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9 October 2019

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 17TH OCTOBER, 2019 at 7.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

**A G E N D A**

**Pages**

- |    |  |              |
|----|--|--------------|
| 1. | To receive apologies for absence.  |              |
| 2. | To receive Declarations of Interest from Members in respect of any matter on the Agenda. |              |
| 3. | To confirm the Minutes of the meeting of the Committee held on 26 September 2019.        | <b>3 - 8</b> |
| 4. | To consider any items that the Chairman agrees to take as urgent business.               |              |

**Items Recommended for Approval.**

- |    |  |                |
|----|--|----------------|
| 5. | DM/18/4541 - Land East of Haywards Heath Road, Balcombe, RH17 6NL. | <b>9 - 78</b>  |
| 6. | DM/19/3353 - Glenree, Copthorne Bank, Copthorne, RH10 3JQ.         | <b>79 - 86</b> |

**Items Recommended for Refusal.**

None.

**Other Matters.**

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*Working together for a better Mid Sussex*

None.

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

#### Human Rights Act

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

#### Risk Assessment

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

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

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

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

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

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

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

To: **Members of Planning Committee:** Councillors G Marsh, P Coote, G Allen, R Cartwright, E Coe-Gunnell White, J Dabell, R Eggleston, A MacNaughton, C Phillips, M Pulfer, D Sweatman and N Walker

**Minutes of a meeting of Planning Committee  
held on Thursday, 26th September, 2019  
from 7.00 - 8.20 pm**

**Present:** G Marsh (Chairman)  
P Coote (Vice-Chair)

G Allen	R Eggleston	D Sweatman
R Cartwright	A MacNaughton	N Walker
E Coe-	C Phillips	
Gunnell White	M Pulfer	
J Dabell		

**Also Present:** Councillor I Gibson

**1 TO RECEIVE APOLOGIES FOR ABSENCE.**

None as all Members were present.

**2 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.**

The Vice-Chairman declared a pre-determination interest in DM/19/2671 - The Havens Sportsfield Car Park, The Haven Centre, Hophurst Lane, Crawley Down, West Sussex as he was at the Parish Council meeting where this application was presented. He confirmed that he would speak as Ward Member on the application and withdrew himself from the discussion and voting on the item.

Councillor Walker declared a prejudicial interest in DM/19/2671 - The Havens Sportsfield Car Park, The Haven Centre, Hophurst Lane, Crawley Down, West Sussex as he has previously sat on the Haven Centre Community Association. He confirmed that he would withdraw himself from the discussion and voting on the item.

Councillor Philips declared a non-predetermined interest in DM/19/2671 - The Havens Sportsfield Car Park, The Haven Centre, Hophurst Lane, Crawley Down, West Sussex as he was at the Parish Council meeting where this application was presented. He confirmed that he did not participate in any voting on the application and comes to the meeting with an open mind to consider the views of the officers, public speakers and members of the committee.

**3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 5 SEPTEMBER 2019**

The Minutes of the meeting of the Planning Committee held on 5 September 2019 were agreed as a correct record and signed by the Chairman.

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

The Chairman had no urgent business.

**5 DM/19/2671 - THE HAVENS SPORTSFIELD CAR PARK, THE HAVEN CENTRE, HOPHURST LANE, CRAWLEY DOWN, WEST SUSSEX, RH10 4LJ.**

Steve Ashdown, Team Leader for Major Development & Investigations, introduced the application which sought full planning permission for a new building within the western part of the car park site to provide a new village hall. This will replace the existing facility on Turners Hill Road. He drew Member's attention to the Agenda Update Sheet which detailed additional comments from the Tree Officer and a further two conditions following comments made by the arboriculture officer. He also highlighted a typographical error in the report where it should state that 6 trees will be removed rather than 5 as stated.

Frances Lancaster, Chairman of Management Committee at Haven Centre, spoke against the application.

Kevin Ellis, local resident, spoke against the application.

Marion Welchman, Chair and Trustee at Crawley Down Village Hall, spoke in favour of the application.

Elaine Anscomb, Worth Parish Council, spoke against the application.

Cllr Ian Gibson, Ward Member, reflected on the concerns of residents on the use of the village hall; concerns of the disturbance to the neighbouring amenity from construction and the financial viability of the scheme. He requested a condition that would prevent the current village hall from being demolished or sold until the new village hall had been constructed. He believed limited weight should be given to District Plan Policy DP25 whereas significant weight should be given to the conflict of District Plan Policy DP37. He sought further information on the alternative sites that were considered before this site was brought forward and recommended that the application be deferred or rejected pending the further information.

Cllr Phillip Coote, Ward Member, noted the concerns raised by objectors but highlighted that the old hall had reached a position where it has become costly to run and manage. He believed that the hall is no longer attractive and had reached the end of its life. He drew the committee's attention to his previous role as Chairman of the Haven Centre Management Committee and expressed that he could not see any conflict between the neighbouring Haven Centre and the proposed development.

Team Leader for Major Development & Investigations sought to clarify the issues raised by the objectors. He noted that the issue of competition and the lack of an economic business plan are not planning matters and therefore should not be included in the committee's consideration. With regard to the impact of development on the tree that lies in the neighbouring property, the tree officer has noted in the Agenda Update Sheet that she is satisfied that the protection measures have been satisfactorily addressed. He noted the negative impact on the trees from the scheme however highlighted that landscaping of the site can mitigate the loss. He drew attention to the Highways Authority's comments on P.101 to P.103 in which they raised no objection to the application's parking provision.

A Member highlighted the report's review on the use of the hall which took place during July and August however he noted that it is two of the quietest months the hall experiences; heavy use of the hall instead occurs by the village football club in the winter months. He also raised concerns over the parking arrangements and whether it would be sufficient for all the users of the hall.

A Member noted that Crawley Down is a growing village and the new hall supports the growth. He drew parallels to a hall in East Grinstead which became unfit for purpose and stated that the new hall offers much enhanced facilities.

A Member raised concerns as he had found no mention in the report whether the hall could be hired by anyone or whether it is reserved for just the members. He also raised concerns that there is no mention of its use as a village hall. He believed that the application was missing information and expressed doubts in the application.

A Member enquired whether the trees that are lost will be replaced with like-for-like trees.

Team Leader for Major Development & Investigations confirmed that the final landscaping plan would be subject to a condition.

A Member raised his concerns over the damage to the trees on the site.

The Chairman noted that no tree on the site has a Tree Protection Order and all could potentially be removed without the need for consultation.

A Member believed that the application should be deferred pending further information on the review of the operational times in different times of the year and further information on alternative sites that were considered.

A Member believed that there could be a better position of the hall on the site which would reduce the destruction of the trees. He was unconvinced on the access and position of the hall and expressed his support for a deferral of the application.

The Chairman stated that the alternative location of the hall and the day to day usage of the hall are not planning considerations. He then took the committee to the recommendation to approve the application, proposed by Cllr Sweatman and seconded by Cllr Coe-Gunnell White which was agreed with six votes in favour and four against.

## **RESOLVED**

That the application be approved subject to the conditions set out in Appendix A and additional conditions as set out in the Agenda Update Sheet.

### **6 DM/18/4697 - RICEBRIDGE WORKS, BRIGHTON ROAD, BOLNEY, HAYWARDS HEATH, WEST SUSSEX, RH17 5NA**

The Chairman introduced the application and explained that it is before the committee due to the significant workload of the District Planning Committee.

Joanne Fisher, Senior Planning Officer, presented the application which sought full planning permission for the demolition of five existing industrial buildings (1,153sq.m), construction of four industrial buildings,(4,253sq.m) with mixed uses of B2, B8 and B1, new landscaping scheme, revised hardstanding layout and parking arrangements, cycle parking, refuse storage and associated works.

A number of Members expressed support for the development of existing employment land and improvements of industrial areas.

A Member highlighted that an increased floor space may increase jobs which addresses District Plan Policy DP1.

A Member sought clarification on how the heating of the warehouses will be carried out and raised concerns on the swale in the middle of the site which he believed to be overdesigned. He sought reassurances that the swale can absorb large amounts of rain.

The Senior Planning Officer explained that the heating of the warehouses is detailed on P.29 which indicates the presence of insulation however it does not elaborate on the specific details. She added that the Drainage Officer's consultation is provided on P.47 and a drainage condition has been requested in relation to foul and surface water drainage and means of disposal to control surface water drainage and ensure flood risk is not increased.

The Chairman then took Members to the recommendation to approve the application, proposed by Cllr Coote and seconded by Cllr Walker, which was approved unanimously.

## **RESOLVED**

### **Recommendation A**

That planning permission be granted subject to the completion of a section 106 legal agreement to secure the necessary infrastructure contribution and the conditions listed in Appendix A.

### **Recommendation B**

That if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure contribution by 9 January 2020 then the application should be refused at the discretion of Divisional Leader for Planning and Economy for the following reason:

The proposal fails to provide the required infrastructure contribution necessary to serve the development. The proposal therefore conflicts with policy DP20 of the Mid Sussex District Plan.

## **7 DM/19/1742 - THE HEATH RECREATION GROUND, PERRYMOUNT ROAD, HAYWARDS HEATH, WEST SUSSEX, RH16 3BW.**

Joanne Fisher, Senior Planning Officer, introduced the application which sought planning permission for the erection of a 75 metre long and 8 metre high ball stop fence which would be positioned along the northern boundary of the Haywards Heath Cricket Club pitch within the Heath Recreation Ground. She drew attention to the Agenda Update Sheet which included an additional consultee response from the Ecologist.

A Member noted a comment made on P.56 in which it stated that the trees were in a poor condition. He enquired whether this was a typographical error and should instead refer to the netting being left in a poor condition.

The Senior Planning Officer confirmed that it is a typographical error and should instead refer to the netting being left in a poor condition.

The Chairman noted that no Member wished to speak so moved to the recommendation to approve the application, proposed by Cllr Sweatman and seconded by Cllr Walker, which was approved unanimously.

**RESOLVED**

That planning permission be approved subject to the conditions outlined at Appendix A.

**8 DM/19/3061 - EVERGREEN COTTAGE PLACE, COPTHORNE COMMON ROAD, COPTHORNE, CRAWLEY, WEST SUSSEX, RH10 3LF**

The Chairman introduced the report which sought a lawful development certificate to confirm that a lawful start had commenced in respect of outline planning consent 13/04065/OUT and reserved matters approval DM/17/0615 for a bungalow at land adjacent to Evergreen, Cottage Place, Copthorne Common Road, Copthorne. He explained that it is before the committee because the agent is Cllr Budgen who is also a Ward Member and Members are asked to consider whether the application is deemed lawful.

As there were no Members wishing to speak the Chairman moved to the recommendation to approve the application, proposed by Cllr Coe-Gunnell White and seconded by Cllr Phillips, which was approved unanimously.

**RESOLVED**

That permission be granted subject to the conditions listed in Appendix A.

**9 DM/19/3204 - 226 LONDON ROAD, BURGESS HILL, WEST SUSSEX, RH15 9QR**

The Chairman introduced the report which sought planning permission for the retention of decking and a fence to the rear of an A3 restaurant for use by staff and the occupants of the first floor accommodation. He explained that the application is before the committee as a Member for the Burgess Hill - Meeds Ward has an interest in the land.

As there were no Members wishing to speak the Chairman moved to the recommendation to approve the application, proposed by Cllr Coote and seconded by Cllr Eggleston, which was approved unanimously.

**RESOLVED**

That planning permission be granted subject to the conditions listed at Appendix A.

**10 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 8.20 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

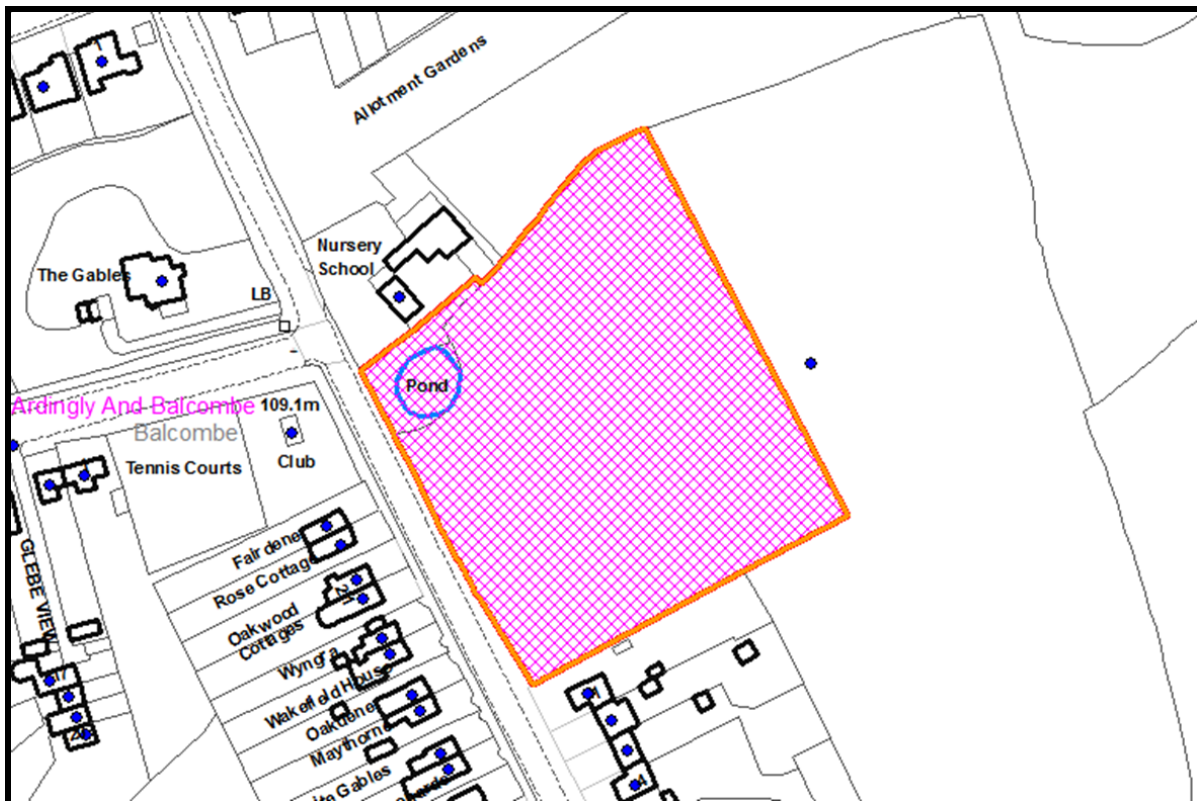
Planning Committee

17 OCT 2019

RECOMMENDED FOR PERMISSION

**Balcombe**

**DM/18/4541**



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**LAND EAST OF HAYWARDS HEATH ROAD BALCOMBE WEST SUSSEX  
ERECTION OF 16 NO. DWELLINGS AND ASSOCIATED DEVELOPMENT  
(AMENDED PLANS AND DOCUMENTS RECEIVED 28TH MARCH 2019,  
FURTHER AMENDED PLANS RECEIVED 29TH APRIL 2019).  
RYDON HOMES LTD**

POLICY: Areas of Outstanding Natural Beauty / Areas of Special Control for  
Adverts / Built Up Areas / Countryside Area of Dev. Restraint /  
Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) /  
Highways Agreement (WSCC) /

ODPM CODE:            Smallscale Major Dwellings

13 WEEK DATE: 4th June 2019

WARD MEMBERS: Cllr Gary Marsh / Cllr Andrew MacNaughton /

CASE OFFICER: Andrew Morrison

## **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**

Planning permission is sought for the development of the site for the erection of 16 dwellings with associated access, parking and open space/landscaping on this greenfield site to the east of Haywards Heath Road, Balcombe.

