissions mitigation calculation at Table 15 of the submitted Air Quality Assessment report, dated May 2018. The scheme shall also include a timetable for the implementation of these approved

mitigation measures. The mitigation measures shall be carried out in accordance with the details and timetable thus approved.

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

14. The development shall not be occupied until a detailed scheme for protecting the residential units from noise generated by passing trains and traffic has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB L_{Amax} when measured in bedrooms internally between 23:00 and 07:00 hours, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure adequate thermal comfort and fresh air for the occupants, with the windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period. 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 accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031

15. The details of landscaping to be submitted pursuant to Condition 1 shall include a timetable for their implementation, and the landscaping works shall thereafter be implemented in accordance with the timetable thus approved. For a period of five years after planting, any plants or trees which die or are destroyed, or become seriously damaged or defective, shall be replaced by another of the same size and species, at the same place, within the next available planting season.

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

16. All existing trees and hedgerows on the site shall be retained unless specifically approved for removal at the reserved matters stage. All trees and hedges to be retained shall be protected during construction by means of protective fencing, in accordance with the details specified in the submitted Arboricultural Implications Assessment, dated 30 April 2018. Within the areas thus fenced, there shall be no excavation, trenching, alterations to ground levels, or storage of materials at any time during the construction period. For a period of five years after the removal of the protective fencing, any tree or hedge which is cut down, uprooted, destroyed, or become seriously damaged or defective, shall be replaced at the same location by another of a size and species to be approved by the local planning authority in writing, within the next available planting season.

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

Construction phase

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

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

Reason: To protect the amenity of local residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031

18. Prior to any of the units hereby permitted being occupied the developer shall provide details of the provision of fibre to premises infrastructure that has been provided in the development. None of the units shall be occupied until these details have been approved in writing by the Local Planning Authority.

Reason: To ensure improved digital connectivity and the provision of high-speed broadband and 4G to the development and to accord with Policy DP23 of the District Plan.

Approved Plans

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

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

INFORMATIVES

1. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £34 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Plans Referred to in Consideration of this Application

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

| Plan Type | Reference | Version | Submitted Date |
|--------------------|-------------------|---------|----------------|
| Proposed Site Plan | 10552-0A-01 | D | 06.06.2018 |
| Site Plan | 10552-0A-02 | A | 06.06.2018 |
| Site Plan | 10552-0A-03 | A | 06.06.2018 |
| Location Plan | 10552-DA-10 | | 06.06.2018 |
| Survey | LRH/1326/1-16 | | 06.06.2018 |
| Site Plan | Woodside Crossing | | 06.06.2018 |
| General | SL03915/02/102 | A04 | 06.06.2018 |
| General | SL03915/02/103 | A03 | 06.06.2018 |
| General | SL03915/02/104 | A04 | 06.06.2018 |

APPENDIX B – CONSULTATIONS

Parish Consultation

RECOMMEND REFUSAL.

The following set out why Hassocks Parish Council recommends that this application should be refused:

1. There is no requirement for additional housing in Hassocks, and there is no presumption in favour of development Mid Sussex District Council adopted the Mid Sussex District Plan 2014--2031 at its meeting on 28th March 2018, this therefore impacts on the previous statements made in the Inspector's Report following a Public Local Inquiry on a virtually identical application at the same location in June 2017.

District Plan Policy DP6 ' Settlement Hierarchy.

'Based on the overall housing requirement, the minimum housing requirement for each settlement for the first 8 years of the Plan (until 2021/22) can be calculated; this is the 5-year supply period at the time of adoption. On this basis, the majority of settlements have sufficient commitments to meet their need until at least 2021/22. Therefore, the District Plan requirement at 876dpa to 2023/24 does not suggest that Neighbourhood Plans will necessarily need to be reviewed within the next 5 years (as at April 2017) to meet housing supply, although Town and Parish Councils may choose to do so in order to boost supply, or to meet need for the full plan period to 2031.

Some settlements (".. Hassocks".) have already identified sufficient commitments/completions to meet their minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans.'

Extracts from the Inspector's Report dated 1 March 2018. Paragraph 12 states that 'For the reasons given'... the Secretary of State agrees with the Inspector that limited weight should be given to the emerging Hassocks Neighbourhood Plan (HNP) until the new housing figures for the MSDP have been settled.'

Given that those numbers have now been finalised, it would imply that greater weight should now be given to the emerging Hassocks Neighbourhood Plan. The proposed development would be located within the Burgess Hill gap, as defined in Policy 1 of the Regulation 16 Hassocks Neighbourhood Plan, and is thus contrary to Policy 1- Burgess Hill Gap, of the Regulation 16 Draft Hassocks Neighbourhood Plan.

Furthermore given that Mid Sussex District Council has identified a five year housing supply and that Hassocks has met its commitments in the supply of land and housing for the full plan period, this application is in direct conflict with the following District Plan policies which Mid Sussex District Council has a responsibility to apply to protect the countryside in Hassocks:

DP12 Protection and Enhancement of the countryside (Supersedes Policy C1 Protection of the Countryside in LP)

Inspector's Report extract:

IR par. 20. 'On the proposals map16, the application site is outside the built-up area boundary of Hassocks, and within a Countryside Area of Development Restraint (CADR). Policy C1 states that the CADR will include all of the plan area outside the defined settlement boundaries, and that within such areas, the countryside will be protected for its own sake, and development firmly resisted.

IR par. 32. 'The southern half of the site is proposed to be allocated as a Local Green Space (LGS). Policy 3 seeks to protect the proposed LGSs from development that would conflict with their purpose.'

District Plan Policy DP12 extract:

'To create places that encourage a healthy and enjoyable lifestyle by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to walk, cycle or ride to common destinations. The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- it is necessary for the purposes of agriculture;; or
- it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'

Hassocks has lost significant green space to development (notably at Ham Fields) and to lose Friars Oak fields in addition would severely restrict residents in their access to local green space. Therefore, we conclude that application DM/18/2342 is in direct conflict with District Plan Policy DP12 and should be refused on that ground. As the District has a five year land supply this application can only be considered on its merits, without any presumption in favour of development. In our opinion, conflict with policy DP12 on its own is sufficient to warrant refusal.

DP13 Preventing Coalescence (Supersedes C2 Strategic Gap in LP)

Inspector's Report extract:

IR 21. 'The site is also within a defined Strategic Gap, between the villages of Hurstpierpoint, Hassocks and Keymer and the town of Burgess Hill. Policy C2 states that the Strategic Gaps will be safeguarded, in order to prevent coalescence and retain the separate identity of settlements.'

IR 31. 'On the proposals map, the application site is shown outside the settlement boundary, and within a proposed Burgess Hill Gap. Policy 1 states that the Burgess Hill Gap will be safeguarded to prevent coalescence and to retain the settlements' separate identities.'

District Plan Policy DP13 extracts:

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

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

This proposed application is therefore in conflict additionally with MSDC policy DP13 Preventing Coalescence, therefore Hassocks Parish Council considers it should be refused on these grounds.

DP15 New Homes in the Countryside

Inspector's Report extract:

IR par. 20. 'On the proposals map16, the application site is outside the built-up area boundary of Hassocks, and within a Countryside Area of Development Restraint (CADR). Policy C1 states that the CADR will include all of the plan area outside the defined settlement boundaries, and that within such areas, the countryside will be protected for its own sake, and development firmly resisted.

IR par. 32. 'The southern half of the site is proposed to be allocated as a Local Green Space (LGS). Policy 3 seeks to protect the proposed LGSs from development that would conflict with their purpose.'

District Plan Policy DP12 extract:

'To create places that encourage a healthy and enjoyable lifestyle by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to walk, cycle or ride to common destinations. The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- it is necessary for the purposes of agriculture; or
- it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'

Further extracts from the Inspector's Report Para. 9. State that 'The Secretary of State considers that the '. most relevance to this case are those set out at IR18--21, and 'he agrees with the Inspector's conclusions at IR151 that the proposed scheme would conflict with Policies C1 and C2 of the MSLP.

As the proposed application meets none of the criteria to constitute a development under policy DP12, Hassocks Parish Council considers it cannot be approved as a development under this policy.

2. Proposal for the provision of a footbridge across the railway.

The provision of a footbridge bridge will be a considerable expense and it is considered likely that much of this cost will be funded from S106 contributions, thus reducing the funds available for other community projects.

The gradient and height required for this footbridge would be restrictive to many sectors of the community due to the climb. For example those with mobility difficulties or reduced fitness or health, those using pushchairs or parents/carers walking with young children would find the bridge a significant challenge if not inaccessible. Therefore it is difficult to maintain that this bridge would serve the community as a whole, nor is it a good use of S106 funds.

Hassocks does not therefore consider the proposed footbridge is either a good use of funds, nor removes a flaw in the development proposal so as to make the proposed building development acceptable. On the contrary, the proposed development is fundamentally at odds with District Plan policies, and it cannot be made acceptable by the addition of a footbridge. Our overall conclusion therefore, is that the plan should be refused owing to conflict with District Plan policies and the false carrot of a footbridge is irrelevant to this conclusion.

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 2018/2019 are - Primary £17,920, Secondary £27,000, Further Secondary £29,283, updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.3 The contributions generated by this proposal shall be spent on a new primary school serving Hassocks or additional facilities at The Windmills Junior School should the new school not progress.

The contributions generated by this proposal shall be spent on expansion at Downlands Community School.

2. **Library Infrastructure Contribution**

2.1 The County Librarian advises that the proposed development would be within the area served by Hassocks 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 2018/2019 are 30sq.m and £5,252 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on expansion of the facilities at Hassocks 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.

Appropriate occupancy rates using the latest available Census data will be used. 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)

To be reported.

Highway Authority

Background and Summary

WSCC in its role of Local Highway Authority (LHA) has been consulted on this application and considers the matters of Access, Capacity and Sustainability of the proposals. The application is supported by way of Transport Assessment (TA) which includes formal junction capacity data and a Stage 1 Road Safety Audit (RSA). The proposals will be accessed from the A273 (London Road) via a modified access point. The road in this location is subject to a 40 mph speed limit to the north of the proposed site access changing to 30mph towards Hassocks at the existing golf course access just north of the proposed site access. This proposal is comparable to that approved as part of the original planning application for this site (DM/15/0626) albeit the number of dwellings has reduced from 140 to 130. This application follows a recent refusal by the Secretary of State who refused the application for the reason that there were no measures identified at the Woodside Crossing to improve safety. This application and the submitted TA, proposes to address this concern through the provision of a new footbridge. No other reasons for refusal were given.

The assessment undertaken as part of this TA includes the development at Hurstpierpoint for 157 dwellings, Hassocks Golf club (130 dwellings) and developments not yet approved which include land West of London Road (130 Dwellings, 97 approved) and Land North west of Stonepound Cross Roads (25 Dwellings).

In summary the proposals are accepted by the LHA. It should be noted that after various additional pieces of information the LHA did not raise an objection to the proposals in 2015. Further detail on this recommendation is provided within the response below.

Access and Visibility

The vehicular access will be provided with a 6m wide access reducing to 5.5m as it enters the site. The 6m width of the access, is sufficient to allow two large vehicles to pass and pass and consistent with the advice contained within Manual for Streets (MfS). The access junction radii are provided at 8m to accommodate the swept path of the largest design vehicle a large refuse.

The RSA has identified 1 problem with the proposed access. In summary the Designer has agreed all areas that the Auditor has raised as problems. The Audit is summarised below, point by point:

2.4.1- the scheme proposals do not indicate what provision there will be to identify to any blind or visually impaired pedestrians that they are entering an area where pedal cyclists are likely to be present. As a result, concern arises that this could result in an increased risk of pedestrian /cyclist conflicts occurring, particularly for those pedestrians who are blind or

visually impaired. The recommendation is accepted by the Designer and will be reviewed at the Stage 2 Detailed Design Stage of the application.

The visibility splays have not been based upon 85th percentile recorded by ATC surveys with speed limits of:

39.1 mph northbound

39 mph southbound

The visibility splays have not been based upon 85th percentile recorded by ATC surveys. However with the trimming of vegetation, the applicant has demonstrated that visibility splays of 3.0 by 120 metres are achievable to the north and 3.0 by 120 metres are achievable to the south. These sightlines are within the requirements set out within Design Manual for Roads and Bridges (DMRB) given the posted speed limit. Taking account of local context and traffic flows, the LHA consider that DMRB guidance is appropriate in this instance. As such, this junction is considered to be adequate to accommodate the vehicular movements arising from this proposal.

The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents in the vicinity of the site access onto London Road. There is no evidence to suggest that the road is operating unsafely, or that the proposed would exacerbate an existing safety concern.

In conclusion the principle of the access has now been demonstrated as acceptable and 'Safe and Suitable' in accordance with Paragraph 32 of the National Planning Policy Framework (NPPF), the works for the access would be subject to a Section 278 Agreement with WSCC's Implementation Team.

Gateway Feature

The applicant proposes a new gateway feature will be implemented this will include yellow backed 30mph speed limit signs, 30mph speed limit roundels on the road and red surface dressing. In line with Parish aspirations the enhancement of the signs and road markings are proposed to make drivers more aware that they are entering a 30mph zone. As with the site access the works for these amendments can be undertaken at the Implementation Stage of the application with the access works.

Layout

Whilst it is acknowledged that permission for the sites layout is not sought, there are no initial concerns with the indicative layout. The access road will take the form of a 5.5 metre wide arrangement with a 2 metre footway. This is considered suitable as this will be a low speed, low traffic environment. MfS2 identifies that shared space is appropriate where vehicles flows are less than 100 per hour, the proposal would meet this criteria. Refuse collection will take place from within the site. Swept path diagrams have not been provided showing larger vehicles turning paths within the site, this would be required. The applicant should liaise with MSDC's Waste Collection Team to discuss the suitability of this arrangement from their perspective.

It has been stated that the access road will be constructed to adoptable standards; this would be achieved under a Section 38 Agreement. This however can be confirmed at a later stage.

Parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator (PDC); the parking allocation is in accordance with the demand from the PDC.

From checking and based on the proposed mix and tenure of the dwellings, the car parking provision is anticipated to satisfy the likely demands.

Trip Generation and Capacity

In principle the trip generation has been agreed with WSCC at the time of the 2015 application. The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposal. It suggests that there will be 83 and 80 two way movements in the morning and evening peak hours respectively. The LHA acknowledges that the TRICS outputs are based upon sites considered to be comparable in terms of planning use class and location to that proposed, in accordance with TRICS Best Practice Guidance. As such the trip rate generated provides a realistic indication of likely trip generation from the new dwellings.

It was agreed with the LHA previously that the following junctions are most likely to be affected by the additional traffic generation associated with the proposed residential development and require assessment.

- A273 London Road / Site Access / Golf Course Access - Ghost Island Priority Junction; and
- A273 London Road / B2116 Keymer Road / A273 Brighton Road / B2116 Hurst Road - four arm signalised junction.

The junction analysis has been undertaken using the Industry standard Junctions 9 computer programme for the site access priority junction and LINSIG programme for the signalised junction. The results of the assessment show that the proposed access arrangement will operate well within capacity, the existing signalised junction is demonstrated to operate above its design capacity in the existing situation and with the introduction of the committed and proposed development traffic, this level of capacity reduces further. The mitigation measures identified have been agreed with WSCC and will either be implemented as part of this development proposal or as part of the Hassocks Golf Course application which also proposes these measures. The measures identified are considered to be sufficient to mitigate the developments impact at this junction.

It is recognised that this proposal would give rise to a more intensive use of London Road; however, based on the above it is not anticipated to result in a severe cumulative impact on the operation of the local network in accordance with paragraph 32 of the National Planning Policy Framework.

Crossing Point

In order to overcome the reason for refusal the applicant has held meetings with Network Rail to discuss a way forward with the level crossing point. The applicant has stated that they would be willing to fully fund the provision of a footbridge and have liaised with Network Rail who has confirmed that they would support the provision of a footbridge in this location and believe that there is sufficient land available within their control to deliver this bridge. Network Rail has also confirmed that they would be willing to enter into a legal agreement with applicant on this matter. The bridge will have limitations from an accessibility point of view, however on balance it would be an improvement to accessibility in the local vicinity over what currently exists.

We have consulted the WSCC Public Rights of Way (PROW) Officer and note that comments were made on the 16th July 2018 to MSDC. In summary they advised that there is good reason to ensure safe and convenient connections between each and their surroundings. Presently the London - Brighton mainline railway creates a barrier to safe and

convenient local access. Having a new footbridge (as referred to above) will to some extent mitigate the situation but, given that the railway runs on an embankment, this will be a limitation to some. Also, cyclists will not be accommodated. It is advised that the applicant should be encouraged to investigate alternative solutions to overcome this deficiency and so realise MSDC policies DP21 and DP22. They advise that it may be beneficial for both the applicant and the applicant / consortium developing Clayton Mills to work together to identify and propose a solution.

Construction

Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from London Road. A comprehensive construction management plan would be sought through condition should permission be granted. The construction management plan should amongst other things set out how deliveries are to be managed along London Road in light of the carriageway width and presence of other vulnerable road users.

Sustainability and Accessibility

The village itself has a primary school, pre-school, public house, village café, and much further to the west a petrol filling station and village store. The A273 benefits from footway provision on both sides of the carriageway and street lighting due to residential nature of the road. Footway provision extends as far north as Hassocks Golf Club and to the signalised junction with the B2116 to the south of the site. The London Road / Keymer Road / Brighton Road signalised crossroads junction approximately 1Km south of the site provides pedestrian crossing facilities on three arms (no crossing provided on Hurst Road), with a controlled crossing located on the London Road arm. Footways are provided on all arms of the junction and Keymer Road has a continuous footway provided along the northern side of the carriageway, which provides access to the centre of Hassocks.

As regards cycling, there are no separate cycle ways in the vicinity of the site, although there is a cycle network sign pointing along London Road. This road is wide enough to allow cyclists to share the carriageway in reasonable safety and to access local facilities or for recreational purposes. Bus services are within the recommended 400 metres walking distance from the centre of the proposed residential development, which would cover the majority of the residents within the site. The services that are available have good connections to Brighton, Haywards Heath and East Grinstead. The transport choices of cycling and bus are therefore quite limited and the lack of good pedestrian connectivity also suggests that the residents of the new dwellings would be very dependent on private cars, even for relatively short journeys.

The National Planning Policy Framework (NPPF) states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. In this respect, the site is located within a reasonable walking distance of local amenities. Paragraph 29 of the NPPF also states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Whilst paragraph 29 goes on to say that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas, residents of the proposed development would inevitably still be reliant upon the use of the private car for the significant majority of daily trips, however it is recognised that this is a small scale development intended to be provide for local housing needs.

The previous 3 years personal injury accident data has been checked and this indicates no accidents have been recorded that involve pedestrians or cyclists within Hassocks village.

There is no evidence to suggest that the existing arrangements for pedestrians are inadequate or result in safety issues.

Conclusion

Conclusion-Based on the revised TS, the LHA does not consider that the proposed would have 'severe' residual impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

In the event that planning consent is granted, the following conditions are recommended,

Access

No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

Construction Management Plan

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

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

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

Visibility

No part of the development shall be first occupied until visibility splays of 3.0 metres by 120 to the north and 3.0 by 120 metres to the south have been provided at the proposed site vehicular access onto London Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

INFORMATIVE

S278 Works-The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Public Rights of Way Officer

1. The existence of a Public Right of Way (PROW), e.g. public footpath, is a material consideration. Should planning consent be granted, the impact of development upon the public use, enjoyment and amenity of the PROW must be considered by the planning authority.

2. The application proposes to construct a Flood Compensation Area on the legally recorded line of Public Footpath 5K (FP5K). This would amount to an offence of disturbing the surface of the footpath and obstruction, given that the footpath would not be exercisable at some if not all the time in the future. For this reason it will be necessary for FP5K to be diverted before development can begin. In order to secure such a diversion, an Order would need to be made by Mid Sussex District Council (MSDC) as the local planning authority, which could make such an Order under the Town & Country Planning Act 1990 section 257. The WSCC PROW service will be a consultee as part of this diversion Order application process and its prior agreement to an alignment and a specification will be required before lending formal support to any diversion proposal. Development affecting the currently recorded legal line of FP5K must not begin until and unless the path has been formally accommodated else an offence is being committed and may invalidate any diversion Order procedure. It must be noted that the granting of planning permission does not in itself authorise obstruction of, interference to, diversion or stopping up of any PROW across the site - a separate procedure is required.

3. The applicant discusses retention of FP5K on its existing alignment over the adjacent London - Brighton mainline railway. A new footbridge is proposed to accommodate the path as per the Transport Assessment p25, which says the applicant agrees to fund in full a bridge crossing of the railway for FP5K. This is welcomed to reduce the opportunity of footpath users crossing the railway at-grade and their risk of conflict with trains. This will support delivery of MSDC District Plan Policy DP11 and provide safe links to existing residential areas and existing infrastructure. It is noted that an agreement in principle has been reached with Network Rail regarding design and delivery of a footbridge. The applicant must be advised that WSCC PROW will require to be consulted on a design and its approval to that design is necessary given the bridge will carry a public highway in the form of FP5K. Further, unless the footprint of the future footbridge conforms exactly to the current alignment of FP5K, a further footpath diversion Order will be necessary, probably also under the Town and Country Planning Act 1990 section 257. MSDC should give early consideration to how it would consider such a proposal.

4. This application is locally significant and local public access must be given consideration to ensure the future community has appropriate opportunities to enjoy. MSDC recently adopted its District Plan 2014 - 2031. Within this are a number of commitments to support and enhance public access. For example:

4a. The Vision and Objectives (para 2.9) recognise the District's transport infrastructure is under particular strain with high levels of car ownership and car usage. The Vision, as stated in para 2.10, is to deliver "A thriving and attractive District, a desirable place to live, work and visit. Our aim is to maintain, and where possible, improve the social, economic and

environmental well-being of our District and the quality of life for all, now and in the future." Acknowledging the opportunities and ensuring delivery of improvements for walking and cycling as part of this proposal, and others, will make a valuable contribution to maintaining and improving life for future residents. Para 2.13 goes on to say the District Council considers sustainable development to include:

- improves quality of life, wellbeing and the conditions in which people live, work, travel and take leisure;
- increases opportunities to walk, cycle or use public transport, including as part of the green infrastructure network;
- gives people the opportunity to access jobs, shops and leisure facilities close to home.

4b. Strategic Objective 15 seeks "To create places that encourage a healthy and enjoyable lifestyle by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to walk, cycle or ride to common destinations."

4c. Policy DP20 outlines that Section 106 and unilateral undertakings will be sought to ensure delivery of necessary infrastructure and mitigation measures.

4d. Policy DP21 states "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, [will be] fully explored and taken up."

4e. Policy DP22 additionally states "In accordance with the National Planning Policy Framework (paragraph 75), the District Plan will protect and enhance public rights of way, as well as Sustrans national cycle routes...". This will be achieved by:

- Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes;
- Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible;
- Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).

5. There are opportunities for access improvements within and in close proximity to this site, and the applicant should be encouraged to consider opportunities proposed below. This will assist in the applicant realising its commitment as stated in the Design and Access Statement (DAS) p23: 'Sustainable forms of transport to the site itself are limited with only a single public right of way running the length of the southern boundary. The site's close proximity to the village centre and train station permits for wider travel however, the proposed scheme will need to ensure that there are opportunities to link into the local public transport network.' Further, DAS p57 states the proposed development will, amongst other things:

- Encourage sustainable forms of travel by virtue of its good pedestrian / cycle routes and public transport facilities, in particular bus connections, adjacent to the site
- Provide wider links around the periphery and through the centre of the site, which will help establish a clear circuit for further recreational purposes.

5a. A surfaced route connecting FP5K with Shepherds Walk would provide convenient year-round access for local residents. The DAS p30 suggests the existing access point in the site's southern boundary will be retained; this should be improved for accessibility and a surfaced path laid to connect with Shepherds Walk.

5b. Foot and cycle access should be provided through the north-west arm of the site to join the Burgess Hill - Hassocks existing walking and cycle path. The DAS p30 and p54 suggest a footpath only is intended; however, permeability for cycling must also be accommodated. Such a route would be more direct for many potential users, which will be more attractive, as well as making a more direct connection to existing public bridleway 4_2C, which allows users to cycle to Hurstpierpoint.

5c. The DAS refers variously to use of the existing FP7K for future residents to connect with Woodland Road and Hassocks village centre. This path should be improved to accommodate the extra use and to make it attractive to be used as an alternative to use of private cars. The applicant must be required to commit to delivery of improvements to the satisfaction of WSCC PROW service, potentially including up-grade of the route status so that cycling can be lawfully exercised.

5d. DAS p23 talks of retaining a stile. Mindful of need to take opportunities to improve access for all, the applicant should be required to remove stiles and, where it is necessary on safety grounds, replace these with suitable gates or perhaps bollards. WSCC PROW service must be involved should any structure be sited on a recorded PROW.

6. This site is adjacent to the Clayton Mills strategic allocation site. That site, combined with this proposal, will create a significant number of new residential houses in close proximity. There is, therefore, good reason to ensure safe and convenient connections between each and their surroundings. Presently the London - Brighton mainline railway creates a barrier to safe and convenient local access. Having a new footbridge (as referred to above) will to some extent mitigate the situation but, given that the railway runs on an embankment, this will be a limitation to some. Also, cyclists will not be accommodated. The applicant must be encouraged to investigate alternative solutions to overcome this deficiency and so realise MSDC policies DP21 and DP22. It may be beneficial for both the applicant and the applicant / consortium developing Clayton Mills to work together to identify and propose a solution.

7. In summary, in the event MSDC grants consent for this development, such consent must be conditioned that a public footpath diversion(s) is necessary; and, so as to ensure the various objectives and policies stated within the MSDC District Plan 2014 - 2031 are supported, whilst also ensuring the proposal delivers the commitments made by the applicant in the DAS, a number of improvements to local walking and cycling access must be delivered. WSCC PROW service can be contacted to assist and advise on design and delivery of access enhancements, which it expects will be secured by means of suitable Section 106 obligations and/or unilateral undertakings for delivery by the applicant.

Network Rail

Thank you for providing Network Rail with the opportunity to comment on the above application. Having considered the details of the proposal I can confirm that Network Rail have no objections.

We are working with the applicant to deliver an alternative means of crossing the railway. We hope to be in a position to start the feasibility study before Christmas.

Archaeological Officer

Recommend Predetermination Archaeological Assessment

The Heritage Conservation Team, Surrey County Council provides advice to Mid Sussex District Council in accordance with the Mid Sussex District Plan and the National Planning Policy Framework. The district council is located within the County Council of West Sussex.

The National Planning Policy Framework (Section 12) emphasises that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted, paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

A Historic Environment Desk-Based Assessment (DBA) was submitted in support of the planning application (ASE 2018) and estimated the potential for heritage assets being located within the site boundaries (Para 8.7.2 as):

- Prehistoric - Moderate
- Romano-British - High
- Early Medieval - Moderate
- Medieval - Unknown
- Post-medieval - Low

The DBA further concluded (Para 12.2) that:

- The route of the possible Roman road (Vine's Line) and associated Archaeological Notification Area (DWS8680) cross the Site from north to south;
- A small part of the Site in the south-west corner was once within the manors and estates of Wickham;
- The Site has the potential for as yet unknown heritage assets (archaeological remains) to be present;
- Where such remains are present they may be impacted on by groundwork;
- Past arable cultivation may have had some impact on the archaeological resource at the Site

Appraisal of this proposal using the West Sussex Historic Environment Record and information provided with the application does indicate a need for further information to reach an informed judgment of the impact the planning application can be anticipated to have on heritage assets of archaeological interest. It is therefore recommended that any available LIDAR data should be assessed, with the findings included as an appendix to the DBA. In addition, it is also recommended that an archaeological field evaluation is undertaken at the predetermination stage, with the results submitted as part of the planning application. Furthermore, it is recommended that any geotechnical works to be undertaken by the applicant at the predetermination stage should be observed under archaeological watching brief conditions, with the results to also be submitted as part of the planning application.

The nature and scope of predetermination assessment and evaluation should be agreed with our office and carried out by a developer appointed archaeological practice before any

decision on the planning application is taken. The ensuing archaeological report/s will need to establish the significance of the site and the impact of the proposed development. Once the archaeological impact of the proposal has been defined, our office can if necessary discuss mitigation options and make recommendations. If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development.

A Written Scheme of Investigation for the programme of archaeological works should be produced, submitted and approved in advance of any work commencing.

Please do not hesitate to contact the Heritage Conservation Team, Surrey County Council should you require further information.

This response relates solely to archaeological issues.

Environment Agency

Thank you for consulting the Environment Agency on the above application.

Environment Agency Position

The Environment Agency acknowledge that the habitable element of the application is within Flood Zone 1.

We also accept that our previous concerns with regards to the access road, highway embankment and loss of floodplain compensation which is shown to be outside the modelled extents, and connectivity have been satisfactorily addressed within the revised Flood Risk Assessment (FRA - 17627R-18-33) undertaken by Idom Merebrook dated June 2018.

We therefore have **no objection** to the proposed development as submitted, **subject to the inclusion of the following condition**, in any permission granted.

We consider that planning permission could be granted to the proposed development, as submitted, if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition - Implementation of Flood Risk Assessment

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. Provision of compensatory flood storage as identified within 10.9.25 of the FRA
2. Access road level to be set at 36.5mAOD and bridge soffit set at 35.7mAOD as identified within 10.9.17 of the FRA
3. Clear span crossing (Option 5) as identified within 10.9.5
4. Installation of flood relief culvert as shown on Drawing number 301-001 Rev M

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to:

1. prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site or overtopping;
2. ensure access and egress remains available during flood conditions, and elevated enough so as to not cause overland flood flow routes to back up, and cause flooding issues elsewhere;
3. preserve flood plain connectivity and
4. provide additional flood compensation

Advice to Local Planning Authority/Application

With regards surface water disposal, the Lead Local Flood Authority (LLFA) or your councils own Drainage Engineers should be satisfied that the attenuation ponds can be designed to accommodate a 1 in 100 year flood event plus climate change increases.

They must also be satisfied that the run off rates can be designed to replicate existing green field run off rates, into the Herrings Stream.