The application was deferred by Planning Committee on 5 September 2019 in order for further information to be reported on highway safety and section 106 matters and for the applicant to consider design revisions. Following receipt of further information and amended house designs for Plots 15 and 16, the application is now being reported back to Planning Committee.

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

National planning policy states that planning should be genuinely plan led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

The application site is within the built confines of a Category 3 settlement and is a housing allocation in the Neighbourhood Plan, identified for approximately 14 dwellings. The site is also a housing allocation in the District Plan. The site lies within the High Weald Area of Outstanding Natural Beauty. The proposed design, layout and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of outlook and the scheme would not cause harm in terms of parking or highway safety.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF and in the short term the proposal would also deliver a number of construction jobs.

There will be a neutral impact in respect of space standards and the impact on the Ashdown Forest.

On the basis of the above, the application complies with policies DP4, DP6, DP16, DP17, DP20, DP21, DP22, DP25, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 the District Plan, policies 1, 2 and 3 of the Balcombe Neighbourhood Plan and paras 8, 108, 124, 127 and 175 of the National Planning Policy Framework. Accordingly the application is recommended for approval.

## **RECOMMENDATION**

### **Recommendation A**

It is recommended that planning permission be approved subject to the completion of a S106 Legal Agreement to secure affordable housing and infrastructure contributions and the conditions set in Appendix A.

### **Recommendation B**

It is recommended that if the applicants have not signed a planning obligation securing the necessary affordable housing and infrastructure contributions by 17th January 2020, then 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 policies DP20 and DP31 of the Mid Sussex District Plan in respect of the provision of affordable housing and infrastructure required to serve the development.'

## **SUMMARY OF REPRESENTATIONS**

Letters of OBJECTION were received from 17 households, concerning the following issues:

- Provision should be made for renewable energy
- This scheme should make provision for traffic calming and a public crossing
- Increased traffic volume on local roads leading to highways safety issues
- Damage to highways verges particularly during construction
- The site requires larger visibility splays to ensure highways safety on this busy road
- The scheme should incorporate a public footpath to allow continued access through the site - as has been the case for many years
- The countryside should not be urbanised by creating cul de sacs
- Parking barns should be eliminated
- Insufficient local infrastructure to support more new homes
- Adverse impact upon the environment of the nursery adjacent to the site
- Loss of an existing view for local residents
- Harm to protected species and rare flora and fauna on site
- Noise, disturbance and light pollution to existing residents from increased traffic
- Adverse impact to neighbouring dwelling

- Loss of agricultural land

## **SUMMARY OF CONSULTEES**

The full response from the consultees can be found in Appendix B of this report.

### **WSSC Highways**

No Objection subject to conditions

### **WSSC Flood Risk Management**

No objection subject to conditions

### **WSSC County Planning Officer**

S106 Contributions:

- £64,225 towards Primary Education
- £69,120 towards secondary education
- £6,302 towards libraries
- £56,363 Total Access Demand

### **County Landscape Architect**

No objections

### **WSSC Heritage Conservation Team - Archaeology**

No objection

### **MSDC Community Services**

S106 Contributions:

- £31,524 for play equipment and kickabout provision
- £19,622 towards the Balcombe skateboard park
- £11,254 towards improvements to Victory hall

### **MSDC Urban Design**

No objection

### **MSDC Drainage**

No objection subject to conditions

### **MSDC Street numbering**

No objection

### **MSDC Housing Enabling and Development**

No objection subject to appropriate S106 Agreement

**MSDC Conservation Officer**

No objection

**MSDC Tree Officer**

No objection

**MSDC Ecology Consultant**

No objection

**High Weald AONB Unit**

Advisory comments only

**Southern Water**

Recommend an informative regarding connection to the public sewerage system and condition regarding provision of details relating to foul and surface water disposal.

**Sussex Police**

Advisory comments in respect of Designing out Crime perspective regarding the design and layout, parking barns, fencing and lighting .

**Balcombe Parish Council**

Express concerns regarding:  
Parking and highways  
Use, layout and maintenance of open space  
Maintenance of roads verges and footways  
Impact on setting of adjacent nursery building  
Design of some of the houses  
Renewable energy  
Accessibility  
Housing mix  
Infrastructure funding

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## **INTRODUCTION**

Planning permission is sought for the development of the site for the erection of 16 dwellings with associated access, parking and open space/landscaping on this greenfield site to the east of Haywards Heath Road Balcombe.

## **RELEVANT PLANNING HISTORY**

n/a

## **SITE AND SURROUNDINGS**

The site comprises part of a wider pasture with boundary hedgerows and a pond in the north west corner. The site is bordered to the north by a nursery school and grassland fields with allotments and residential housing beyond. To the east of the site are arable fields with woodland beyond. To the west of the site is Haywards Heath Road with residential housing beyond, whilst to the south of the site are residential houses fronting Haywards Heath Road, fields to the rear and woodland beyond. The site lies within the identified built confines of the village.

The site and surrounding village lies within the High Weald Area of Outstanding Natural Beauty. Beyond the site boundaries, outside the confines of the village, lies an area of countryside restraint.

The site slopes downhill from the highway towards the eastern boundary, whilst the site boundaries are a mixture of hedging and trees. In the north west corner of the site lies a pond. Access is via a centrally placed gate along the front boundary. As a result of the slope of the land, views across the wider AONB to the east are available from the entrance and above the boundary hedging along the front of the site.

The surrounding area within the village, apart from the nursery to the north, is in residential use with a variety of property sizes and designs.

## **APPLICATION DETAILS**

The application proposes the erection of 16 new homes set around a central vehicular access and set back from the front boundary, broadly level with the rear of the adjacent Barnfield Cottages, by green open space, with a green landscaped swathe of land, including a line of swales running parallel to the access road through the centre of the site to the rear. This would be separated from the rear site boundary by an open, planted swathe of land accommodating a circular path round the open space, an attenuation basin and pumping station. Views through the site to the countryside beyond the site would be available through the central access road and open green space.

The housing is set either side of the central access and comprises one terrace of 3 dwellings, one pair of semidetached houses and 11 detached houses. These would provide 4 x 2-bedroom houses, 7 x 3-bedroom houses and 5 x 4-bedroom houses.

Parking would be provided in the form of integral and detached garaging and parking spaces for the larger units, detached shared car barns for all but two of the smaller units and the pair of semi-detached houses would rely upon off street parking spaces.

The affordable housing units would comprise the terrace of 3 x 2 bed units and the pair of 3 bedroom semi-detached units.

The houses would all be two stories in height with pitched tiled roofs. The elevations have been amended to respond to the concerns of the Council and are now considered acceptable. This includes further amendments made to the house designs at Plots 15 and 16 following the application's deferral from Planning Committee on 5 September 2019. They feature a mixture of brick, tile hung and weather boarded elevations, and details including porches, chimneys, projecting bays, hipped roof forms, brick and tile detailing, all designed to reflect design features found within the existing village. At the front of the site two detached houses, part of the terrace and one pair of semi-detached houses would face onto the highway, albeit all set back behind a landscaped swathe of land. The terrace of houses would face onto the access road with the unit nearest the front of the site being designed to address both the access road and the front of the site. The houses behind would face onto the access road through to the rear of the site, where the larger houses would be located and some of which would address the open space at the rear of the site.

The boundary treatments proposed varies across the site with 1.2m high post and rail fencing along the front boundary behind the hedgerow and also where adjacent to the proposed open space at the rear of the site and where adjacent to surrounding countryside. Private gardens would be separated by a mixture of 1.8m high fencing, brick walls and brick walls and hedging.

## **LIST OF POLICIES**

### **District Plan**

- DP4 - Housing
- DP6 - Settlement hierarchy
- DP16 - High Weald Area of Outstanding Natural Beauty
- 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
- DP28 - Accessibility
- DP30 - Housing mix
- DP31 - Affordable Housing
- DP37 - Trees woodlands and Hedgerows
- DP38 - Bio diversity
- DP39 - Sustainable Design & Construction
- DP41 - Flood risk and Drainage

## DP42 - Water Infrastructure and the Water Environment

### **Supplementary Planning Documents (SPDs)**

Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations

Affordable Housing SPD

Development Viability SPD

### **Neighbourhood Plan**

The Balcombe Parish Neighbourhood Plan (NP) has been made so forms part of the development plan with full weight. The most relevant policies are:

Policy 1: Built up Area Boundary

Policy 2: Housing Site Allocations

This site is identified as Barn Field and the NP advises:

*"The site has been assessed as having a medium landscape impact leading to the loss of some views of the countryside for the houses opposite the site. A small scheme of approximately 14 dwellings on 0.5 Ha of the site will mitigate this impact. Policy 2 requires any planning application to provide a satisfactory vehicular and pedestrian access into the site. Based on the outcomes of design investigations, consultations and safety audits planning applications on the site may need to contribute to identified traffic calming on Haywards Heath Road.*

*A successful scheme will likely comprise houses set back from the road and siding with the road toward the downward slope of the hill, to minimise the impact on the houses opposite. Small but distinct groups of dwellings with a form and height reflecting the immediate context of the group may be suitable. The streetscape should not be disrupted by multiple access points and the highway boundary can be defined by a hedgerow as exists. The building line of houses should be no closer to the road than the current building line of the southern elevation of Barnfield Cottages".*

Policy 3: Design

### **Balcombe Parish Neighbourhood Plan Design Guide**

The following paragraphs/elements are considered relevant:

3.2.1 Quality

3.2.2 Sustainability

3.2.3 The Car

A Toolkit - Location - Open Land

A Toolkit - Scale and Streetscene

A Toolkit - Materials



A Toolkit - Parking  
A Toolkit - Boundary Treatments  
A Toolkit - Access Roads, Footways and Cycle Provision  
A Toolkit - Affordable and Accessible Housing

## **National Policy and Other Legislation**

### *National Planning Policy Framework (NPPF) February 2019*

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."**

Para 12 states *'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.'*

Para 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.'*

Para 47 states that the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

*National Planning Practice Guidance*

*Technical Housing Standards*

*The High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019*

## **Assessment**

It is considered that the main issues needing consideration in the determination of this application are as follows;

- The principle of development
- Design and Impact on Visual Amenity including the Area of Outstanding Natural Beauty
- Residential Amenity
- Highways, Access and Car Parking
- Ecology
- Affordable Housing
- Housing Mix
- Ashdown Forest
- Trees
- Infrastructure
- Drainage and Flooding
- Sustainability
- Other Planning Issues
- 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.'*

Using this as the starting point the development plan in Mid Sussex consists of the Mid Sussex District Plan and the Balcombe Parish Neighbourhood Plan.

The site lies inside the identified settlement boundary of the village of Balcombe and therefore District Plan Policy DP6 is relevant which accepts the principle of development within the built confines of towns and providing it is of an appropriate nature and scale and would not cause harm to the character and function of the settlement.

The Balcombe Parish Neighbourhood Plan identifies the site for residential development of approximately 14 dwellings comprising a mix of 2, 3 and 4 bedroom dwellings as long as it provides a satisfactory vehicular and pedestrian access into the site.

Subject to compliance with the other relevant policies within the development plan, the principle of development is therefore acceptable.

### **Design and Impact on Visual Amenity Including the AONB**

District Plan Policy DP26 addresses issues of character and design and seeks to ensure that:

- all development is of high quality design and layout and includes appropriate landscaping and green space
- contributes positively to and clearly defines public and private realms, designed with active building frontages to streets and public open spaces
- creates a sense of place while addressing the character and scale of 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;
- creates a pedestrian friendly layout that is safe well connected legible and accessible
- incorporates well integrated parking
- positively addresses sustainability considerations
- optimises the potential of the sited to accommodate development

In terms of protection of the AONB, District Plan Policy DP16 advises that development will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan. Of particular relevance are:

- considerations of the identified landscape features or components of natural beauty and their setting

- the character and local distinctiveness, settlement pattern, sense of place and setting of the AONB
- conservation of wildlife and cultural heritage

The Neighbourhood Plan at paragraph 5.18 refers to the landscape impact considering that the development of the site would have a medium landscape impact leading to the loss of some countryside views for the houses opposite the site. A small scheme is considered the way in which to mitigate this impact. As detailed above the Neighbourhood Plan also sets out a potential design solution to the site.