Any works in under or over (i.e. the clear span bridge) or within 8 metres from the watercourse bank edges (i.e. fencing of bank gardens and Attenuation Pond 2) of the Herrings Stream, a classified main river under the jurisdiction of the Environment Agency, a Flood Risk Activity Permit (FRAP) will need to be applied for. It should be borne in mind that whilst the development may be approved as a planning application, it may not be acceptable to the EA at the FRAP stage. It is noted that the location of Attenuation Pond 2 is very close to the Herrings Stream and this may prohibit future maintenance requirements, and it is essential a maintenance strip is preserved. Early dialogue with the Environment Agency's Partnership and Strategic Overview team is recommended (contact psowestsussex@environment-agency.gov.uk). Design details for attenuation ponds should be designed based on the CIRIA 161 guidance, with a bank slope of 1:3. The design approval rests with the LLFA. Matters relating to foul sewer capacities must be agreed with Southern Water.

Our response to this application is on the understanding that Mid Sussex District Council is satisfied that the Sequential test has been adequately demonstrated to the requirements set out in the national Planning Policy framework (NPPF) paragraph 101 and section 5.

This means that before proceeding to determination, Mid Sussex District Council must apply the Sequential Test; that is, it must consider whether the applicant has demonstrated and sufficiently justified that no alternative sites are available in lower flood risk zones.

Please note that it is the role of the LPA to determine and assess the acceptability of the Sequential test. Our role is to advise on the pros and we do not comment upon the comparative assessment of land, its availability or suitability for development.

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

Southern Water

The wastewater discharged from the proposed development will be drained to Southern Water's Goddards Green Wastewater Treatment Works. The works currently does not have the capacity to accommodate flows from the proposed development. Improvements are

planned to provide for capacity to serve future developments. These are planned to be completed at the end of the current AMP period. We would wish occupation of development to be deferred until adequate treatment capacity is available to serve the development.

Should the Local Planning Authority be minded to grant planning permission for this development we request that the following condition is attached to the consent: "Occupation of the development will not be permitted until the Local Planning Authority is satisfied that, in consultation with Southern Water, that adequate wastewater treatment facilities exist to effectively drain the development".

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

Please note: No development or new tree planting should be located within 6 metres either side of the external edge of the public 600mm foul sewer.

No development or new tree planting should be located within 3 metres either side of the external edge of the public 300mm foul 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".

The impact of any works within highway / access road will need to be agreed and approved, in consultation with Southern Water, under NRSWA enquiry in order to protect public apparatus.

Our initial investigations indicate that Southern Water can provide foul sewage network capacity to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist

for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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

If the applicant or developer proposes to offer a new on-site foul sewerage pumping station for adoption as part of the public foul sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. Due to the vibration, noise and potential odour generated by sewage pumping stations, 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. The proposed sewerage pumping station shall not be located within flood plain, in accordance with requirements of Sewers for Adoption standards.

No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public or adoptable sewers.

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 non-compliance 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.

MSDC Drainage Officer

Recommendation: No objection subject to conditions

Summary and overall assessment

A revised Flood Risk Assessment has been supplied with this application and it is updated with revised flood modelling so includes increased allowance for climate change, has

assessed the risk of blockage to culverts and has included a 50% Cini Sensitivity figure. This is represented in the Outline Drainage Strategy plans - one reference 17627r-301-002C showing the Baseline Scenario with 50% Climate Change and the other reference 17627r-301-001M showing the Proposed Bridge Scenario with 105% CC, 40% blockage to the culvert and 50% Cini value.

The modelling and plans show that the flood extent is slightly increased above previous modelling so the layout of the development has been altered slightly to ensure that all attenuation ponds, the compensatory flood storage area and the necessary foul pumping station are outside the flood areas.

As a result of the above I am satisfied that the site can be satisfactorily drained without increasing flood risk subject to details to be provided at the Reserved Matters stage should this application be approved.

Flood Risk

An assessment of flood risk to the development site highlighted that there is a risk of fluvial flooding related to the Herring Stream. In addition, there is risk of surface water flooding in the immediate vicinity of Herring Stream. Mitigations are proposed to manage these risks and are focused on 'avoidance' by not locating 'More Vulnerable' development within the Flood Zone 3a outline and 'improving understanding' by recommending that a full intrusive ground investigation be undertaken to confirm the published geology and groundwater levels.

Surface Water Drainage Proposals

In terms of managing surface water runoff, it is proposed that on-site attenuation is utilised to restrict flows offsite to pre-development rates. The pre-development Greenfield runoff rates should be matched for the 1 in 1 year event up until the QBAR figure is reached. The QBAR figure should then not be exceeded for all storms up to and including the 1 in 100 year event + climate change. This provides for the flows into the watercourse system to be managed in a way that does not cause flood risk elsewhere and also manages the peak flows.

I understand that permeable paving and other SuDS methods such as swales will be utilised to help manage the surface water drainage on the site. This is welcome and proposals should be set out in the Reserved Matters application should this application be approved.

As the ground water conditions have not yet been investigated, ground water monitoring should be undertaken before detailed design. There may well be pockets on this site that would allow infiltration into the ground as I believe there is varied geological strata on this site.

Foul Water Drainage Proposals

It is proposed that the development will drain via an adopted public sewer network into the existing Southern Water foul sewers. Southern Water have stated that there is not currently capacity for this development so the applicants will need to liaise with Southern Water to ensure that improvements can be made to the network in order to accommodate the development. There will be a foul water pumping station on the site to enable lower parts of the site to connect into the existing sewer network.

Suggested Conditions

- Surface Water to include Management and Maintenance details for the lifetime of the development.
- Groundwater monitoring should be carried out prior to the submission of the Reserved Matters application to ensure that ground water conditions at the site will not adversely affect the drainage design.
- Foul water
- That the development is carried out in line with the content of the FRA reference FRA-17627r-18-33, June 2018 as this sets out the intended soffit and road level for the bridge through the floodplain and the amount of flood plain compensation storage needed on the site.

Advice

The applicants should ensure that they continue to liaise with Southern Water, the Environment Agency and Mid Sussex District Council regarding the drainage of this site. The WSCC Policy for the Management of Surface Water should be followed to ensure that the site will not increase flood risk now or in the future.

Ecological Consultant

Recommendation

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the reserved matters application being supported by a full Ecological Impact Assessment Report, prepared in accordance with current Chartered Institute of Ecology and Environmental Management guidelines and BS42020: 2013 Biodiversity Code of Practice for Planning and Development in order to allow a thorough assessment of the detailed proposals (including measures to prevent impacts on the adjacent stream). The following pre-commencement conditions are also recommended.

No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

- a construction-phase wildlife and habitat protection and mitigation plan (including reptile relocation provisions), which may be incorporated into a Construction Environment Management Plan (CEMP);
- a habitat enhancement and long-term management plan including overarching aims, details of body responsible for implementation, funding arrangements and monitoring. It shall include provision for a five-year rolling action plan;
- a wildlife-sensitive lighting plan demonstrating how light pollution of habitats will be avoided, supported by modelled lux levels.

The approved details shall be prepared in accordance with BS42020: 2013 Biodiversity Code of Practice for Planning and Development and be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.

Sussex Police

Thank you for your correspondence of 20th June 2018, advising me of a planning application for Hybrid application comprising of outline proposal for residential development of 130 dwellings consisting of 12no. 1 bedroom apartments, 27no. 2 bedroom houses, 47no. 3 bedroom houses and 44no. 4 bedroom houses and associated access, together with change of use of part of the land for country open space, following the provision of a new footbridge across the railway. All matters reserved apart from access, at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the Police service and supported by the home office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on www.securedbydesign.com Due to the application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

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.

The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked, this design has eliminated vulnerable rear garden pathways. However, this has led to number of unobserved parking courts within the development. Parking in the main has been provided with garage, in-curtilage, overlooked and unobserved rear parking bays and courts and a number of on street parking bays, this arrangement should leave the street layout free and unobstructed providing the residents have confidence in the proposed parking's ability to protect their vehicle. If not this has the potential to create illegal parking, obstruction and the blocking of emergency routes as well as disharmony amongst residents.

Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

It is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls and fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence. As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8 meters.

In circumstances that require a more open feature such as a garden overlooking a rear parking court or a rear garden pathway, 1.5 metre high close board fence topped with 300mm of trellis can achieve both security and surveillance requirements. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 meters. Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable

from both sides. Such gates must be located on or as near to the front of the building line as possible. The design height and construction of any gates within a perimeter fencing system should match that of the adjoining fences and not compromise the overall security of the boundary.

Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. I would recommend that the eventual location is surrounded with railings with self-closing gates to provide a dog free environment. At present it is isolated and unobserved.

I was pleased to note the intervention of Network Rail as they have responsibility regarding crime prevention matters of Network Rail land.

I would also ask you to note that Sussex Police is 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)

Sussex & Surrey Police are an active member of the National Police Estates Group and now act as one on all infrastructure and town planning related matters across their combined geographical area. Our approach to Section 106 requests is in accordance with national best practice recommended by the National Police Chief's Council (NPCC). The approach now adopted has been tested at public inquiries nationally and found to be in accordance with the statutory CIL tests.

The large numbers of housing being developed across Sussex and more specifically the district of Mid Sussex will place a significant additional demand upon our police service. These impacts will be demonstrated in this submission and the necessity of investment in additional policing services is a key planning consideration in determination of this planning application.

This development will place permanent, on-going demands on Sussex Police which cannot be fully shouldered by direct taxation. Like many other public services, policing is not fully funded via public taxation. This request outlines a number of the capital costs that will be incurred by Sussex Police to enable safe policing of this development. All of the infrastructure outlined in this funding request has been found compliant with regulation 122 of the Community Infrastructure Levy and are considered directly related to the development in scale and kind and necessary to make the development acceptable in planning terms.

In order to mitigate against the impact of growth our office have calculated that the capital "cost" of policing new growth as a result of this major planning application equates to £20,490.85.

These funds would be used for the future purchase of infrastructure to serve the proposed development. This cost will now be broken down clearly to show the capital infrastructure required to support these new officers.

The contribution represents a pooled contribution towards the provision of new infrastructure to serve the site and surrounding area. The pooling of contributions towards infrastructure remains appropriate under the CIL Regulations, provided this does not exceed five separate contributions and subject to other regulatory tests.

The contribution requested will fund, in part, the following items of essential infrastructure.

Horsham and Mid Sussex Clinical Commissioning Group

Thank you for consulting with Horsham and Mid Sussex NHS Clinical Commissioning Group (CCG) regarding the above proposed development.

As you are aware and by way of background 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 covers the entirety of Mid Sussex District Councils catchment area and the above planning application would be close to Hassocks Health Centre. Should a planning consent be given this would create a potential further 317 new residents/patients.

Accordingly, Hassocks Health Centre is likely to be where the proposed new residents/patients will want to register for medical services and this building already serves in excess of 8,000 patients. The building is of 1970s construction and with other complementary community NHS Services also delivered therefrom, there is a pressing need of either redesign or replacement of the building to accommodate new patients.

Further pressure from new developments will exacerbate the situation further and therefore we consider that a Section 106 application for a developer contribution towards NHS Healthcare capital infrastructure improvements to be entirely appropriate assessed on the number of dwellings planned. (Incidentally we are within the maximum number of permitted Section 106 applications for this particular project)

In calculating our requirement we utilise currently available West Sussex average occupancy figures, agreed with West Sussex County Council and use the Senior District Valuer's approved formula which is accepted by Local Authorities across West Sussex and other counties. Moreover, in all our Section 106 applications we take close account of the CIL Regulations 2010, Section 122 with its three important tests.

Overall, all potential new residents will utilise some or all of the health services the CCG commissions and will put further pressure on medical services generally. We are also mindful that new housing developments do not disadvantage the health services for existing residents/patients.

In the circumstances, we are seeking a Section 196 developer contribution of £82,590 on a pro rata basis (This equates to an average of £665 per dwelling for houses and £339 for flats/apartments)

Urban Designer

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

scheme is short on information which makes it difficult to assess its design merits, so these are initial comments on the revised layout drawing 10552-OA-01 rev B:

The scheme benefits from a perimeter block layout with frontages that face the street and some of the boundary threshold. I nevertheless have the following issues:

1. The main open space is poorly integrated and peripheral to the site. The hedgerow appears to prevent the possibility of any natural surveillance. The position of the open space needs to be re-thought with consideration given to placing it within a more central position where it will help to break-up and provide a much needed focus to a layout that seems to be lacking in interest / incident and sense of place.
2. The umbilical linkage and the flank-on configuration of the houses on plots 1 and 2 provides for limited natural surveillance of the entrance threshold that will discourage pedestrians. This is partially compensated for by the front-on configuration of the houses on plots 16-24 but these have more restricted sight lines in relation to the site entrance.
3. The flank-on configuration of the houses on plots 75-85 and 125+126 to their site boundary thresholds affords them minimal natural surveillance over their respective footpaths and threshold spaces.
4. The parking in a number of areas has a too dominant relationship with the public realm and undermines street enclosure in some cases.

As I have not had an opportunity to visit the site, these comments are also caveated on the basis of a site assessment.

Housing Enabling & Development Officer

The applicant is proposing a residential development of 130 dwellings which gives rise to an onsite affordable housing requirement of 30% (39 units). The applicant's indicative affordable housing mix proposes 10 x 1 bed dwellings, 17 x 2 bed dwellings and 12 x 3 bed dwellings. The applicant has been advised that this mix contains too high a number of 3 bed affordable dwellings and this will need to be addressed by reserved matters stage. An increased number of smaller affordable dwellings will better meet housing need.

In line with current policy 75% of the units will be for rent and 25% for shared ownership. Affordable dwellings must be in clusters of no more than 10 units per cluster with each cluster distinctly separate from the next through the use of private units. This, along with a tenure blind approach to materials, will achieve an acceptable level of social integration and assist in community cohesion.

Community Leisure Officer

Thank you for the opportunity to comment on the plans for the development of 9 residential dwellings on land to the rear of Friars Oak London Road Hassocks West Sussex BN6 9NA 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 District 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 play provision on site and full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition.

FORMAL SPORT

In the case of this development, a financial contribution of £159,297 is required toward pitch drainage, ancillary facilities and the creation of additional community sports pitches at Downlands School, London Road Recreation Ground and/or Hassocks FC - these projects are identified in the IDP and the MSDC Playing Pitch Strategy.

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 £91,361 is required toward the cost of redeveloping the Belmont Close pavilion to include community space suitable for a play group and youth club - this venue is within walking distance of the development site.

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 Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Environmental Protection Officer

This application site is close to the Stonepound Crossroads AQMA. Any additional vehicle movements generated as a result of the development will add to the existing high levels of congestion and pollution at the crossroads. Therefore the pollution impacts must be carefully considered, and mitigated against appropriately.

BACKGROUND TO AIR QUALITY (AQ)

Local Authorities are required to produce annual air quality reports to identify local areas where the air quality objectives will not be met and to ensure that air quality considerations are considered as part of decision making processes e.g. land use planning and traffic management.

In locations where particular pollutants are found to be above National Air Quality Objective levels, which are based on expert advice concerning health effects relating to AQ, the local authority must declare an Air Quality Management Area (AQMA) and formulate an Air Quality Action Plan which specifies the steps to be taken to move towards the air quality objectives. The only AQMA in Mid Sussex district is at Stonepound Crossroads. The pollutant of concern is NO₂ which tends to be related to traffic fumes. Measured levels have remained above the Air Quality Objective level of 40 ug/m³. The Council are not required to monitor particulate matter (PM) levels locally but levels are monitored county wide by Sussex Air. The monitored levels are below the objective levels for PM.

Air quality is a material consideration when a development is planned. The Local Planning Authority requires an Air Quality assessment (AQA) in cases where it deems air quality impacts from the development may adversely affect health. The AQA should consider impacts only from confirmed developments that have planning permission.

The AQA provides modelled predicted concentrations for a range of scenarios i.e. without development (baseline), with development, with development including mitigation measures. Whilst modelling cannot be 100% accurate, it is the accepted method for assessing pollution impacts and there is no alternative when testing future year scenarios or future development. Model accuracy can be tested against existing monitored results for baseline calibration.

There is not any official guidance on the assessment of air quality impacts, so Environmental Protection will consider guidance documents produced by Sussex Air and by the Institute of Air Quality Management 2015 (IAQM) assessing the significance of air quality impacts.

CONTEXT

The National Planning Policy Framework states that the planning system should perform an environmental role to minimise pollution and should "contribute to...reducing pollution". To prevent unacceptable risks from air pollution, planning decisions should ensure that new development is appropriate for its location. The NPPF states that the effects of pollution on health and the sensitivity of the area and the development should be taken into account:

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

Planning Practice Guidance (PPG) includes guiding principles on how planning can take account of the impacts of new development on air quality: *"Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife)".*

Mid Sussex District Plan DP29 states that:

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.*

FRIARS OAK DEVELOPMENT

The submitted Air Quality report refers to the NO₂ monitored results obtained by the Environmental Protection Team. This data was obtained by using passive monitoring devices at various sites around the area of Stonepound Crossroads. These are described as either kerbside or façade sites and are determined by the monitoring location. Two additional sites, both facades, were installed in 2013.

In the Stonepound area monitoring is carried out using passive devices rather than a continuous monitor as there is no suitable representative site to locate a continuous monitor.

Passive devices are not as accurate as continuous monitoring, so a bias-adjustment factor is applied that makes them as accurate as possible. This bias-adjustment factor is derived from a Defra approved method where the passive devices are located with numerous continuous monitors around the country so comparisons between the two methods can be made. The

bias-adjustment figure is calculated from the average of all of these comparisons and applied to the less accurate raw data from the passive devices.

To assess the potential impact of the proposed development on air quality, the report uses an advanced air quality forecasting model, 'ADMS Roads ', which is a recognised model for such a process. The model requires a variety of information to be inputted, which includes: traffic data; emission factors and meteorological data.

The inputted traffic data was obtained from a specialist company using both automated and manual traffic counts and includes the Annual Average Daily Traffic and traffic speed. The traffic data was validated by comparison with other available traffic survey data.

Pollution mitigation measures for traffic related pollutants derive mainly from ever increasing emissions standards. Defra figures indicate that overall pollution levels are expected to drop over time as the standards increase and technology improves. To account for this the modelling incorporates an emissions factor. The emission factor is taken from a Defra approved database.

MODELLING

Any model is reliant upon the accuracy of the data used. With future predictions the uncertainty is greater and the model cannot be verified (compared to measured data) at the time. Instead projections provided by DfT and DEFRA are used to estimate traffic volumes, background pollution and vehicle emission changes and these projections result in the emissions factor mentioned above. However a disparity has become evident between the projected NO₂ levels and actual measured levels - NO₂ levels were expected to fall by around 15% from 2002 to 2009 but actually remained broadly stable.

In order to account for this modelling uncertainty, the AQ assessment has included a "best case" and "worst case" scenario, with modelled NO₂ levels both with DEFRA's predicted improvements and using the consultants' specialist CURED model. It seems likely that actual future levels will fall somewhere between the best and worst case scenarios.

MODELLED POLLUTION IMPACTS

The scheme, if approved, will result in a small increase in the volume of road traffic (i.e. in relation to the existing volume). It is predicted that by the time the residential units are occupied, NO₂ levels will be below the objective level of 40ug/m³. Impacts are therefore assessed as being Low/Imperceptible overall as the increase in NO₂ caused by development traffic is not predicted to cause a breach of the objective levels. It should be noted that while there is a risk of short term slight adverse impacts at two properties within the AQMA, by the time the development is completed in 2024 the assessed impact will be negligible at all properties.

CONCLUSION

The development is not likely to cause unacceptable levels of pollution, and is consistent with the local air quality action plan. It is therefore in accordance with national and local guidance. The proposed mitigation measures are welcomed. These are:

- Travel Plan
- Electric vehicle charging points for all allocated spaces as part of Marketed Units and possibly those associated with the affordable units subject to further discussion with the Housing Association;

- Covered cycle parking for units without garages;
- Information identifying routes to public transport and local facilities by foot and cycle;
- Improvements to the Stonepound traffic signals, improving the flow of traffic through the junction;
- Cycle and public transport travel vouchers;
- Low NOx boilers for all residential units;
- Information on Car Sharing Schemes; and
- Provision of a new footbridge over the railway from the site that will allow good pedestrian access to local amenities and also encourage existing local residents to travel via walking rather than private vehicle use.

Accordingly, I recommend a condition, relating to Air Quality, to allow measures to be agreed between the developers and the LPA.

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

Conditions:

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

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

Reason: To protect the amenity of local residents.

- Minimise dust emissions: Demolition/Construction work shall not commence until a scheme of measures as specified in appendix A5 of the Air Quality Assessment (ref J3266A/1/F2 submitted by AQC) for the control of dust during the construction phase has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

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

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

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

- No development shall take place until a Construction Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall also consider vibration from construction work, including the compacting of ground. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of adjacent occupiers

- Air Quality - Construction work shall not commence until a scheme of measures to minimise the long-term impact upon local air quality and to mitigate emissions has been submitted to and approved by the local planning authority. The scheme shall be in

accordance with sections 7.5 to 7.8 (inclusive) of the Air Quality Assessment (ref J3266A/1/F2 submitted by AQC).

Reason: To preserve the amenity of local residents regarding air quality and emissions.

Further to my previous comments, I have assessed the applicant's submitted noise and vibration assessment.

The submitted Idom Merebrook noise assessment (June 2018) has considered the noise from the adjacent A273 and railway line, which are the dominant noise sources in this location. The report indicates that due to high noise levels, bedroom windows (in the form of standard double glazing) at the proposed development would need to be kept closed in order to avoid sleep disturbance and meet World Health Organisation and BS8233 internal noise standards.

This in turn would mean that additional ventilation will be required, with adequate air flow to allow thermal comfort. In this case there are two questions which the Planning officer may wish to consider:

- 1) How acceptable is it to have residents in this development sleeping all year round in a windows closed environment?
- 2) If acceptable, what type of ventilation would be deemed appropriate for these residents?

With regard to the first question, there are a number of Planning appeals where this issue has been commented on. The prevailing view of Inspectors seems to be that closed window solutions are not desirable but can be acceptable for traffic noise and/or general background noise but are less acceptable where noise is of an industrial/commercial nature.

In our view, closed windows with additional ventilation is not an ideal solution, but may be acceptable where developers can demonstrate that good design has been used to minimise the need for artificial ventilation. Accordingly, care should be taken to minimise the potential impact of noise within the buildings themselves; living rooms and bedrooms should ideally be located on shielded façades with non-sensitive spaces such as corridors, bathrooms, en-suite, utility rooms, windowless gable ends and kitchens located on the railway facing façades of residential properties.

In any event, a judgement is required on whether closed windows for notable periods will provide an acceptable living environment for future occupiers.

With regard to the second question, developers and consultants tend to argue that attenuated trickle ventilation and suitably glazed windows should suffice where a noisy area means internal noise levels will be compromised with open windows. Our view is that a ventilation system should be a mechanical air supply ventilation system which can be used as a viable alternative to opening windows in order to allow the provision of outside air for breathing and allow residents control of their thermal comfort. Therefore a forced, mechanical ventilation supply system (not necessarily extract system), should be provided for bedrooms where BS8233/WHO internal noise levels are not achievable with windows open. Other systems which can provide sufficient airflow for thermal comfort may be acceptable. Trickle vents, which are designed to address condensation issues, not thermal comfort, are not sufficient in our view.

Therefore, should the development receive approval, Environmental Protection recommends the following condition in addition to those previously recommended:

Conditions:

- **Soundproofing (Rail & Road Noise):** No development shall take place until a detailed scheme for protecting the residential units from noise generated by passing trains and traffic has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00 hours, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure adequate thermal comfort and fresh air for the occupants, with the windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period. 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.

Contaminated Land Officer

Main Comments:

The application looks to construct 130 residential dwellings on land that has historically been used for agricultural use.

Agricultural land may have been used for the storage or disposal of items such as biocides, fuels, animal corpses etc.

It is also noted that a railway line runs to the east of the site, which is also linked to potential contamination from fuels, preservatives for the sleepers, herbicides, metal fines, etc.

Given the above, the size of the project and sensitivities of the end use, a phased contaminated land condition should be attached.

Additionally, a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation:

Approve with conditions

- 1) 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) 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.

2) 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, neighbors and other offsite receptors.

In addition, the following precautionary condition should be applied separately:

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

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

No objection subject to condition

Tree Officer

I'm happy with the AIA report but an AMS report also needs to be submitted.

MID SUSSEX DISTRICT COUNCIL

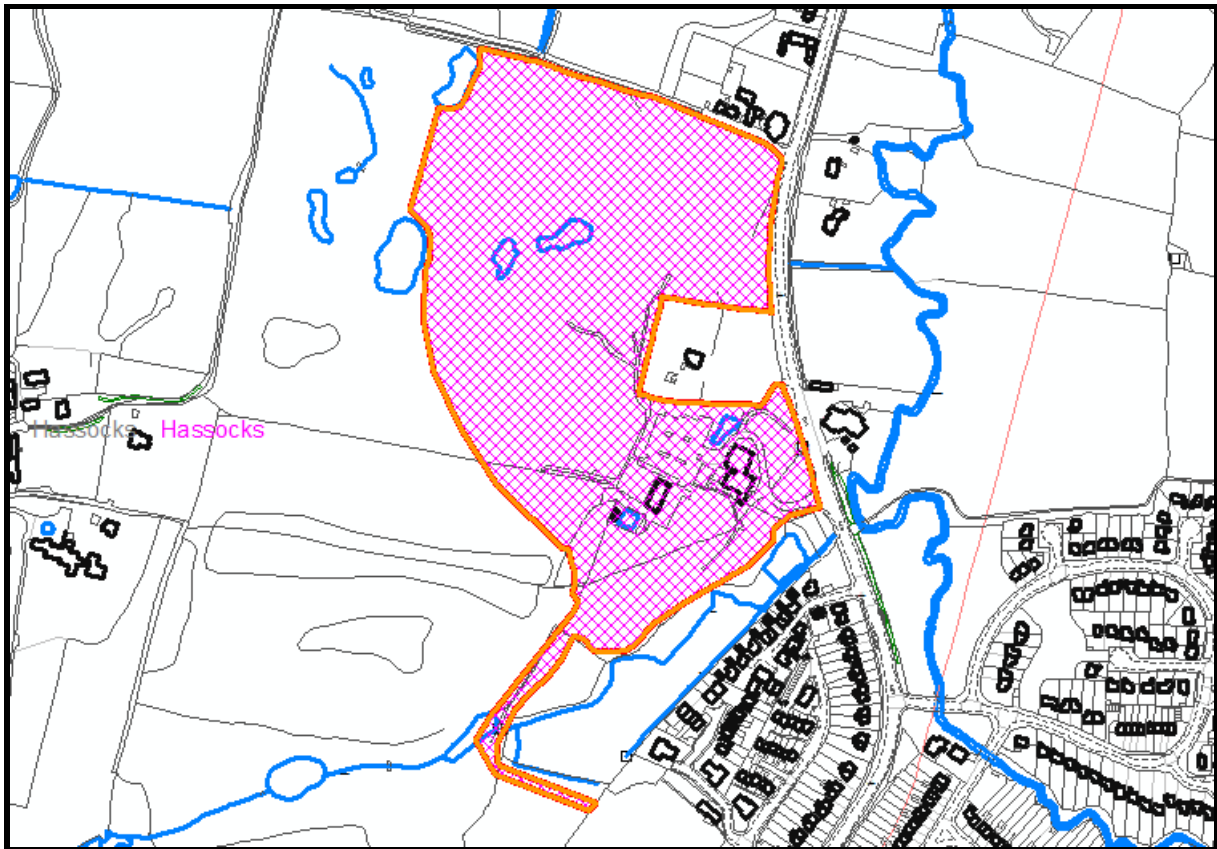
District Wide Committee

29 NOV 2018

RECOMMENDED FOR PERMISSION

Hassocks

DM/18/2616



© Crown Copyright and database rights 2012 Ordnance Survey 100021794

**HASSOCKS GOLF CLUB LONDON ROAD HASSOCKS WEST SUSSEX
COMPREHENSIVE REDEVELOPMENT OF THE SITE COMPRISING OF
165 RESIDENTIAL UNITS (USE CLASS C3), LANDSCAPING, CAR
PARKING AND ASSOCIATED DRAINAGE AND ACCESS WORKS.
AMENDED PLANS RECEIVED 26 OCTOBER SHOWING REVISED
ELEVATIONS, STREET SCENES AND LANDSCAPING
BELLWAY HOMES LTD (SOUTH LONDON)**

POLICY: Ancient Woodland / Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Countryside Gap / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey / Archaeological Notification Area (WSSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 3rd October 2018

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

CASE OFFICER: Andrew Watt

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Full planning permission is sought for a comprehensive redevelopment of a 9.65 ha area of Hassocks Golf Club comprising 165 residential dwellings, together with landscaping, car parking and associated drainage and access works. It follows the grant of outline planning permission in June 2017 for the redevelopment of the 54 ha golf club site for a reconfiguration of the golf course reduced from 18 holes to 9, together with "up to 130 residential dwellings, access and landscaping". This latest application is for the residential element only, which is sited within the parameter area identified for residential development in the outline consent.

The current application comprises 5.37 ha for residential use and 4.28 ha of informal open space, resulting in a density of 30.7 dph across the developable area. This has allowed an increase in the amount of open space being provided, largely towards the west of the site, but also areas of green spaces throughout the main extent of built form. For comparison, the outline permission comprised 5.5 ha for residential use and 3.5 ha of informal open space, resulting in a density of 23.6 dwellings per hectare (dph) across the developable area.

The principle of development has been established by virtue of the outline consent for up to 130 dwellings on the site in June 2017. The proposal will provide 165 dwellings at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given substantial weight.

The proposed increase in numbers of dwellings (35) from the outline application complies with the government's aim of making effective use of land to help meet identified needs for housing, specifically by making optimal use of the potential of suitably located sites (paragraphs 122 and 123 of the National Planning Policy

Framework (NPPF)). It furthermore meets the relevant criteria of Policy DP26 of the Mid Sussex District Plan, which seeks to "optimise the potential of the site to accommodate development".

The uplift in the dwelling numbers has been achieved by reducing the number of larger 4- and 5-bed units that were indicatively proposed in the outline consent, and increasing the numbers of smaller 2- and 3-bed units. Increasing the density within the core areas of the site allows a more informal, looser layout at the peripheries, which is considered to be a suitable design approach to this edge-of-village location. This approach is supported by the council's Landscape consultant, Design Review Panel and Urban Designer.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this part of Mid Sussex the development plan comprises the Mid Sussex District Plan.

The application site lies in countryside, outside the built up area of Hassocks and thus would be contrary to Policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty.

However, it is considered that the proposal would comply with other policies within the development plan (Policies DP4 (housing), DP13 (coalescence), 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), DP24 (Leisure and Cultural Facilities and Activities), DP26 (Character and Design), DP27 (Dwelling Space Standards), DP29 (Noise, Air and Light Pollution), DP30 (Housing Mix), DP31 (Affordable Housing), DP34 (Listed Buildings and Other Heritage Assets), DP38 (Biodiversity), DP39 (Sustainable Design and Construction) and DP41 (Flood risk and Drainage)).

Notwithstanding the compliance with some policies, it is considered that the application is not in accordance with the development plan, read as a whole, and that this is the proper starting point for decision-making. However, the Council also must have regard to other material considerations, including the NPPF.

It is considered that there are other material considerations, specific to this site, which are relevant to this application. These include:

- The existing planning history of the site;
- The NPPF; and
- The emerging Neighbourhood Plan.

As stated above, the site already benefits from an outline planning permission for up to 130 dwellings granted in June 2017 and this should be afforded substantial weight.

The NPPF was published in July 2018 and sets out a clear aim of National Government Policy, which is to significantly boost the delivery of housing.

The Hassocks Neighbourhood Plan is in draft form (Regulation 16, published in June 2016) and although it has limited weight, it allocates the Golf Course site for up to 130 residential units and a 9 hole golf course facility and associated infrastructure. While the draft status of this Plan limits the weight that can be applied to its policies in decision-making, it nonetheless demonstrates the local aspirations for this site and lends further weight in the determination of this application as a material consideration.

The site is considered to be a sustainable location for a major housing development as it is located adjacent to a Category 2 settlement in Mid Sussex with good access to services and other facilities. It is allocated within the draft Neighbourhood Plan for major residential development.

The proposal would deliver 165 dwellings, of which 30% would be affordable units. The mix of dwellings within the scheme is felt to be acceptable. A clear aim of National Government Policy is to significantly boost the delivery of housing. It is considered that the layout and detailed design of the scheme is appropriate and the visual impact on the landscape character of the area, local gap and setting of the nearby listed building is acceptable.

It is not considered that the proposal will result in a significantly adverse impact to the amenity of local residents. It is acknowledged that the main effect will occur during the construction phase and suitable conditions are recommended in response.

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

There would also be no adverse overall impact on the Ashdown Forest SPA and SAC.

The proposal will have a limited impact on the air quality management area at Stonepound Crossroads. The Council's Environmental Health Officer is of the view that the development is not likely to cause unacceptable levels of pollution, and is consistent with the local air quality action plan and he raises no objection to the scheme.

Noise, archaeological, sustainability and contamination impacts can be dealt with by way of conditions.

It is considered that the scheme can be satisfactorily drained. The detailed means of drainage for the site can be controlled by condition. There are no objections from the council's Drainage Engineer or the County Council's Flood Risk team.

There are no ecological objections to the scheme from the council's Ecological consultant. The council's Tree Officer also raises no objection to the scheme.

A Section 106 agreement will be completed to secure the necessary infrastructure contributions to mitigate the impact of the development. These contributions will go towards the costs of providing County Council services (education, libraries and footpaths), District Council services (leisure and community buildings), Health Services and towards Policing services. As these impacts would be mitigated by the Section 106 agreement, these matters are neutral in the planning balance.

Weighing against the scheme is the fact that dwellings are being proposed outside the built up area and would normally be restricted under the relevant District Plan policies. There would also be a limited adverse impact on the landscape as a result of the loss of a small number of trees and that the proposed development is on a golf course site, but this is an inevitable outcome of building on a relatively undeveloped site.

In summary, the District Council can demonstrate a 5 year housing land supply and therefore the policies in the District Plan command full weight. However, the site benefits from an extant outline permission for residential development and is allocated for such use in the emerging Neighbourhood Plan, so this position should constitute a very important material consideration in the determination of this application.

There would be conflict with some policies in the District Plan and conformity with others. There would be a conflict with the exact housing number proposed in the emerging Neighbourhood Plan but otherwise the proposal would be compliant. In any case, the weight that can be attached to the Neighbourhood Plan is limited due to its stage in preparation. The proposed scheme would provide additional housing, including a policy-compliant level of affordable housing, in a sustainable Category 2 settlement, which would accord with the aim of the NPPF to significantly boost housing delivery.

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

RECOMMENDATION

Recommendation A

It is recommended that, subject to the completion of a satisfactory S106 planning obligation to secure the required level of infrastructure contributions, affordable housing provision and on site open space, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

If by 1 March 2019, the applicants have not submitted a satisfactory signed planning obligation securing the necessary financial contributions, affordable housing and open space provision, then it is recommended that planning permission be refused at the discretion of the Divisional Leader for Planning and Economy for the following

reason:

"The application fails to comply with Policies DP20 and DP31 of the Mid Sussex District Plan, Policies 10 and 14 of the draft Hassocks Neighbourhood Plan and paragraphs 54 and 56 of the National Planning Policy Framework in respect of the infrastructure and affordable housing required to serve the development."

SUMMARY OF REPRESENTATIONS

20 letters of objection:

- Insufficient plans for infrastructure;
- Already a complete bottleneck;
- Congestion;
- Already a pollution hotspot;
- Not contiguous with village boundary;
- Visible from the National Park;
- Adverse impact on landscape and countryside character of area;
- Adverse impact to public rights of way;
- Close to ancient woodland;
- Loss of habitat;
- Loss of existing sport and leisure facility;
- Erosion of countryside gap;
- Increased pressure on essential facilities;
- Loss of security;
- Stream height rises in winter, causing a hazard to children;
- Woodland needs to be fenced off;
- Character of village has changed into a commuter town now;
- House designs aesthetically poor;
- Impact of street lighting;
- Flooding;
- Broadband connectivity is slow and unreliable;
- Land ownership details not clear;
- Who will maintain public areas of the site;
- Clarification on retention, screening and long-term plans for the NE bund;
- Air Quality Assessment has not factored in the 500 houses planned at Clayton Mills;
- Clarification required for height of bund, boundary fencing and future maintenance of this feature adjacent to the bridleway.

SUMMARY OF CONSULTATIONS

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

MSDC Conservation Officer

No objection.

MSDC Contaminated Land Officer

Approve with conditions.

MSDC Design Review Panel (25 September 2018)

Support subject to amendments.

MSDC Drainage Engineer

No objection, subject to condition.

MSDC Environmental Protection Officer

No objection, subject to conditions.

MSDC Housing Enabling Officer

The agreed mix will meet a broad range of housing needs and in particular will assist in meeting the demand for smaller units of affordable accommodation in the District.

MSDC Leisure Officer

Requests financial contributions towards local leisure infrastructure.

MSDC Street Naming and Numbering Officer

Informative requested.

MSDC Tree Officer

No objection, subject to replacement trees and future maintenance being conditioned as part of any consent.

MSDC Urban Designer

No objection, subject to conditions.

WSCC Drainage Strategy Team

Detailed comments relating to surface water drainage and flood risk for the proposed development.

WSCC Highways

No objection, subject to conditions.

WSCC Infrastructure

Requests financial contributions towards county infrastructure.

WSCC Rights of Way Officer

Requests financial contribution towards improving the surface of public footpath 8C.

Consultant Archaeologist

No objection, subject to condition.

Consultant Ecologist

No objection, subject to condition.

Consultant Landscapes Officer - East Sussex County Council Landscape Architect

Recommend for approval in principle subject to the imposition of conditions

Environment Agency

No comment received.

Horsham and Mid Sussex Clinical Commissioning Group

Requests financial contribution towards local health infrastructure.

Hurstpierpoint and Sayers Common Parish Council

It is recommended that the application as presented does not support, or enable the extant WSCC Cycling Strategy 2016-26, and fails to make any supporting realistic provision, beyond cycle storage, for the much sought after additional, and dedicated, cycle paths and routes within the area (including the proposed east/west Albourne/Hurstpierpoint/Ditchling cycle route). This shortfall should be addressed.

Southern Water

No objection, subject to conditions and informative.

Sussex Police Designing Out Crime Officer

No major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

Sussex Police and Crime Commissioner (Sussex and Surrey Police Joint Commercial Planning Manager)

Requests financial contribution towards local policing infrastructure.

Woodland Trust

Objects, unless a 30m planted buffer to the ancient woodland at Reed Pond Shaw can be provided.

PARISH COUNCIL OBSERVATIONS

RECOMMEND CONDITIONAL APPROVAL. Hassocks Parish Council recommends approval of this application, subject to MSDC giving cognizance to the comments submitted by Hurstpierpoint and Sayers Common Parish Council on 3 September 2018. These comments refer to Cycle way provision, and ensuring that the layout and cycling infrastructure of the Golf Course enables the WSCC Cycling Strategy 2016-26 to be successfully implemented with regard to an off-road east-west cycle route. It is of some concern that WSCC appears to have failed to support its own extant WSCC Cycle Strategy 2016-26, and it is recommended that this application will be modified to reflect the previously cited upgrades and much needed attention required to improve east/west cycle paths and routes.

INTRODUCTION

Full planning permission is sought for a comprehensive redevelopment of the site comprising 165 residential dwellings, together with landscaping, car parking and associated drainage and access works.

RELEVANT PLANNING HISTORY

In August 1993, outline planning permission was granted for a change of use of the land to a golf course, together with clubhouse and car park (CN/016/93).

In September 1994, full planning permission was granted for a new golf clubhouse, car park and greenkeepers' equipment store (CN/021/94).

In June 2017, outline planning permission was granted on the entire Hassocks Golf Club site for up to 130 residential dwellings, a replacement golf clubhouse, new driving range, new golf holes, new maintenance store and strategic landscaping and associated drainage and access works. The means of access and landscaping were approved as part of the application, with the appearance, layout and scale of the development reserved for future consideration (DM/16/1775). This permission has not been implemented, but the principle of residential development has been established.

In September 2018, planning permission was granted for the creation of a pedestrian and cycle pathway on land owned by Mid Sussex District Council on land at the London Road Recreation Ground (DM/18/3277). This area of land was included in the outline planning permission above, but the detailed application was submitted separately to the current residential scheme. Together they will enable the linkage between the residential development and London Road.

The following applications are also relevant:

In July 2018, full planning permission was granted on land known as Ham Fields for the erection of 129 dwellings (including 30% affordable housing provision), new vehicular access onto London Road (A273), associated landscaping, car parking, open space, pedestrian link to adjacent existing recreation ground to the north and infiltration basins on land west of London Road (DM/17/4307).

A hybrid application on land to the rear of Friars Oak (opposite the Golf Club site) comprising an outline proposal for residential development of 130 dwellings and associated access, together with change of use of part of the land for country open space, following the provision of a new footbridge across the railway is being reported to this same committee (DM/18/2342).

SITE AND SURROUNDINGS

The 9.65 ha site is located at the northern edge of Hassocks within the countryside. It forms part of an 18-hole golf course totalling 54 ha, with associated landscaping features, together with a club house (a conversion of a former farm building occupying 537 sq m of floorspace over a single storey, which is of traditional brick construction under a tiled roof) and car parking, accessed off the classified London Road (A273). There are 2 public rights of way (footpath 9C crosses the southern portion of the site and bridleway/footpath 4_2C forms the northern boundary) and footpath 8C runs alongside the western boundary of the golf course. An ancient woodland (Reed Pond Shaw) adjoins the site to the south-east.

The red-lined site broadly follows the outline parameters plan (ref: DM/16/1775) for the residential element of the scheme. This was translated into the draft Hassocks Neighbourhood Plan as a housing allocations site, but the remainder of the golf course surrounding the site is located within an identified gap between Burgess Hill and Keymer/Hassocks.

Various parts of the site, in particular the southern section, are also located within an area at risk of surface water flooding and land at the very far south-eastern corner and on the opposite side of the road is within Flood Zone 2 (associated with the River Adur). The south-eastern boundary beyond the ancient woodland is residential (within the built-up area of Hassocks) together with the London Road recreation ground adjacent, and there are a scattering of dwellings located a little further west (Belmont Lane) and to the north (beyond the golf course boundaries), including a Grade II listed building at Friar's Oak House at the far north-east corner. The sizeable plot at Friar's Oak Farmhouse is accessed directly off London Road and is surrounded by the golf course on 3 sides. There is an Air Quality Management Area designated at the Stonepound Crossroads at the junction of the A273 and B2116.

APPLICATION DETAILS

Full planning permission is sought for a comprehensive redevelopment of the site comprising 165 residential dwellings, together with landscaping, car parking and associated drainage and access works.

As with the outline application, the existing access will be utilised but upgraded to adoptable standard. A sinuous internal access road (spine road with pavements either side) will run north-west around the curtilage boundary with Friar's Oak Farmhouse, then heading north to the public footpath/bridleway 4_2C. Several side roads will be formed from the central spine in distinct groups, allowing green fingers to soften the built form and link to the informal open space beyond, which will have a pedestrian footpath run through it. An additional pedestrian and cycle link will be formed from the southern boundary of the site to the London Road Recreation Ground. 414 car parking spaces will be provided in total, made up of 367 allocated spaces, 14 unallocated spaces for residents and 33 for visitors. Cycle parking is also provided, with refuse and recycling bins for each property. A Locally Equipped Area for Play (LEAP) is provided in the western part of the site, though fairly centrally positioned.

The scheme provides a mix of units as follows: 10 x 1-bed flats; 57 x 2-bed houses; 51 x 3-bed houses and 47 x 4-bed houses. A total of 30% affordable housing is proposed, 50 dwellings in total, split between 38 rented units and 12 shared ownership. It is tenure blind and fully integrated into the whole development by pepper-potting in 6 separate areas.

All dwellings will be 2-storeys in height, and designed with elevations to distinguish each character area - i.e. The Fairway (more ordered streetscape, consistent building line and set-back garages, with gabled elements and roofs), The Central Intersection (the core of the development with a flint finish), The Greens (more openness at the perimeter of the development by incorporating hipped roofs and detached or semi-detached forms), and The Links (smaller, semi-detached and terraced forms, with a closer grain).

LIST OF POLICIES

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted by Full Council on 28 March 2018. Relevant policies include:

Policy DP4: Housing

Policy DP6: Settlement Hierarchy

Policy DP12: Protection and Enhancement of Countryside

Policy DP13: Preventing Coalescence

Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

Policy DP20: Securing Infrastructure

Policy DP21: Transport

Policy DP22: Rights of Way and other Recreational Routes

Policy DP24: Leisure and Cultural Facilities and Activities

Policy DP26: Character and Design

Policy DP27: Dwelling Space Standards

Policy DP29: Noise, Air and Light Pollution

Policy DP30: Housing Mix

Policy DP31: Affordable Housing

Policy DP34: Listed Buildings and Other Heritage Assets
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity
Policy DP39: Sustainable Design and Construction
Policy DP41: Flood Risk and Drainage
Policy DP42: Water Infrastructure and the Water Environment

Development Infrastructure and Contributions Supplementary Planning Document (Jul 2018)

Affordable Housing Supplementary Planning Document (Jul 2018)

Dormer Window and Rooflight Design Guidance (Aug 2018)

Waste Storage and Collection Guidance for New Developments (May 2015)

Hassocks Neighbourhood Plan (Regulation 16 Submission Version, Jun 2016)

Regulation 16 consultation finished. Currently 'on hold'.
Material planning consideration with some weight

Relevant policies include:

Policy 1: Burgess Hill Gap

"A Gap has been defined and will be safeguarded between Burgess Hill and Keymer/Hassocks (as defined on the Proposals Map), with the objectives of preventing coalescence and retaining the separate identity and amenity of settlements.

Development will be supported within the Burgess Hill Gap where:

- 1. It is necessary for the purposes of agriculture, or some other use which has to be located in the countryside;*
- 2. It is necessary for the purposes of the provision of formal/informal open space to serve the existing residents of Clayton Mills and new residents of development at land north of Clayton Mills and Mackie Avenue (Policy 15: Land to the north of Clayton Mills and Mackie Avenue);*
- 3. It makes a valuable contribution to the landscape character and amenity of the Gap and enhances its value as open countryside;*
- 4. It would not compromise individually or cumulatively the objectives and fundamental integrity of the Gap; and*
- 5. It would conserve and where possible enhance relative tranquility, in relation to noise and light pollution and dark skies."*

Policy 4: Green Infrastructure

"Development proposals, which seek to conserve, maintain and enhance the existing green infrastructure network will be supported.

Where proposals include the provision of additional green infrastructure these will be supported where:

1. They seek to link to the existing path and open space networks;
2. They provide off road access for walking, cycling and horse-riding;
3. Planting contributes to wildlife and links to existing woodland, hedges and streams; and
4. Proposals include the planting of native species.

Proposals, which would result in the loss of existing green infrastructure, will be resisted unless it can be demonstrated that the development proposals brings new opportunities which mitigates or compensates any loss whilst ensuring the protection of the existing ecosystem."

Policy 7: Air Quality Management

"Development will be supported where it would not have an unacceptable adverse effect upon air quality within the Air Quality Management Area."

Policy 8: Character And Design

"Development proposals will be supported where the character and design:

- 1) *Is of high quality design and layout;*
- 2) *Contributes positively to the private and public realm to create a sense of place;*
- 3) *Respects the character and scale of the surrounding buildings and landscape;*
- 4) *Protects open spaces and gardens that contribute to the character of the area;*
- 5) *Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;*
- 6) *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, sunlight and security;*
- 7) *Creates safe, accessible and well connected environments;*
- 8) *Protects existing landscape features and contributes to the village's Green Infrastructure network and;*
- 9) *Has regard to the Village Design Statement and seeks to sustain key spatial and built form characteristics identified in the Hassocks Townscape Appraisal and, where practical, contributes to resolving identified detractors from character."*

Policy 9: Open Space

"Development proposals, which provide a mix of formal and informal open space to meet local need, will be supported."

Open space is to be of high quality and serve local need.

Development proposals, which result in the loss of open space, will not be supported.

Development proposals for the replacement of open space will be supported where:

1. *Equivalent (in qualitative and quantitative terms) or enhanced open space is provided to serve local needs; and*

2. *Proposals for the replacement of open space ensure the replacement is made available before the loss of the existing."*

Policy 10: Outdoor Playing Space

"Development proposals of 15 or more homes will be required to provide play areas and associated equipment. This should be preferably provided on site or alternatively financial contributions should be provided towards both the provision and long term maintenance of off site community facilities."

Policy 13: Housing Allocations

"The following sites (as identified on the Proposals Map) are allocated for the provision of 280-290 new homes over the Plan period:

1. *Hassocks Golf Club (Target up to 130 dwellings);*
2. *Land North of Clayton Mills (Target up to 140 dwellings); and*
3. *National Tyre Centre (Target up to 20 dwellings)."*

Policy 14: Hassocks Golf Course

"Development proposals at Hassocks Golf Club (as identified on the Proposals Map) for up to 130 residential units and a 9 hole golf course facility and associated infrastructure, will be supported in accordance with a Masterplan approved by the Local Planning Authority.

The Masterplan will be supported where proposals:

1. *Do not extend residential development into the Burgess Hill Gap (Policy 1) as identified on the Proposals Map;*
2. *Do not extend residential development into the Ditchling Gap and Hurstpierpoint Gap (Policy 2) as identified on the Proposals Map;*
3. *Protect the existing Ancient Woodland;*
4. *Allow for the retention of existing mature trees and hedges;*
5. *Protect and do not adversely affect heritage assets, including Friars Oak House and its rural setting;*
6. *Provide a suitable mix of dwelling types and sizes to meet the needs of current and future households;*
7. *Protect the amenity of existing residential properties bordering the site;*
8. *Provide a mix of high quality formal and informal open space to meet the needs generated by the occupiers of the development;*
9. *Provide land to the west of Belmont Recreation Ground for formal/informal open space;*
10. *Provide suitable access and parking;*
11. *Provide a 9 hole golf course facility and associated infrastructure, including but not limited to, a club house and associated parking;*
12. *Ensure the legal title to the golf course and associated infrastructure is gifted to the Parish Council or other specially created trust in return for the granting of a lease in perpetuity to the golf course operator at a peppercorn rent; and*
13. *Have a financial fund to provide for the maintenance of the public open space for not less than 20 years."*

Policy 18: Housing Mix

"Development proposals which provide a mix of dwelling types and sizes will be supported."

Policy 19: Affordable Housing

"Residential development proposals should provide a mix of affordable housing sizes, types and tenures aligned to meet the needs of the Parish."

National Policy and Other Documents

National Planning Policy Framework (NPPF) (Jul 2018)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development.

Paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 12 (status of development plan), 38 (decision-making), 47 (determining applications), 54 and 55 (use of conditions), 84 (supporting a prosperous rural economy), 102 and 103 (promoting sustainable transport), 108 and 109 (highways matters), 124 and 127 (design), 148 (transition to low carbon future), 153 and 154 (sustainability), 155, 158, 159, 160, 161 and 163 (flood risk), 170 (enhancing the natural and local environment), 175 (biodiversity and ancient woodland), 177 (habitats sites), 178 and 179 (land contamination), 180 (noise and light pollution), 181 (AQMA), 184, 189 and 192-196 (heritage assets) are considered to be most relevant.

Planning Practice Guidance

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

ASSESSMENT

The main issues for consideration are:

- The principle of development;
- Coalescence;
- The design and visual impact on the character of the area;
- Impact on the setting of the Listed Building;
- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Land contamination;
- Noise;
- Air quality;
- Archaeology;
- Sustainability;

- The impact on trees;
- Biodiversity;
- Habitats Regulations;
- Infrastructure contributions;
- Affordable housing;
- Housing mix;
- Standard of accommodation;
- Other matters; 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) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations."*

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

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

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

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan (2018). The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.

Policy DP12 of the Mid Sussex District Plan states (in part):

"The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*

- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan."*

The application site is located in the countryside for which the scheme is not necessary for the purposes of agriculture and is therefore considered contrary to the first criterion of this policy. With regard to the second criterion, the site has been allocated for up to 130 residential dwellings in Policy 14 of the draft Neighbourhood Plan. Although this reflects the intent of the local community and was one of the key drivers in ensuring that the outline consent was granted, it must be noted firstly that the Neighbourhood Plan has not been 'made' and secondly that this application scheme exceeds the number of dwellings identified in the draft Neighbourhood Plan. For these reasons, the second criterion of this policy is not met and the proposal is hence contrary to Policy DP12.

Policy DP6 of the Mid Sussex District Plan states (in part):

"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."*

Hassocks is identified as a Category 2 settlement, the second largest settlement category in Mid Sussex after the 3 main towns of Burgess Hill, East Grinstead and Haywards Heath. Category 2 settlements are defined as "larger villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport."

As set out above, the application scheme does not meet the terms of criterion 1, as the proposed number of dwellings exceeds that set out in the site allocation and the Neighbourhood Plan has not yet been 'made'. Regarding criterion 2, whilst the site is close to the built-up area boundary of Hassocks (to the south-east), it is not contiguous with it. With regard to criterion 3, the site has been demonstrated to be sustainable by the Transport Assessment submitted with the application and would be considered a suitable site in the settlement hierarchy. The proposal is therefore contrary to Policy DP6.

Policy DP15 of the District Plan allows for new dwellings in the countryside subject to a number of criteria. This proposal does not fall into one of the categories of development that are allowed under this policy.

In light of the above, it is considered that the proposal would be contrary to the policies that have been identified above. However, planning legislation requires that the Council must have regard to other material planning considerations.

Other material considerations

Planning history

The planning history of the site is highly material to an assessment about the principle of this proposal. Outline planning permission was granted by the Council for a development of this site for up to 130 dwellings in June 2017. This approved the principle of the development and the means of access into the site, together with the landscaping. Therefore as a matter of fact it has been determined that this site is suitable for a major development of new dwellings. Accordingly the weight which can be given to Policies DP6, DP12 and DP15 is significantly reduced.

Settlement hierarchy

As set out above, Hassocks is defined as a Category 2 settlement in the District Plan. As such it is a suitable location for new development.

Draft Neighbourhood Plan site allocation

At neighbourhood plan level, draft Policy 14 states:

"Development proposals at Hassocks Golf Club (as identified on the Proposals Map) for up to 130 residential units and a 9 hole golf course facility and associated infrastructure, will be supported in accordance with a Masterplan approved by the Local Planning Authority. The Masterplan will be supported where proposals:

- 1. Do not extend residential development into the Burgess Hill Gap (Policy 1) as identified on the Proposals Map;*
- 2. Do not extend residential development into the Ditchling Gap and Hurstpierpoint Gap (Policy 2) as identified on the Proposals Map;*
- 3. Protect the existing Ancient Woodland;*
- 4. Allow for the retention of existing mature trees and hedges;*
- 5. Protect and do not adversely affect heritage assets, including Friars Oak House and its rural setting;*
- 6. Provide a suitable mix of dwelling types and sizes to meet the needs of current and future households;*
- 7. Protect the amenity of existing residential properties bordering the site;*
- 8. Provide a mix of high quality formal and informal open space to meet the needs generated by the occupiers of the development;*
- 9. Provide land to the west of Belmont Recreation Ground for formal/informal open space;*
- 10. Provide suitable access and parking;*

11. *Provide a 9 hole golf course facility and associated infrastructure, including but not limited to, a club house and associated parking;*
12. *Ensure the legal title to the golf course and associated infrastructure is gifted to the Parish Council or other specially created trust in return for the granting of a lease in perpetuity to the golf course operator at a peppercorn rent; and*
13. *Have a financial fund to provide for the maintenance of the public open space for not less than 20 years."*

It should be noted that this policy is in draft and not all criteria will apply, given that it covers the entire golf club site. Nonetheless, the proposed development:

1. Does not extend into the Burgess Hill gap;
2. Protects the ancient woodland (assessed below);
3. Allows for the retention of existing trees and hedges as far as possible (assessed below);
4. Does not adversely affect heritage assets (assessed below);
5. Provides a suitable mix of dwelling types and sizes (assessed below);
6. Protects neighbouring amenity (assessed below);
7. Provides formal and informal open space (assessed below);
8. Provides suitable access and parking (assessed below).

So whilst the proposed development exceeds the allocated number of dwellings set out in Policies 13 and 14, it is considered that limited weight should be attached to this, given that the Neighbourhood Plan is in draft form. In addition, a key consideration should be "significantly boosting the supply of homes" (para 59 of the NPPF), subject to achieving well-designed places (Chapter 12, NPPF) and making effective use of the land (paras 117, 122 and 123 and Chapter 11, NPPF).

Coalescence

Policy DP13 of the District Plan and Policy 1 of the draft Neighbourhood Plan seek to prevent coalescence between settlements.

Policy DP13 states:

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

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

Local Gaps can be identified in Neighbourhood Plans or a Site Allocations Development Plan Document, produced by the District Council, where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements.

Evidence must demonstrate that existing local and national policies cannot provide the necessary protection."

Although Policy 1 of the draft Neighbourhood Plan identifies land around the proposed development (i.e. the remainder of the golf course site) as being within the gap between Burgess Hill and Hassocks, none of the residential area identified in the parameters of the outline planning permission is located within it, as this area is specifically allocated for housing. As such, this policy does not apply and there is accordingly no impact on the local gap.

Design and visual impact on the character of the area

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

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

The application has been accompanied by a Landscape Character and Visual Impact Assessment, which concludes that the character of the site will change from 'leisure' to 'residential', but will be mitigated by means of provision of informal open space to the west from a typical golf course landscape to semi-natural greenspace. It concludes that there will be no cumulative effects on landscape character, and minor cumulative visual effects in the immediate vicinity of the site and a slight change to the view from the South Downs National Park, but in the context of the existing built form, this will be minor in nature. The council's Landscape consultant raises no objection to the proposal in principle, subject to mitigation measures.

It must be noted that the site is an artificially landscaped and highly maintained area, which includes significant areas of bunding as well as some built form such as the clubhouse and car park. There is also a degree of enclosure, though it is acknowledged that visibility of the site is increased due to the public rights of way in the vicinity. Nonetheless, it is important to ensure that the design of the proposed development (which is accepted in principle) responds to this edge-of-settlement, currently rural, context. This has been achieved by interspersed clusters of development throughout the site but separated by varying degrees of informal or formal open spaces, which have been laid out in interconnecting corridors radiating out towards the remaining/reconfigured golf course.

Policy DP26 of the District Plan states:

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

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

The scheme has been assessed, firstly by the council's Design Review Panel, and secondly by the council's Urban Designer. Both comments are reproduced in full in Appendix B. The scheme was, however, revised following the Panel's view and the Urban Designer's comments are therefore more current.

In summary, the layout of the scheme is supported, allowing it to naturally integrate with the surrounding open spaces. The formal open space (play area) is centrally positioned, allowing it to be well overlooked. While there are some areas with harder-edged environments (well within the development), this can be mitigated by landscaping. The concept of distinct character areas has also been achieved satisfactorily by means of facing materials, allowing legibility to be made for navigating through the development. In terms of elevations, the roof forms have been resolved and there is general consistency in the fenestration details, although some are inconsistently proportioned and the position of rainwater downpipes has not been expressed. Such details are sought through condition.

With respect to the uplift in the number of units being proposed as part of this application, in comparison with the outline consent, Policy DP26 carries a requirement that all applicants will be required to demonstrate that development "*optimises the potential of the site to accommodate development.*"

It is considered that the proposed development optimises the use of the site. The increase in the dwelling numbers has been achieved by reducing the number of larger 4- and 5-bed units that were indicatively proposed in the outline consent; and increasing the numbers of smaller 2- and 3-bed units. Increasing the density within the core areas of the site allows a more informal, looser layout at the peripheries, which is considered to be a suitable design approach to this edge-of-village location. This approach is supported by the council's Landscape consultant, Design Review Panel and Urban Designer.

For comparison, the outline site area comprised 5.5 ha for residential use and 3.5 ha of informal open space, resulting in a density of 23.6 dwellings per hectare (dph) across the developable area. The current application comprises 5.37 ha for residential use, resulting in a density of 30.7 dph across the developable area. This has allowed an increase in the amount of open space being provided, largely towards the west of the site, but also areas of green spaces throughout the main extent of built form.