The submitted Landscape and Visual Impact Assessment concludes that there would be potential impacts upon townscape/landscape character which would result from the loss of tranquillity during construction and visibility of construction activities. Permanent impacts are anticipated to result from some change to land levels as a result of building on a sloping site (a minor impact); some loss of hedgerows to create the entrance (minor effect), impacts resulting from the change from a field to a housing site resulting in a moderate impact. Impacts upon the existing settlement are considered to be negligible due to the layout and set back of the scheme from the highway and a negligible impact upon the Ardingly Reservoir Valley and surrounding hills.

The High Weald AONB Planning Unit makes recommendations in the event that the Council considers the development to be acceptable in principle. These relate to control of the materials proposed for use, the use of indigenous landscaping, control over lighting and drainage proposals that seek to restore the natural functioning of river catchments and avoid polluting watercourses.

The County Landscape Architect comments on the availability of views of the site from Mill Lane and the need for a good tree screen in order to screen and soften those views. Overall it is concluded that the scheme would ensure that a new well defined built up area boundary could be established. This extension into the countryside would have an acceptable impact on local landscape character and provide an opportunity for some enhancement. A landscaped area would be provided at both front and rear of the site in order to reduce the wider visual impact of the development scheme.

The Neighbourhood Plan envisaged a scheme with a potentially larger setback from the highway to protect the amenities of residents opposite. This scheme retains a smaller set back whilst still allowing the houses to front the highway at a level broadly level with the rear of the adjacent Barnfield cottages. It also allows a swathe of open land through the centre of the site running from the back edge of the highway through the site in an east-west direction and joining a substantial area of green open space at the rear of the site. This arrangement effectively focusses the development into two smaller areas surrounded by green open space resulting in views through the site and good visual connectivity between the highway and countryside beyond. The open space at the rear of the site provides a softer transition between the scheme and the undeveloped character of the adjacent countryside than if the development were to directly abut the rear boundary.

Gaps in the built form and the set back of houses from the highway to varying levels allows a green character along this part of Haywards Heath Road. This site would be set back further from the highway than the properties in Barn Meadow for instance, with a generous space available for planting. It is considered that sufficient green space and views around the site are proposed such as to not cause harm to the settlement pattern of the village.

In terms of the character of the scheme, changes have been made on a number of occasions to respond to comments made by the Councils Urban Design Officer. The latest of these changes following the Committee deferral concerns a fundamental redesign of Plot 15 dwelling situated at the entrance of the development such that it is now more consistent with the style of those surrounding dwellings within the scheme, together with a design alteration to add interest to the front elevation of Plot 16 dwelling. In his main comments he concludes that the revised elevations would evoke more of the rural character, that the units have better articulated frontages and more modelled roofs and that the site would offer a cohesive series of open spaces that join together to provide a potentially attractive swale which would allow a visual connection across the site. With specific reference to the changes made following the Committee deferral, he comments that the changes to plot 15 and 16 represent improvements upon the previous design.

The proposed housing offers a range of housing size, including affordable housing for the local community. It has been designed to offer a character that, whilst different to those dwellings close to the site, nevertheless reflects materials and building styles that are found in other housing in the village, are of a relatively modest scale and reflect the general character of the streetscene along Haywards Heath Road.

The surrounding AONB encompasses a range of development types that sit comfortably within the wider AONB and indeed the AONB washes over the village of Balcombe, encompassing a variety of building types and designs. The AONB Management Plan accepts the principle of more housing within the AONB, prioritising small scale schemes and a mix of housing sizes that responds to local needs. It emphasises the need to protect the settlement pattern and to ensure that development reflects the character of the High Weald in its scale, layout and design, suggesting the use of local materials to add to the area's distinctiveness.

Overall it is considered that the scheme would be compliant with the approach of those policies seeking to promote good design and protect the character of the village and wider AONB.

### **Residential Amenity**

District Plan Policy DP26 advises 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, sunlight and noise, air and light pollution*'.

District Plan Policy DP27 requires compliance of all new dwellings with the nationally described space standards of internal floor space and storage space other than in exceptional standards.

In terms of neighbours amenities the proposed scheme only lies adjacent to one residential property - 1 Barnfield Cottages. Two houses would lie adjacent to the shared boundary with that property. That on plot 16 at the front of the site would face onto the highway, set back from the shared boundary and flank wall of the adjacent cottage by approximately 8m's. It and would be a little to the rear of 1 Barnfield Cottages (some 4.5m's). The house on Plot 12 would lie approximately 26.5m's to the rear of 1 Barnfield Cottages, approximately 2.5m's from the shared boundary. There would be views between the two dwellings, but at such a distance that it is considered that no significant adverse impact would be caused.

The separation distances between the proposed houses and those on the opposite side of Haywards Heath Road are acceptable with a separation distance of over 36m's. The only other building within the close vicinity of the site is the adjacent Cranbrook Nursery, which would suffer no adverse impact from the scheme.

In terms of the amenities of future residents, the submitted floor plans indicate new dwellings that would comply with the Technical Housing Standards and within the scheme the layout, design and separation distances are considered to result in an acceptable residential environment. The scheme is therefore considered to comply with District Plan Policies DP26 and DP27.

The Parish Council express concern regarding the parking layout and use of car barns that are not directly attached to the individual houses and which would provide a difficult parking environment. Where parking barns/spaces are not directly attached to the individual houses, each house has direct pedestrian access to their parking space/barn, except the terrace of three houses where the parking spaces/barns lie at the end of the terrace and no direct access is available from each house.

Overall it is considered that the parking layout would be satisfactory and no objections to this layout have been received from the County Highways Authority. It is considered that this would provide a satisfactory level of amenity for future residents.

In summary it is considered that the scheme would provide acceptable levels of amenity and access in accordance with the relevant Development Plan Policies.

### **Highways, Access and Parking**

Policy DP21 of the District Plan requires development to support the objectives of the West Sussex Transport Plan and take account of:

- whether the development is sustainably located to minimise the need for travel
- whether it includes 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

- is designed to adoptable standards including road widths and sizes of garages
- provides adequate car parking
- provides appropriate mitigation to support new development and its impacts on the local and strategic road network
- avoids severe additional traffic congestion
- protects the safety of road users and pedestrians
- does not harm the special qualities of the High Weald AONB

The Balcombe Neighbourhood Plan Policy 2: Housing Site Allocations predicates the delivery of this site upon the provision of a satisfactory vehicular and pedestrian access into the site. Paragraph 5.18 of the Plan states:

*"Based on the outcomes of design investigations, consultations and safety audits planning applications on the site may need to contribute to identified traffic calming on Haywards Heath Road."*

The Balcombe Neighbourhood Plan Design Guide identifies that pedestrian access is a primary feature of village life and pedestrian green chains are an important aspect of life in Balcombe, both for access and socialising. It advises that *"The Pedestrian routes should be provided through all new developments to encourage access on foot; to allow a through passage for people and avoid the isolation of new housing. Applicants should show on a location plan how children and adults will walk to school, the station, bus stops and the village centre during the daytime and at night."*

The proposed vehicular access would be a bellmouth design broadly centrally along the frontage, 6m's in width and with pavement access through the site. Vehicular access from the central access route would be available to individual properties and garages and parking courts - although these would not be formally adopted. A footpath is proposed on the north corner of the site continuing for several metres to the north to provide for a dropped crossing point to link to the pedestrian path on the west side of Haywards Heath Road. Dropped crossing points would be provided within the site.

Visibility splays are provided in accordance with the required County Highways standard which recognises recorded traffic speed along this road.

The Stage 1 Road Safety Audit raised a number of potential issues including the position of the 'Kill your Speed' sign, potential obstruction of visibility of pedestrians when crossing Haywards Heath Road and insufficient driver/pedestrian inter visibility for those crossing the site access road. The applicant has addressed these accepting the principle of further investigation at the design stage of the scheme.

It is considered that the scheme lies in a sustainable location providing pedestrian access to a range of facilities and services.

The internal layout provides parking in accordance with the MSC and WSCC Parking Demand Calculator with 37 allocated spaces and 5 visitor spaces. Sixteen cycle spaces have been provided. The internal access road will be adopted by the local highways authority. It is noted that the lack of a 2m footway through the length of the

site is not considered unacceptable by the County Highways Authority on the basis of the low levels of traffic.

Concern has been expressed by the Parish Council and a local resident about the usability of tandem parking spaces with potential safety issues as residents reverse onto the spine road. The use of detached parking brans/garages is a common way of designing parking provision and no objections are raised to this. No objections are raised by the County Highways Authority regarding any safety issues associated with this approach.

The Parish Council and local residents have raised objections to the lack of a pedestrian access to the village on the eastern side of Haywards Heath Road, expressing concern about traffic speeds through the village and the impact on pedestrian safety. It has been suggested by many that traffic calming measures should be introduced and a crossing installed to allow proposed (and existing residents) on this side of the Haywards Heath Road, to cross in safety to the opposite pavement.

The Neighbourhood Plan advises at Policy 2 that the scheme has to provide a satisfactory vehicular and pedestrian access into the site. It is also commented that based upon the outcomes of detailed investigations that the site may need to contribute to identified traffic calming on Haywards Heath Road.

The County Highways Authority has discussed the scheme with the applicant and has received such additional information as necessary to raise no objection to the scheme. They have considered the speed of traffic, the volume of existing traffic and the impacts of additional traffic using this site. It has been concluded that sufficient visibility splays could be provided to ensure that traffic entering and leaving the site could do so in a safe manner.

They have not concluded that existing traffic conditions are such as to require provision of either a traffic calming scheme or a crossing as a result of this proposal. Their view being that it would be acceptable to cross the road to access the pavement on the opposite side of the highway to gain pedestrian access to the wider village. On that basis the current scheme would provide a satisfactory vehicular and pedestrian access into the site and permission could not be refused on the basis of non-compliance with the Neighbourhood Plan: essentially sufficient access being available to the existing footpath network to ensure that this site is not isolated within the village.

Subject to appropriate conditions relating to a construction management plan, the provision of the access, provision of car parking spaces and the construction of the access road prior to occupation the County Highways Authority is satisfied that the scheme could be approved. A legal agreement will be required with the County Highways Authority in relation to the works that are needed to the public highway and issues such as the position of the existing speed signage will be resolved at that time.

Following deferral of the application at Planning Committee on 5 September 2019, the County Highways Authority have provided further comments on matters of the



safety of the site access, pedestrian access across Haywards Heath Road, parking within the development and allocation of infrastructure funding. The comments are set out in full within Appendix B, however in summary the County Highways Authority's position is as previously reported to Committee, namely that the application is acceptable in all transport respects.

Notwithstanding County Highways Authority's position that the proposed reversing manoeuvres onto the access road would not result in any highway safety concerns that would warrant a reason for refusal, post-deferral Committee deferral a large car tracking plan has been provided which demonstrates sufficient manoeuvring space with respect to the parking area for Plots 14, 15 and 16.

The Parish Council wish to secure a pedestrian link from the site to link up with the footpath on the eastern side of the Haywards Heath Road and into the village and draws attention to the Neighbourhood Plan Design Guide which refers to the desire to provide pedestrian routes through all new development and to encourage access on foot, avoiding the isolation of new housing.

At present an informal grassed footpath runs from land alongside 17 Barn Meadow to the allotments at the rear of Barn Meadow at which point it stops. In order to extend this footpath to the application site, a narrow strip of land would be required which lies outside the application site, but within the ownership of the existing site land owners. The land owner, Balcombe Estates, has agreed to provide a permissive path that would run from the site, along the rear of the Cranbrook Nursery building to join the existing path within the allotments. It has been agreed that the landowner and Rydon would arrange to have the land levelled and to erect a fence to separate the route of the path from the rest of the field of which it currently forms a part. Within the application site the applicants have agreed to provide a footpath that would link the access to the position of the proposed footpath. This detail will be dealt with by condition.

The County Council would not take on management of this path because it would not join with any established public footpaths. It has been agreed that it would be appropriate for the Balcombe Estates to enter into an agreement with the Parish Council regarding the provision and maintenance of this path. This would be a permissive path and the S106 Agreement would not be an appropriate way to 'tie in' this provision.

Ultimately officers do not consider that the scheme would be unacceptable without the provision of this path and are not in a position to force the permanent delivery of this path to the Parish Council nor to take on responsibility for the provision and future maintenance of this path. Whilst the Balcombe Design Guide clearly seeks connectivity of new schemes to the existing village, it is a material consideration that the County Highways Authority do not raise objection to the use of the existing public highway to access the village. In their view the existing footpath on the opposite side of the highway to the site can be safely accessed and provides safe access into the rest of the village. On this basis the site would not be isolated from the village and therefore the objectives of the Design guide would be achieved without a new permanent footpath. It would not be possible to demonstrate harm arising from the lack of provision of a new permanent footpath linking this site directly to the footpath

adjacent to Barn Meadow. However it is welcomed that the landowner and the applicant are prepared between them to provide and fence off the line of a new footpath to join the site to the village without having to cross the highway.

## Ecology

District Plan Policy DP38 seeks to protect and enhance bio diversity taking opportunities to improve, enhance, manage and restore bio diversity where possible. Unavoidable damage must be offset through ecological enhancement and mitigation measures.

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

Paragraph 175 of the National Planning Policy Framework 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 site comprises a part of a wider improved grassland field with boundary hedgerows and a pond. The ecological interest of the site has been surveyed in accordance with guidance provided by Natural England . The survey identified the following:

- The grassland within the site is considered to be of low ecological value, comprising mainly common and widespread species. Areas of grassland are to be lost to the proposed development, although some areas will be retained as open space.

- No trees within the site were identified as providing suitable roosting features for bats.
- No evidence was found of badgers on or using the site.
- The hedgerows could provide habitat for dormice but since they are regularly managed this presents a suboptimal habitat. The majority of habitat for Dormice would be unaffected by this application.
- No evidence of Greater Crested newts within the pond and it is highly unlikely GCN's would be present on site.
- No suitable habitat for reptiles given its regular management.
- The site is considered likely to offer suitable habitat for small mammals such as hedgehogs.
- The hedgerows offer suitable habitat for birds

There are no statutory designated sites of nature conservation value within or immediately adjacent to the site. The nearest non statutory site lies some 0.2km to the east of the site and comprises the Balcombe Estates Rocks Local Wildlife site. The nearest Statutory Site is Ardingly Reservoir Local Nature Reserve (LNR), which is located approximately 0.3km east of the site. There are not considered to be any significant adverse effects on any statutory and non-statutory sites of nature conservation interest from the development proposals.

The retention of the majority of the hedgerows with additional planting with species known to wildlife and the inclusion of bat and bird boxes would provide new nesting opportunities.

Overall the impacts upon bio diversity would be acceptable and the scheme would result in post construction enhancement to bio diversity in accordance with relevant policies, subject to the appropriate condition.

### **Affordable Housing**

District Plan Policy DP31 requires a minimum of 30% on site affordable housing for all development providing 11 dwellings or more.

Policy 3 of the Neighbourhood Plan indicates that development proposals will be expected to provide approximately 75% of the total number of dwellings of the scheme, and especially the affordable homes, no larger than 3 bedroom dwellings and that the developments should also comply with affordable housing requirements of MSDC

In this instance the scheme would provide a terrace of three 2 bedroom houses with parking and a pair of 3 bedroom houses with parking. The terrace would face onto the main spine road whilst the pair of semi-detached units would lie to the rear of the terrace. It is proposed that 4 units would be for affordable rent and 1 unit (a three bed unit) would be available for shared ownership. This is considered to meet a range of housing needs.

The provision of these units has been discussed and agreed with the Councils Housing Enabling and Development Officer who comments that the applicant has

adopted a tenure blind approach to design and materials which would contribute to social integration of the affordable homes.

First lettings would be prioritised to households who have a local connection to the village or parish in line with the MSDC Allocation Scheme. In subsequent lettings, 50% of the re-lets would continue to be prioritised to households who have a local connection to the village or parish. This is to respond to the homes being brought forward through the Neighbourhood Planning process and to address local housing need.

This scheme would therefore be compliant with the relevant affordable housing standards and policies.

### **Housing Mix**

District Plan Policy DP30 requires development to provide a mix of dwelling types and sizes (including affordable housing) that reflects current and future local housing needs. It should meet current and future needs of different groups within the community including older people, vulnerable groups and those wishing to build their own homes.

The Neighbourhood Plan allocates three housing sites:

- Balcombe House Gardens which is identified for a mix of 1,2 and 3 bedroom units (approximately 14 units envisaged)
- This application site comprising a mix of 2,3 and 4 bedroom units
- Station House comprising a mix of 1, 2 and 3 bedroom houses and flats.

Neighbourhood Plan Policy 3 identifies the following mix of dwellings as the desirable mix in any scheme:

Approximately 75% no larger than 3 bedrooms  
Approximately 25% of no more than 4 bedroom dwellings.

In this instance the Parish Council have expressed concern that the housing mix on the site would provide a very distinct mix between the larger (3 and 4 bedroom units) which would be open market housing and the affordable housing which would be 2 and 3 bedroom units.

The units that have been identified for affordable housing have been negotiated by the Councils Housing Enabling and Development Officer and are considered to represent a mix that would usefully contribute to a range of housing needs.

The Parish Council also identify that in order to be fully compliant with Policy 3 that one of the 4 bedroom units should be a smaller unit. The identified figures in the Neighbourhood Plan are only approximate levels, the scheme would provide a larger proportion of smaller units, is the only identified housing allocation within the village that accommodates 4 bed units and, on balance, it is not considered that the size of one unit in would be unacceptable such as to justify a refusal of permission.

## Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

Recreational disturbance:

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, **mitigation is not required.**

Atmospheric pollution:

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 has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as **development allocated through the Balcombe Neighbourhood Plan**, 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. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report:  
The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

## **Trees**

District Plan Policy DP37 supports the protection and enhancement of trees, woodland and hedgerows and encourages new planting.

The scheme would result in two tree groups (G6-Hedge partial- G10 Hedge) being removed to facilitate the development and facilitative pruning is required for a number of trees. The front hedgerow would need to be partially removed to facilitate highways sight lines whilst a line of blackthorn hedging around the edge of the pond would be wholly removed. The trees requiring pruning lie around the edges of the site and some pruning is required where they would lie in proximity to some of the proposed houses.

These works have been considered by the Councils Tree Officer and are considered acceptable. A number of conditions are recommended to ensure tree protection during construction and satisfactory landscaping of the scheme.

The proposed works would not harm the character of the site or wider area and the potential for additional planting would ensure compliance with the relevant policies.

## **Infrastructure**

District Plan Policy DP20 advises that developers will be expected to provide for or contribute towards the infrastructure and mitigation measures made necessary by their development proposals in the form of appropriate on site mitigation and infrastructure provision, the use of planning obligations and CIL when it is in place.

In this instance the applicant will be required to enter into a S106 Obligation to make the following provision.

- £31,524 for play equipment and kickabout provision at Balcombe Recreation Ground
- £19,622 towards the Balcombe Skateboard Park
- £11,254 towards improvements to Victory hall
- £64,225 towards primary education
- £69,120 towards secondary education
- £6,302 towards libraries
- £12,757 LCI (Local Community Infrastructure) towards a traffic calming scheme in the parish of Balcombe

- £56,363 Total Access Demand to be used towards safer routes to school improvements in Balcombe which can include but not limited to traffic calming measures and pedestrian and cycle improvements

In respect of the potential direction of Total Access Demand monies towards traffic calming measures as desired by the Parish Council, this could fall under the broader umbrella of safer routes to school improvements and the County Highways Authority has confirmed this to be agreeable as part of their latest comments received on 24 September 2019.

A S106 obligation is in preparation to secure these payments as well as the affordable housing and subject to its completion the scheme is considered to accord with relevant Development Plan policies in this respect.

### **Drainage and Flooding**

District Plan Policy DP41 seeks to ensure a sequential approach and ensure that development is safe across its lifetime and not increase the risk of flooding elsewhere.

The site is in Flood Zone 1 and at low risk of surface water flooding. The area around the pond suffers from some surface water flooding. The revised layout of the development now incorporates a SuDS system of permeable paving, swales and a final attenuation basin.

The submitted initial design calculations have shown that this is a feasible method and can cater for the 1 in 100 year event plus 40%. As this is for multiple dwellings, details would be needed prior to the commencement of works regarding the 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. This could be achieved by means of an appropriate condition.

Subject to appropriate conditions this scheme is considered to be policy compliant.

### **Sustainability**

Policy DP21 of the District Plan relates to transport and requires schemes to be *'sustainably located to minimise the need for travel'* and take *'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'*. In addition it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

Paragraph 148 of the NPPF states:

*'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas*

*emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'*

Paragraph 153 states:

*'In determining planning applications, local planning authorities should expect new development to:*

*a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*

*b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The submitted Planning Statement states *'the replacement building would be considerably more energy efficient, helping to reduce energy use and contribute towards a low carbon economy.'*

In addition, the accessibility of the site, or the sustainable location of it, is a key consideration.

The development is situated in a sustainable location within the village boundaries and with access to public transport. It is within walking distance of the facilities available within the village centre. It is therefore considered that the scheme lies in a sustainable location.

In relation to the use of renewables as part of a sustainable construction District Plan Policy DP39 relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and where appropriate and feasible (according to the type and size of development and location), incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

The applicant advises that the scheme would incorporate the following measures:

- Minimise energy use through the design (low energy design techniques such as improved insulation, low energy lighting, energy efficient boilers and appliances, locally sourced materials and materials from sustainable or managed sources), build quality and layout of the scheme including through the use of natural lighting and ventilation;
- Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;
- Limit water use to 110 litres/person/day in accordance with district Plan Policy DP42: Water Infrastructure and the Water Environment;



- All market housing would have an electric charging point on each plot and the applicant has agreed to provide charging points for the pair of semi-detached affordable units
- Incorporate a SuDS scheme to collect run off from the development, providing adequate storage capacity to a 40% above climate change standard reducing the risk of surface water flooding

As a result of the sensitive location of the scheme within the AONB it is not proposed to use solar photovoltaics or wind turbines.

It is considered that the proposal complies with the relevant criteria of policy DP39 of the District Plan. The proposal is considered to be acceptable in sustainability terms.

## **Other Planning Issues**

### *Safety and Security*

Sussex Police express concerns about the use of post and rail fencing around individual gardens - it not providing any safety for future residents. Lighting throughout the development is considered important.

Lighting and final fencing details would be secured by means of an appropriate condition and must also take account of the character of the site within the surrounding AONB.

### *Accessibility*

District Plan Policy DP28 requires all development to meet and maintain high standards of accessibility so that all users can use them safely and easily. Specifically on a scheme this size, 20% of dwellings should meet Category 2 Accessible and Adaptable dwellings under the Building Regulations regime, unless site topography makes such standards unachievable by practicable or viable means or where a scheme is proposed specifically intended for the needs of particular individuals where a greater proportion may be appropriate. This policy also requires that a reasonable proportion of affordable homes (4% generally) are wheelchair user dwellings (compliant with Building Regulations Approved document M, Requirement M4(3)).

The Neighbourhood Plan sets the level for wheelchair housing at 10%, aspiring to get all properties to be accessible or adaptable, in response to the strong locally expressed desire for older peoples and accessible housing.

The Parish Council express concern that wheelchair access has been provided only in respect of the affordable homes and not the open market units so the scheme is not compliant with the Village Design Guide. However the provision of the wheelchair housing in the affordable units would accord with District Plan Policy DP28. As the most recently adopted policy document the scheme is therefore in compliance with the District Plan.

The Parish Council draws attention to the fact that only the affordable units have been made accessible and adaptable and no other units across the site. Policy DP28 simply requires that 20% of units are made available and this scheme would comply with that policy. The levels provided would be compliant with the Building Regulations requirements.

#### *Bin storage*

Concerns has been raised by the Parish Council concerning the storage of refuse bins in rear gardens. Suggesting insufficient space within the scheme for an alternative approach.

This is not an unusual arrangement with bins being brought out to the roadside on collection day. In view of the number of bins required to be stored by each property and their size, bin enclosures can represent an unaesthetically pleasing element of a streetscene. Garden storage has the advantage of not cluttering the public environment with refuse bins on a day to day basis. No objection is raised to such an arrangement.

#### *Maintenance of Public spaces within the Development*

The scheme would include a variety of spaces that would not form part of an adopted public highway, including accesses to parking spaces, to individual dwellings, footpaths around the site and green open spaces running through and around the site.

The future maintenance of these spaces can be adequately addressed by an appropriately worded condition and does not have to involve the transfer of the land to the Parish Council for ongoing maintenance.

#### *Archaeology*

Policy DP34 of the district Plan refers to the special interest archaeological assets can make. An understanding should be made of the asset and there is a presumption against harm to any asset that makes a significant and positive contribution.

The site does not lie within an archaeological notification area but as a result of the scale of the site it is nevertheless recommended that a precautionary approach be taken and an appropriate condition is recommended to ensure the protection of any identified assets.

### **Planning Balance and Conclusion**

Planning permission is sought for the development of the site for the erection of 16 dwellings with associated access, parking and open space/landscaping on this greenfield site to the east of Haywards Heath Road, Balcombe.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is necessary

therefore 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 NPPF states that planning should be genuinely plan led. The Council adopted the District Plan last year and is able to demonstrate that it has a 5 year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year housing land supply, the planning balance is an un-tilted one.

Regarding the principle of development, the site lies within the built confines of Balcombe Village and is identified in the Neighbourhood Plan for housing - a scheme of approximately 14 units. In this respect the scheme is policy compliant.

The scheme would deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF. The housing would be in a sustainable location and additionally infrastructure payments would be provided to mitigate the impacts of the development.

The scheme would result in impacts upon the landscape and AONB, but these impacts would be minimal and would be mitigated for by virtue of the design and siting of houses on the site and the degree of open space provided around the site which could accommodate additional planting.

A number of the issues considered such as highways impact, drainage and neighbour amenities would have a neutral impact.

Some minor harm would be caused by the loss of some existing hedgerow, and loss of some natural environment and bio diversity, but this would be mitigated for through additional planting and some impact would be anticipated as a result of the designation of the site for housing.

Overall the proposal is deemed to be compliant with the provisions of policies DP4, DP6, DP16, DP17, DP20, DP21, DP22, DP25, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 and Policies 1, 2 and 3 of the Balcombe Neighbourhood Plan, as well as the broader requirements of the NPPF and the High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019.

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan that the development complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it.

Subject to the completion of a S106 Obligation relating to the infrastructure contributions and the provision of affordable housing, planning permission should be granted.

## 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 commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

4. 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. The submitted details to include section drawings of the SuDS structure. 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 DP41 of the Mid Sussex District Plan 2014 - 2031.

5. 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.

6. 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.

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local 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. The results of the trial trench evaluation and 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 of field evaluation should be agreed with the Surrey County Council Heritage Conservation Team, and be carried out by a developer appointed archaeological practice.

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.

8. The scheme shall be carried out in accordance with the details contained within the Sustainability Statement dated December 2018 and email dated 21st August 2019.

Reason: To comply with the provisions of Policy DP39 of the Mid Sussex District Plan (2018).