This complies with the government's aim of making effective use of land to help meet identified needs for housing, specifically by making optimal use of the potential of suitably located sites (paragraphs 122 and 123 of the National Planning Policy Framework (NPPF)).

It is considered that there is a clear benefit in providing additional housing in the sustainable settlement of Hassocks. It is the aim of the NPPF to significantly boost the supply of homes. The provision of this site would assist the LPA with delivering new housing. It is important for the LPA to maintain the 5 year housing land supply so that the policies in the District Plan continue to command full weight. It is also relevant that the scheme would provide a policy compliant level of affordable housing.

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

It is considered that in relation to crime prevention, the proposed design and layout is sound. Back to back gardens that eliminate vulnerable rear garden pathways, good demarcation of defensible space, robust rear fencing and overlooked streets with natural surveillance over the LEAP and the pathways through the development, have all been incorporated into the design and layout.

Given the proposed security measures, Sussex Police raise no concerns from a crime prevention perspective with respects to this planning application.

Overall, it is considered that the proposal would comply with Policy DP26 of the District Plan and Policy 8 of the draft Neighbourhood Plan.

Impact on the setting of the Listed Building

The site wraps around Friars Oak House, a Grade II listed building dating from the early 19th century, and its garden and outbuildings.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Policy DP34 of the Mid Sussex District Plan states (in part):

"Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric."*

Paragraphs 192-196 of the NPPF are relevant, as follows:

192. In determining applications, local planning authorities should take account of:

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

193. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

194. *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

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

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

196. *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."*

The Council's Conservation Officer considered both the previous and current applications in relation to the impact of the proposal to the setting of this Listed Building. Her views are the same, reported in Appendix B. She acknowledges that the formation of a residential development will have an impact on the character of the wider context of this building. However, because of the natural and landscaped screening surrounding the garden of the listed house, it is recognised that the historic agricultural landscape that would have been in place when the building was built no longer exists - as well as a lack of any apparent historical functional relationship between the building and this wider setting. For these reasons, it is considered that the proposal will preserve the setting of the listed building and therefore the above policies and guidance would be met.

Impact on neighbouring amenity

There are a number of properties that would potentially be affected by this development. The main ones affected would be Friar's Oak Farmhouse, Rodstone, Wyndham House, The Granary, Friar's Oak House, Friar's Oak Barn and 1 and 2 Friar's Oak Cottages. Properties to the south-east along Reed Close and Pavilion Close are buffered from the development by the existing ancient woodland, with a distance of around 85m between the existing and nearest proposed buildings. There will be no impact post-development on existing residents in terms of the proposed houses resulting in overlooking or being overbearing.

Properties to the north along the bridleway would be separated from the nearest buildings by a minimum distance of 50m, although the existing bund (around 3m high in places) will be retained. This will provide a visual and sound buffer to the new development and therefore this, together with the distance involved, will ensure that no harmful loss of amenity will occur to these existing properties once built.

Friar's Oak Farmhouse is set within a sizeable plot bounded on 3 sides by the existing golf course and by the A273 on the other. It will therefore be surrounded by residential development on 3 sides. That to the south will largely be taken up with informal landscaping, such that the nearest distance of Plot 4 will be around 63m away. Plot 72 will be nearer, about 47m, but there is a garage at the existing property in direct line of sight between this plot and the main house. To the north, all the boundary will be landscaped, with front-facing properties a minimum of 57m away (Plots 89-92). To the west will be a run of houses and their rear gardens (Plots 73-81 inclusive and 84). However, a small landscaped buffer will be provided, such that the nearest distance between the Farmhouse and Plot 77 will be 46m. With all these distances, the proposed development would not result in any significantly harmful overlooking or be overbearing.

All nearby dwellings will be impacted during the construction phase of this development in some way, but the council's Environmental Protection team have assessed the application and recommended that conditions can be imposed on any permission.

Overall, therefore, it is considered that Policy DP26 of the District Plan and Policy 14 of the draft Neighbourhood Plan will be met.

Access, parking and impact on highway safety

The application has been accompanied by a Transport Assessment (TA) (used in support of the outline application), Stage One Safety Audit and Designers' Response (ditto), Transport Assessment Addendum (TAA) (updated for the current application), and a Travel Plan (TP).

As with the outline application, this current scheme proposes to utilise the existing access but some improvement measures are required to bring it up to adoptable standards, namely kerbing, footways and highway drainage, together with a ghost island priority junction. The TA notes that visibility splays in both directions will be 120m in both directions by 2.4m set back from the carriageway edge. A distance of

210m is possible to the north and 149m to the south, albeit a small area of vegetation in the vicinity of the stream crossing (within the Golf Course ownership) causes a slight obstruction to visibility. However, as the site access is located broadly where the speed limit changes from 30mph to 40mph, and based on the speed survey conducted at the time, splays of only 107m in both directions are required, and these are easily achievable.

The TA also promoted as mitigation measures for the development certain improvements to the Stonepound Crossroads, namely new and upgraded pedestrian (puffin) crossings on the northern arm, with associated relocation of stop lines and island; potential local widening and low retaining walls on the western arm; and an overrun area on the south-western section.

The TAA was submitted to ensure that the agreed access arrangements would still be suitable for an additional 35 dwellings and whether this uplift would have any severe impact on the local road network. The TAA also takes into account other relevant committed housing schemes, such as the 130 units at Ham Fields (DM/17/4307). It concludes that the site is within walking and cycling distance of shops, schools and community facilities in Hassocks, with a number of public transport opportunities available, and hence is a sustainable location well suited for residential development.

As with the TA, the TAA is consistent with proposing the access arrangements previously approved, i.e. the junction upgraded to include a pedestrian refuge island in the centre; visibility splays of 107m in both directions kept to a maximum height of 0.6m; and a 3.5m shared footway/cycleway along the southern edge of the access. It notes that the existing public rights of way within the site will be retained as part of the development and that a new footpath is to be provided linking to the recreation ground. This link was agreed as part of the outline consent and part of the link within the ownership of Mid Sussex District Council has already been granted full planning permission earlier this year.

With respect to servicing and emergency access, the TAA demonstrates that the site layout can accommodate a refuse collection vehicle parking at the kerbside adjacent to all dwellings or manoeuvre to within 25m distance for refuse workers of any designated collection points and 30m distance for residents. Swept path drawings have been supplied. They also demonstrate that a fire appliance can reach within 45m of a property and that no vehicle will need to reverse more than 20m. Residential apartments are intended to have a sprinkler system included.

The TAA concludes that the minor uplift in traffic associated with an additional 35 dwellings would have no major impact on the operation of the Stonepound Crossroads traffic signals, which includes committed improvements.

The TP determines that the application site is sustainable and that 2m wide footways will be provided either side of the main carriageway through the development with shared surface arrangements adopted on the minor roads. A footway/cycle access is provided at the southern end of the site access, together with a shared route linking the site to the recreation ground further south. Parking is provided in accordance with local parking standards and unallocated visitor parking spaces also

provided. Electric charging points are to be provided for every plot. Cycle parking is also provided in line with local standards. The TP identifies measures to encourage more active modes of travel, with a key focus on reducing the need for car travel. These measures include an appointment of a Travel Plan Co-ordinator, TP Steering Group, raising awareness of sustainable travel modes, providing leaflets to residents, discounted vouchers for residents, Travel to School scheme and car sharing.

The Highway Authority has assessed the above information in detail and note that parking is to be provided in line with the WSCC parking demand calculator with a total of 414 spaces made of 356 allocated, 43 unallocated and 15 'bonus' spaces. Cycle parking is also provided in line with WSCC standards. The submitted Travel Plan will need to include site-specific details before first occupation of the development. Overall, the Highway Authority agrees with the TAA conclusions regarding the additional development trips and their impact on the Stonepound Crossroads. The proposed improvement scheme provides adequate mitigation. These improvements have been updated following the outline consent, taking into account other approved developments, which includes:

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

Overall, the Highway Authority conclude that the additional trips generated by this development would not result in a severe impact on the local highway network and that it would not result in any highway safety hazard.

The WSCC Rights of Way officer has also assessed the application proposals. She notes that the public bridleway 4_2C (along the northern site boundary) would be affected by the spine road access, which will lead to the repositioned club house facilities in due course (though not part of this application). The road would require a raised 'speed bump' to ensure the bridleway is maintained at a constant level, and signage would be required to notify drivers of this crossing. Public footpath 9C would also be affected, further to the south, and it would also be appropriate for a raised area to be used as a crossing point and to slow down vehicular traffic. Both these could be secured by condition. A section of this footpath will also need to be diverted, but this would form a separate application. Finally, it is recommended that surface improvements to footpath 8C (to the west of the application site, and on the western boundary of the golf course) should be secured via S106 monies. This will increase the usage from local residents and are often muddy and difficult to use in the winter months. The estimated cost for this is £42,500 and forms part of the legal agreement.

Overall, subject to several conditions and embedding the Stonepound Crossroad works into the legal agreement (in lieu of a TAD contribution), it is considered that

the proposal would comply with Policy DP21 of the Mid Sussex District Plan and Policy 14 of the draft Neighbourhood Plan.

Drainage

The application has been accompanied by a Flood Risk Assessment, which confirms that various sustainable drainage (SuDS) techniques have been considered viable for this development and have been integrated into the proposals to adequately manage surface water treatment. This includes a network of swales conveying run-off to attenuation basins before discharging to local surrounding ditches/streams, mimicking existing greenfield conditions. This is in line with the strategy agreed at the outline consent stage.

The FRA demonstrates that the proposed drainage system will be capable of managing runoff from all rainfall events up to and including the critical duration of a 1 in 100-year storm event plus 40% allowance for climate change. As such, the development will be safe and not increase flood risk elsewhere.

The council's Drainage Engineer has considered this application and overall raises no objection, subject to a suitable condition being imposed on any consent given. The proposal would therefore comply with Policy DP41 of the Mid Sussex District Plan.

Land contamination

The NPPF Glossary defines Site investigation information as:

"Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 (2001) Code of Practice for the Investigation of Potentially Contaminated Sites). The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance."

The Council's Contaminated Land Officer has recommended conditions can be applied to any planning permission to ensure compliance with the NPPF requirements.

Noise

Policy DP29 of the Mid Sussex District Plan states (in part):

"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:

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures.*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development."*

A Noise Assessment has been submitted, which determines that noise from road traffic along the A273, together with distant rail noise, has the potential to impact on future residents within the development. This noise exposure is described as 'relatively modest'. It then goes on to detail suitable mitigation measures to ensure that acceptable internal noise levels for comfortable resting and sleeping can be achieved. It also predicts that sound levels of less than 55 decibels will be achieved in all private amenity spaces within the development, which is within the standard set by the World Health Organisation (WHO).

The Noise Assessment also recognises the impact of the construction phase on existing residents. It therefore recommends that construction activities should not take place between the hours of 7pm and 7am on any given day, after 1pm on Saturdays and not on Sundays or Bank Holidays. A standard condition is recommended, albeit with slightly different times (i.e. no works outside 6pm and 8am). Consideration should also be given to the location of temporary site compounds and material stockpiles, stationary equipment and plant such as generators. Delivery of materials and removal of waste from the site should be planned to minimise disturbance to neighbouring properties. However, the impact of construction noise is likely to be negligible when controlled and planned by a competent contractor.

The council's Environmental Protection Officer has considered this information in the context of the detailed application layout and recommends a Construction Noise Management Plan condition to be applied to any planning permission. Accordingly, it is considered that the above policy would be met.

Air quality

Policy DP29 of the Mid Sussex District Plan states (in part):

"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:

Air pollution:

- *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.*

Policy 7 of the draft Hassocks Neighbourhood Plan states:

"Development will be supported where it would not have an unacceptable adverse effect upon air quality within the Air Quality Management Area."

The application has been accompanied by an Air Quality Assessment (AQA), which notes that Mid Sussex District Council has declared an Air Quality Management Area (AQMA) at the Stonepound Crossroads in Hassocks, declared for Nitrogen Dioxide from road traffic sources. It also details the various construction activities reflecting their potential impacts, particularly with respect to dust emissions. It concludes that the impact of dust soiling and particulate matter can be reduced to negligible through appropriate mitigation measures.

The AQA advises that the modelled traffic data is based upon relevant committed developments in the vicinity of Hassocks, Hurstpierpoint and Burgess Hill. Locally, this includes the Ham Fields development (130 dwellings), but not the Friars Oak proposal (as the latter does not have any planning permission, so cannot be considered). For the proposed development at Hassocks Golf Club, the AQA concludes that the cumulative impacts of predicted nitrogen dioxide concentrations is considered negligible or slight, but the total predicted concentrations are below the relevant air quality objective. However, when using the Sussex Air Quality Planning Guidance, the proposed development and committed developments are considered to have a medium impact on local air quality, and therefore mitigation should be undertaken as follows:

"Seek mitigation to reduce air quality impacts. Mitigations to include reducing exposure through various measures, emissions reduction technologies and/or development redesign."

The proposed mitigation measures set out in the AQA are as follows:

- Landscape strategy to maintain and plant new features that can look to improve air quality;
- Promote the use of electronic charging points to encourage the use of electronic vehicles;
- Implement a Travel Plan to encourage residents and visitors to the scheme to travel by non-car modes; and

- Dust and Air Quality management measures shall be implemented during demolition and construction.

Proposed Highways Improvements are to be delivered at the Stonepound Crossroads which will alleviate congestion and offer specific benefits to public transport. Full details are provided within the Transport Addendum accompanying this application

The council's Environmental Protection officer has reviewed this AQA and Transport Assessment, with full detailed comments reported in Appendix B.

The proposal will have a limited impact on the air quality management area at Stonepound Crossroads. The Council's Environmental Health Officer is of the view that the development is not likely to cause unacceptable levels of pollution, and is consistent with the local air quality action plan and he raises no objection to the scheme. The proposed mitigation measures offered by the developer are broadly acceptable, subject to conditions.

Overall, therefore, it is considered that the proposal would comply with Policy DP29 of the District Plan and Policy 7 of the draft Neighbourhood Plan.

Archaeology

Paragraph 189 of the NPPF states:

"Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

The Glossary to the National Planning Policy Framework defines Archaeological interest as follows:

"There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point."

The application has been accompanied by an Archaeological Impact Assessment (AIA), which identifies that the site is located within 2 'red' (i.e. very sensitive) Archaeological Notification Areas, as designated by West Sussex County Council. The AIA therefore clarifies the archaeological potential of the study area and concludes:

"The study site can be considered as having an overall moderate theoretical archaeological potential for Prehistoric, Roman and Anglo-Saxon activity. This potential is raised to high in the southern portion of the site where previous archaeological investigations have recorded remains from these periods in the immediate vicinity."

The council's Archaeological consultant has assessed the proposal in light of the AIA and agrees that it provides an acceptable assessment and indicates the need for

field evaluation to determine appropriate mitigation. As such, a condition is recommended in order to comply with the above policy and guidance.

Sustainability

The scheme will utilise passive design measures, super insulated and air tight building fabric with a high efficient gas fuelled boiler heating system. These sustainability measures can be secured by condition to ensure compliance with Policies DP26 and DP39 of the Mid Sussex District Plan and paragraphs 153 and 154 of the NPPF.

Impact on trees

The applicant's Arboricultural Implications Report advises of the following:

- No veteran or ancient tree or trees of high landscape or biodiversity value are to be removed;
- Only 1 category B tree is to be removed (#65, Oak);
- 13 of the 15 trees that contribute the main arboricultural features of the site are to be retained; only 2 are to be removed (#64 and 65, both Oaks);
- The incursions into the Root Protection Areas of retained trees are minor and within the tolerable limits of the species affected;
- None of the proposed dwellings or private gardens are likely to be shaded by retained trees to the extent that they will interfere with their reasonable use or enjoyment by incoming occupiers;
- There are no incursions into the adjacent ancient woodland, or into the associated 15m buffer zone, other than the like-for-like replacement of the existing site entrance access and an attenuation basin;

The council's Tree Officer has raised no objection to the proposal in principle, but considers that as some of the trees to be lost will be significant in impact, their replacement should be conditioned. This is duly recommended and hence and hence the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

Biodiversity

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

Policy DP38 of the Mid Sussex District Plan states:

"Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites."

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 175 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."*

An Ecological Assessment has been submitted as part of this application, following previous Ecological surveys. It concludes that no evidence of Badgers were recorded within the site but update surveys should be completed; no Bats were recorded on site during the survey work although 4 species were identified more recently; no evidence of Hedgehogs or Dormouse was recorded; Birds were present; targeted Reptile surveys previously identified low populations of Grass Snake and Slow Worms in the south west of the site but outside the development footprint; and Great Crested Newts were identified through updated aquatic surveys.

Detailed mitigation and enhancement measures have been recommended in the Assessment, such as safeguards during the construction phase, including timing; ecological checks; landscaping; provision of 10 bat boxes, together with 5% of new builds to include bat tiles / bat bricks; creation of new hedgehog habitats; provision of 15 bird nest boxes; a specific and targeted common reptile translocation exercise; Great Crested Newts to be trapped and relocated under licence from Natural England; creation of 3 wildlife ponds on the eastern site boundary and in close proximity to the retained ponds in the wider golf course; drop kerbs and recessed points against culverts; provision of log piles and hibernacula for invertebrates; and new native wildflower grassland atop the existing bund at the far north-east corner of the site.

In connection with the ancient woodland at Reed Pond Wood adjoining the site to the south-east, the Woodland Trust have objected to the application while recommending a buffer zone of 40m between development and the ancient woodland. However, government guidance in the form of standing advice from Natural England recommends a minimum buffer of only 15m. Therefore it should be possible to ensure the protection of the ancient woodland.

The council's Ecological consultant has reviewed the submitted information and raises no objections. Therefore subject to the recommended safeguarding condition, it is considered that the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 175) and the legislation outlined above.

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (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) are not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

The application site is outside of the 7km zone of influence and thus there would be no effect on the SPA from recreational disturbance.

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development was modelled in the Mid Sussex Transport Study (Updated Transport Analysis) as a committed scheme such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Infrastructure contributions

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

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

and:

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

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

Policy DP20 of the Mid Sussex District Plan requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate

their impact. These are usually secured through the signing of a legal agreement. All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are as set out above.

The applicant is progressing a Section 106 Legal Agreement to contribute towards local and county infrastructure, as set out below:

County Council Contributions:

| | |
|-----------------------|--|
| Education - Primary | £616,287 (new primary school for Hassocks or additional facilities at Hassocks Infant School should the new school not progress) |
| Education - Secondary | £663,255 (expansion at Downlands Community School) |
| Education - 6th Form | N/A |
| Libraries | £66,123 (expansion of the facilities at Hassocks Library) |
| Waste | N/A |
| Fire & Rescue | N/A |
| No. of Hydrants | 0 |
| TAD | Highway works in lieu (improvements to Stonepound Crossroads - as detailed in WSCC consultation response) |

District Council Contributions:

| | |
|----------------------|---|
| Equipped play | On-site provision |
| Kickabout facilities | On-site provision |
| Formal sport | £192,212 (towards pitch improvements and ancillary facilities at London Road / Belmont Close Recreation Ground) |
| Community Buildings | £110,239 (make develop the pavilion at London Road / Belmont Close Recreation Ground for community use) |

AND

| | |
|--------------------------------|--------------------------------------|
| Local Community Infrastructure | £125,555 (projects to be identified) |
|--------------------------------|--------------------------------------|

AND

| | |
|-----------------------|---|
| Health infrastructure | £101,750 (towards NHS Healthcare capital infrastructure improvements in Hassocks) |
|-----------------------|---|

AND

| | |
|------------------------------|---------------------------------|
| Sussex Police infrastructure | £25,967 (set out in Appendix B) |
|------------------------------|---------------------------------|

AND

| | |
|------------------------------|---|
| Rights of way infrastructure | £42,500 (surface improvements to PROW 8C) |
|------------------------------|---|

TOTAL CONTRIBUTION: £1,943,888

The number of fire hydrants and details of the equipped childrens' play area can be agreed through condition.

A draft undertaking is being progressed and, if satisfactorily completed, would meet the above policies and guidance.

Affordable housing

Policy DP31 of the Mid Sussex District Plan states:

"The Council will seek:

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m²;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 -10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and*
- 5. free serviced land for the affordable housing.*

All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.

Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.

The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs."

The proposal is to provide 50 affordable units in total (30.3%) on site, split as follows:

- 38 social rented units (10 x 1-bed flats, 25 x 2-bed houses and 2 x 3-bed houses);
- 12 shared ownership units (11 x 2-bed houses, 2 x 3-bed houses).

This tenure mix accords with the council's normal requirement of achieving 75% rented units and 25% shared ownership, as set out in para 2.32 of the Affordable Housing SPD, July 2018.

These units will be distributed across the site in 6 distinct clusters, which would therefore accord with the council's policy of avoiding clusters of no more than 10 dwellings (para 2.43 of the Affordable Housing SPD, July 2018).

The council's Housing Enabling team are satisfied with this offer. As such, the proposal would meet the above policies and will be secured through a legal agreement (as set out above).

Housing mix

Policy DP30 of the Mid Sussex District Plan states:

"To support sustainable communities, housing development will:

- *provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- *meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- *on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurate with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.*
- *If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.*

Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans)."

The uplift in the number of dwellings in comparison to the outline consent has been achieved by providing a greater mix of smaller 2- and 3-bed units. Of the 165 units, 47 are 4-bed, 51 are 3-bed, 57 are 2-bed and 10 are 1-bed. This approach is supported in accordance with the above policy.

Standard of accommodation

Policy DP27 of the Mid Sussex District Plan states:

"Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met."

The proposed dwellings have all been designed to meet or exceed the government's Technical Housing Standards - Nationally Described Space Standards document, so would constitute a high quality development and thereby comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

Other matters

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

PLANNING BALANCE AND CONCLUSION

The principle of development has been established by virtue of the outline consent for up to 130 dwellings on the site in June 2017. The proposal will provide 165 dwellings at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given substantial weight.

The proposed increase in numbers of dwellings (35) from the outline application complies with the government's aim of making effective use of land to help meet identified needs for housing, specifically by making optimal use of the potential of suitably located sites (paragraphs 122 and 123 of the National Planning Policy Framework (NPPF)). It furthermore meets the relevant criteria of Policy DP26 of the Mid Sussex District Plan, which seeks to "optimise the potential of the site to accommodate development".

The uplift in the dwelling numbers has been achieved by reducing the number of larger 4- and 5-bed units that were indicatively proposed in the outline consent, and increasing the numbers of smaller 2- and 3-bed units. Increasing the density within the core areas of the site allows a more informal, looser layout at the peripheries, which is considered to be a suitable design approach to this edge-of-village location. This approach is supported by the council's Landscape consultant, Design Review Panel and Urban Designer.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this part of Mid Sussex the development plan comprises the Mid Sussex District Plan.

The application site lies in countryside, outside the built up area of Hassocks and thus would be contrary to Policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty.

However, it is considered that the proposal would comply with other policies within the development plan (Policies DP4 (housing), DP13 (coalescence), 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), DP24 (Leisure and Cultural Facilities and Activities), DP26 (Character and Design), DP27 (Dwelling Space Standards), DP29 (Noise, Air and Light Pollution), DP30 (Housing Mix), DP31 (Affordable Housing), DP34 (Listed Buildings and Other Heritage Assets), DP38 (Biodiversity), DP39 (Sustainable Design and Construction) and DP41 (Flood risk and Drainage)).

Notwithstanding the compliance with some policies, it is considered that the application is not in accordance with the development plan, read as a whole, and that this is the proper starting point for decision-making. However, the Council also must have regard to other material considerations, including the NPPF.

It is considered that there are other material considerations, specific to this site, which are relevant to this application. These include:

- The existing planning history of the site;
- The NPPF; and
- The emerging Neighbourhood Plan.

As stated above, the site already benefits from an outline planning permission for up to 130 dwellings granted in June 2017 and this should be afforded substantial weight.

The NPPF was published in July 2018 and sets out a clear aim of National Government Policy, which is to significantly boost the delivery of housing.

The Hassocks Neighbourhood Plan is in draft form (Regulation 16, published in June 2016) and although it has limited weight, it allocates the Golf Course site for up to 130 residential units and a 9 hole golf course facility and associated infrastructure. While the draft status of this Plan limits the weight that can be applied to its policies in decision-making, it nonetheless demonstrates the local aspirations for this site and lends further weight in the determination of this application as a material consideration.

The site is considered to be a sustainable location for a major housing development as it is located adjacent to a Category 2 settlement in Mid Sussex with good access

to services and other facilities. It is allocated within the draft Neighbourhood Plan for major residential development.

The proposal would deliver 165 dwellings, of which 30% would be affordable units. The mix of dwellings within the scheme is felt to be acceptable. A clear aim of National Government Policy is to significantly boost the delivery of housing. It is considered that the layout and detailed design of the scheme is appropriate and the visual impact on the landscape character of the area, local gap and setting of the nearby listed building is acceptable.

It is not considered that the proposal will result in a significantly adverse impact to the amenity of local residents. It is acknowledged that the main effect will occur during the construction phase and suitable conditions are recommended in response.

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

There would also be no adverse overall impact on the Ashdown Forest SPA and SAC.

The proposal will not have an adverse impact on the air quality management area at Stonepound Crossroads that would justify resisting this application.

Noise, archaeological, sustainability and contamination impacts can be dealt with by way of conditions.

It is considered that the scheme can be satisfactorily drained. The detailed means of drainage for the site can be controlled by condition. There are no objections from the council's Drainage Engineer or the County Council's Flood Risk team.

There are no ecological objections to the scheme from the council's Ecological consultant. The council's Tree Officer also raises no objection to the scheme.

A Section 106 agreement will be completed to secure the necessary infrastructure contributions to mitigate the impact of the development. These contributions will go towards the costs of providing County Council services (education, libraries and footpaths), District Council services (leisure and community buildings), Health Services and towards Policing services. As these impacts would be mitigated by the Section 106 agreement, these matters are neutral in the planning balance.

Weighing against the scheme is the fact that dwellings are being proposed outside the built up area and would normally be restricted under the relevant District Plan policies. There would also be a limited adverse impact on the landscape as a result of the loss of a small number of trees and that the proposed development is on a golf course site, but this is an inevitable outcome of building on a relatively undeveloped site.

In summary, the District Council can demonstrate a 5 year housing land supply and therefore the policies in the District Plan command full weight. However, the site benefits from an extant outline permission for residential development and is allocated for such use in the emerging Neighbourhood Plan, so this position should constitute a very important material consideration in the determination of this application.

There would be conflict with some policies in the District Plan and conformity with others. There would be a conflict with the exact housing number proposed in the emerging Neighbourhood Plan but otherwise the proposal would be compliant. In any case, the weight that can be attached to the Neighbourhood Plan is limited due to its stage in preparation. The proposed scheme would provide additional housing, including a policy-compliant level of affordable housing, in a sustainable Category 2 settlement, which would accord with the aim of the NPPF to significantly boost housing delivery.

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

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.

Approved Plans

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

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

Pre-commencement conditions

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy 8 of the draft Hassocks Neighbourhood Plan.

4. No development shall commence until elevation drawings at a scale of 1:20 or 1:50 have been submitted to and approved in writing by the Local Planning Authority showing the position of the rainwater downpipes and the design of the windows on

Types 31, Potter, Philosopher, Weave and Mason (in the Links and Fairways character areas). The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure these aspects of the development are compatible with the design of the building and the character of the area and to accord with Policy DP26 of the Mid Sussex District Plan and Policy 8 of the draft Hassocks Neighbourhood Plan.

5. The development hereby permitted shall not commence unless details of the proposed foul and surface water drainage and means of disposal, including a Phasing Plan detailing when the drainage works will take place for each phase, have been submitted to and approved in writing by the Local Planning Authority. These details shall include, but are not limited to:

a) Survey information of the three downstream watercourses receiving flow from the development. This information will need to show that these downstream systems are in reasonable condition to receive and convey the designed flows.

b) Exceedance flow information plan.

No building shall be occupied until all the approved drainage works have been carried out for each phase in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

6. No development shall take place until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority, including where necessary proposed contours and finished landscaping. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with Policy DP26 of the Mid Sussex District Plan.

7. 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: To allow the Local Planning Authority 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 Policies DP21, DP26 and DP29 of the Mid Sussex District Plan and Policy 8 of the draft Hassocks Neighbourhood Plan.

8. No development shall take place until a Construction Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall also consider vibration from construction work, including the compacting of ground. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of adjacent occupiers and to comply with Policies DP26 and DP29 of the Mid Sussex District Plan.

9. Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to 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.

Unless otherwise agreed in writing, the scheme shall be to the value of the damage cost calculation detailed in sections 6.7 to 6.12 of the submitted Air Quality Assessment (ref 172221-05, prepared by Ardent, June 2018) and 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;
- Cycle storage for all units

Reason: To preserve the amenity of local residents regarding air quality and emissions and to comply with Policies DP26 and DP29 of the Mid Sussex District Plan.

10. 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 Local Planning Authority,

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk 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 it will be made so by remediation;

and, unless otherwise agreed in writing by the Local Planning Authority,

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.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

11. 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 Local Planning Authority.

Reason: To identify and to secure the appropriate level of work that is necessary before commencement of the development, and also what may be required after commencement and in some cases after the development has been completed, and to accord with Policy DP34 of the Mid Sussex District Plan and paragraph 189 of the NPPF.

12. No development shall commence until the following details have been submitted to, and approved by, the local planning authority:
- a construction-phase wildlife and habitat protection and mitigation plan, which may be incorporated into a Construction Environment Management Plan (CEMP);

- a habitat enhancement and long-term management plan including overarching aims, details of body responsible for implementation, funding arrangements and monitoring. It shall include provision for a five-year rolling action plan; and
- a wildlife-sensitive lighting plan demonstrating how light pollution of habitats will be avoided, supported by modelled lux levels.

The approved details shall be prepared in accordance with BS42020: 2013 Biodiversity Code of Practice for Planning and Development and be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and paragraph 175 of the NPPF.

Construction phase

13. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

Pre-occupation conditions

14. No part of the development hereby permitted shall be occupied until details of proposed boundary screen walls/fences/hedges have been submitted to and approved in writing by the Local Planning Authority and until such boundary screen walls/fences/hedges associated with them have been erected or planted. The boundary treatments approved shall remain in place in perpetuity or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the appearance of the area and protect the amenities of adjacent residents and to accord with Policy DP26 of the Mid Sussex District Plan.