### **Construction Phase**

9. No development shall be carried out above ground slab level unless and until a schedule of materials and finishes to be used for the external walls, roofs and windows/doors of the proposed buildings have been submitted to and approved by

the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 3 of the Neighbourhood Plan.

10. 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.

11. 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.

12. No development shall be carried out above ground slab level unless and until details of the position of rainwater downpipes on the building have been submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the agreed details unless otherwise agreed 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 buildings of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 3 of the Neighbourhood Plan.

13. Prior to the construction of any development above ground level, details shall be provided in writing to the Local Planning Authority regarding the footpath within the site to link with the permissive path to the rear of the Cranbrook Nursery Building. Details shall include the design and siting of the path. The scheme shall be carried out prior to the first occupation of the scheme in accordance with the approved details.

Reason: To ensure adequate access to the new footpath and ensure connectivity of the scheme with the wider village in accordance with Policy DP22 of the Mid Sussex District Plan and the provisions of the Neighbourhood Plan.

14. Prior to the commencement of construction above ground level of any dwelling or building subject of this permission, 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.
- detailed design of the footways and access roads, including full details of the precise siting and construction of the footpath to link to the permissive path to be created on the adjacent site at the rear of the Cranbrook Nursery (as shown on drawing reference 10586-FA-09 dated august 2018).

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.

15. Prior to the commencement of construction above ground level of any dwelling or building subject of this permission, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of the visual amenity of the development in accordance with Policy DP16 and DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 3 of the Neighbourhood Plan.

16. The development hereby approved shall be carried out in accordance with submitted details to provide at least 20% of dwellings to meet relevant Building Regulation Standards for Accessible and Adaptable Dwellings and a minimum of 4% of Wheelchair-user Dwellings.

Reason: To accord with District Plan Policy DP28 which seeks to maintain a high standard of accessibility.

#### **Pre-occupation conditions**

17. No part of the development shall be first occupied until the road(s), footways and casual parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority. These areas shall thereafter be permanently retained for their designated purpose and no development shall take place or no changes be carried out to that would prevent access across the roads and footways or parking in the designated parking spaces.

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

18. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing entitled Proposed site Access Arrangement and Visibility Splay and numbered JNY9449-01 Rev B. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

19. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained for their designated purpose.

Reason: To provide adequate off street parking for future residents and to accord with the provision of Policies DP21 and DP26 of the Mid Sussex district Plan (2018).

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.

#### **Post-Occupation Monitoring / Management Conditions**

21. The development shall proceed in strict accordance with the recommendations in those paragraphs addressing Mitigation and Enhancements in the supporting Ecological Assessment, dated November 2018.

Reason: To protect the ecological value of the site and to accord with policy DP38 of the Mid Sussex District Plan and para 175 of the NPPF.

22. The garage buildings and parking barns 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 and to accord with Policy DP21 of the Mid Sussex District Plan.

23. 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 dwelling house, 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 dwelling house) 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.

## INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
2. 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:

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

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

3. 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.
4. 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](http://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>
5. 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.

### 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
Site Plan	HHR/1710/1 of 6a	-	07.11.2018
Site Plan	HHR/1710/2 of 6a	-	07.11.2018
Site Plan	HHR/1710/3 of 6a	-	07.11.2018
Site Plan	HHR/1710/4 of 6a	-	07.11.2018
Site Plan	HHR/1710/5 of 6a	-	07.11.2018
Site Plan	HHR/1710/6 of 6a	-	07.11.2018
Location Plan	10586-FA-01	-	07.11.2018
Block Plan	10586-FA-02	D	18.09.2019
Proposed Floor and Elevations Plan	10586-FA-03	D	18.09.2019
Parking Layout	10586-FA-04	A	04.04.2019
Site Plan	10586-FA-05	A	28.03.2019
Site Plan	10586-FA-06	B	18.09.2019
Site Plan	10586-FA-07	B	18.09.2019
Street Scene	10586-FA-101	B	29.04.2019
Proposed Elevations	10586-FA-11	B	29.04.2019
Proposed Floor Plans	10586-FA-12	A	28.03.2019
Proposed Elevations	10586-FA-13	A	28.03.2019
Proposed Floor Plans	10586-FA-14	A	28.03.2019
Proposed Elevations	10586-FA-15	A	28.03.2019
Proposed Floor Plans	10586-FA-16	-	28.03.2019
Proposed Elevations	10586-FA-17	A	28.03.2019
Proposed Floor Plans	10586-FA-18	A	28.03.2019
Proposed Elevations	10586-FA-19	A	28.03.2019
Proposed Floor Plans	10586-FA-20	B	28.03.2019
Proposed Elevations	10586-FA-21	B	28.03.2019
Proposed Floor Plans	10586-FA-22	B	28.03.2019
Proposed Elevations	10586-FA-23	B	28.03.2019
Proposed Floor Plans	10586-FA-24	-	28.03.2019
Proposed Elevations	10586-FA-25	A	28.03.2019
Proposed Floor Plans	10586-FA-26	A	28.03.2019
Proposed Elevations	10586-FA-27	A	28.03.2019
Proposed Floor Plans	10586-FA-28	A	28.03.2019
Proposed Elevations	10586-FA-29	A	28.03.2019
Proposed Floor Plans	10586-FA-30	B	28.03.2019
Proposed Elevations	10586-FA-31	B	28.03.2019
Proposed Floor Plans	10586-FA-32	B	28.03.2019
Proposed Elevations	10586-FA-33	C	18.09.2019
Proposed Floor Plans	10586-FA-34	C	18.09.2019
Proposed Elevations	10586-FA-35	C	18.09.2019
Transport Assessment/Travel Plan	10586-FA-36	B	29.04.2019
Proposed Floor and Elevations Plan	10586-FA-37	-	28.03.2019
Proposed Floor and Elevations Plan	10586-FA-38	-	28.03.2019
Proposed Floor and Elevations Plan	10586-FA-39	-	28.03.2019

Proposed Floor and Elevations Plan	10586-FA-40	A	29.04.2019
Street Scene	10586-FA-100	C	18.09.2019
Visibility Plans	JNY9449-10	B	
Proposed Floor Plans	10586-FA-11	A	28.03.2019
Highways Plans	10586-FA-08	A	18.09.2019
General	10586-FA-09	A	18.09.2019

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

Submission sent direct to Andrew Morrison.

### **Housing - Helen Blackith**

### **Conservation Officer - Emily Wade**

### **Drainage - Fiona Bishop / Scott Wakely**

### **Environmental Health**

### **Leisure - Planning And Development**

### **Trees And Landscape**

### **Architect / Urban Designer - Will Dorman**

### **WSCC County Planning Officer**

### **WSCC Drainage Strategy Team (Surface Water Drainage)**

### **WSCC Highways**

### **Ecology - Mike Bird**

### **Heritage Consultations - Surrey County Council**

### **Landscape - East Sussex County Council**

### **High Weald AONB Unit**

## **Southern Water Services (Sussex)**

### **Sussex Police**

### **Drainage - Fiona Bishop / Scott Wakely**

### **Architect / Urban Designer - Will Dorman**

### **WSCC Highways**

### **Landscape - East Sussex County Council**

### **Parish Consultation**

#### **WSCC Drainage Strategy Team (Surface Water Drainage)**

The alteration to the site does not cause us to change our original drainage consultation response.

#### **Heritage Consultations - Surrey County Council**

Having reviewed the amended information submitted, I have no change to make to the comments of my colleague Joanna Taylor, dated 04/12/2018 and copied below the line for reference:

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#### **Recommend Archaeological Condition:**

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 is not located within an Archaeological Notification Area (ANA), but does cover a sizable area of previously undeveloped land measuring 1.26ha. An archaeological desk-based assessment was provided in support of the planning application (Orion 2018), a document which assessed the known archaeological potential of the site and concluded that based on the available evidence the site exhibits a low archaeological potential. It should however be stressed that an absence of evidence for activity is not

necessarily evidence of an absence of activity and given the previously undeveloped nature of land comprising the site, it is possible that previously unattested archaeological deposits may exist.

As a consequence, there is a need for field evaluation and it is considered a condition could provide an acceptable safeguard. If planning permission is granted, it is recommended that 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. The results of the trial trench evaluation 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 of 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.  
Joanna Taylor, 04/12/2018

## **Environmental Health**

### **WSCC Highways Authority**

Original comments:

Haywards Heath Road is a classified road subject to a speed restriction of 30mph at the location of the proposed site access. The site is located to the south of the village of Balcombe and north of Haywards Heath. Balcombe benefits from a National Rail Station with links to Brighton and London.

The proposal is for the construction of 16 residential dwellings with associated parking, a new vehicle access onto Haywards Heath Road, pedestrian footpath link bounding the access and a dropped crossing point.

#### **Access**

The proposed access is to be a formal bellmouth design 6m in width with 6m kerb radii. A footpath is proposed on the north side of the access and continues for several metres to the north to provide for a dropped crossing point to link to the existing pedestrian provision on the west side of Haywards Heath Road. Within the site a footway will be provided on the south side of the access continuing into the site. Dropped crossing points will be provided within the site on the new access to link the pedestrian provision. The 6m width continues

into the site for approximately 10m at which point the access road narrows to 5.5m with 4.5m wide courtyard areas.

#### *Visibility*

The visibility splays from the proposed access are 2.4m x 76.5m to the north and 2.4m x 76.8m to the south. Speed surveys have been undertaken and the results show 85%ile speeds of 38.4 mph. Our calculations, based on information in MfS2 suggest that the desirable minimum for the measured speeds should be 97m. The method of measuring the Y distance 1m back from the kerb-line is acceptable, however the splay lengths should be increased to 97m in both directions

#### *Road Safety Audit*

A Stage 1 Road Safety Audit has been submitted with the application which raised the following issues:

*Problem 2.3.1 - Visibility splay compromised by vehicles within the existing parking area south of the proposed access.*

The designer has shown that the proposed splay (to the south) when measured using a 1m offset from the kerb and topographical data that the visibility splay does not encroach on the parking bay.

This response is acceptable, however the designer will need to ensure any extended visibility splays are also clear of the parking area.

*Problem 2.3.2 - the existing vehicle actuated sign and 'Kill your Speed' sign to the north of the site access may increase the risk of vehicle pull out type collisions.*

The designer has accepted the signs may fall within the stated visibility splays and will investigate the issue at detailed design.

The signs are set far back and are narrow as the designer has accepted the principle of further investigation and possible alteration the response is considered acceptable.

*Problem 2.4.1 - Insufficient driver/pedestrian intervisibility for pedestrians crossing Haywards Heath Road at the northern end of the proposed development site access.*

The designer has accepted the signs may fall within the stated visibility splays and will investigate the issue at detailed design.

The signs are set far back and are narrow as the designer has accepted the principle of further investigation and possible alteration the response is considered acceptable.

*Problem 2.4.2 - Insufficient driver/pedestrian intervisibility for pedestrians crossing the site access road.*

The designer has accepted the existing hedges may obscure visibility of pedestrians crossing the access road and will investigate fully at detailed design.

The designer has accepted the principle of further investigation at detailed design. Detailed design drawings will need to show additional detail of the hedging and include visibility splays which include the pedestrian crossing over the access road.

The responses made by the designer are acceptable to the highway authority with the exception of 2.4.2. Can the applicant provide a plan showing visibility splays of pedestrians crossing the access road to vehicles entering the site.

#### *Sustainability*

There is currently no footway provision on the eastern side of Haywards Heath Road however there is a footway on the western side. The proposals include footways on both sides of the vehicular access and an uncontrolled crossing point to connect the site to the western footway and onto the wider Balcombe footway network.

The nearest bus stops (3 services) are located to the north of the site on Deanland Road and approximately 450m from the proposed development. A further bus stop is located approximately 820m from the site providing 1 additional bus service. These services are limited and no services operate on weekends. Balcombe benefits from a Railway Station located approximately 1.2km from the site. Although walking and cycling to the station is possible for some members of the community, limited street-lighting and secluded sections of footway may deter others.

Whilst the site is located on the edge of the settlement area and Balcombe itself is relatively small, a number of local amenities are available within walking distance including; a primary school, a local shop and a surgery. A bus is available for older children serving secondary schools in Haywards Heath and Crawley.

#### *Traffic generation*

TRICS data has been interrogated and the results found to increase the number of vehicles on the local highway network by 1 additional trip every 6-7 minutes during the peak hours which will not result in a severe impact on Haywards Heath Road.

#### *Internal layout*

The proposed parking provision on site is in accordance with MSDC and WSCC Parking Demand Calculator at 37 allocated spaces and 5 visitor spaces. Only 16 cycle spaces have been provided

It appears to be proposed for the internal access road to be adopted by the local highway authority and as such been designed to accommodate two way flows and includes space for service vehicles to turn. A 2m wide footway has been shown on the south side of the access road but does not continue to the end of the access road or on the north side of the road. This is not a highway concern as traffic levels will be very low, however the applicant will need to be aware that service margins will be required outside of the running carriageway.

#### *Construction*

A full Construction Management Plan is required prior to commencement of development. This will also need to include details of the construction access for approval by the highway Authority.

No objection to the principle of the development on submission of extended vehicle visibility splays from the access and of the internal crossing point.

### **Proposed Conditions:**

#### **Access**

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access Arrangement and visibility Splay and numbered JNY9449-01 Rev B

Reason: In the interests of road safety.

Note drawing number to change on submission of updated visibility splays.

#### Car parking space

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

#### Access Road

No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

#### 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.

#### **Follow up comments 23 April 2019:**

The plan (JNY9449-10A) provided shows pedestrian visibility splays to the north (leading direction) of 17.6m - this distance is in line with Manual for Streets for likely speeds of no more than 15mph.

No highway objection to the pedestrian visibility shown at the crossing point within the site access.