15. No part of the development hereby permitted shall be occupied until details of the play area serving this development (including the layout, drainage, equipment, landscaping and fencing of the areas, a timetable for implementation and arrangements for future management) have been submitted to and approved in writing by the Local Planning Authority. The play area hereby approved shall be implemented in accordance with the approved details and shall thereafter be permanently retained as such or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the appearance of the area and protect the amenities of adjacent residents and to accord with Policy DP26 of the Mid Sussex District Plan.

16. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development.
- all replacement trees and their future maintenance (including size, species, position, planting, feeding, support and aftercare).
- cross-sections of the design of the swales and ponds.
- as part of an adopted landscape management plan for the development, enhanced management of existing mature trees, including the ancient woodland of Reed Pond Wood, to be secured into the long term.
- detailed design of the footways and access roads as shared surfaces with a softer finish than the traditional tarmac and formal road and pavement layout with low or no kerbs.

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan and Policies 4 and 8 of the draft Hassocks Neighbourhood Plan.

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

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

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

Reason: To encourage and promote sustainable transport and to comply with Policy DP21 of the Mid Sussex District Plan.

19. No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for their designated use.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to comply with Policy DP21 of the Mid Sussex District Plan.

20. No part of the development hereby permitted shall be first occupied until details of external lighting have been submitted to and approved in writing by the Local

Planning Authority. The lighting shall be implemented in accordance with the approved details.

Reason: To safeguard the amenities of nearby residents and to safeguard the visual appearance of the area, and to comply with Policy DP26 of the Mid Sussex District Plan.

21. The development shall be carried out in accordance with the Sustainability Statement submitted as part of the application. On completion of the development, an independent final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the proposals in the Statement have been implemented.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with the NPPF requirements, Policies DP26 and DP39 of the Mid Sussex District Plan.

22. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a. Description of remedial scheme
- b. as built drawings of the implemented scheme
- c. photographs of the remediation works in progress
- d. certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (i)c.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

23. No dwelling shall be occupied until details of the proposed access across the existing bridleway (which shall include engineering/surfacing works and landscape features/contours and details of the crossing point(s) and maintenance details) have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan and Policy 8 of the draft Hassocks Neighbourhood Plan.

Post-occupation monitoring / management conditions

24. The development hereby permitted shall be implemented in accordance with the mitigation measures identified in the submitted Ecological Assessment by ecology solutions dated June 2018 (ref: 7655.EcoAs.vf).

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with the NPPF requirements and Policy DP38 of the Mid Sussex District Plan.

25. The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan.

26. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwellinghouse, whether or not consisting of an addition or alteration to its roof, shall be carried out (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwellinghouse) without the specific grant of planning permission from the Local Planning Authority.

Reason: To prevent the overdevelopment of the site and to preserve the amenities of neighbouring residents, to accord with Policy DP26 of the Mid Sussex District Plan.

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

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this

application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
 - No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

5. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>

Plans Referred to in Consideration of this Application

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

| Plan Type | Reference | Version | Submitted Date |
|----------------------|------------------|---------|----------------|
| Location Plan | 051707-BEL-SL-06 | | 25.06.2018 |
| Tree Survey | 93_PA_04 | | 25.06.2018 |
| Planning Layout | 051707-BEL-SL-01 | C | 16.11.2018 |
| Planning Layout | 051707-BEL-SL-02 | C | 16.11.2018 |
| Planning Layout | 051707-BEL-SL-03 | C | 16.11.2018 |
| Planning Layout | 051707-BEL-SL-04 | C | 16.11.2018 |
| Planning Layout | 051707-BEL-SL-05 | C | 16.11.2018 |
| Planning Layout | 051707-BEL-SL-07 | C | 16.11.2018 |
| Planning Layout | 2784-LA-01 | | 26.10.2018 |
| Street Scene | 051707-SS01 | A | 26.10.2018 |
| Street Scene | 051707-SS02 | A | 26.10.2018 |
| Street Scene | 051707-SS03 | B | 16.11.2018 |
| Illustration | 051707-PER01 | | 25.06.2018 |
| Illustration | 051707-PER02 | | 25.06.2018 |
| Proposed Floor Plans | 051707-21-F-P1 | A | 26.10.2018 |
| Proposed Elevations | 051707-210-F-E1 | A | 26.10.2018 |
| Proposed Elevations | 051707-21-G-E1 | C | 16.11.2018 |
| Proposed Elevations | 051707-21-G-E2 | B | 26.10.2018 |
| Proposed Elevations | 051707-21-G-E3 | B | 26.10.2018 |
| Proposed Elevations | 051707-21-G-E4 | B | 16.11.2018 |
| Proposed Floor Plans | 051707-21-G-P1 | A | 26.10.2018 |
| Proposed Elevations | 051707-21-L-E1 | B | 16.11.2018 |
| Proposed Elevations | 051707-21-L-E2 | B | 16.11.2018 |
| Proposed Elevations | 051707-21-L-E3 | B | 16.11.2018 |
| Proposed Floor Plans | 051707-21-L-P1 | A | 26.10.2018 |
| Proposed Elevations | 051707-31-L-E1 | B | 16.11.2018 |
| Proposed Elevations | 051707-31-L-E2 | B | 16.11.2018 |
| Proposed Elevations | 051707-31-L-E3 | | 25.06.2018 |

| | | | |
|------------------------------------|------------------|---|------------|
| Proposed Elevations | 051707-31-L-E4 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-31-L-P1 | B | 16.11.2018 |
| Proposed Floor Plans | 051707-31-L-P2 | A | 26.10.2018 |
| Proposed Elevations | 051707-B1-E1 | B | 16.11.2018 |
| Proposed Floor Plans | 051707-B1-P1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-B1-P2 | A | 26.10.2018 |
| Proposed Elevations | 051707-B2-E1 | B | 16.11.2018 |
| Proposed Elevations | 051707-B2-E2 | B | 16.11.2018 |
| Proposed Floor Plans | 051707-B2-P1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-B2-P2 | A | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-BCS01 | | 26.10.2018 |
| Proposed Elevations | 051707-BO-F-E1 | A | 26.10.2018 |
| Proposed Elevations | 051707-BO-F-E2 | | 25.06.2018 |
| Proposed Floor Plans | 051707-BO-F-P1 | A | 26.10.2018 |
| Proposed Elevations | 051707-BO-G-E1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-BO-G-P1 | A | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-CP01 | A | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-CP02 | A | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-GAR01 | | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-GAR02 | | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-GAR03 | | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-GAR04 | | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-GAR05 | | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-GAR06 | | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-GAR07 | | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-GAR08 | | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-GAR09 | | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-GAR10 | | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-GAR11 | | 26.10.2018 |
| Proposed Elevations | 051707-H328-F-E1 | A | 26.10.2018 |
| Proposed Elevations | 051707-H328-F-E2 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-H328-F-P1 | B | 26.10.2018 |

| | | | |
|----------------------|------------------|---|------------|
| Proposed Elevations | 051707-H328-G-E1 | A | 26.10.2018 |
| Proposed Elevations | 051707-H328-G-E2 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-H328-G-P1 | A | 26.10.2018 |
| Proposed Elevations | 051707-H328-L-E1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-H328-L-P1 | A | 26.10.2018 |
| Proposed Elevations | 051707-MA-F-E1 | A | 26.10.2018 |
| Proposed Elevations | 051707-MA-F-E2 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-MA-F-P1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-MA-F-P2 | A | 26.10.2018 |
| Proposed Elevations | 051707-MA-G-E1 | A | 26.10.2018 |
| Proposed Elevations | 051707-MA-G-E2 | A | 26.10.2018 |
| Proposed Elevations | 051707-MA-G-E3 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-MA-G-P1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-MA-G-P2 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-MA-G-P3 | A | 26.10.2018 |
| Proposed Elevations | 051707-MA-L-E1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-MA-L-P1 | A | 26.10.2018 |
| Proposed Elevations | 051707-PH-F-E1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-PH-F-P1 | A | 26.10.2018 |
| Proposed Elevations | 051707-PH-G-E1 | A | 26.10.2018 |
| Proposed Elevations | 051707-PH-G-E2 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-PH-G-P1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-PH-G-P2 | A | 26.10.2018 |
| Proposed Elevations | 051707-PO-F-E1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-PO-F-P1 | A | 26.10.2018 |
| Proposed Elevations | 051707-PO-G-E1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-PO-G-P1 | A | 26.10.2018 |
| Proposed Elevations | 051707-PO-L- | A | 26.10.2018 |

| | | | |
|------------------------------------|----------------------|---|------------|
| Proposed Elevations | E1 051707-PO-L-E2 | A | 26.10.2018 |
| Proposed Elevations | 051707-PO-L-E3 | B | 26.10.2018 |
| Proposed Floor Plans | 051707-PO-L-P1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-PO-L-P2 | A | 26.10.2018 |
| Proposed Elevations | 051707-SC-G-E1 | A | 25.06.2018 |
| Proposed Elevations | 051707-SC-G-E2 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-SC-G-P1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-SC-G-P2 | A | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-SH01 | | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-SUB01 | | 26.10.2018 |
| Proposed Elevations | 051707-TH-F-E1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-TH-F-P1 | A | 26.10.2018 |
| Proposed Elevations | 051707-TH-G-E1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-TH-G-P1 | A | 26.10.2018 |
| Proposed Elevations | 051707-TH-L-E1 | A | 26.10.2018 |
| Proposed Elevations | 051707-TH-L-E2 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-TH-L-P1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-TH-L-P2 | A | 26.10.2018 |
| Proposed Elevations | 051707-TU-G-E1 | A | 25.06.2018 |
| Proposed Floor Plans | 051707-TU-G-P1 | A | 25.06.2018 |
| Proposed Elevations | 051707-WE-GW-E1 | | 25.06.2018 |
| Proposed Floor Plans | 051707-WE-GW-P1 | | 25.06.2018 |
| Proposed Elevations | 051707-WE-G-E1 | | 25.06.2018 |
| Proposed Floor Plans | 051707-WE-G-P1 | | 25.06.2018 |
| Proposed Elevations | 051707-WE-F-E1 | A | 25.06.2018 |
| Proposed Floor Plans | 051707-WE-F-P1 | | 25.06.2018 |
| Proposed Elevations | 051707-21-F-E2 | | 26.10.2018 |
| Proposed Elevations | 051707-21-F- | | 26.10.2018 |

| | | | |
|------------------------------------|-----------------------|---|------------|
| Proposed Elevations | E3 051707-21-F-E4 | | 26.10.2018 |
| Proposed Floor Plans | 051707-21-F-P2 | | 26.10.2018 |
| Planning Layout | 051707-BEL-SL-06 | | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-CP03 | | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-CP04 | | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-CP05 | | 26.10.2018 |
| Proposed Elevations | 051707-MA-G-E4 | | 26.10.2018 |
| General | PER02 | | 26.10.2018 |
| Street Scene | SS04 | | 26.10.2018 |
| Street Scene | SS05 | A | 16.11.2018 |
| Street Scene | SS06 | A | 16.11.2018 |
| Street Scene | SS07 | | 26.10.2018 |
| Street Scene | SS08 | A | 16.11.2018 |
| Street Scene | SS09 | A | 16.11.2018 |
| Street Scene | SS10 | A | 16.11.2018 |
| Proposed Elevations | 051707-WE-FF-E1 | A | 26.10.2018 |
| Proposed Floor Plans | 051707-WE-FF-P1 | A | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-WE-F-P1 | A | 26.10.2018 |
| Proposed Elevations | 051707-WE-G-E1 | A | 26.10.2018 |
| Proposed Floor and Elevations Plan | 051707-WE-G-P1 | A | 26.10.2018 |
| General | LEAP | | 26.10.2018 |
| General | Planting Strategy | | 26.10.2018 |
| General | Planting Plan | | 26.10.2018 |
| General | Extracts | | |
| General | Existing Bund Section | | 26.10.2018 |

APPENDIX B – CONSULTATIONS

Parish Consultation

Response: RECOMMEND REFUSAL.

The Parish Council welcomes the recognition of the need to provide more two bedroomed dwellings. However given that Mid Sussex District Council has identified a five year housing supply, the Parish Council understands from the National Planning Policy Framework (NPPF) that under these circumstances there is no presumption in favour of development, therefore the application can only be considered on its merits. When determining 'merits', HPC and MSDC should be weighing up this application in comparison with the existing approval on the same site for 130 homes. The following considerations are relevant:

1. Hassocks has met its commitments in the supply of land and housing for the full plan period therefore in planning terms the additional 35 dwellings on this site are not required

to satisfy housing need ' the housing needs are already met. Therefore the additional houses do not add merit.

2. In comparison to the previous application there is a net loss of 3 houses designated as social housing.
3. There is an increase in intermediate housing, from 0 to 11 homes. On balance Councillors valued this less than the social housing it replaces.
4. The additional dwellings will result in an increase in vehicles: the number of parking spaces proposed increases from an undisclosed number to 414 (2.5 per home), which if in proportion to the number of houses would be a 27% increase, which will in turn generate further traffic on London Road of which a significant proportion will pass through Stonepound Crossroads, an AQMA that MSDC has a duty in law to alleviate. (The original 1996 application was on the basis that the Ham Fields development was not a committed development: this basis is now incorrect: this application would need to be properly reassessed as regards its impact on the AQMA)

Therefore, on balance and by application of the Chairman's casting vote, Hassocks Planning Committee voted to recommend refusal of this scheme, in favour of the existing approved application.

Parish Consultation

RECOMMEND CONDITIONAL APPROVAL. Hassocks Parish Council recommends approval of this application, subject to MSDC giving cognizance to the comments submitted by Hurstpierpoint and Sayers Common Parish Council on 3 September 2018. These comments refer to Cycle way provision, and ensuring that the layout and cycling infrastructure of the Golf Course enables the WSCC Cycling Strategy 2016-26 to be successfully implemented with regard to an off-road east-west cycle route. It is of some concern that WSCC appears to have failed to support its own extant WSCC Cycle Strategy 2016-26, and it is recommended that this application will be modified to reflect the previously cited upgrades and much needed attention required to improve east/west cycle paths and routes.

MSDC Conservation Officer

In relation to the above application, I consider that the impact of the proposed development on the setting of the adjacent listed building at Friars Oak House will not be materially different to that of the previously proposed scheme DM/16/1775. Please therefore rely on my comments on the previous scheme which I am attaching again here for your convenience:

"Hassocks Golf Club occupies an extensive site to the west of London Road, on the northern boundary of the village of Hassocks. The Club wraps around Friars Oak House, a Grade II listed building dating from the early 19th century, and its garden and outbuildings. At present, the club house is situated to the south of the site, with the course extending to the west and north, including that part which is adjacent to the listed building on three sides. The house and garden are screened to the north, west and south by trees and vegetation and to the south also by earth bunds.

The current proposal involves a substantial residential development to the south-eastern part of the golf club, with part of the reconfigured golf course to the west of this. The new club house with associated car parking would be located to the west of Friars Oak House, and the remainder of the golf course and driving range to the north and north-west. A band of natural screening will be retained along all boundaries of the garden to the house, as well as the existing bunds to the south.

The proposal will undoubtedly have an impact on the character of the wider context of Friars Oak House, in that the area to the south will become residential in nature where it is now an open green space. The creation of a new club house and car parking to the west the listed building will also have an impact.

However, due to the natural and landscaped screening surrounding the immediate setting (the garden) of the house, the nature of the existing wider context, which does not in its current form reflect the historic agricultural landscape that would have been in place when Friars Oak House was built, and the lack of any apparent historical functional relationship between the building and that wider setting, the proposal is considered to preserve (not to cause harm to) the setting of the listed building and the manner in which it is appreciated.

The proposal is therefore considered to meet the requirements of Local Plan policy B10, emerging District Plan policy DP32, and the relevant paragraph of the NPPF."

MSDC Contaminated Land Officer

Main Comments:

The application looks to create 165 residential units.

Given the size of the project and sensitivities of the end use, a phased contaminated land condition should be attached.

Additionally, a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions

1) 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.

2) 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, neighbors and other offsite receptors.

In addition, the following precautionary condition should be applied separately:

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

MSDC Design Review Panel (25 September 2018)

The panel agreed that overall the scheme has improved, at least in respect of the layout. In particular the playground was much better integrated where it will be well overlooked by adjacent houses. Unfortunately the panel's other previous comments had not been sufficiently addressed.

The character areas are still not convincingly defined and the scheme overall is too uniform. Reliance on differences in facing materials and roof profile alone is insufficient.

Diversity can be generated in numerous ways including building design/form, layout and landscaping. Because of its attractive rural-edge location and relationship with the golf

course there was an opportunity to make the scheme special with a landscape-led approach with more consideration of the treatment of the buffer zone and its interface with the houses on the western boundary and the golf course; conversely the spine road ("Fairways") could have a more contrasting urban form with tighter/longer frontages and greater street enclosure with perhaps taller houses / elements punctuating the corners; a higher density along the spine could allow more space around the rural edge ("Greens") houses providing further contrast.

The elevations lack architectural conviction and pastiche features such as fake chimneys, UPVC windows with poor/inconsistent proportions and unconvincing quoin-work undermine the authenticity of the traditional aesthetic. There was insufficient time to assess every house, but the panel were also critical of the shallow and inconsistent roof profiles, the absence of vertical definition on some of the front gables and the weak dormer gable features. Apartment 2 appeared to be attempting to disguise itself as two cottages on the road frontage; unfortunately this was undermined by the seemingly unnecessary connecting roof over the vehicle access-way to the rear court parking.

The quality of the internal layouts was questioned such as the "Family" space in the Scrivener house type that in reality is little more than a circulation area.

The "Gatehouse" description of the flint-faced houses at the central cross roads was questioned because they are not at the site entrance. Care also needs to be taken with flint block construction to avoid the lines between the blocks being revealed that would otherwise undermine the finish.

The table-topped junction of the central crossroads was an unconvincing approach and neither generated the sense of a village green or a crossroads.

The panel were disappointed that there was still little evidence of sustainability considerations.

As advised last time, site sections are needed to fully understand the scheme. This includes sections that show the following relationships:

- North-south showing the buildings and gardens with the bund along the northern boundary.
- East-west through the crossroads showing the relationship of the development with the golf course.

Overall Assessment

Support subject to the above issues being addressed.

Recommendation: No objection subject to conditions

Summary and overall assessment

A flood risk assessment, by Ardent Consulting Engineers, has been submitted for this proposed development. This FRA includes the assessment of risk at the site, and informs of the proposed methods to mitigate and manage increased run-off rates and volumes as a result of the proposed development.

The whole site is 9.65 Ha and has been divided into three catchments that sit within the whole site and they have a total area of 6.1 Ha (the outer green areas do not form part of the developed area, and so are outside the Greenfield calculations).

The three catchments are A=3.04 Ha, B=1.14 Ha, C=1.92 Ha as indicated in the 2018 FRA Table 5-4 (there is a variation between these areas and those shown in Table 5-2). So, the three catchments and associated Greenfield run-off rates are therefore shown as:

| Catch | Ha Table 5-2 | Ha Table 5-4 | 1:1 ror ls ⁻¹ | 1:100 ror ls ⁻¹ |
|-------|-----------------|-----------------|-----------------------------|-------------------------------|
| A | 2.32 | 3.04 | 11.6 | 43.6 |
| B | 1.25 | 1.14 | 6.25 | 23.5 |
| C | 2.53 | 1.92 | 12.6 | 47.6 |

The run-off rates above are calculated from the catchments as shown on the 5-2 table. Table 5-4 are the proposed catchments areas to the same outfalls. The pond sizes have therefore been adjusted to match the existing Q1 and Q100 flow rates from Table 5-2. So there is no over or under capacity within the proposed attenuation systems.

The existing arrangements on site show there is a notable amount of impermeable areas as a result of the existing golf course. It has been shown that the proposed discharge rates and volumes - matching greenfield values - will provide some betterment when compared to the current brownfield values.

It is proposed to utilise complex flow control systems that consists of hydrobrake with raised orifice, and the email received from Ardent Consulting Engineers on 04.09.2018 informs that this has now been adjusted so that Basins A and C incorporate the necessary 2 ls-1Ha-1 LTS volume across the 6.1 Ha of developed site. The LTS has been achieved by reducing the Q1 flow rate and adjusting the capacity within the ponds, and has been calculated in accordance with the DEFRA guide Rainfall runoff managements for developments, whereby the 6 hour 100 year storm event has been used.

Outfall from Catchment A will require Ordinary Watercourse Consent application for the proposed outfall to the existing reed pond / watercourse, and the condition of this receiving system will need to be shown that it is in reasonable order to receive the designed flows, especially where the system is a culvert under the highway.

Outfall from Catchment B will require Ordinary Watercourse Consent application for the proposed outfall to the existing watercourse, and the condition of this receiving system will need to be shown that it is in reasonable order to receive the designed flows, especially where the system is a culvert under the highway.

Outfall from Catchment C will require Ordinary Watercourse Consent application for the proposed outfall to the existing watercourse, and the condition of this receiving system will need to be shown that it is in reasonable order to receive the designed flows. It will also need to be shown the direction of water flow beyond the development boundary (where will the water go?).

Moving forward, this proposed development will still need to continue fully considering how it will manage surface water run-off. Guidance is provided at the end of this consultation response for a range various possible methods. But I fully encourage considerate use of SUDS methods that provide opportunity to improve run-off quantity, rate and quality; and also provide amenity and biodiversity.

The hierarchy of surface water disposal should still be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus 40% extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the developed area between the 1 in 1 to the 1 in 100 year event.

As this is for multiple dwellings, I will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

A helpful list of considerations for the proposed development drainage:

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

Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk.

The proposed development is not within an area identified as having possible pluvial flood risk.

There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported. We do know that areas downstream to this site area at risk of significant flooding. It is therefore very important that this development, as a contributing catchment, does not create or exacerbate any flood risk; and instead looks to provide opportunity to reduce flood risk.

Surface Water Drainage Proposals

It is proposed that the development will attenuate surface water run-off rates and volumes through the use of detention ponds with complex flow control arrangements enabling discharge at 1:1 to 1:100 rates, and having long-term storage volumes to mitigate the increased impermeable areas.

Foul Water Drainage Proposals

It is proposed that the development will utilise the existing public foul network that runs along adjacent to the development site.

Suggested Conditions

C18F - Multiple Dwellings

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority.

These details shall include, but are not limited to:

a) Survey information of the three downstream watercourses receiving flow from the development. This information will need to show that these downstream systems are in reasonable condition to receive and convey the designed flows.

b) Exceedance flow information plan.

No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

MSDC Environmental Protection Officer

This application site is close to the Stonepound Crossroads AQMA. Any additional vehicle movements generated as a result of the development will add to the existing high levels of congestion and pollution at the crossroads. Therefore the pollution impacts must be carefully considered, and mitigated against appropriately.

BACKGROUND TO AIR QUALITY (AQ)

Local Authorities are required to produce annual air quality reports to identify local areas where the air quality objectives will not be met and to ensure that air quality considerations are considered as part of decision making processes e.g. land use planning and traffic management.

In locations where particular pollutants are found to be above National Air Quality Objective levels, which are based on expert advice concerning health effects relating to AQ, the local authority must declare an Air Quality Management Area (AQMA) and formulate an Air Quality Action Plan which specifies the steps to be taken to move towards the air quality objectives. The only AQMA in Mid Sussex district is at Stonepound Crossroads. The pollutant of concern is NO₂ which tends to be related to traffic fumes. Measured levels have remained above the Air Quality Objective level of 40 ug/m³. The Council are not required to monitor particulate matter (PM) levels locally but levels are monitored county wide by Sussex Air. The monitored levels are below the objective levels for PM.

Air quality is a material consideration when a development is planned. The Local Planning Authority requires an Air Quality assessment (AQA) in cases where it deems air quality impacts from the development may adversely affect health. The AQA should consider impacts only from confirmed developments that have planning permission.

The AQA provides modelled predicted concentrations for a range of scenarios i.e. without development (baseline), with development, with development including mitigation measures. Whilst modelling cannot be 100% accurate, it is the accepted method for assessing pollution impacts and there is no alternative when testing future year scenarios or future development. Model accuracy can be tested against existing monitored results for baseline calibration.

There is not any official guidance on the assessment of air quality impacts, so Environmental Protection will consider guidance documents produced by Sussex Air and by the Institute of Air Quality Management 2015 (IAQM) assessing the significance of air quality impacts.

CONTEXT

The National Planning Policy Framework states that the planning system should perform an environmental role to minimise pollution and should "contribute to...reducing pollution". To prevent unacceptable risks from air pollution, planning decisions should ensure that new development is appropriate for its location. The NPPF states that the effects of pollution on health and the sensitivity of the area and the development should be taken into account: "Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan".

Planning Practice Guidance (PPG) includes guiding principles on how planning can take account of the impacts of new development on air quality: "Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife)".

Mid Sussex District Plan DP29 states that

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.

HASSOCKS GOLF COURSE DEVELOPMENT

The submitted Air Quality report refers to the NO₂ monitored results obtained by the Environmental Protection Team. This data was obtained by using passive monitoring devices at various sites around the area of Stonepound Crossroads. These are described as either kerbside or façade sites and are determined by the monitoring location. Two additional sites, both facades, were installed in 2013.

In the Stonepound area monitoring is carried out using passive devices rather than a continuous monitor as there is no suitable representative site to locate a continuous monitor.

Passive devices are not as accurate as continuous monitoring, so a bias-adjustment factor is applied that makes them as accurate as possible. This bias-adjustment factor is derived from a Defra approved method where the passive devices are located with numerous continuous monitors around the country so comparisons between the two methods can be made. The bias-adjustment figure is calculated from the average of all of these comparisons and applied to the less accurate raw data from the passive devices.

To assess the potential impact of the proposed development on air quality, the report uses an advanced air quality forecasting model, 'ADMS Roads', which is a recognised model for

such a process. The model requires a variety of information to be inputted, which includes: traffic data; emission factors and meteorological data.

Pollution mitigation measures for traffic related pollutants derive mainly from ever increasing emissions standards. Defra figures indicate that overall pollution levels are expected to drop over time as the standards increase and technology improves. To account for this the modelling incorporates an emissions factor. The emission factor is taken from a Defra approved database.

MODELLING

Any model is reliant upon the accuracy of the data used. With future predictions the uncertainty is greater and the model cannot be verified (compared to measured data) at the time. Instead projections provided by DfT and DEFRA are used to estimate traffic volumes, background pollution and vehicle emission changes and these projections result in the emissions factor mentioned above. However a disparity has become evident between the projected NO₂ levels and actual measured levels - NO₂ levels were expected to fall by around 15% from 2002 to 2009 but actually remained broadly stable.

In order to account for this modelling uncertainty, the AQ assessment has used 2016 emission factors (not as optimistic as the latest 2018 ones) to allow for a worst case scenario.

MODELLED POLLUTION IMPACTS

The scheme, if approved, will result in a small increase in the volume of road traffic (ie in relation to the existing volume). It is predicted that by the time the residential units are occupied, NO₂ levels will be below the objective level of 40ug/m³. Impacts are therefore assessed as being negligible overall as the increase in NO₂ caused by development traffic is not predicted to cause a breach of the objective levels. Using the Sussex guidance, which is currently being updated to be more in line with the IAQM guidance, the development, when considered with committed development, falls into the medium impact category, requiring mitigation measures to be implemented. These have been offered by the developer and can be secured by way of planning condition.

CONCLUSION

The development is not likely to cause unacceptable levels of pollution, and is consistent with the local air quality action plan. It is therefore in accordance with national and local guidance. The proposed mitigation measures are welcomed, although dialogue will be required in order to ensure that they are in line with MSDC preferred measures. The proposed measures are:

- Landscape strategy to maintain and plant new features that can look to improve air quality;
- Promote the use of electronic charging points to encourage the use of electronic vehicles;
- Implement a Travel Plan to encourage residents and visitors to the scheme to travel by non-car modes; and
- Dust and Air Quality management measures shall be implemented during demolition and construction.
- Proposed Highways Improvements are to be delivered at the Stonepound Crossroads which will alleviate congestion and offer specific benefits to public transport. Full details are provided within the Transport Addendum accompanying this application

Accordingly, I recommend a condition, relating to Air Quality, to allow measures to be agreed between the developers and the LPA.

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

Conditions:

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

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents.

- Minimise dust emissions: Construction work shall not commence until a scheme of measures as specified in Section 6 of the Air Quality Assessment (ref 172221-05, submitted by Ardent, June 2018) for the control of dust during the construction phase has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

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

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

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

- No development shall take place until a Construction Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall also consider vibration from construction work, including the compacting of ground. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of adjacent occupiers

- Air Quality: Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to 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.

Unless otherwise agreed in writing, the scheme shall be to the value of the damage cost calculation detailed in sections 6.7 to 6.12 of the submitted Air Quality Assessment (ref 172221-05, submitted by Ardent, June 2018) and 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 mgNOx/kWh
- Cycle storage for all units

Reason: To preserve the amenity of local residents regarding air quality and emissions.

MSDC Housing Enabling Officer

The applicant is proposing a residential development of 165 dwellings giving rise to an onsite affordable housing requirement of 30% (50 units). The proposed mix accords with our tenure requirements of 75% rented and 25% shared ownership and the affordable dwellings are well integrated across the site in distinctly separate clusters of 10 units or less. This will aid social integration and community cohesion. The agreed mix will meet a broad range of housing needs and in particular will assist in meeting the demand for smaller units of affordable accommodation in the District. The agreed mix is set out below:

| Size/Type | Affordable Rent | Shared Ownership |
|--------------|-----------------|------------------|
| 1 bed flats | 10 | |
| 2 bed houses | 26 | 10 |
| 3 bed houses | 2 | 2 |
| Totals | 38 | 12 |

MSDC Leisure Officer

Thank you for the opportunity to comment on the plans for the development of 165 residential dwellings at Hassocks Golf Club, London Road, Hassocks BN6 9NA 5AG 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 District Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

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

FORMAL SPORT

In the case of this development, a financial contribution of £192,212 is required toward pitch improvements and ancillary facilities at London Road / Belmont Close Recreation Ground.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £110,239 is required to make develop the pavilion at London Road / Belmont Close Recreation Ground for community use.