#### **Further comments received 24 September 2019 following deferral of application at Planning Committee:**

##### Access to the site

The applicant commissioned a speed survey to be undertaken by an independent traffic survey company. The survey was undertaken using an Automatic traffic Counter (ATC) which uses two pneumatic tubes fixed to the carriageway which record vehicle volumes, direction, speeds and classification. The ATC was positioned at the location of the proposed



access. Data was collected for a period of 7 days (8/9/18 - 14/19/18) with 85%ile speeds of N/B 38.4mph and S/B 38.3mph recorded.

Given the location of site access on a section of road with existing residential dwellings, all of which have direct frontage access, and that there is a footway on the western side of the road it was considered that MfS2 principles would be appropriate. The Manual for Streets 2 states, "It is therefore recommended that as a starting point for any scheme affecting non-trunk roads, designers should start with MfS." The guidance goes on to state, "Where a single carriageway street with on-street parking and direct frontage access is subject to a 40mph speed limit, its place characteristics are more of a residential street or high street ... It is only where actual speeds are above 40mph for significant periods of the day that DMRB parameters for SSD are recommended." However, to ensure a robust approach the visibility splays have been calculated not on MfS perception times but on DMRB perception times as detailed in the Summary of recommended SSD table 10.1 in MfS2.

WSCC undertook an ATC speed survey in November 2017 (10/11/17-17/11/17) recording 85%ile speeds of N/B 38.5mph and S/B 40.0mph - it is not clear at this time as to the reason for the survey. This survey was undertaken approximately 35m further south of the applicants survey so could be considered comparable.

Parked cars in the layby - A Stage 1 Road Safety Audit (RSA) was submitted with the application and raised the concern (2.3.1) that visibility could be compromised by vehicles within the existing parking area to the south of the proposed access. Given that MfS principles have been accepted, it is considered reasonable to allow a 1m offset from the kerb line when measuring the splay to the south which shows all but a small tapered section of the lay-by outside of the visibility splay. This is in line with the guidance in MfS2 section 10.5.3 that states, "... a more accurate assessment of visibility splay is made by measuring to the nearside edge of the vehicle track." In addition the splay to the south is the trailing direction and therefore vehicles will be approaching on the opposite side of the road with good forward visibility of the location of the proposed access. The RSA did not raise any concerns in relation to visibility to the north.

#### Pedestrian Access across Haywards Heath Road

A pedestrian refuge island had not been considered due to the level of development. An dropped kerb/tactile paving crossing point has been included in the proposals and is considered acceptable. For a pedestrian refuge island to be installed on the public highway certain criteria would need to be met including a specific road width. This could be investigated within a feasibility study for any traffic calming scheme for the area, however it would not be a requirement of the Highway Authority as part of the proposed application.

#### Parking within the development

I can understand the concerns raised regarding the parking barns. It is agreed with spaces 14, 15 and 16 that there is limited space, however a vehicle can reverse into the area 'forecourt' to turn and enter the access road in a forward gear. Regarding the spaces for 3, 4, and 5 it would be of some benefit for the barn to be moved back and the outside spaces positioned in front of the barn. However, given the low level of traffic and speeds, reversing manoeuvres onto the access road would not result in any highway safety concerns that would warrant a reason for refusal.

#### Allocation of Infrastructure funding

As previously stated the Highway Authority would be agreeable to the S106 contribution going towards safer routes to school improvements which would not preclude money being

spent on traffic calming measures but it could also be included on improvement in the wider sense of improving access such as pedestrian and cycle improvements. The Parish Council should be made aware that the process for locally driven improvements can be found on the following link.

<https://www.westsussex.gov.uk/leisure-recreation-and-community/supporting-local-communities/apply-for-a-community-highways-scheme/>

### **WSCC County Planning Officer**

S106 CONTRIBUTION TOTAL: £ 196,010  
See below for breakdown.

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 July 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 16 Net dwellings and an additional 42 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 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 additional facilities at Balcombe CofE Controlled Primary School.

The contributions generated by this proposal shall be spent on the replacement of temporary buildings with permanent facilities at Warden Park Secondary Academy.

The contributions generated by this proposal shall be spent on upgrading of digital services at Haywards Heath Library.

The contributions generated by this proposal shall be spent on a cycle scheme in accordance with the West Sussex Cycling and Walking Strategy which links Balcombe to Lindfield and Crawley.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

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

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

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

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

## **Breakdown of Contribution Calculation Formulas:**

### **\_I 1. School Infrastructure Contributions**

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as TPR- Total Places Required). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (cost multiplier).

#### **School Contributions = TPR x cost multiplier**

a) **\_ITPR- Total Places Required:**

TPR is determined by the number of year groups in each school category multiplied by the child product.

#### **TPR = (No of year groups) x (child product)**

Year groups are as below:

- Primary school- 7 year groups (aged 4 to 11)
- Secondary School- 5 year groups (aged 11 to 16)
- Sixth Form School Places- 2 year groups (aged 16 to 18)

**Child Product** is the adjusted education population multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

#### **Child Product = Adjusted Population x 14 / 1000**

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

b) **\_I Cost multiplier- Education Services**

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2018/2019, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £17,920 per child
- Secondary Schools- £27,000 per child
- Sixth Form Schools- £29,283 per child

### **\_I 2. Library Infrastructure**

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

Contributions = SQ M Demand x Cost Multiplier

a) 1 Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The local floorspace demand (LFD) figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

**Square Metre Demand = (Adjusted Population x LFD) / 1000**

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,252 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2018/2019 period.

3. TAD- Total Access Demand

The methodology is based on total access to and from a development. An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The Sustainable Transport Contribution is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

**TAD = Infrastructure contribution + Sustainable Transport contribution**

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2018/2019 is £1,373 per parking space.

**Infrastructure contributions = Car parking spaces x Cost multiplier**

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£686).

**Sustainable transport contribution = (net car parking - occupancy) x 686**

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

**MSDC Archaeology Consultant**

1 Recommend Archaeological Condition

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 is not located within an Archaeological Notification Area (ANA), but does cover a sizable area of previously undeveloped land measuring 1.26ha. An archaeological desk-based assessment was provided in support of the planning application (Orion 2018), a document which assessed the known archaeological potential of the site and concluded that based on the available evidence the site exhibits a low archaeological potential. It should however be stressed that an absence of evidence for activity is not necessarily evidence of an absence of activity and given the previously undeveloped nature of land comprising the site, it is possible that previously unattested archaeological deposits may exist.

As a consequence, there is a need for field evaluation and it is considered a condition could provide an acceptable safeguard. If planning permission is granted, it is recommended that 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. The results of the trial trench evaluation 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 of 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.

### **WSSC Flood Risk Management**

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

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

*Modelled surface water flood risk*      Low risk

Comments:

Current surface water mapping shows that the proposed site is at low risk from surface water flooding. 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.

Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.

Reason:      NPPF paragraph 163 states - 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.

*Modelled ground water flood risk susceptibility*      Low risk

Comments:

The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.

Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.

*Ground water contamination and Source Protection Zone.*

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.

Records of any flooding of the site?      No

Comments:

We do not have any records of historic surface water 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.

Ordinary watercourses nearby? Yes

Comments: Current Ordnance Survey mapping shows an ordinary watercourse to the east of the site.

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.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

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

The Flood Risk Assessment and Drainage Statement for this application proposes that sustainable drainage techniques (permeable paving and attenuation/detention basin with a restricted discharge to the local watercourse) would be used to control the surface water from this development to Greenfield run-off rates. If infiltration can be proved not to be feasible, this method would in principle, meet the requirements of the NPPF and associated guidance documents.

It is recommended that this application be reviewed by the District 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 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

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

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

### **Landscape Consultant**

#### *Further comments*

The proposed tree planting within the open space area will go some way to mitigating potential impacts in views from the High Weald AONB and Mill Lane.

The area of the SuDS pond is still extensive and there would appear to be enough space for only one row of trees on this boundary. The applicant has not indicated that this belt of trees would be at least 10-15m wide and under planted with native shrub species.

It is recommended that the applicant is required to provide detailed planting plans as a condition to ensure that the boundary planting will provide an effective screen.

#### *Original comments*

The Landscape and Visual Impact Assessment (Allen Scott Landscape Architecture, Nov.18) provides an accurate assessment of the baseline landscape and visual context for the site.



The proposed site layout would retain and protect existing site landscape features which are worthy of retention. The scheme would appear to be landscape led and the implementation of the landscape masterplan would ensure that a new well defined built up area boundary could be established. The eastern boundary of the proposed development would not extend further into the countryside than the neighbouring development of Barn Meadows. The LVIA concludes that the proposed development could have an acceptable impact on local landscape character and the landscape masterplan would provide an opportunity for some enhancement.

The LVIA identifies that there would be adverse impacts on views from neighbouring properties. The proposal is to mitigate these impacts by providing a landscape buffer to the frontage of the development.

The development would be seen in views from the countryside to the east. In these views the proposed houses would be set against a background of the existing built up area of the village. The landscape buffer and associated tree planting would help to mitigate impacts on these views.

It is recommended that the application can be supported subject to the implementation of the submitted landscape masterplan and mitigation measures outlined in the LVIA. Approval should be subject to satisfactory detailed design and layout for hard and soft external works.

### **MSDC Leisure**

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 five or more dwellings.

#### **CHILDRENS PLAYING SPACE**

The developer has indicated that they intend to provide an area of informal open space on site but there is no equipped play provision. Balcombe Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area. This facility will face increased demand from the new development and a contribution of £31,524 is required to make improvements to play equipment (£17,133) and kickabout provision (£14,392).

#### **FORMAL SPORT**

In the case of this development, a financial contribution of £19,622 is required toward Balcombe skateboard park (IDP Ref: BA/14).

#### **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 £11,254 is required to make improvements to Victory Hall.

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 Environmental Protection**

The application looks to build 16 residential dwellings on the above site (U.P.R.N 010093414763). This application site is located close to a nursery school and a number of other residential dwellings.

Environmental Protection therefore recommends the following conditions should the application be granted permission.

**Recommendation:** Approve with 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.

*Deliveries:* Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hrs  
Saturday: 09:00 - 13:00 hrs  
Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents

*Construction Management Plan:* No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. Thereafter all works shall be carried out in accordance with the approved Statement throughout the construction period.

The Statement shall provide for:

- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- v) wheel washing facilities
- vi) measures to control the emission of dust and dirt during construction
- vii) measures to control noise and vibration during construction

Reason: to protect the amenity of neighbouring nursery school pupils and staff as well as the local residents from dust noise and vibration.

*No burning of 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.

Informative:

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.

Please note that the granting of this planning permission does not exempt the operator from liability for any statutory nuisance (eg noise or artificial light) caused as a result of the extension and/or use of the building.

## **MSDC Drainage**

**Recommendation** No objection subject to conditions

### **Summary and overall assessment**

This revised layout of the development now incorporates a SuDS train system of permeable paving, swales and a final attenuating basin. It is intended that this system will provide the benefits that a SuDS design can. And the submitted initial design calculations have shown that this is a feasible method and can cater for the 1 in 100 year event plus 40%.

A maintenance and management plan has been submitted to support the proposed design.

The proposed final outfall to the watercourse will require Ordinary Watercourse Consent, details of this are in the advice section of this consultation.

The proposed attenuation pond appears to have been designed by cutting into the existing ground. It would be expected that the design of this pond will be carefully considered with the existing ground conditions in mind, so as to avoid any slippage or bank collapse.

Moving forward, this proposed development should still continue considering how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods.

However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

Follow the hierarchy of surface water disposal.

- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing greenfield rates and follow natural drainage routes as far as possible.
- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.

- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

### **Flood Risk**

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The 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.

### **Surface Water Drainage Proposals**

It is proposed that the development will utilise SuDS methods train to manage surface water.

### **Foul Water Drainage Proposals**

It is proposed that the development will utilise a package pump system to lift foul up to the existing public sewer in Haywards Heath Road.

### **Suggested Conditions**

#### **C18F - Multiple Dwellings**

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

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

#### **Further Drainage Advice**

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

### **Flood Risk and Drainage Information for Planning Applications**

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc.

**Useful links:**

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

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

Climate change allowances - Detailed guidance - Environment Agency Guidance

Further guidance is available on the Susdrain website at <http://www.susdrain.org/resources/>

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

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

**2.****For the use of soakaways:**

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of at least 24 hours.

**3.****For the use of SuDs and Attenuation:**

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

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken. Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this. You cannot discharge surface water unrestricted to a watercourse or sewer.

**4.****Outfall to Watercourse:**

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

**5.**

**Outfall to Public Sewer**

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining Greenfield area, is not an increase above the pre-developed Greenfield rates.

**6.**

**Public Sewer Under or Adjacent to Site:**

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

**7.**

**MSDC Culvert Under or Adjacent to Site:**

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

**8.**

**Watercourse On or Adjacent to Site:**

A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.

**Original comments**

**Summary and overall assessment**

We do not object to this proposed development in terms of flood risk management. However, we do have some concerns regarding the proposed initial layout in terms of SuDS, which we would expect to be addressed for any detail design stage.

*Flood Risk Assessment*

The flood risks for this site have been fully explored, and it has been shown that the proposed development is not at risk from and should not create or exacerbate flood risk.

*Proposed Surface Water System*

It is proposed for the development to capture surface water run-off from the site and discharge this to a number of permeable surface structures. These then discharge to a main carrier pipe that discharges to an attenuation pond, which then discharges to another pipe that takes water to an existing watercourse approximately 120m south. Discharge flows are proposed to be restricted down to the 1:1 greenfield run-off rate for the developed area, which is approximately 5.4ls-1. The development as a whole has been shown as able to cater for the 1 in 100 year storm plus 40% for climate change.

*SuDS Methods*

Concern is expressed regarding some elements of the scheme including the position of elements of the drainage system, run-off quantity and quality, and some biodiversity. However, I am not sure that the proposal delivers much in terms of amenity.

Concern is expressed regarding the design of the attenuation pond and should not have a side slope steeper than 1:4. This needs to be fully addressed for any detail design. We are concerned for the stability of the side slope cut into the existing ground and it may be necessary for the attenuation aspect of this SuDS design to be reconsidered. Possibly absorbing the eastern open area into the whole design thereby opening up swale areas in and amongst the layout that run transverse to the slope of the site?

#### *Watercourse*

This proposed outfall structure will require Ordinary Watercourse Consent.

#### *Foul Water System*

The proposed foul arrangements are for a foul pumping station to pump foul water to the existing public foul system in Haywards Heath Road. Appropriate permissions for connection and rate of discharge will need to be sought from the sewerage undertaker.

#### *Maintenance and Management Plan*

An initial Maintenance and Management Plan has been submitted, and this adequately shows how the system, as proposed in this application, can be maintained.

#### **Detail Design and Condition Discharge Stage**

Moving forward, this proposed development will still need to fully consider how it will manage surface water run-off. We will require final detail plans of the proposed drainage arrangements including section drawings of any SuDS structures, including final drainage calculations that fully support the design. We will also need to see a final 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.

We will need an exceedance plan that shows properties will be protected from flooding and that safe access and egress is possible in the event of rainfall exceeding the design limit.

The proposed development drainage will need to:

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

#### **MSDC Urban Designer**

\_l Original Comments 18/1/19:

### *Summary and Overall Assessment*

The scheme benefits from open spaces that at the centre of the scheme provide a strong focus for the housing layout. The open spaces also provide the potential to soften the impact of the proposal both upon Haywards Heath Road at the front and the longer views from the east at the rear. Unfortunately the landscape strategy does not at present demonstrate whether or how this is to be achieved, particularly the screening of the eastern boundary. Furthermore I have concerns about the fragmentation of the proposed spaces, where again the eastern boundary is too dominated by an over-large attenuation basin. The design of the houses is also not of an acceptable standard given its special High Weald location and the parking arrangement would benefit from further finessing. For these reasons, I object to the scheme in its current form.

This scheme has evolved from the two pre-application options that I previously commented on and now benefits from a linear space that gives the site a central focus while also providing a continuous east-west spine through the development that should allow a limited view of the attractive High Weald landscape beyond the eastern boundary of the site from Haywards Heath Road site entrance. Unfortunately, at present this appears to be undermined by boundary lines that conceal this vantage.

Concerns are expressed regarding:

#### Open Space:

- The "so-called" open space on the eastern boundary appears to offer little recreational benefit and is gated-off and poorly integrated with the development. It reads as left-over space that has been incorporated to provide the site's drainage requirements.
- Lack of detail and integration of the SuDS features
- Fragmented open spaces
- The treatment of the eastern red line boundary of the site is unclear
- The attenuation basin does not provide enough space around it
- Inefficient and cumbersome parking arrangement particularly around plots 10 and 13 and plot 1 in relation to the position of the pond

#### *Elevations*

- The design of the houses is unimaginative and they contribute little to creating a sense of place or responding to the special characteristics of the High Weald AONB.
- All but one of the houses is characterised by gable flanks, that as well as increasing the sense of replication, also increases the building mass, decreases the sense of separation and lessens the modelling.
- As well as the incorporation of hipped roofs, consideration should also be given to lowering the eaves and ridge line at least on the houses that are most visible from the surrounds. This especially includes the houses on the eastern boundary which currently feature upper floor balconies with plots 9 and 10 set within gabled flanks. These are inappropriately extroverted facades for their High Weald location, particularly given the visibility of the site from the wider landscape, and consideration should be given here to a more restrained approach that subsumes them better into the landscape.
- The one house (plot 15) that is not designed with gable flanks, is also unsatisfactory as the natural symmetry of its pyramidal-roof configuration is compromised by a glazed-stairwell projection that appears to be a bolted-on afterthought. The relationship of the oversized entrance canopy and the adjacent mono-pitch roof window bay is a further incongruity.



- Design of windows with their fake glazing bars. The elevations also suffer from inconsistent window sizes and proportions.
- The asymmetric relationship of the entrance canopies and front doors on some of the houses is another unconvincing element.
- Chimney profile does not take the opportunity to add much additional character to the houses.
- Car Barns would be better hipped, providing a more comfortable juxtaposition with plot 5 and allowing more sunlight around the adjacent plots of 12-16.
- Render should be avoided as it inappropriately draws the eye and weathers poorly.

#### Further comments 7/6/19

#### *Summary and Overall Assessment*

The scheme benefits from a linear open space at its centre that provides a strong focus for the housing layout. The open spaces on the east and west boundaries have been re-designed and do more to soften the impact of the proposal from the attractive surrounding countryside. In particular, the revised drawings now show more generous soft planting/tree planting on the eastern boundary that should effectively screen the development from the countryside beyond. Within the site, the layout has been re-designed with a cohesive series of open spaces that naturally join together with the linear open space at the centre now featuring a potentially attractive swale; the linked spaces also allow a visual connection to be retained across the site between Haywards Heath Road and the countryside to the east.

The design of the houses has been improved including better articulated frontages and more modelled roofs.

For these reasons I withdraw my objection to the scheme.

I would nevertheless recommend conditions requiring the approval of further drawings and information in respect of: (a) the detailed landscaping including boundary treatment and detailed sections showing the design of the attenuation pond and swales; (b) the details of facing materials.

#### *Open Spaces*

The layout now benefits from a linear space that gives the site a central focus while also providing a continuous east-west spine through the development that should allow a limited view of the attractive High Weald landscape beyond the eastern boundary of the site from Haywards Heath Road site entrance.

The open space on the eastern boundary no longer reads as left-over space that has been incorporated to provide the site's drainage requirements and has been designed with a continuous circular path that allows some recreational benefit while also providing some necessary tree screening and it consequently. The attenuation basin is now narrower allowing space for tree planting around it. However care needs to be taken over its design and the integration of the pumping station and service road to ensure they are not imposing over-engineered features; for this reason I am recommending a condition to cover these elements.

On the north-west side, the existing pond now integrates with the landscape and development and should provide an attractive focus for this part of the site.

Parking has sensibly been minimised around the central part of the site so that it does not clutter the open spaces. This has been achieved by discreetly incorporating most of the parking in courtyards.

### *Elevations*

The design of the houses is still reliant on a pastiche language, but in other respects has been much improved. The previous standardised configuration has been addressed mainly through introducing hips and semi-hipped roofs that gives them a more modelled appearance and also helps in reducing their bulk while increasing the sense of separation between them. This should help the houses sit better within the High Weald landscape.

The house on plot 15 is still an oddity. However the cat-slide roof over the glazed stairwell bay avoids it looking like a bolted-on afterthought.

The houses now avoid fake glazing bars and the window sizes and proportions are more consistent.

Render finishes have also been sensibly avoided.

### Further comments 2/10/19

The changes to plot 15 and 16 represent improvements upon the previous design and I therefore raise no objections.

### **MSDC Ecology**

#### \_I Recommendation

In my opinion there are no biodiversity policy reasons for refusal or amendment of the proposal, subject to the following conditions:

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

A construction-phase wildlife mitigation method statement;

Details of habitat enhancements and long-term habitat management prescriptions (which may be integrated with a landscape management plan).

The approved details shall 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.

### **MSDC Street Naming and Numbering**

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved.

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](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.

### **MSDC Housing**

The applicant is proposing a development of 16 dwellings which gives rise to an onsite affordable housing requirement of 30% (5 units). The applicant is proposing 3 x 2 bed and 2 x 3 bed houses in order to comply with policy DP31. 4 units will be for affordable rent and 1 unit (3 bed house) will be for shared ownership. This will meet a range of housing needs and has been agreed. The applicant has adopted a tenure blind approach to design and materials which will contribute to social integration of the affordable homes. First lettings will be prioritised to households who have a Local Connection to the village or parish in line with the Mid Sussex District Council Allocation Scheme. Furthermore, in the case of all subsequent lettings, 50% of the relets will continue to be prioritised to households who have a Local Connection to the village or parish. This is in recognition of the affordable homes being brought forward through the Neighbourhood Planning process with the intention of meeting local housing need.

### **MSDC Tree officer**

Further to reviewing the submitted AIA report & TPP that accompanies this application, please find my comments below.

All of the trees that are within influencing distance of the development have been: plotted, measured, identified and classified as per BS 5837.

The RPA of each tree has been calculated and displayed on the plan provided.

The site currently has no trees subject to TPO and is not within a local Conservation Area. However, the site falls within the high Weald AONB.

However, the site does fall within the high Weald AONB.

Two tree groups (G6-Hedge partial- G10 Hedge) are to be removed to facilitate the development.

Facilitative pruning is also required for : G2, G3, G6, G12, G13, G15 & G16. All of these works are acceptable and the loss of any of the above trees/hedges is to be mitigated through replacement planting.

I would request that the maintenance and aftercare of all replacement trees is conditioned to insure that the trees establish well and grow to maturity. Detail of: position, size, planting, feeding, support and aftercare are required. All of this information should be submitted within a full landscape plan/planting specification.

Protection measures for retained trees have been detailed within the submitted Tree Protection Plan, this consists of Construction Exclusion Zones using suitable encing/signage and examples of temporary ground protection (if required).

As the applicant has not completed an Arboricultural Method Statement, I would suggest that the protection measures (fencing) as set out within the TPP are also secured by condition. All of the above is suitable and in accordance with BS 5837.

In conclusion, I do not object to the development in principle and would likely support the application subject to the receipt of the above mentioned replanting detail/landscape plan.

#### **MSDC Conservation officer**

I have visited the site and looked at the supporting documents, in particular the Heritage Statement

I concur with the conclusions of the Heritage Statement that the proposed development will not cause harm to the significance of the conservation area or listed buildings within the area of search. This is due to distance, intervening development and the lack of intervisibility between the heritage assets and the proposed development site.

#### **High Weald AONB Unit**

It is the responsibility of Mid Sussex District Council to decide whether the application meets legislative and policy requirements in respect of AONBs. Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area.

The National Planning Policy Framework paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited. In the event that the decision-maker concludes that development is 'major' in terms of its impact on the AONB, paragraph 172 of the NPPF states that planning permission should be refused for major developments in these designated areas except in exceptional circumstances. Footnote 55 says: "For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

The High Weald AONB Management Plan has been adopted by all the relevant local authorities, including Mid Sussex District Council, as their policy for the management of the area and for the carrying out of their functions in relation to it, and is a material consideration for planning applications. The Management Plan defines the natural beauty of the AONB in its Statement of Significance and identifies the key landscape components of the High Weald. It then sets objectives for these components and identifies actions that could conserve and enhance the AONB. It is recommended that the applicants be required to demonstrate whether their proposal conserves and enhances the AONB by contributing to meeting the objectives of the Management Plan. A template to assist in this assessment is appended to the Legislation and Planning Policy Advice Note on our website. I am happy to provide comments on this assessment once it has been completed.

In the event that Mid Sussex District Council considers the development of this site to be acceptable in principle, it is recommended that the following detailed requirements are met:

- Local materials such as wood and locally sourced bricks and tiles should be utilised and working chimneys and wood fuel storage incorporated to support the sustainable management of woodland in the AONB (Management Plan objectives S1 and W4);
- The High Weald Colour Study should be used to select the colours of external materials of structures so that they are appropriate to the High Weald AONB landscape;

- Drainage proposals should seek to restore the natural functioning of river catchments and avoid polluting watercourses (Management Plan objective G1);
- Native, locally sourced plants should be used for any additional landscaping to support local wildlife and avoid contamination by invasive non-native species or plant diseases (Management Plan objective FH3); and
- Controls over lighting should be imposed (Institute of Lighting Professionals recommended light control zone E1) to protect the intrinsically dark night skies of the High Weald (Management Plan objective UE5).

The above comments are advisory and are the professional views of the AONB Unit's Planning Advisor on the potential impacts on the High Weald landscape. They are not necessarily the views of the High Weald AONB Joint Advisory Committee.

### **Southern Water**

#### **Proposal: Erection of 16 no dwellings and associated development.**

**Site: Land East of Haywards Heath Road, Balcombe, West Sussex, RH17 6NL.**

**DM/18/4541**

Southern Water requires a formal application for a connection to the foul 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](http://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.

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."

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

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

## **Sussex Police**

### **Re: Land East of Haywards Heath Road, Balcombe, West Sussex**

Thank you for your correspondence of 14th November 2018, advising me of a full planning application for the erection of 16 no dwellings and associated development 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](http://www.securedbydesign.com)

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

The design and layout has created outward facing dwellings which should provide good active frontage. Parking has been provided for within: garage, car barns, in-curtilage, overlooked and a small rear parking court. . 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.

With respect to the perimeter fencing, I have concerns where there is 1.2 metre high, 3 post rail fencing being proposed for the perimeter fencing of plots 8, 9, 10 & 11. All perimeter fencing should be robust and fit for purpose, i.e. 1.8 metre high close board fence (CBF). Whilst I understand there to be an ascetic reason for it, the 1.2 metre, 3 post rail fence effectively becomes a 3 rung ladder creating a climbing aid, whilst providing no security value to the protection of the rear gardens and property. From a security perspective this is insufficient given that these dwellings back onto the public open space. As a result I feel the rear gardens are very vulnerable and need more robust security boundary treatment.

Research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house. (See SBD Homes 2016, para13.1).

I was however pleased to note the inclusion of 1.5 metre high, CBF topped with 300mm of trellis within the rear garden area of plot 5 overlooking the rear garden pathway. I recommend that this is replicated between plots 14 & 15 where there are at present, proposed 1.8 brick walls which block out any observation into the car park within, thus creating an unobserved parking court from the surrounding dwellings.