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

MSDC Street Naming and Numbering Officer

I note from the list of planning applications received during the week 5TH July 2018 to 11th July 2018 that the applications listed below will require address allocation if approved.

| Planning application number |
|-----------------------------|
| DM/18/2586 |
| DM/18/2722 |
| DM/18/2747 |
| DM/18/2616 |

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

Informative: Info29

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

MSDC Tree Officer

Further to reviewing all submitted tree and landscape reports, please find my comments below.

The AIA/AMS reports provided have been completed in accordance with BS5837.

Several trees are to be removed to facilitate the development, as some of these trees will a significant loss, their replacement should be conditioned.

All replacement trees and their future maintenance should be conditioned to ensure replacement trees reach maturity. Details of species and future maintenance are required, including: Size, Species, Position, Planting, Feeding, Support and Aftercare.

No objection will be raised subject to receiving the above mentioned replacement planting detail.

MSDC Urban Designer

Summary and Overall Assessment

The layout generally works well and benefits from a perimeter block structure and outward-facing frontages that with the curved configuration of the roads, allows the development to naturally integrate with the surrounding open spaces, particularly on the western side facing the golf course. Most of the corner buildings benefit from formally composed elevations that

address both flanks. The affordable housing is though still too dominated by front threshold parking and would benefit from more soft-landscaping.

Revised drawings have been received that make a number of changes that address some of my and the Design Review Panel's (DRP) previous criticisms of the scheme. The elevations are now better and there is more diversity across the scheme. The latter is helped by the contrasting house types / configurations that are marked by the longer frontages on the central spine road and the more detached character of the houses on the western/rural edge that faces the golf course; these differences are given further expression by the employment of clay hanging tiles on the spine road and boarding on the houses facing the boundaries. The planting strategy has also sought to provide some additional contrast. There is nevertheless still scope to build on this in the landscaping strategy and with the design of the swales and ponds.

In conclusion, while the elevations still suffer from an unimaginative design approach, the layout works well and in the light of the improvements I withdraw my objection to the application but would recommend conditions requiring further drawings / information covering the following elements:

- A landscaping condition that covers the boundary treatment (including alignment) and the design of the swales and ponds (and requiring cross section drawings).
- Facing materials - this is not only to secure the quality of finish but also to provide for sufficient contrast between the different parts of the site.
- The position of the rainwater downpipes
- The design of the windows 31, Potter, Philosopher, Weaver and Mason (Links and Fairways).

Layout

Since the pre-application stage, the scheme has been improved: (a) with the play area repositioned more centrally within the scheme where it will be well overlooked by houses on both sides; (b) a more resolved layout with continuous frontages around the entrance block and the southern part of the central block.

The houses in the north-east part of the site have been organised so they back-on to the retained existing bund that divides the site from the public right of way that straddles the northern boundary. The revised drawings now show this area cordoned off with railings that should secure the adjacent houses, and prevent this un-overlooked area becoming used for anti-social activity. However the alignment of the boundary generates a recessed area at the rear of block 2 that needs to be avoided.

The parking is generally discreetly accommodated at the side of houses. The revised drawings has made an improvements with the removal of triple garages which had previously been located in prominent parts of the site including at the central 5-way crossroads adjacent to the play area and at the site entrance (adjacent to plot 1).

Less successful is the parking around the affordable houses which is more exposed resulting in unfortunately harder-edged environments in a few areas. This will need to be mitigated as much as possible with appropriate tree planting and a generous level of soft-planting in the areas where this is possible.

The drawings suggest a sizeable amount of open space around the site, however a significant proportion is reserved for drainage requirements that if poorly designed could undermine the attractiveness of the scheme. A condition is required to cover the design of

the swales and ponds, to ensure they contribute positively to the landscaping and allow additional diversity. Also if the ponds are to be designed to be mostly dry in the summer period they could provide additional recreational potential providing they designed correctly. Cross-sections will therefore be needed to demonstrate their form and relationship with the wider site.

Elevations

A more comprehensive set of street scenes has been provide that provide a better understanding of the scheme; it would nevertheless also have been helpful if all the terrace and semi-detached houses were shown in their full conjoined form. The elevations have been improved in the following respects:

- Street scene 3 - The frontages have been improved with the front gables now properly delineated reflecting the sub division of the semi-detached houses and giving them vertical articulation; this is also helped by individualising the front entrance canopies. The street benefits from a more cohesive appearance with the apartment block organised so that it reflects the design and configuration of the houses; this has also been helped with the loss of the connecting roof over the vehicular access that unnecessarily joined the two parts of apartment 2.
- The secondary facing material still peels away in a few of the houses but it is normally at the rear where it will not be visible from the public realm.
- The blank windows have been omitted.
- The asymmetric semi-detached type 21 have been reconfigured. Several of the houses featured unequal-sized front gables and irregular roof profile that had an incongruously unbalanced frontage that defied the naturally mirrored / symmetrical plan-form; the gabled return arrangement also generated large windowless all brick-flanks that are a dead-hand on the street where they stick-out such as with plot 67 and 70 (and the one sided arrangement gives the impression they have been truncated). These have been re-designed with symmetrically composed frontages incorporating a single central gable with a hipped roof arrangement that avoids the dead flank problem. Where they feature in a repeated run, they also benefit from underlying rhythm. The loss of the fake chimneys is also an improvement.
- The 3-house terraces on plots 26-28 and 103-105 are also more resolved with gables / hipped return that bookend the terrace.

No consideration though has been given to the position of the rainwater downpipes which don't appear on any of the elevations. A condition is therefore needed to cover this element.

Some of the houses suffer from inconsistently proportioned windows or incongruously small glazing panels. This includes: type 31, Potter, Philosopher, Weaver and Mason in the "Links" and "Fairway".

WSSC Drainage Strategy Team

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

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

Flood Risk Summary

| | |
|--|----------|
| Modelled surface water flood risk | Low risk |
| <p>Comments: Current surface water mapping shows the majority of the proposed site being at low risk from surface water flooding although there are small areas within the site, in particular towards the south of the site, 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. However the surface water management strategy should consider this risk and any suitable mitigation measures if appropriate.</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 | Low/moderate risk |
| <p>Comments: The area of the proposed development is shown to be at low/moderate 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 flooding within the site? | No |
| <p>Comments: We do not have any records of historic flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p> | |

| | |
|--|-----|
| Ordinary watercourses nearby? | Yes |
| <p>Comments: Current Ordnance Survey mapping shows ordinary watercourses at the south of the site and the north west 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>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent from the District Council and an appropriate development-free buffer zone should be incorporated into the design of the development.</p> | |

Future development - Sustainable Drainage Systems (SuDs)

The FRA included with this application proposes that swales and attenuation basins would be used to restrict the run off to local watercourses from the development to pre-development Greenfield run-off rates. This method would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

It is recommended that this application be reviewed by the Borough Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus 30% for 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 Highways

Background

The site has permission for the development of up to 130 new homes, associated landscaping and open space, with access taken from London Road. This was gained via application reference DM/16/1775. Within the committee report, regarding the highways impact of the development it was concluded 'the means of access is...considered acceptable in highway safety terms'. The highway authority considers that the residual cumulative impact of the proposal would fall short of the 'severe' test of paragraph 32 of the NPPF.

The proposal is for the erection of 165 homes (including affordable housing), new vehicular access onto London Road (A273), associated landscaping, car parking, open space, improvements to footpaths and drainage.

Access

The access proposals are as the permitted arrangements shown on drawing A094757-GA01. The applicant sent in a Transport Assessment Addendum (TAA) to show that the agreed access arrangements are suitable to accommodate the additional 35 homes; the highway authority agrees that the access is adequate. The access has the following features:

- A ghost island junction from London Road. Visibility splays of 3m x 210m and 3m x 149 are provided to the north and south respectively.
- The site access road has a flared carriageway width of 7m at the pedestrian crossing point close to the junction, reducing to 5m to the west. A 2m footway will be provided on the north of the junction and a 3.5m footway/cycleway on the south side of the junction.

Parking

Parking is to be provided in line with WSCC parking demand calculator with a total of 414 spaces made up of 356 allocated, 43 unallocated spaces and 15 'bonus' spaces.

Cycle parking is to be provided in line with WSCC standards. For the houses, cycle parking will be accommodated within the curtilage of each plot either in sheds or garages. For the flats, the cycle parking will be accommodated in a secure cycle parking store.

Servicing

Swept path analysis has been provided which show that a refuse collection vehicle and fire tender can access the site.

Rights of Way

Rights of way around the site are to be improved. This is the subject of a separate WSCC response.

Travel Plan

A full travel plan has been provided as part of the application. This will need to be resubmitted for approval with full site-specific details, e.g. named travel plan coordinator, before first occupation of the development.

Trip Generation

The TA associated with the permitted application undertook a TRICS assessment. Now that the development quantum is known a sensitivity test based on trip rates for the west of London Road site has been provided which shows the generation of the previous assessment and the revised generation are similar. This provides a degree of consistency in reviewing the impacts of developments in the same area. The following table is taken from the TAA to show the expected trips:

| Trip Rate Per Type | Weekday AM Peak | | | Weekday PM Peak | | |
|------------------------------------|-----------------|-----------|-----------|-----------------|-----------|------------|
| | Arr | Dep | Total | Arr | Dep | Total |
| Permitted Scheme (as assessed) | 25 | 65 | 90 | 51 | 32 | 83 |
| Proposed 165 Units (new scheme) | 24 | 62 | 86 | 60 | 37 | 97 |
| Total | -1 | -3 | -4 | +9 | +5 | +14 |

Table 4.5 – Net Change in Trip Generation by All Modes (Two-Way)

Assessment

The additional development trips have been distributed in line with the parameters agreed within the previous Transport Assessment. As such the additional 35 homes are expected to add a total of 12 northbound and 16 southbound additional vehicles through the signalised Stonepound Crossroads in the peak hours.

The TAA considers that the performance of the signalised junction (including committed improvements) would not be severely affected by the proposed extra 35 homes above the already consented 130. The review includes all developments in the locality that have already received planning consent but are not yet fully built. Having reviewed the calculations provided in the TAA, the highway authority agrees with the TAA conclusions.

A273/B2116 Stonepound Crossroads mitigation

As part of the previous application, along with other developments on London Road an improvement scheme was designed that consisted of:

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

Junction Modelling

The largest additional increase in the mean maximum queue on any arm is 4 Passenger Car Units (PCU). Whilst the junction would still operate over capacity this increase would not be considered severe.

Whilst the applicant has only considered the additional development against the baseline of the approved 130 homes for the site I have also viewed the results against the baseline of no development on the site and as such the improvement scheme proposed more than provides adequate mitigation.

In summary the additional trips generated by the development would not result in a severe impact on the local highway network.

Conditions:

Any approval of planning consent would be subject to the following conditions and S106 obligations:

Access (details approved, access provided prior to commencement)

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

Reason: In the interests of road safety.

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Construction Management Plan

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

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

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

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

Travel Plan (to be approved)

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

Reason: To encourage and promote sustainable transport.

WSCC Infrastructure

S106 Obligations

- The provision of improvements to Stonepound Crossroads (drawing ITB8203-GA-021C).

Provision of service infrastructure

See over page for 'Summary of Contributions' table

| Education | | | |
|---|----------|-----------|----------|
| Locality | Hassocks | | |
| Population Adjustment | 389.8 | | |
| | Primary | Secondary | 6th Form |
| Child Product | 4.9130 | 4.9130 | 2.6530 |
| Total Places Required | 34.3910 | 24.5650 | 0.0000 |
| Library | | | |
| Locality | Hassocks | | |
| Contribution towards Hassocks/ Hurstpierpoint/Steyping | £66,123 | | |
| Contribution towards Burgess Hill | £0 | | |
| Contribution towards East Grinstead/Haywards Heath | £0 | | |
| Population Adjustment | 359.6 | | |
| Sqm per population | 30/35 | | |
| Waste | | | |
| Adjusted Net. Households | 165 | | |
| Fire | | | |
| No. Hydrants | TBC | | |
| Population Adjustment | N/A | | |
| £/head of additional population | N/A | | |
| TAD- Transport | | | |
| Net Population Increase | 389.8 | | |
| Net Parking Spaces | 359 | | |
| Net Commercial Floor Space sqm | 0 | | |
| Total Access (commercial only) | 0.0000 | | |

Summary of Contributions

| S106 type | Monies Due |
|--|-------------------------------|
| Education - Primary | £616,287 |
| Education - | £663,255 |
| Education - 6th Form | No contribution required |
| Libraries | £66,123 |
| Waste | No contribution required |
| Fire & Rescue | No contribution required |
| No. of Hydrants | To be secured under Condition |
| TAD | HWiL |
| Total Contribution | £1,345,665 |

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions Consultation Draft April 2018.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 165 Net dwellings and an additional 359 car parking spaces.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2019. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.
- e) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

The contributions generated by this proposal shall be spent on a new primary school for Hassocks or additional facilities at Hassocks Infant School should the new school not progress.

The contributions generated by this proposal shall be spent on expansion at Downlands Community School.

The contributions generated by this proposal shall be spent on expansion of the facilities at Hassocks Library.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

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

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

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

WSSC Rights of Way Officer

I have a few comments to make in terms of the effect on the local public rights of way.

Golf club access across public bridleway 4_2C - I would be looking for the surface of the bridleway to be maintained at a constant level which may mean that the road itself needs a raised 'speed bump' to enable this. There is also no mention of signage warning drivers of the bridleway crossing. I would also be interested in knowing more about the sight lines for bridleway users which is especially relevant to equestrians.

I am also worried about the increased traffic using the access road and therefore crossing footpath 9C. The users of the right of way must retain right of way over the vehicles and therefore it would probably be appropriate for a raised area to be used as a crossing point as well as slowing down traffic.

There is a section of footpath 9C that will need to be diverted under the Town and Country Planning Act.

I think that some section 106 money should be allocated to surface improvements on 8C as it heads south towards Belmont road away from the site as the increased usage from the local residents will put more pressures on these routes which often get muddy and difficult to use in the winter months. This is especially important as the pedestrian / cycle link through the development is encouraging use of these bridleway as stated in the Design and Access statement. I would estimate this to cost in the region of £42,500.

Consultant Archaeologist

Recommend Predetermination Archaeological Assessment

The Heritage Conservation Team, Surrey County Council provides advice to Mid Sussex District Council in accordance with the Mid Sussex District Plan and the National Planning Policy Framework. The district council is located within the County Council of West Sussex.

The National Planning Policy Framework (Revised 2018 - Section 16) places the conservation of archaeological interest as a material consideration in the planning process. Paragraph 189 of the NPPF says that: 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.' This information should be supplied to inform the planning decision.

The planning application covers an area of 9.65ha and largely encompasses parts of two archaeological Notification Areas (ANAs) - 'Multi-Period Settlement Activity, Hassocks' and 'Route of the Roman Road from Ham Farm to New Close Farm, Hassocks'. Both ANAs are flagged 'Red' and are considered by West Sussex County Council as being very

archaeologically sensitive. An Archaeological Impact Assessment was submitted in support of the planning application (CgMs 2018) and concluded that (Para 6.3):

"The study site can be considered as having an overall moderate theoretical archaeological potential for Prehistoric, Roman and Anglo-Saxon activity. This potential is raised to high in the southern portion of the site where previous archaeological investigations have recorded remains from these periods in the immediate vicinity."

The archaeological desk-based assessment provides an acceptable assessment of the archaeological potential of the planning application site and indicates the need for field evaluation to determine appropriate mitigation. Although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the limitations presented by the current use of the planning application site, i.e. as a functioning golf course, it is considered a condition could provide an acceptable safeguard. If planning permission is granted, the archaeological interest should be conserved by attaching a condition as follows:

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.

It is recommended that the initial stage of archaeological fieldwork should comprise of a trial trench evaluation, focused above those areas which will be impacted by below ground works and undertaken at the earliest opportunity. It is recommended that any geotechnical works to be undertaken by the applicant at the should also be observed under archaeological watching brief conditions. The results of the trial trench evaluation and, if applicable, watching brief on geotechnical works will inform on the scope of further archaeological mitigation if required. If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development.

The nature and scope field evaluation should be agreed with our office and carried out by a developer appointed archaeological practice. A Written Scheme of Investigation for the programme of archaeological works should be produced, submitted and approved in advance of any work commencing.

Please do not hesitate to contact the Heritage Conservation Team, Surrey County Council should you require further information.

This response relates solely to archaeological issues.

Consultant Ecologist

To be reported.

Consultant Landscapes Officer - East Sussex County Council Landscape Architect

With reference to your email and request for comments on the above application; having had an opportunity to review the application submissions I have the following comments.

1) Summary Recommendation

Recommend for approval in principle subject to the imposition of conditions

The proposal could comply with NPPF Section 15 policies for conserving and enhancing the natural environment.

The proposal could comply with Paragraph 170 which requires planning policies and decisions to 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;

Subject to satisfactory detailed design the proposal could comply with Section 12 of the NPPF, Achieving well-designed places.

2) Reason for Recommendation

Policy Context

1. The NPPF Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 170 states that :

'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.

2. The NPPF Section 12, Paragraph 130 requires that:

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Landscape Character and Visual Context

3. The key characteristics for the Eastern Low Weald character area within which the development would sit as extracted from the West Sussex County Council landscape character assessment (LVIA -Appendix 4) are:

- Gently undulating low ridges and clay vales.

- Views dominated by the steep downland scarp to the south and the High Weald fringes to the north.
- Arable and pastoral rural landscape, a mosaic of small and larger fields, scattered woodlands, shaws and hedgerows with hedgerow trees.
- Quieter and more secluded, confined rural landscape to the west, much more development to the east, centred on Burgess Hill.
- Biodiversity in woodland, meadowland, ponds and wetland.
- Crossed by north-south roads with a rectilinear network of narrow rural lanes.
- Major landmarks include Hurstpierpoint College (this lies to the west of the application site).

4. The key issues and landscape sensitivities for this character area in WSCC Landscape Character Assessments are:

- Growing impact of development in the east.
- Continuing amalgamation of small fields, severe hedgerow loss, and the ageing and loss of hedgerow and field trees.
- Visual impact of new urban and rural development including modern farm buildings, horse riding centres and paddocks.
- Increasing pervasiveness of traffic movement and noise, particularly around Burgess Hill and busy use of some rural lanes.
- Gradual loss of locally distinctive building styles and materials.
- Gradual suburbanisation of the landscape including the widespread use of exotic tree and shrub species.
- Woodland cover and the mosaic of shaws and hedgerows contribute strongly to the essence of the landscape.
- Pockets of rich biodiversity are vulnerable to loss and change.
- Parts of the area are highly exposed to views from the downs with consequently high sensitivity to the impact of new development and the cumulative visual impact of buildings and other structures.

5. The landscape management Guidance from the WSCC LCA which are most relevant to this proposed development are as follows:

- Plan for long-term woodland regeneration, the planting of new small and medium-sized broad-leaved farm woodlands, and appropriate management of existing woodland.
- Avoid skyline development and ensure that any new development has a minimum impact on views from the downs and is integrated within the landscape.
- Where appropriate, increase tree cover in and around villages, agricultural and other development and on the rural urban fringe of suburban areas and Burgess Hill, including along the approach roads to settlements and along busy urban routes including the A23 Trunk Road.
- Conserve and replant single oaks in hedgerows to maintain succession.
- Maintain and manage all lakes and ponds and their margins for their landscape diversity and nature conservation value.
- Minimise the effects of adverse incremental change by seeking new development of high quality that sits well within the landscape and reflects local distinctiveness.

Potential impacts on Landscape Character and Views

6. Review of the historic maps back to the 1870s indicates that the structure of the landscape on the site has changed significantly in recent history due to the development of the golf course. There are some remnant historic field boundaries within the existing golf course landscape which have retained some of the historic field pattern. These would be

retained within the new golf course layout, notably on either side of the proposed driving range and along bridleway 8C.

7. The most significant effects of the development will be those experienced from the public rights of way, the most sensitive of which will be the bridleways 8C and 4C (the ancient track to the west of the site). The views to the proposed development from the latter would be largely screened by topography and intervening vegetation however this could be further mitigated if some gentle mounding is incorporated into the proposed public open space.

8. The views from 8C would have the greatest adverse impacts and it is accepted that this is for a relatively short length of path. However consideration should be given to the provision of a greater landscape buffer to the proposed housing to the south and this path. Views south to the downs would be obscured by the proposed development along part of the length of this path.

9. The proposed development would have an impact of extending the built up area into the Wealden landscape in views from the top of the South Downs. This impact will reduce if the landscape mitigation outlined below is provided and as other more recent planting on the golf course matures.

10. The application to increase the permitted development on this site from 130 to 165 would reduce the total area available as public open space. The landscape masterplan would provide linear open spaces which give access to recreational routes throughout the development. If properly implemented and maintained this would provide opportunities for recreational access within the development and into the wider countryside.

11. The mass of the development would be broken up in longer views if belts of ultimately large specimen trees can be incorporated into the masterplan. The increased number of dwellings would appear to reduce the potential for street tree planting along the main access road. The west to east orientated spaces should allow for appropriate planting and enough land area for planting large trees such as oak. The open space and road corridor between the proposed play area and Friars Oak Farmhouse would be too narrow as currently shown on the landscape masterplan.

12. If the planning authority is minded to approve the application it is recommended that the following mitigation measures be considered in order to conserve local landscape character and views:

- As part of an adopted landscape management plan for the development enhanced management of existing mature trees, including the ancient woodland of Reed Pond Wood, be secured into the long term.
- Landscaped mounding is incorporated into the POS between the golf course and the residential area.
- Consideration of the detailed design of the access roads as shared surfaces with a softer finish than the traditional tarmac and formal road and pavement layout with low or no kerbs.
- Adequate land area is provided between the blocks of development and in the public realm to provide avenues and tree belts comprised of ultimately large specimen trees using species such as oak and lime.
- An avenue of large specimen trees along the length of the central spine road.

Conclusion and Summary Recommendations

13. It is recommended that the proposed residential development can be supported in principle subject to consideration of the detailed design issues outlined above.

Environment Agency

No comment received.

Horsham and Mid Sussex Clinical Commissioning Group

Thank you for consulting with Horsham and Mid Sussex NHS Clinical Commissioning Group (CCG) regarding the above proposed development.

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

Horsham & Mid Sussex CCG therefore cover the entirety of Mid Sussex District Council's catchment area and the above planning application would be close to Hassocks Health Centre. Should a planning consent be given this would create a potential further 390 new residents/patients.

Accordingly, Hassocks Health Centre is likely to be where the proposed new residents/patients will want to register for medical services and this building already serves in excess of 8,000 patients.

The building is of 1970s construction and with other complementary community NHS Services also delivered therefrom, there is a pressing need of either redesign or replacement of the building to accommodate new patients.

Further pressure from new developments will exacerbate the situation further and therefore we consider that a Section 106 application for a developer contribution towards NHS Healthcare capital infrastructure improvements to be entirely appropriate assessed on the number of dwellings planned. (Incidentally, we are now within the maximum number of 5 permitted Section 106 applications for this particular project)

In calculating our requirement, we utilise currently available West Sussex average occupancy figures, agreed with West Sussex County Council and use the Senior District Valuer's approved formula which is accepted by Local Authorities across West Sussex and other counties. Moreover, in all our Section 106 applications we take close account of the CIL Regulations 2010, Section 122 with its three important tests and Section 123 with its pooling criteria.

Overall, all potential new residents will utilise some or all of the health services the CCG commissions and will put further pressure on medical services generally. We are also mindful that new housing developments do not disadvantage the health services for existing residents/patients.

In the circumstances, we are seeking a Section 106 developer contribution of **£101,750**, on a pro rata basis (This equates to an average of £635 per dwelling for houses and £339 for flats/apartments)

Hurstpierpoint and Sayers Common Parish Council

At a recent planning committee meeting, the councillors have asked me to forward the following comments regarding the above application:

"It was understood that one of the key enablers for the proposed WSCC Albourne/Hurstpierpoint/Hassocks/Ditchling cycle route was a s106 contribution from the proposed development of Hassocks Golf Course under DM/18/2616. It is therefore disappointing to note that there appears to be no provision within the current plan to upgrade to a cycle path the extant PROW through the proposed site, or to anchor the proposed development within an east/west Albourne/Hurstpierpoint/Ditchling cycle route. Indeed the supporting Travel Plan and associated WYG Residential Travel Plan acknowledge by default the limited existing and below scale joint use cycle path that exists along the London Road to Burgess Hill. Also, the uncontrolled crossing across the London Road via a central refuge, but again makes no provision for a dedicated link to that cycle path, or in upgrading its current provision. Instead, and without any obvious supporting evidence, the Travel Plan makes the assertion that "there are many opportunities for traffic-free cycling".

It is recommended that the application as presented does not support, or enable the extant WSCC Cycling Strategy 2016-26, and fails to make any supporting realistic provision, beyond cycle storage, for the much sought after additional, and dedicated, cycle paths and routes within the area (including the proposed east/west Albourne/Hurstpierpoint/Ditchling cycle route). This shortfall should be addressed."

The relevant paragraphs from the supporting Hassocks Golf Club Residential Travel Plan June 2018 and supporting WYG Residential Travel Plan are extracted below for your information:

"2.8 The site is well placed to reach key destinations within a comfortable cycling distance time, such as Hassocks and Burgess Hill. As well as locations just beyond such as Haywards Heath and Brighton which would be acceptable cycle distance for a lot of cyclists. The site is therefore well placed to encourage journeys by bike based on its location alone.

2.9 As discussed previously, there is a shared footway / cycleway facility located at eastern edge of the London Road carriageway that extends towards Burgess Hill. If required to travel within the carriageway, the surrounding roads are generally flat and wide enough to comfortably accommodate cyclists within the carriageway. The above details highlight how there are excellent opportunities for safe cycling to the surrounding areas, with many opportunities for traffic-free cycling."

"4.4.5 In the immediate vicinity of the site, the A273 London Road has a shared off-road footway / cycleway on the eastern side which runs from the Jane Murray Way roundabout at the southern end of Burgess Hill in the north to Shepherds Walk approximately 170m to the south of the site access. From this southern location, the footway narrows and continues south as a pedestrian only route but links into footways on the minor residential streets including Shepherds Way, Little Copse and Standford Way. These minor residential streets provide a lightly trafficked on-street cycle route through to Hassocks Railway Station.

4.4.6 Just south of the Golf Club access is a central refuge where the foot way / cycle way crosses London Road and connects with a short section of shared use path linking south to Reed Close."

Southern Water

Thank you for your letter of 12/07/2018.

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

Please note: No development or new tree planting should be located within 3.5 metres either side of the external edge of the 600mm public foul sewer

No development or new tree planting should be located within 3 metres either side of the external edge of the 150mm public foul sewer

All existing infrastructure should be protected during the course of construction works.

No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public (also adoptable) sewers.

Reference should be made to Southern Water publication "A Guide to Tree Planting near water Mains and Sewers" with regards to any Landscaping proposals.

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 divert the public sewers, prior to the commencement of the development."

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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

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 non-compliance 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.

Sussex Police Designing Out Crime Officer

Thank you for your correspondence of 12th July 2018, advising me of a planning application for the comprehensive redevelopment of the site comprising of 165 residential units (Use Class C3), landscaping, car parking and associated drainage and access works at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the Police service and supported by the home office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on www.securedbydesign.com

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

I note that from the Design and Access Statement that this application has increased the quantity of dwellings from the outline planning permission of DM/17/1775 from 130 to 165 dwellings.

I was very pleased to note from the Design and Access Statement submitted in support of the above application, that the applicant's agent has clearly demonstrated their understanding of the Secured by Design scheme and its requirements; back to back gardens

that eliminate vulnerable rear garden pathways, good demarcation of defensible space, robust rear fencing and overlooked streets with natural surveillance over the LEAP and the pathways through the development, have all been incorporated into the design and layout.

Given the proposed security measures, I have no concerns from a crime prevention perspective with respects to this planning application. As the Secured by Design Officer for this location I would be happy to receive and process a Secured by Design application for this development.

I would like to direct the applicant to the SBD website where information on The National Building Approval (NBA) scheme can be found. The NBA will agree all aspects of physical security within the building(s) long before any development is planned or realised. This process is only undertaken once, when the developer initially joins Secured by Design. The agreement will then form the security criteria that must be met for all SBD National Building Approval schemes that result.

Benefits of SBD National Building Approval include;

- Discharges the obligation of Approved Document Q (ADQ): This requires all external doors, accessible windows and roof-lights in new housing, extensions to existing homes and those formed by a change of use, to be of an enhanced security specification.
- SBD guarantees that the requirements of ADQ are met: SBD will perform your due diligence in checking that your door, window and roof-light suppliers meet the requirements of ADQ.
- Building Control recognition of Secured by Design National Building Approval: SBD has secured the approval of the Department for Communities and Local Government and Building Control Officers that SBD NBA is accepted as proof of ADQ compliance.
- Consistent advice from the outset: By agreeing physical security solutions at the start of the process, you will guarantee that your development(s) meet police security requirements throughout the United Kingdom.
- Your customers will be reassured to know they have purchased from a responsible developer: Knowledge that your buildings meet the Police Preferred Specification for security will reassure your customers that their investment is well made.
- Your company will become a Secured by Design member: Upon signing an SBD NBA contract, your Secured by Design membership will provide confidence to local authorities that they are processing a planning application from a responsible developer.

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.

I thank you for allowing me the opportunity to comment.

The Crime and 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 and Disorder Act.

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

Sussex Police and Crime Commissioner (Sussex and Surrey Police Joint Commercial Planning Manager) - summary comments below; full comments (19 pages) can be viewed on file

This development will place permanent, on-going demands on Sussex Police which cannot be fully shouldered by direct taxation. Like many other public services, policing is not fully funded via public taxation. This request outlines a number of the capital costs that will be incurred by Sussex Police to enable safe policing of this development. All of the infrastructure outlined in this funding request has been found compliant with regulation 122 of the Community Infrastructure Levy and are considered directly related to the development in scale and kind and necessary to make the development acceptable in planning terms.

The application site is currently a greenfield site and when built upon will create an additional demand upon the police service that does not currently exist. The police will need to recruit additional staff and officers and equip them. The development will also require the services of a police vehicle. Staff and officers will also need to be accommodated in a premises that will enable them to serve the development. This request is proportionate to the size of the development and is intended to pay for the initial, additional costs resulting directly from the development for those areas where the police do not have existing capacity.

What, 'where' and 'when' of infrastructure requirements relevant to application reference to DM/18/2616 is as follows:

| TOPIC | INFRASTRUCTURE REQUIREMENT | AREA | COST PER ITEM | QTY | TOTAL COST | TIMING OF DELIVERY (Occupations) |
|--------------|---|-----------------------------|---------------|------|------------|----------------------------------|
| Policing | Officer start-up equipment cost, recruitment & training | Hassocks NPT | £9,767.33 | 0.4 | £3,906.93 | TBC |
| Policing | Staff start-up equipment cost & training | Burgess Hill Police station | £3,146 | 0.26 | £817.96 | TBC |
| Policing | Premises | Burgess Hill Police station | | | £15,506.59 | TBC |
| Policing | Fleet | Hassocks NPT | | | £5,735.40 | TBC |
| Total | | | | | | £25,966.88 |

Woodland Trust

As the UK's leading woodland conservation charity, the Woodland Trust aims to protect native woods, trees and their wildlife for the future. Through the restoration and improvement of woodland biodiversity and increased awareness and understanding of important woodland, these aims can be achieved. We manage over 1,000 sites covering around 24,000 hectares (59,000 acres) and have 500,000 members and supporters.

Ancient woodland is defined as an irreplaceable natural resource that has remained constantly wooded since at least AD1600. The length at which ancient woodland takes to develop and evolve (centuries, even millennia), coupled with the vital links it creates between plants, animals and soils accentuate its irreplaceable status. The varied and unique habitats ancient woodland sites provide for many of the UK's most important and threatened fauna and flora species cannot be re-created and cannot afford to be lost.

The Woodland Trust maintains an objection to the above application until the applicant confirms buffer between the development will and [sic] Reed Pond Shaw (grid ref. TQ 30156

16275), an Ancient Semi Natural Woodland designated as such on Natural England's Ancient Woodland Inventory (AWI).

Policy

National Planning Policy Framework (NPPF) paragraph 118 states that "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and the benefits of, the development in that location clearly outweighed the loss".

NE Standing Advice (January 2018) for Ancient Woodland and Veteran Trees states: "Ancient woodland, and trees classed as 'ancient', 'veteran' or 'aged' are irreplaceable. Ancient woodland takes hundreds of years to establish and is considered important for its wildlife (which include rare and threatened species), soils, recreation cultural, historical and landscape value."

The Standing Advice then goes on to state:

Nearby development can also have an indirect impact on ancient woodland or veteran trees and the species they support.

These can include:

- breaking up or destroying connections between woodlands and veteran trees
- reducing the amount of semi-natural habitats next to ancient woodland and other habitats
- increasing the amount of pollution, including dust
- increasing disturbance to wildlife from additional traffic and visitors
- increasing light pollution
- increasing damaging activities like fly-tipping and the impact of domestic pets
- changing the landscape character of the area"

Policy C5 in 'Mid Sussex Local Plan 2004' states:

"Proposals for development or changes of use of management within Sites of Special Scientific Interest, Sites of Nature Conservation Importance, Local Nature Reserves, Ancient Woodlands or to other sites or areas identified as being of nature conservation or geological importance, including wildlife corridors will be subject to rigorous examination, and only permitted where the proposal, by virtue of design and layout, minimises the impact on features of nature conservation importance. Proposals should take advantage of opportunities for habitat creation wherever possible."

Impacts on ancient woodland

The Woodland Trust is concerned about the following:

- Damage to ancient woodland caused by dust deposition as a direct result of construction processes;
- Surface water run-off becomes polluted/contaminated due to construction processes which can have a detrimental impact on the ancient woodland (and the soils beneath).
- Disturbance by noise, light, trampling and other adjacent activity occurring from construction processes and intensity of use on completion.
- Where woodland is readily accessible from nearby residential development there is an unfortunate tendency for litter to be left in woodland; for residents and their pets to

ingress into the woodland. This intensification of recreational activity of humans and their pets also causes disturbance to the habitats of breeding birds and vegetation damage.

- Any effect of development can impact cumulatively on ancient woodland - this is much more damaging than individual effects.

Recommendations

Creation of new areas of woodland or buffer zones around semi-natural habitats, and more particularly ancient woodland, will help to reduce and ameliorate the impact of damaging 'edge effects', serving to improve their sustainability. The size of the buffer is dependent on the intensity of land use adjacent to ancient woodland.

Natural England's Standing Advice on Ancient Woodland (January 2018), states:

"Mitigation measures will depend on the development could include:

- putting up screening barriers to protect the woodland or veteran trees from dust and pollution
- noise reduction measures
- leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of the development, a minimum buffer should be at least 15 metres)
- leaving a buffer zone at least 15 times larger than the diameter of a veteran tree or 5m from the edge of its canopy, if that's greater
- protecting veteran trees by designing open space around them
- identifying and protecting trees that could become veteran trees in the future"

A buffer is a landscape feature used to protect a sensitive area from the impacts of development (or other harmful neighbouring land use). A buffer may go around the whole area to be protected, or it may be along one edge. The buffer could be planted with trees or shrubs or it could be an area of land which the development is not allowed to encroach upon (e.g. a grassy strip). Buffers may also contain man-made structures such as fences, walls and earthworks.

In this instance, as proposals are for 165 housing unit, The Woodland Trust would seek inclusion of conditions stipulating the following:

- That the Reed Pond Shaw is permanently fenced off from the development to minimise potential disturbance from the proposed development
- That a buffer of a minimum 30 metres in width is created between the development and Reed Pond Shaw.
- That this buffer is partially-planted with native woodland edge species of local provenance.

Conclusion

For the reasons set out above, we will maintain our objection due to the potential loss of and damage to Reed Pond Shaw until the applicant can confirm the inclusion of a 30m part planted buffer.

This page is intentionally left blank

MID SUSSEX DISTRICT COUNCIL

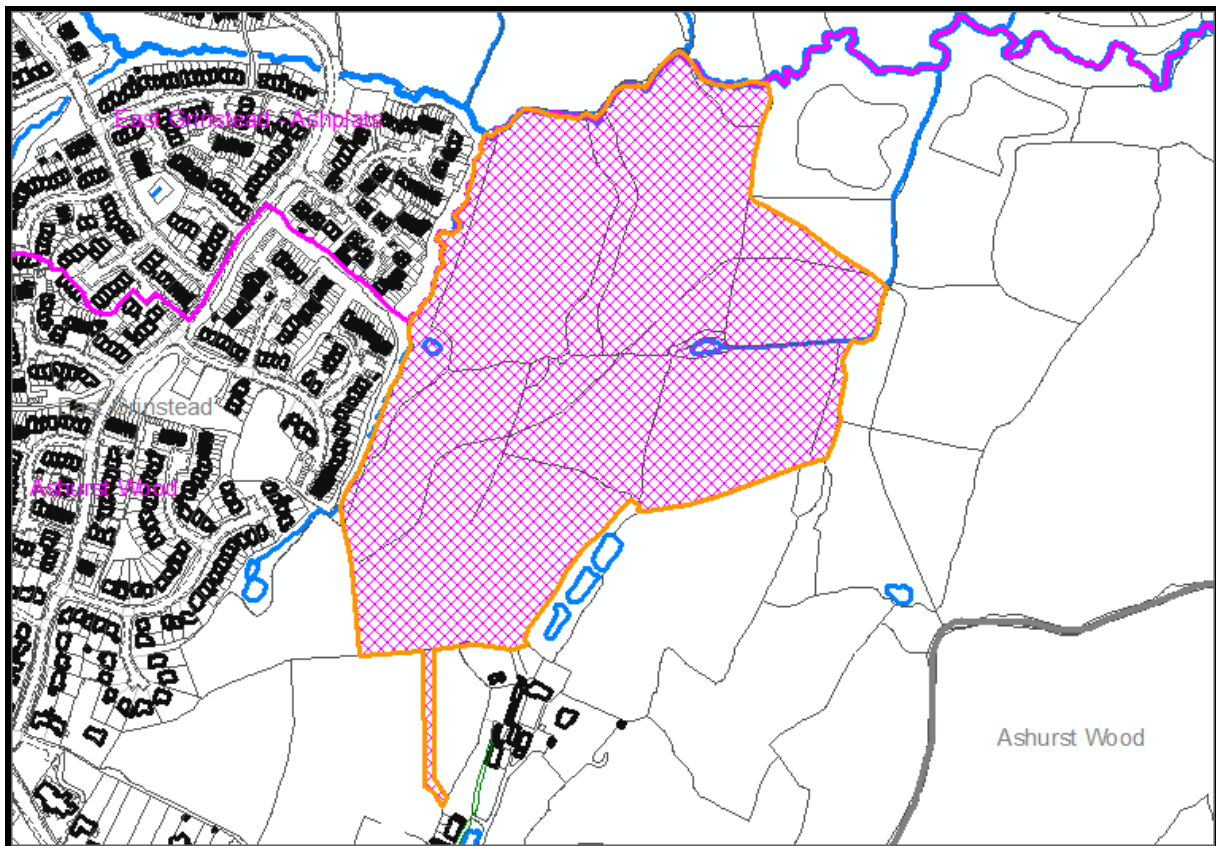
District Wide Committee

29 NOV 2018

RECOMMENDED FOR PERMISSION

East Grinstead

DM/18/3636



©Crown Copyright and database rights 2012 Ordnance Survey 100021794

LAND AT WORSTED FARM WORSTED LANE EAST GRINSTEAD WEST SUSSEX

VARIATION OF CONDITION 3 OF PLANNING APPEAL DECISION AP/16/0054 (PLANNING APPLICATION DM/15/3056) TO EXTEND THE EXPIRY TO 45 YEARS FROM THE DATE ELECTRICITY IS EXPORTED.

MR ASHLEY SEAGER

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / High Pressure Gas Pipeline /

ODPM CODE: Largescale Major Other

13 WEEK DATE: 3rd December 2018

WARD MEMBERS: Cllr John Belsey /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks permission to vary condition 3 of the planning appeal decision AP/16/0054 (DM/15/3056) to extend the expiry to 45 years from the date electricity is exported to the electricity grid network, excluding initial testing and commissioning. The appeal granted planning permission for the 'Installation and operation of a ground mounted solar photovoltaic array to generate electricity of up to 5MW capacity, comprising photovoltaic panels, inverters, security fencing and cameras, and other associated infrastructure.'

The application is submitted under Section 73 of the Town and Country Planning Act 1990 to vary a condition associated with a planning permission.

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

It has previously been considered that the introduction of a solar farm for a period of 25 years on the site is acceptable through the determination of the appeal in relation to the 2015 application. It is considered that the increase in the time period for the exportation of electricity from the site and the presence of the solar farm for a further 20 years would result in further environmental and economic benefits through the formation of renewable energy from the site which attracts considerable weight.

Whilst the Inspector in the determination of the original application acknowledged that the development would result in some visual impact, the mitigation through planting as part of the scheme would reduce the impact and would result in a very local effect. The presence of the development for a further 20 years would not result in any further significant harm to the countryside or the High Weald Area of Outstanding Natural Beauty.

The proposal is thereby considered to comply with policies DP12, DP16 and DP40 of the District Plan, policies EG1 and EG2 of the Neighbourhood Plan and paras 8, 148, 158 and 172 of the NPPF.

RECOMMENDATION

It is recommended that planning permission be approved subject to the conditions set in Appendix A.

SUMMARY OF REPRESENTATIONS

3 letters of OBJECTION concerning the following points:

- Increase in time period means development uneconomic in nature;
- Intrusion into the countryside
- Development would be visible;
- Inappropriate and detrimental to AONB.

East Grinstead Society

No objection

SUMMARY OF CONSULTEES

EAST GRINSTEAD TOWN COUNCIL

Would Support Approval

INTRODUCTION

Permission is sought to vary condition 3 attached to appeal reference AP/16/0054 (in respect of planning reference DM/15/3056) to extend the expiry of the permission to 45 years from the date electricity is first exported to a solar farm at land at Worsted Farm, East Grinstead.

RELEVANT PLANNING HISTORY

Permission was refused under reference DM/15/3056 for the installation and operation of a ground mounted solar photovoltaic array to generate up to 5MW capacity, comprising photovoltaic panels, inverters, security fencing and cameras and other associated infrastructure at Land at Worsted Farm. This was refused for the following reason:

"The introduction of a solar farm on this greenfield site within the High Weald Area of Outstanding Natural Beauty (AONB) would be seen as an alien and unnatural feature that would have a significant detrimental visual impact on the character and appearance of the surrounding rural area. Such a development would fail to

conserve the landscape and scenic beauty of the AONB. The harm to the visual amenity of the locality would outweigh the positive benefits of these proposals and as such the application fails to comply with Policies C1 and C4 of the Mid Sussex Local Plan, policies DP1 and DP14 of the Pre-Submission Draft District Plan, policy EG1 and EG2 of the East Grinstead Neighbourhood Plan and paragraphs 7, 14, 17, 115 and 116 of the NPPF."

Subsequently, this decision was allowed on appeal by the Inspector. In the determination of the appeal, the Inspector considered that

"The strategic environmental and economic benefits of renewable energy proposals are substantial. At a local level the site lies in an area of high energy demand and low operational renewable energy capacity. Overall the benefits should attract considerable weight.

On the debit side the engineered form of the panel arrays would jar with the rural tranquillity of the setting. However it would be a very local effect. Whilst great weight attaches to conserving the AONB landscape the detriment to landscape character in this case would be limited. There would be some visual impact on users of the nearby footpath network but with mitigation it would not be significant. None of the other matters before me, including highway, heritage and viability considerations, would weigh against the proposal.

In this case I find that the balance is clearly in favour of the development. Major development in the AONB should only be permitted exceptionally. Taking account of the limited harm identified, the lack of suitable alternative available sites, and the limited operational renewable energy capacity in the District, I find the proposal to be such an exception as provided for in LP Policies CS19 and C4. The loss of a length of historic field boundary would be contrary to LP Policy C6 but I find, nonetheless, that the proposal would be in accordance with the development plan as a whole.

This would be a sustainable development for which the considerable environmental benefits outweigh the limited environmental harm. With the mitigation proposed and conditions set out I find that the impacts of the development would be acceptable and that, in accordance with NPPF paragraph 98, the proposal should be approved."

In light of this he allowed the appeal subject to a number of conditions including the development to be begun 3 years from the date of the decision. This permission expires on the 21st November 2019.

Following this, an application to discharge conditions 5, 6 and 7 attached to this appeal was submitted under reference DM/17/0040. These relate to the submission of a landscape and biodiversity management plan (cond 5); a tree survey (cond 6) and tree and hedge planting specification (cond 7).

An application was submitted in respect of the discharge of conditions 9 and 10 of the appeal (AP/16/0054). Condition 9 in relation to surface water drainage and means of disposal was approved. However, condition 10 in respect of a written scheme of archaeological investigation was refused as it required further information.

More recently, an application to discharge condition 10 was resubmitted under reference DM/18/3674 in respect of the written scheme of archaeological investigation. This has now been approved.

The only outstanding pre-commencement condition is condition 8 which states:

"No development shall commence until details (including size, colour, appearance and finish) of the CCTV poles, boundary fencing, solar panels, inverter stations, control cabin, sub-station and storage container hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details."

SITE AND ITS SURROUNDINGS

The application site forms a large field (previously a number of fields) set to the north of Worsted Lane. There are well established tree boundaries surrounding the site and within the site there is a mixture of semi-mature trees, self-seeded trees and scrubland. In addition there are ditches and a pond within the site.

The site where the solar panels are to be constructed is relatively level, however the site is set at a lower level than Worsted Farm and Worsted Cottage as well as land to the south. The single track access road into the site (through the existing fields) would be sloping down to the north into the site.

To the north and east of the site are additional fields and woodland. To the west of the site is a public footpath, and the edge of the built-up area boundary of East Grinstead comprising of a residential development estate.

The application site is situated within the Countryside Area of Development Restraint and within the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

This application seeks permission to vary condition 3 of the planning appeal decision AP/16/0054 to extend the expiry of the development to 45 years from the date electricity is exported to the electricity grid network, excluding initial testing and commissioning, before it is decommissioned.

The application is submitted under Section 73 of the Town and Country Planning Act 1990 to vary condition 3 associated with a planning permission. The Act states that:

"On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."

Condition 3 of the permission currently states:

"This permission shall expire 25 years from the date electricity is first exported to the electricity grid network, excluding initial testing and commissioning. Written confirmation of the first export date shall be provided to the local planning authority no later than one month after the event. Within 12 months from the end of this expiry date the solar arrays, invertors, access track, sub-station, fencing, cabling and other ancillary equipment hereby permitted shall be removed and the land restored to its former condition or to a condition to be agreed in writing by the local planning authority."

A Planning Statement has been submitted with the application which states:

"The planning application submitted to Mid Sussex District Council stated that the solar farm would be operational for 25 years after which it would be decommissioned.

The 25 year period specifically related to the Government's subsidy regime for ground mounted solar. This scheme provided financial support for a period of 20 years to accredited solar projects exporting electricity to the National Grid. This scheme was withdrawn on 31 March 2016.

The solar development approved at Worsted Farm in November 2016 could not be built and accredited by the 31 March 2016 cut off date for financial support from the Government.

Since 2016 the owner of the solar project, S4NWorsted Limited has been exploring opportunities to construct the project without a Government subsidy. They include sourcing lower cost solar panels and electricity infrastructure equipment and negotiating a private power purchase agreement.

As the project is not tied to the Government's 20 year subsidy regime and because the operational life span of solar developments is now between 40 - 50 years due to improvements in solar panel technology and build quality as well as longer equipment warranties, an amendment to Condition 3 is now being sought."

In addition, it submits that *"It should also be noted that more recent planning decisions for solar farms no longer have a restrictive condition limiting the development to a specific number of years. This is undoubtedly in recognition that low carbon energy is to be considered a permanent component of the UK's generation mix in accordance with the NPPF."*

LIST OF POLICIES

District Plan

The District Plan was adopted in March 2018

DP12 - Protection and enhancement of countryside
DP16 - AONB
DP26 - Character and Design
DP34 - Listed Buildings and Other Heritage Assets.
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP40 - Renewable energy schemes

Neighbourhood Plan

The Neighbourhood Plan for East Grinstead was 'made' in November 2016. It forms part of the development plan with full weight.

Relevant policies:

EG1: Protection of the High Weald AONB
EG2: Areas of Development Constraint

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

National Policy

National Planning Policy Framework (NPPF)

Planning Practice Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

ASSESSMENT

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

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

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

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

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

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

Using this as the starting point the development plan in this part of Mid Sussex consists of the Mid Sussex District Plan (2018) and the East Grinstead Neighbourhood Plan.

This application is made under section 73 of the Town and Country Planning Act 1990 to vary condition 3 associated with a planning permission granted by the Planning Inspector.

The principle of the development has already been accepted through the appeal decision in respect of the 2015 application. The Inspector considered that *"The strategic environmental and economic benefits of renewable energy proposals are substantial. At a local level the site lies in an area of high energy demand and low operational renewable energy capacity. Overall the benefits should attract considerable weight."*

Notwithstanding this, since the determination of the appeal, the Councils District Plan has been adopted. Policies set out in the adopted District Plan are a material consideration in the determination of this planning application. The application needs to be considered in light of these policies.

In addition, since the determination of the appeal, the NPPF has been updated. However, there is still a focus on achieving sustainable development (paras 7-8), and support for the transition to a low carbon future in a changing climate (para 148). In addition the NPPF requires local planning authorities to seek to approve applications if its impacts are (or can be made) acceptable (para 154 b)).

Even though the result of this application would result in the issuing of a new planning permission, it is not considered necessary to go through all the planning issues. The only issue that is pertinent is to consider the specific changes that are proposed from the previous approval.

Whilst the development has previously been considered acceptable, consideration needs to be made to the increase in the time period for the export of electricity generated from the solar panels on the site. It is sought to increase the time period by a further 20 years.

As such the main issues for consideration are:

- the principle of the development in the countryside;
- the impact to the character of the area and the AONB; and
- the impact to the setting of the nearby Listed Building.

Principle of the development in the countryside

Policy DP12 of the District Plan relates to the protection and enhancement of countryside and requires the countryside to be protected in recognition of its intrinsic

character and beauty. In addition it states that development will be permitted provided it maintains or where possible enhances the quality of the rural and landscape character of the District.

Policy DP40 of the District Plan relates to Renewable Energy Schemes and supports such proposals for new renewable and low carbon energy projects provided that any adverse local impacts can be made acceptable.

Para 170 of the NPPF requires decisions to contribute to and enhance the natural and local environment and recognise the intrinsic character and beauty of the countryside.

There is an extant permission on the site for a solar farm where the Inspector considered that the effect of the proposed development on the character and appearance of the AONB and countryside was acceptable. There is no change in the layout or design of the development in this application which seeks to extend the time period of the solar panels being in place by a further 20 years. It is considered that the extension in the time period of the panels being in place would have little adverse effect on landscape appearance through the planting on and around the site which would continue to be an effective filter/screen even in winter.

The proposal is thereby considered to comply with Policies DP12 and DP40 of the District Plan and paras 8c, 148, 154 and 170 of the NPPF.

Impact on the character of the area and the High Weald AONB

Policy DP16 of the District Plan relates to the High Weald Area of Outstanding Natural Beauty and states that development will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan.

A similar ethos is found in policy EG1 of the East Grinstead Neighbourhood Plan which also states *"planning permission will be refused for major development proposals unless the development is demonstrably required in the public interest and meets the exceptional circumstances criteria outlined in the NPPF."*

In addition, para 172 of the NPPF relates to AONBs and states *"Great weight should be given to conserving and enhancing 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 these issues"*.

In the determination of the appeal, the Inspector considered in respect of character and appearance (including on the High Weald AONB) that:

"The development would have a moderate adverse effect on local landscape character but any wider effects on the AONB would be negligible. Overall the harm to landscape character would be limited. There would be little adverse effect on landscape appearance. This conclusion is reached having seen the site with the vegetation in leaf but I am satisfied that the width and density of the main planting would continue to be an effective filter/screen even in winter."

It is considered that there would be little further detriment to the landscape character and the AONB through the increase in the time period that electricity is generated from the site through the solar panels remaining in-situ for a further 20 years (in place for 45 years). Over the additional time period the vegetation would have further matured providing additional screening from viewpoints.

As such the proposal is considered to comply with policies DP12, DP16 and DP26 of the District Plan, policies EG1 and EG2 of the Neighbourhood Plan and paras 8 and 172 of the NPPF.

Impact to the nearby Listed Building and its setting

The nearest heritage asset of Worsted Farm is a Grade II listed property. This is sited to the south-east of the application site, and the building is set some 60 metres from the boundary of the application site. In addition there is a complex of buildings to the north-east of the farmhouse (closer to the application site), and the possibility exists that some of these may be deemed to be curtilage listed.

As such the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant to the consideration of the application. S. 66 states:

*"66.—(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Recent case law has stated that "As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."*

The Courts further stated on this point *"This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."*

Policy DP34 of the District Plan relates to Listed Buildings. It states that:

Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric."*

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paras 193 - 196 of the NPPF state:

"193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

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

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

196. 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."

The Inspector in the consideration of the appeal stated that Worsted Farmhouse is not clearly seen in any public views. He states "*Historically the appeal site was part of the Worsted Farm land but it no longer has an agricultural function and there is no significant visual or physical connectivity between it and the listed farmhouse. I conclude that it contributes little to the heritage significance of the farmhouse and any significance it has would be retained as the proposal would have no effect on the structural boundary features. I find there would be no material adverse effect on the setting of Worsted Farmhouse.*"

It is considered that the extension to the time period of the development would preserve (not to cause harm to) the special interest of the listed building and the character of its setting. The proposal is thereby considered to comply with Policy DP34 of the District Plan and paras 193-196 of the NPPF.

Other matters

Concerns have been raised by a nearby resident in respect of the proposal being uneconomic due to the need to increase the time period for the exportation of electricity. The Planning Statement sets out that the Government subsidy to such development has now been withdrawn which previously limited such development to a 25 year period. In addition it submits that the technology has been improved to increase the lifespan of the operation of such developments to 40-50 years to allow a longer presence. However, this concern raised by a resident is not a planning matter.

CONCLUSION

It has previously been considered that the introduction of a solar farm for a period of 25 years on the site is acceptable through the determination of the appeal in relation to the 2015 application. It is considered that increase in the time period for the exportation of electricity from the site and the presence of the solar farm for a further 20 years would result in further environmental and economic benefits through the formation of renewable energy from the site which attracts considerable weight.

Whilst the Inspector acknowledged that the development would result in some visual impact, the mitigation through planting as part of the scheme would reduce the impact and would result in a very local effect. The presence of the development for a further 20 years would not result in any further significant harm to the countryside or the High Weald Area of Outstanding Natural Beauty.

The proposal is thereby considered to comply with policies DP12, DP16 and DP40 of the District Plan, policies EG1 and EG2 of the Neighbourhood Plan and paras 8, 148, 158 and 172 of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the 21st November 2019.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 15K61-CV-GS-101 (site location); 15K61-EL-LY-101A/B/C/D (site layout); 15K61-CV-HS-101 (inverter housing); 15K61-CV-HS-102 (control cabin); 15K61-CV-HS-104 (CCTV poles/layout); 15K61-CV-FC-103 (fence/gate); 15K61-SL-PA-101 (array elevation); 15K61-EL-HS-103 (storage container) submitted under planning reference DM/15/3056.

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

3. This permission shall expire 45 years from the date electricity is first exported to the electricity grid network, excluding initial testing and commissioning. Written confirmation of the first export date shall be provided to the local planning authority no later than one month after the event. Within 12 months from the end of this expiry date the solar arrays, invertors, access track, sub-station, fencing, cabling and other ancillary equipment hereby permitted shall be removed and the land restored to its former condition or to a condition to be agreed in writing by the local planning authority.

Reason: As the proposed development has a limited life span and to protect the character and visual appearance of the site in the longer term and in accordance with policies DP12, DP16 and DP40 of the Mid Sussex District Plan and to comply with the provisions of the NPPF.

4. If the solar farm hereby permitted ceases to operate for a continuous period of 6 months then a scheme for the decommissioning and removal of the panels and any other ancillary equipment shall be submitted to and approved in writing by the local planning authority within 3 months of the end of the cessation period. The scheme shall include details for the restoration of the site and shall be implemented as approved within 12 months of the date of approval.

Reason: In the interests of the character and visual appearance of the area having regard to policies DP12 and DP16 of the Mid Sussex District Plan, policies EG1 and EG2 of the Neighbourhood Plan and to comply with the provisions of the NPPF.

5. The development shall be carried out in accordance with the Landscape and Biodiversity Management Plan approved under reference DM/17/0040. The development shall be implemented in accordance with the approved timetable set out in this plan.

Reason: To conserve and enhance biodiversity in accordance with para 175 of the NPPF.

6. The development shall be carried out in accordance with the approved Arboricultural Survey, Impact Assessment and Method Statement (refs PJC ref: 4241/16-01 Rev 1, PJC ref: 4241/16-02 and PJC ref: 4241-16-03 Rev 1) approved under reference DM/17/0040.

Reason: To enhance the general appearance of the development having regard policies DP12, DP16 and DP37 of the Mid Sussex District Plan, and to comply with the provisions of the NPPF.

7. The development shall be carried out in accordance with the details submitted in the Landscape Specification by Broom Lynne dated 12th December 2016 approved under reference DM/17/0040.

Reason: To enhance the general appearance of the development having regard policies DP12, DP16 and DP37 of the Mid Sussex District Plan, and to comply with the provisions of the NPPF.

8. No development shall commence until details (including size, colour, appearance and finish) of the CCTV poles, boundary fencing, solar panels, inverter stations, control cabin, sub-station and storage container hereby approved 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 protect the character and visual appearance of the area and to accord with policies DP12, DP16 and DP26 of the District Plan and policies EG1 and EG2 of the Neighbourhood Plan.

9. The development shall be carried out in accordance with the approved details under reference DM/17/0160 in respect of the proposed surface water drainage and means of disposal. The drainage works shall be carried out as approved before the first export of electricity to the grid.

Reason: To ensure flood risk is not increased elsewhere and to accord with policy DP41 of the Mid Sussex District Plan and para 148 of the NPPF.

10. The development shall be carried out in accordance with the written scheme of archaeological investigation submitted and approved under reference DM/8/3674.

Reason: To enable items of archaeological interest to be recorded in accordance with Policy DP34 of the Mid Sussex District Plan.

11. The development shall be carried out in accordance with the submitted Construction Traffic Management Plan and the Construction Method Statement.

Reason: In the interests of highway safety and the amenities of the area and to accord with policy DP21 of the Mid Sussex District Plan.

12. Works of construction or demolition, including the use of plant and machinery, shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hours

Saturday: 09:00 - 13:00 hours

Sunday and Bank/Public Holidays: no work permitted

Reason: To protect the amenity of local residents and to accord with Policy DP24 of the Mid Sussex District Plan.

13. No floodlighting, security lighting or other means of external illumination shall be provided, installed or operated at the site without the prior approval of the local planning authority.

Reason: To protect the visual appearance of the area, the amenity of local residents and to avoid harm and disturbance to wildlife and in accordance with policies DP12, DP37 and DP38 of the Mid Sussex District Plan.

14. The site compound shall be removed and the land restored to its former condition or to a condition to be agreed in writing by the local planning authority on or before the expiration of five months from the commencement of development.

Reason: As the proposed compound is temporary and to protect the character and visual appearance of the site in the longer term and in accordance with policies DP12, DP16 and DP40 of the Mid Sussex District Plan and to comply with the provisions of the NPPF.

15. A permissive footpath shall be retained within the site along its western and northern boundaries as shown on the plan accompanying the submitted unilateral undertaking dated 12 October 2016 attached to reference AP/16/0054. The footpath shall be retained for so long as the solar farm is operational.

Reason: To provide and maintain a permissive footpath alongside the western and northern boundaries of the site during the operation of the solar farm and to accord with policy DP22 of the District Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

| Plan Type | Reference | Version | Submitted Date |
|---------------|-----------|---------|----------------|
| Location Plan | 04/05 | AA | 03.09.2018 |

APPENDIX B – CONSULTATIONS

None.

This page is intentionally left blank

MID SUSSEX DISTRICT COUNCIL

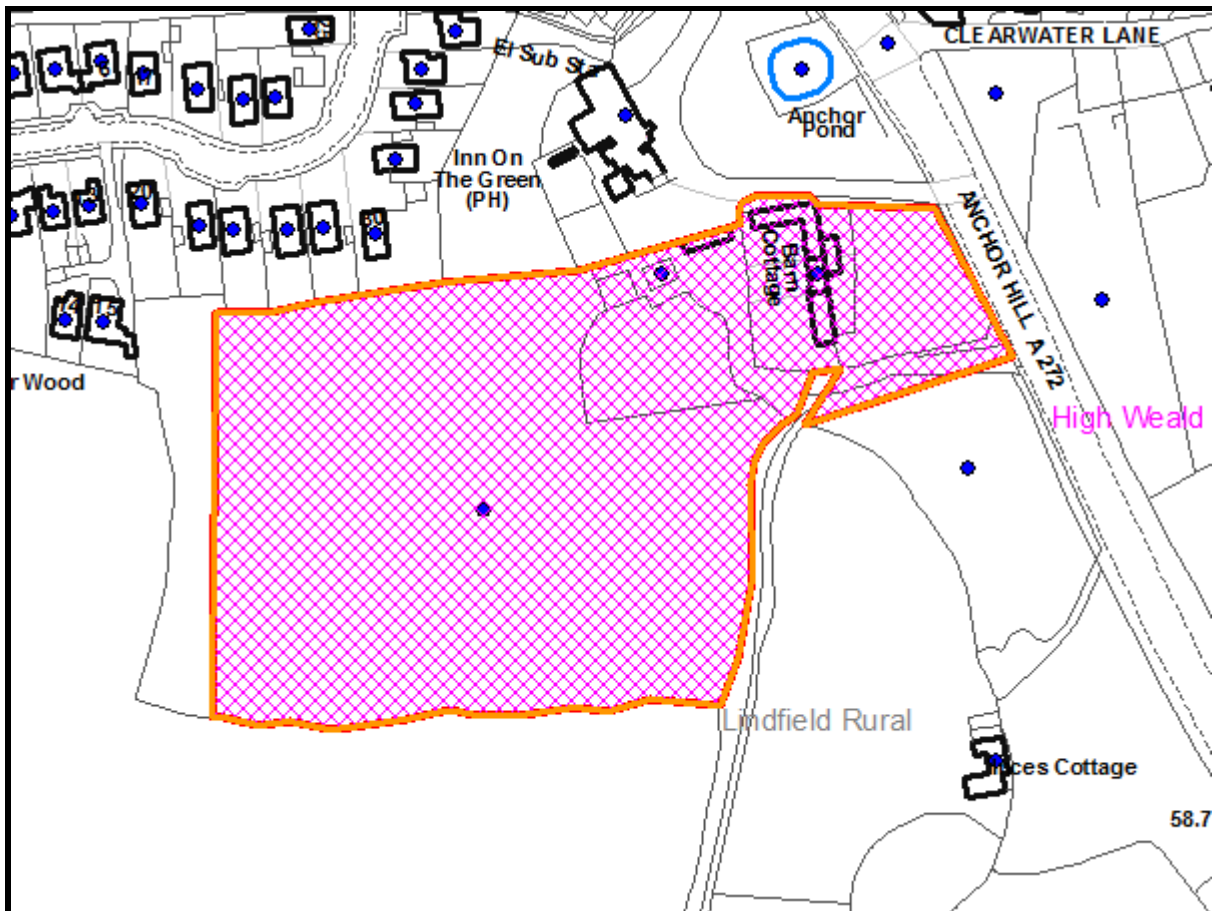
District Wide Committee

29 NOV 2018

RECOMMENDED FOR PERMISSION

Lindfield Rural

DM/18/4039



©Crown Copyright and database rights 2012 Ordnance Survey 100021794

LAND AT BARN COTTAGE LEWES ROAD SCAYNES HILL HAYWARDS HEATH

RESERVED MATTERS APPLICATION IN RELATION TO OUTLINE PLANNING DM/16/3119 FOR 51 DWELLINGS FOR THE MATTERS OF THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE.

MR WC MCCARTHY

POLICY: Asset of Community Value / Ancient Woodland / Areas of Special Control for Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement /

Planning Obligation / Road Improvement Act Agreement /
Aerodrome Safeguarding (CAA) / SWT Bat Survey / Tree
Preservation Order / Advance Payment Code (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 31st December 2018

WARD MEMBERS: Cllr Chris Hersey / Cllr Linda Stockwell /

CASE OFFICER: Susan Dubberley

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This application seeks Reserved Matters consent for the layout, appearance, scale and landscaping, pursuant to the outline planning permission (DM/16/3119) that was granted consent by the Council under a notice dated 7th February 2017 for up to 51 units. The scheme makes suitable provision for the 15 affordable units secured under the S106 Legal Agreement.

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

The application follows the refusal of DM/18/1394 which was refused at the District Committee on 6th September for the following reason:

The two blocks of flats at the frontage of the site are out of keeping with the distinctive rural character of Scaynes Hill village, due to their scale, height and location at a high point on the site. The development therefore fails to accord with policy DP26 of the Mid Sussex District Plan 2018.

The application differs from the refused scheme in that the ridge line of the both of the apartment blocks have been reduced in height from three storeys to two and half storey and the roofs redesigned so that the second floor accommodation is now contained within the roof space. Part of the ground floor level of the apartment block located at the front of the site has also been lowered (flats 1-11). Dormers have been introduced to the roof slopes of both blocks, along with a glazed stairwell to the block containing flats 1-11.

It is noted that the reason for refusal related to the two blocks of flats only and

therefore the reminder of the application has not changed from the earlier refused scheme as this aspect of the proposals was considered acceptable. There are still some design concerns about the detailing of the windows of the proposed houses, but it is considered that these can be addressed by condition.

The overall layout of the scheme is considered sound. The layout benefits from a perimeter block approach with frontages defining and facing the streets and spaces.

It is considered that the details of the reserved matters are acceptable and comply with the policies that have been identified in the report. The application is considered to address the previous reasons for refusal and the Councils Urban Designer is satisfied overall with the layout and design.

The scheme is considered to create an acceptable residential environment and while there will be some impacts on existing adjacent residential properties, it is considered the separation distances along with appropriate screening will ensure that significant harm in the form of overlooking or loss of privacy should not occur. The proposal provides suitable ancient woodland buffers.

The scheme provides appropriate affordable housing and is acceptable in parking and highways terms.

In light of the above it is recommended that reserved matters consent can be granted for this proposal and that the application complies with policies DP21, DP26, DP27, DP29, DP30, DP31, DP37, DP38 and DP41 of the District Plan.

RECOMMENDATION

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

SUMMARY OF CONSULTATIONS

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

WSCC Highways:

No objection. WSCC are content to rely on the comments provided on the previously refused reserved matters application reference DM/18/1394.

MSDC Urban Designer:

No objection.

MSDC Housing:

No objection.

MSDC Street Naming and Numbering Officer:

Request informative is added to any decision notice granting approval.

Lindfield Rural Parish Council:

Although some of the buildings have been reduced in height (after instructions from MSDC) they still remain intrusive particularly as they are in such a prominent position. Additionally, the whole development being in the centre of the village is not in keeping with the area.

The Council recommend rejection of the revised plan.

INTRODUCTION

This application seeks Reserved Matters for the approval of the appearance, landscaping, layout and scale of the site for 51 dwelling, following outline planning approval under DM/16/3119. Accordingly the principle of the development has been established.

RELEVANT PLANNING HISTORY

DM/18/1394 Reserved matters application in relation to outline planning DM/16/3119 for 51 dwellings for the matters of the Appearance, Landscaping, Layout and Scale. Refused on 12/09/2018 for following reasons:

The two blocks of flats at the frontage of the site are out of keeping with the distinctive rural character of Scaynes Hill village, due to their scale, height and location at a high point on the site. The development therefore fails to accord with policy DP26 of the Mid Sussex District Plan 2018.

DM/16/3119 Outline planning permission for the removal of the existing dwelling on the site (Barn Cottage) and the erection of up to 51 units (including 30% affordable units). Approved 7 Feb 2017.

SITE AND ITS SURROUNDINGS

The site is approximately 1.9ha and is located on the west side of Lewes Road and comprises of a large open field and an existing two storey dwelling on the site with a single storey annexe building to the rear. There is a public footpath running across the front of the site which continues in a southerly direction. The woodland to the south and west of the site is designated as Ancient Woodland. Immediately to the west of the site boundary is a residential garden which runs the full length of the site. To the north of the site are the rear of residential properties in Hillcrest Lane and a public house.

The site lies just outside of the built up area boundary of Scaynes Hill, with the boundary running along the rear of properties in Hillcrest Lane.

APPLICATION DETAILS

This application seeks reserved matters consent for the approval of the appearance, landscaping, layout and scale pursuant to outline permission DM/16/3119 which provides for the development of the site for up to 51 dwellings.

The proposed development is a mix of houses and flats. The internal layout of the site follows the principle of a perimeter block layout with a road running around the outside of the site with houses then facing onto the street. Within the centre of the site a mews courtyard is also proposed.

The houses are a mix of detached and semi-detached two storey houses. Some of the houses are linked detached, with a single storey garage set between the houses. The houses would be of a traditional design approach and some of the garages would have dormer windows on their front roof slope.

The two blocks of flats near the entrance are two and half storey with the second floor accommodation contained within the roof space. The nearest block of flats to the site entrance (plots 1-11) would have a principle elevation facing onto the adjacent green with the footprint wrapping round the rear parking area. Both blocks would be of a fairly traditional design with Juliette balconies to some of the flats, dormer windows in the roof slope and a glazed stairwell on the east elevation of plots 1-11.

The proposed materials are a mix of brick, weather boarding and tile hanging for the elevations and a mix of clay and slate roof tiles.

The application would provide a mix of units including 30% affordable. The accommodation schedule would be as follows:

Affordable Housing (total of 15):

- 2 x 2 house
- 2 x 3 bed house
- 3 x 1 bed apartment
- 8 x 2 bed apartment

Market Housing (total of 36):

- 10 x 3 bed 2 storey house
- 1 x 3 bed 2 storey house
- 2 x 4 bed 2 storey house
- 2 x 4 bed 2 storey house
- 4 x 4 bed 2 storey house
- 9 x 4 bed 2 storey house
- 2 x 5 bed 2 storey house
- 2 x 2 bed apartment
- 4 x 2 bed apartment

LIST OF POLICIES

District Plan

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

Relevant policies include;

DP21: Transport
DP26: Character and Design
DP27: Dwellings Space Standards
DP29: Noise, Air and Light Pollution
DP30: Housing Mix
DP37: Trees, Woodland and Hedgerows
DP38: Biodiversity
DP41: Flood Risk and Drainage
DP31: Affordable Housing

Lindfield and Lindfield Rural Neighbourhood Plan

The Neighbourhood Plan was made in 2016 and carries full weight).

The most relevant policy is:

Policy 1 - A Spatial Plan for the Parishes

National Policy and Legislation

National Planning Policy Framework (NPPF) (Jul 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 overarching objectives economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently. An overall objective of national policy is "significantly boosting the supply of homes"

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states:

"For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

However, paragraph 12 makes clear that:

"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

Paragraph 15 states:

"The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings."

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

Paragraph 38 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."*

Paragraph 47 states: *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."*

Section 12 of the NPPF concerns design and para 121 states in part:

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve.'

Para. 130 states in part:

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.'

Planning Practice Guidance

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

Assessment (Consideration of Key Issues)

This is a Reserved Matters submission where the principle of development has already been established under the outline planning permission granted under reference DM/16/3119. This application is seeking to deal with the outstanding matters pursuant to that permission. The following need to be considered in the determination of this application;

- Layout - the way in which the buildings, roads and open space are provided within the development and their relationship to spaces outside the development;
- Scale - the height, width and length of the buildings proposed in relation to their context;
- Appearance - the design of the buildings and the visual impression that they make; and
- Landscaping - the treatment of public and private space to enhance or protect the site's amenity through hard and soft landscaping measures.

The main issues for consideration are the layout and quality of the environment created, the design and form of the proposed buildings, the relationship of the development with existing residential properties, landscaping, proposed parking levels and the provision of affordable housing.

Layout and design

DP26 requires development to be well designed and reflect the distinctive character of the towns and villages and 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 DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development*

The application follows the refusal of DM/18/1394 which was refused at the District Committee on 6th September for the following reason:

The two blocks of flats at the frontage of the site are out of keeping with the distinctive rural character of Scaynes Hill village, due to their scale, height and location at a high point on the site. The development therefore fails to accord with policy DP26 of the Mid Sussex District Plan 2018.

In order to address the reason for refusal the following changes have been made to the application:

The ridge line of the both of the apartment blocks building have been reduced in height from three storeys to two and half storey and the roofs redesigned so that the second floor accommodation is now contained within the roof space. This has resulted in a reduction in the ridge line of the building located closest to the Lewes Road by between 1.6m and 3.5 m (flats 1-11) and the other apartment block (flats 12-17) by between 0.8m and 2m. Part of the ground floor level of the apartment block located at the front of the site has also been lowered by some 0.6m (flats 1-11) and the footprint of the building reduced slightly. Dormers have been introduced to the roof slopes of both blocks along with a glazed stairwell to the block containing flats 1-11. The reduction in heights along with the alterations to the roof form has reduced the overall mass of both blocks.

It is noted that the reason for refusal related to the two blocks of flats only and therefore the remainder of the application has not changed from the earlier refused scheme as this aspect of the proposals was considered acceptable.

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

It is considered that, as with the refused scheme, the layout of the scheme remains sound and in relation to the layout of the scheme the Urban Designer states:

The layout is generally well organised with the access road circuiting the site. This arrangement generates outward facing building frontages (towards the boundaries) that both safeguards and reveals the attractive woodland on the edges of the site while providing some level of natural surveillance over the public right of way that straddles the east side and avoids unsightly rear gardens backing-on to the boundaries. Notwithstanding the small glazing panels, the houses are sufficiently well articulated and satisfactorily address the sloping site.

In regard to the changes to the apartment buildings the MSDC Urban Designer has commented:

The height reduction is welcomed because it will reduce their prominence at the entrance to the site; the elevations of 1-11 are nevertheless untidily organised including the uncomfortable juxtaposition of the all-glass stairwell and the roofline on the front/east elevation.

The poorer quality of the elevations on the blocks of flats 1-11 is offset by the overall reduction in height and scale which allows both blocks to sit more comfortably in their village context. On balance I therefore have no objection to this planning application.

Your planning officer agrees with this assessment. It is therefore considered that the reduction in height of the two blocks of flats and the redesign of the roofs so that the buildings now appear as two and a half storey has sufficiently addressed the reasons for refusal.

It is considered that given the above the layout and design of the scheme is acceptable and complies with policy DP26 of the District Plan.

Affordable Housing and housing mix

Policy DP31 of the District Plan seeks to secure 30% affordable housing from developments containing 11 or more dwellings of which 75% would be social rented and 25% shared ownership.

The applicant is proposing a development of 51 dwellings which gives rise to an onsite affordable housing requirement of 30% (15 units). Housing has no objection stating:

The proposal includes 3 x 1 bed flats and 8 x 2 bed flats for affordable rent and 2 x 2 bed houses and 2 x 3 bed houses for shared ownership. This reflects our policy requirements of 75% rented and 25% shared ownership and will meet a broad range of housing needs. The affordable housing is to be located in 3 separate locations within the development which, together with a tenure blind approach, will aid social integration and community cohesion.

In light of the above it is considered that the application would comply with Policy DP31 of the District Plan.

Residential Amenity

Policy DP26 of the Mid Sussex District Plan stipulates that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight.

The nearest residential neighbours are properties in Hillcrest Lane whose rear gardens are located on the northern boundary of the site and no.15 Hillcrest Lane whose garden lies to the west of the side boundary and runs the full length of the site.

In regard to the impact on those properties in Hillcrest Lane immediately to the north of the site, the plan shows that there would be a distance of between 25m to 28m between the rear of the bungalows in Hillcrest and the proposed houses, with the new access road and a landscape buffer in between. Initially the landscaping plan showed trees along the boundary with Hillcrest however this has been amended to address residents' concerns regarding overshadowing of their gardens from any new tree planting. The exact details of the landscaping would be fully considered as part of the landscaping condition which is attached to the outline planning permission and will need to be submitted and agreed prior to the commencement of any development on the site.

In regard to the bungalow itself at no.15 Hillcrest Lane, this would be some 35m away from the nearest new dwelling. In terms of the side garden boundary there would be a new access road running alongside the boundary with visitor parking shown on the boundary and the new houses themselves would be between 10m and 11m away from the boundary. The owner of no.15 Hillcrest Lane has requested that screening in the form of planting and a close boarded fence be erected along the length of the garden as there is currently only a post and wire fence on the boundary.

It is inevitable that there will be some impact on adjoining residential properties given that the site is currently open land apart from the existing two-storey dwelling on the site and single storey annexe building. However in the case of those properties in Hillcrest Lane immediately to the north of the site it is considered that given the distances that there would be between properties there would not be significant impact on amenity. In regard to no.15 Hillcrest while there will be some impact on the rear garden, appropriate boundary screening would overcome some of the privacy issues and a condition requiring details of boundary treatments forms part of the recommendation.

It is therefore considered that the application complies with Policy DP26 of the Mid Sussex District Plan.

Access and Transport

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

Transport and highways issues were addressed in detail at outline application stage, including the access, although the submitted layout at this stage was only illustrative. WSCC have stated that they are content to rely on the comments they made on the earlier refused application (DM/18/1394) in which they raised no objection as the road will not be adopted:

Notwithstanding the above, the majority of the points previously raised by WSCC related more to matters that would influence the future adoption as public highway. As the applicant has confirmed the site is not being adopted, these matters would no longer be relevant. Viewing the layout on a general basis (putting aside the point that a through road would seem a more practicable arrangement), there would be no highway objection.

The access arrangements have previously been considered as part of the outline scheme and were considered acceptable with WSCC satisfied with the proposed access and concluding that the development would not worsen or result in any severe highway impacts.

In light of the above it is considered that the application from a highway safety perspective complies with Policy DP21 of the Mid Sussex District Plan.

Landscaping

Policy DP37 of the Mid Sussex District Plan states that: *"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected."*

The woodland to the south and west of the site is designated as Ancient Woodland. A 15m buffer zone is shown to the south of the site in front of the woodland while to the west the residential garden which runs the full length of the site forms a buffer between the site and the woodland.

The District Council Arboriculturist has not commented on this current application but has previously commented on the refused application and had no objections as none of the surrounding trees would be significantly impacted by the development.

A landscaping plan has been submitted with the application and an indicative planning palette. A condition requiring a detailed landscaping plan forms part of the conditions of the approved outline application. The landscaping scheme will be considered by the Council's Tree and Landscape Officer as part of a separate condition discharge application, it is considered that the level of details submitted with the reserved matters is therefore acceptable. On this basis, it is not considered that the proposal would be contrary to the above policies.

Planning balance and Conclusion

This application seeks Reserved Matters consent for the layout, appearance, scale and landscaping, pursuant to the outline planning permission (DM/16/3119) that was granted consent by the Council under a notice dated 7th February 2017 for up to 51 units. The scheme makes suitable provision for the 15 affordable units secured under the S106 Legal Agreement.

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

The application follows the refusal of DM/18/1394 which was refused at the District Committee on 6th September for the following reason:

The two blocks of flats at the frontage of the site are out of keeping with the distinctive rural character of Scaynes Hill village, due to their scale, height and location at a high point on the site. The development therefore fails to accord with policy DP26 of the Mid Sussex District Plan 2018.

The application differs from the refused scheme in that the ridge line of the both of the apartment blocks have been reduced in height from three storeys to two and half storey and the roofs redesigned so that the second floor accommodation is now contained within the roof space. Part of the ground floor level of the apartment block located at the front of the site has also been lowered (flats 1-11). Dormers have been introduced to the roof slopes of both blocks, along with a glazed stairwell to the block containing flats 1-11.

It is noted that the reason for refusal related to the two blocks of flats only and therefore the remainder of the application has not changed from the earlier refused scheme as this aspect of the proposals was considered acceptable. There are still some design concerns about the detailing of the windows of the proposed houses, but it is considered that these can be addressed by condition.

The overall layout of the scheme is considered sound. The layout benefits from a perimeter block approach with frontages defining and facing the streets and spaces.

It is considered that the details of the reserved matters are acceptable and comply with the policies that have been identified in the report. The application is considered

to address the previous reasons for refusal and the Councils Urban Designer is satisfied overall with the layout and design.

The scheme is considered to create an acceptable residential environment and while there will be some impacts on existing adjacent residential properties, it is considered the separation distances along with appropriate screening will ensure that significant harm in the form of overlooking or loss of privacy should not occur. The proposal provides suitable ancient woodland buffers.

The scheme provides appropriate affordable housing and is acceptable in parking and highways terms.

In light of the above it is recommended that reserved matters consent can be granted for this proposal and that the application complies with policies DP21, DP26, DP27, DP29, DP30, DP31, DP37, DP38 and DP41 of the District Plan.

APPENDIX A – RECOMMENDED CONDITIONS

1. The application has been assessed and determined on the basis of the schedule of plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

2. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, finishes and type of all boundary treatment to be erected. Development shall be carried out in accordance with the approved details.

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

3. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority the detailed design of the windows to the houses. Development shall be carried out in accordance with the approved details.

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

4. No development shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority the detailed design of the pergolas situated over the parking for the flats. Development shall be carried out in accordance with the approved details.

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

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

| Plan Type | Reference | Version | Submitted Date |
|------------------------------------|------------------|----------------|-----------------------|
| Location Plan | PL001 | | 01.10.2018 |
| Proposed Site Plan | PL002 | | 01.10.2018 |
| Proposed Site Plan | PL003 | | 01.10.2018 |
| Block Plan | PL004 | | 01.10.2018 |
| Street Scene | PL005 | | 01.10.2018 |
| Street Scene | PL006 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 38_01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 39-40/01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 40-42/01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 43_01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 44-46 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 47_01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 48-50_01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 51_01 | | 01.10.2018 |
| Proposed Floor Plans | PL 1-11/01 | | 06.11.2018 |
| Proposed Floor Plans | PL 1-11/02 | | 01.10.2018 |
| Proposed Elevations | PL 1-11/03 | | 01.10.2018 |
| Proposed Floor Plans | PL 12-17/01 | | 06.11.2018 |
| Proposed Elevations | PL 12-17/02 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 18-19_01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 20-22_01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 23-24/01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 25-26_01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 27-28_01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 29-30_01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 31-32_01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 33_01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 34_01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 35-36_01 | | 01.10.2018 |
| Proposed Floor and Elevations Plan | PL 37_01 | | 01.10.2018 |
| Landscaping Details | NKH21626 10E | | 01.10.2018 |
| Sections | PL 12-17/03 | | 06.11.2018 |
| Sections | PL 1-11/04 | | 06.11.2018 |

APPENDIX B – CONSULTATIONS

Parish Consultation

Although some of the buildings have been reduced in height (after instructions from MSDC) they still remain intrusive particularly as they are in such a prominent position. Additionally, the whole development being in the centre of the village is not in keeping with the area. The Council recommend rejection of the revised plan.

WSSC Highways

WSSC are content to rely on the comments provided on the previously refused reserved matters application reference DM/18/1394.

Previous comments:

At the outset, in connection with the applicant's final statement within their letter, I would say that the internal layout was given very limited consideration at the outline stage. This was for the reason that matters in these respects were not being approved at that time and would be considered in detail as part of the reserved matters. The sketch layout plan provided for the outline (that showed two distinctly separate no through roads) and that submitted for the reserved matters are quite notably very different.

Notwithstanding the above, the majority of the points previously raised by WSSC related more to matters that would influence the future adoption as public highway. As the applicant has confirmed the site is not being adopted, these matters would no longer be relevant. Viewing the layout on a general basis (putting aside the point that a through road would seem a more practicable arrangement), there would be no highway objection.

MSDC Housing

The applicant is proposing a development of 51 dwellings which gives rise to an onsite affordable housing requirement of 30% (15 units). The proposal includes 3 x 1 bed flats and 8 x 2 bed flats for affordable rent and 2 x 2 bed houses and 2 x 3 bed houses for shared ownership. This reflects our policy requirements of 75% rented and 25% shared ownership and will meet a broad range of housing needs. The affordable housing is to be located in 3 separate locations within the development which, together with a tenure blind approach, will aid social integration and community cohesion.

MSDC Street Naming and Numbering Officer

I note from the list of planning applications received during the week 4th October 2018 to 10th October 2018 that the applications listed below will require address allocation if approved.

Planning application number(s):

DM/18/4018

DM/18/3937

DM/18/4039

DM/18/4013

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

Informative: Info29

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

MSDC Urban Designer

Summary and Overall Assessment

This application has been submitted following the refusal of the previous reserve matters application (DM/18/1394). The scheme only differs in terms of the design of the two blocks of flats (1-11 and 12-17) which have been reduced in height from 3 to 2+1 storeys with the second floor now being accommodated within the roof space. The height reduction is welcomed because it will reduce their prominence at the entrance to the site; the elevations of 1-11 are nevertheless untidily organised including the uncomfortable juxtaposition of the all-glass stairwell and the roofline on the front/east elevation.

In other respects it is the same and the layout is generally well organised with the access road circuiting the site. This arrangement generates outward facing building frontages (towards the boundaries) that both safeguards and reveals the attractive woodland on the edges of the site while providing some level of natural surveillance over the public right of way that straddles the east side and avoids unsightly rear gardens backing-on to the boundaries. Notwithstanding the small glazing panels, the houses are sufficiently well articulated and satisfactorily address the sloping site.

The poorer quality of the elevations on the blocks of flats 1-11 is offset by the overall reduction in height and scale which allows both blocks to sit more comfortably in their village context. On balance I therefore have no objection to this planning application but, as before, would recommend that conditions are included to cover the following elements:

- The design of the windows on all the houses to address both the Design Review Panel's (DRP) and my issues about the plethora of glazing bars and enable their replacement with larger window panels.
- A detailed landscaping design including boundary treatment and the design of the pergola's over the parking. Of particular importance is the configuration of the northern boundary and the need for tree planting at the front of the site to help soften the development.
- The facing materials.

Layout

As the scheme is little changed my comments on the layout are largely the same as before:

As stated in the summary, the layout benefits from a perimeter block approach with frontages defining and facing the streets and spaces, which enjoy the backdrop of the tree belts on the boundaries. It is a shame the access road that circuits the site does not provide a through vehicular connection; as if it did, it would assist legibility, avoid the need for steps and turning heads (which may meet minimum standards but still looks tight).

The open space provision is modest and relies on the threshold area at the site entrance. I understand that Leisure Services have advised that a play area is not needed because of the proximity of the recreation ground. However the opportunity needs to be taken to introduce new tree planting on this open space threshold with the A272 to compensate for the loss of trees necessary to facilitate the vehicular access and help re-establish the sylvan

character of this part of Lewes Road and soften the impact of the development upon the surrounds.

The northern boundary with the "Green" is not clearly shown, and needs to be resolved. As well as the boundary treatment, there appears to be an opportunity to design a direct pedestrian link from the development to the pub (as I understand a service access road is legally required) between the two blocks of flats that avoids a less attractive/more circuitous route via the main road. Further details are needed to assess this fully.

The block of flats 1-11 is sensibly configured so that it faces the site entrance and the adjacent "Green" thereby helping to make this existing open space more of a focus within the village. The rear court parking between the two blocks is also mostly screened from the access road by the "U" shaped plan-form. Nevertheless, the slightly increased footprint of the revised block 1-11 has marginally reduced the defensible space around the ground floor flats; this is only an issue with flat 4's living room window which now has minimal separation space with the rear court parking.

The lower eaves line necessitates the second floor of both blocks being more constrained than they were before as they will be wholly accommodated within the roof space. As drawn it is unclear whether the flats conform to the space standards because of the restricted headroom. While this appears to have been represented to some extent on the floorplans, section drawings are needed to show the internal floor to ceiling heights.

Elevations

Only the blocks of flats have been changed since the refused scheme. The lower eaves line has particularly changed their appearance, and reduced their massing. While this can be commended, the elevations on 1-11 appear haphazardly articulated with little underlying order:

- The overtly contemporary flat-topped / fully-glazed stairwell on the front / east elevation sits awkwardly with the more traditionally configured roofline of the rest of the building and it inelegantly cuts through the eaves line.
- The elevations suffer from uneven distribution of windows which also have inconsistent vertical hierarchy and proportions.
- The dormer window on the south-east corner is uncomfortably close to the break in the roof.
- There appears to be a number of inconsistencies / minor errors in the drawings which I would recommend are corrected prior to committee submission.

In respect of the rest of the scheme, both the DRP and I originally had issues with the elevations which were mostly resolved in the previous application submission:

- The narrow-fronted houses were significantly improved during the last application by making most of them gable-fronted rather than pitch-roofed. As well as giving the buildings a more interesting frontage, it delivers less exposed brickwork at the side, reduces the overall height of the roof and increases the separation gap between the roofs. The lower roofline and larger separation gaps especially helps to reduce the massing when viewed from the Hillcrest houses.
- The longer street elevations are also better organised as a series of repeated detached houses that work better than the part detached and part semi-detached groupings (in the earlier drawings) both in dealing with the topography and generating a pleasing rhythm.

- The houses (with a couple of exceptions with less visible flanks) now feature consistent facing materials both at the front and back and in terms of the repeated groupings of the same house type.
- The prominently positioned house on plot 51 has been improved with a reconfigured roofline incorporating a hip on both sides that gives the front elevation a better balance and improves the juxtaposition with plot 50 (which also benefits from a gable frontage) as it provides a greater sense of separation. A projecting bay window on the front/east elevation also adds interest. Nevertheless the DRP felt that the prominence of the northern elevation from the site entrance demands a fully fenestrated frontage with a re-located chimney which has not been achieved (while the north elevation is now better ordered with a symmetrical composition, the chimney and small windows give the impression that it is a secondary elevation).

Small window panels still feature on the houses. They look fussy and lack authenticity (particularly as the glazing bars are likely to be fake ones) while they also reduce daylight penetration and inelegantly accentuate variations in window proportions and sizes. The applicant has agreed that this can be the subject of a planning condition that seeks to simplify the design with larger window panes as achieved on the blocks of flats.

This page is intentionally left blank