Additionally, I recommend that the proposed 3 vehicle, open sided barn between plots 5 & 6 is replaced with a closed sided car barn and moved back to the side garden boundaries of plots 2 & 7 as at present, this opens up access to the adjacent rear gardens. Additionally open a new gate in plot 4's rear garden adjacent to plot 2. The result of these changes is that the rear gardens of plots of 2, 5, 6 & 7 will be more secure, whilst the rear garden gate for plot 4 will now have some observation over it from plot 2. All proposed car barns are to have vandal resistant, dusk till dawn operated low energy lighting installed for the safety and security of both the users and vehicles. The doors within the rear of the car barn between plots 14 & 15 are to be adequate and fit for purpose and lockable from both sides as they directly access the rear gardens of plots 15 & 16.

Finally lighting throughout the development will be an important consideration and where implemented should conform to the recommendations within BS5489:2013.

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.

## **Balcombe Parish Council**

### **Original comments**

The following comments were discussed at a meeting held with the MSDC Planning Officer on 20th Dec 2018.

### **Introduction**

The land at Barnfield was allocated for development in the Balcombe Neighbourhood Plan which identified 0.5 Ha of the 2.49Ha field for development.

The Balcombe Neighbourhood Plan dated Sept 2016 consists of a policy document and a supplementary Design Guide (also dated 2016). The policy for the site is set out in the main document and the Design Guide provides additional specific guidance for the site.

The NP policy allowed for 'approximately' 14 dwellings and although 16 units have been proposed by Rydon the Parish Council is content that this slightly higher number is acceptable, so long as good design is demonstrated and the overall aspirations of maintaining views, green space and good design are not compromised by the additional units.

## **Consultation**

In the Autumn of 2017 Rydon Homes presented its initial plans to a working group of the Parish Council. The proposal submitted in November 2018 incorporates many of the comments made by BPC during the initial consultation. However, BPC have not been consulted since. BPC had not therefore seen or been pre-consulted on the plans now submitted, nor has it been included or party to on any pre-application advice supplied by MSDC to Rydon. (Note that MSDC had given assurances to BPC following discussions over the Rectory Woods developments that BPC would be included in pre-application advisory sessions on future NP site applications).

## **Summary of comments/ concerns**

BPC have comments relating to the following;

- Traffic calming and access
- Pedestrian access to, from and through the site
- Use and siting of the green space
- Intended ownership/maintenance of communal spaces, attenuation pond
- Intended ownership and maintenance of the roads, footways and verges
- Impact on the setting of the pond and buildings at Buttercup Barn
- The design of several of the houses
- Renewable energy
- DDA and accessible housing
- Percentages of 2 and 3 beds vs 4 beds
- Infrastructure funding

## **Layout**

The typology envisaged for the site is that shown by the adjacent Barn Meadow development. A slightly varied typology has been adopted by Rydon. Rydon have sought to fulfil the requirement to reduce the impact on Haywards Heath Road (HH Road) by setting back the buildings from the road in accordance with the Neighbourhood Plan, and to maintain some of the views and create a feeling of space by providing a wide swath of green alongside the main access through the site and vistas through the dwellings' gardens. The presented scheme resolves these issues better than that shown to BPC in 2017.

## **Traffic Calming**

One of the major drivers for allocating this site rather than others in the Parish was the need for traffic calming on Haywards Heath Road. The policy states;



5.18 Policy 2 requires any planning application to provide a satisfactory vehicular and pedestrian access into the site. Based on the outcomes of design investigations, consultations and safety audits planning applications on the site may need to contribute to identified traffic calming on Haywards Heath Road.

The site is linked to this infrastructure gain by way of MSDC's Infrastructure plan. There are no other specific infrastructure gains linked to this site.

No mention is made in the application of this consideration and no provision for any traffic calming is offered by the scheme as it stands. The issue was much discussed at the BPC/Rydon meeting in 2017.

We note that the Road Safety Audit identified visibility issues with parked cars at the cottages to the south on HH Road and with a speed sign. These should be resolved at an early stage rather than left to detail design. Whilst the sign can be moved, a more sophisticated solution may be required for the entrance to overcome the parked car issue.

### **Pedestrian Access**

\_ | To and from the development

The road crossing at this location is inadequate and consideration should be given to an island crossing or traffic calming to include a crossing point, (note small island crossings are provided on London Road at similar locations where access is across a main road with lower vehicle counts).

Pedestrian access within the site is good and we commend the verges used to separate the footway from the main access road.

### Through the development

There is no through route in the current plans to allow casual access through the site. The Design Guide states;

Pedestrian access is a primary feature of village life and pedestrian green chains are an important aspect of life in Balcombe, both for access and socialising.

Pedestrian routes should be provided through all new developments to encourage access on foot; to allow a through passage for people and avoid the isolation of new housing.

BPC would strongly promote a footpath link to the allotments to the east of Buttercup Barn (Cranbrook Nursery). This would allow a casual visitor to walk through at least part of the site on a circular route. It would also allow a safe path for pedestrians to join paths north of Barn Meadow without crossing HH Road. It would also provide a route for access to the nursery school without crossing 3 roads.

This was discussed at the BPC / Rydon meeting in 2017.

Pedestrian 'twittens' could be provided along the rear boundary of plots 5 and 6, and along the rear of 14 to allow better pedestrian access.

### **Green Space**

The siting of the green space beyond the development is odd. Who would maintain this area? Would it be dedicated as Green Space? Would the attenuation pond adjacent be dry or wet? Would this be fenced off? Who would maintain this?

The application describes a softening of the north east boundary by use of planting in this green space and also describes the area as informal play space. Which is it intended to be? Screen or recreation?

There is insufficient green space maintained around the existing farm pond adjacent to HH road. The application plays down the significance of the barns and pond and yet by the evidence supplied, the form shown today has been evident for at least 150 years.

A shift downhill in the position of the houses along the north west boundary effectively moving the green space to the top of the hill on this side would allow a greater space to the pond and existing trees surrounding it and allow space for a path through to the allotments between the new access to plots 1 and 2 and the pond. This green space would then be more easily maintained and its use would be more secure. The space would also add visual amenity to the development. The pond and pumping station would stay in isolation at the foot of the slope and could be fenced or form an informal space.

#### **Impact on Buttercup Barn (Cranbrook)**

The houses and accesses adjacent to the pond are too close to Buttercup Barn and a larger green buffer zone should be provided. See previous comment.

#### **Ownership of shared space**

Who would own and maintain the following:-

Main access road, smaller shared accesses, footways, wide verges and planting, green space, screen planting and the attenuation pond.

#### **Design of the housing**

Internal layouts are good and the style of garage to reflect agricultural timber clad, open fronted buildings is good. However some additional work on the external appearance of the houses would be beneficial.

Design 33 - prominent position on HH road. Very unusual roof line. Not replicated elsewhere on the street scene - will look incongruous.

Designs 19 and 25 are the same house and give concern. They present a large expanse of garage and a gable wall on approach and an equally compromised elevation on the side view from the driveway. These are the best plots and deserve something better.

Designs 35, 31, 29, 27, 23, 21, 17, 15, are essentially the same box double fronted house with features differing only slightly. Greater variety in the detailing of porches and off shots could be provided very simply and at relatively little expense.

Designs 10 and 14. The affordable units are bland and some variation in roof height or additional features could enhance these units, in particular the terrace.

Plots 15 and 16 need a path linking garages to their gardens/doors. Perhaps along the shared boundary of 15/16. There seems inadequate turning space in front of the garage block serving 14,15,16. The form and design of the garage itself is very good.

The parking for 3, 4, 5 is presumably a drive through garage with parking beyond it? It is likely that this way of providing 2 spaces per unit will lead to cars parking on the access road. Again the form and design of the shared block is very good.

### **Renewable Energy**

How has this been included in the scheme?

### **Accessible and older peoples homes**

Not evident in this scheme. The Design Guide states:-

The provision of attractive accessible accommodation adapted to later life, easy access or assisted living is encouraged.

A minimum of 10% should be accessible.

The provision of 1 or 2 accessible units should be applied.

### **Ratio of smaller units to larger homes**

The percentages of each type of dwelling are set out in Policy 3 of the Neighbourhood Plan:-

- i. approximately 75% of the total number of dwellings of the scheme, and especially the affordable homes, are no larger than 3 bedroom dwellings with a proportion suited to occupation by households of retirement age;
- ii. approximately 25% of the total number of dwellings of the scheme to comprise dwellings of no more than 4 bedrooms;
- iii. they comply with affordable housing requirements of the Mid Sussex development plan;

### **INSET TABLE**

There should be 12 units of 2 and 3 bedroomed homes and 4 number 4 bedroom units to accord with the policy.

(Note : As the Rectory site had 'over' provided beyond its initial allocation of 2 and 3 bedroom units this would not overall have been a problem, but as of now, the Rectory site is uncertain).

The only 2 bedroomed home for sale on this site is a detached property and likely to be relatively expensive for a 2 bed unit. The affordable (housing association or shared ownership units) are all 2 or 3 beds. So whilst the provision of units overall for the site almost accords with the policy on mix, the mix is divided unequally with larger units all for sale and smaller units all for rent.

### **Infrastructure, amenity and CIL contribution**

Aside from Traffic calming the site is not linked to any specific Infrastructure project, however BPC would need to be included in discussions on funds available to ensure the needs identified in the NP and transferred to the MSDC Infrastructure plan are fulfilled.

\_I Follow Up comments:

Balcombe Parish Council has the following comments on revised proposals submitted to MSDC since December 2018 and the correspondence available on the MSDC planning portal regarding the proposals during that period.

Since the last full application in the autumn of 2018, and the submission of our comments, very little change has been made to the proposals. Despite correspondence between the MSDC Planning Officer and Rydon Homes regarding the comments made by the BPC only a few clarifications have been made by the applicant and a full response has not been given.

The comments made in December by BPC therefore stand largely unaltered and are to be found at the end of this current response:-

- Traffic calming and access
- Pedestrian access to, from and through the site
- Use and siting of the green space
- Intended ownership/maintenance of communal spaces, attenuation pond
- Intended ownership and maintenance of the roads, footways and verges
- Impact on the setting of the pond and buildings at Buttercup Barn
- The design of several of the houses and parking
- Renewable energy
- DDA and accessible housing
- Percentages of 2 and 3 beds vs 4 beds
- Infrastructure funding

The following comments are made in addition to the former December 2018 response;

**Traffic Calming and access** remain issues for the PC. There remains no traffic calming scheme and the developer has been unwilling to entertain a solution to this even in partnership with the PC.

The visibility splays are now categorised as absolute minimum requirement with a relaxation from DMRB standard to Mf2 and whilst WSCC Highways initially required the developer to provide a departure from standard for the drop from 96m desirable to 76m absolute minimum this has been relaxed on the basis of an 85% percentile speed below 40mph for significant periods of the day. Traffic monitoring undertaken by WSCC on behalf of BPC in November 2017 does not back up this assertion of lower speeds with much of the day higher than 40mph. Added to the unresolved findings of the road safety audit which highlights parked cars from the neighbouring properties within the reduced sightline to the south, the conclusion must be that in the present form the visibility splays do not conform to acceptable standards nor provide a safe access onto Haywards Heath Road from the site.

**Pedestrian access** to and from the site is by crossing Haywards Heath Road onto the existing footway on the west side of HH Road. With speeds of between 35 and 50 mph recorded and poor sightlines this is hazardous. BPC recommends that a pedestrian island is provided under a section 268 agreement. This will require a localised widening of the carriageway by 1.2m eastwards at the site entrance.

**A casual pedestrian route** through the site has not been provided. The developer has reported that the land beyond the site belongs to someone else, and whilst it does, the owner is Balcombe Estate who are the vendors of the development site. BPC strongly suggest that with a little application both parties could be persuaded to provide this link and prevent the isolation of the new development, safer access and provide a scheme in conformance with this essential requirement of the Neighbourhood Plan (NP) in this regard.

**Use and siting of the Green Space.** The green space remains on the eastern boundary rather than forming the green frontage to the site as intended in the Neighbourhood Plan. Comments by the Urban Designer at MSDC echo the PC's concerns regarding the position of the space as do comments by the drainage officer on the engineering involved in cutting an attenuation pond into a sloping site and the safe gradients for the pond sides (essential for emergency egress should someone fall in!). There are no detailed cross sections provided on the MSDC portal to demonstrate the achievability of the pond, nor any geotechnical information to resolve its construction.

**Maintenance of the green space and pond.** Correspondence from the developer suggests a transfer to BPC or the formation of a management company. This seems to leave either financial liability with the PC or an uncertain future for the space, the location and woodland form of the space whilst initially attractive does not lend itself to easy maintenance.

**Maintenance and ownership of verges, footways and roads** is now proposed in a submitted plan with which the PC is happy.

**Design of the houses,** the PC again agrees with the comments made by the Urban Designer at MSDC. In particular the houses fronting HH Road, plots 15 and 16 are out of keeping with the existing street scene. Whilst the house at plot 16 is nicely designed it does not reflect the character of the surrounding properties. The proposed house at plot 15 is extremely odd. The appearance has been improved by amending the roofline but the glazed side stairwell is not attractive and does not sit well on the house. The house presents an odd and incongruous unit at the entrance to the site. This is not acceptable.

The affordable units remain very distinctly the affordable element of the scheme. Despite assertions from the applicant of integration they are the only terrace and the only semi-detached units. The terrace has been improved by partial cladding and roof/ bay projections and the semi-detached by roof detail. However, they are the small units on the site with no larger affordable units offered nor smaller sale units offered. The mix is very distinct between sale and let.

The units at plots 11 and 8 still present an unattractive façade, these large end plots deserve better.

In all the design has been improved but marginally and, as described by the Urban Design Officer, the development fails to deliver a sense of place or the quality of grouping and design befitting the AONB location.

**Parking** as highlighted in our December comments and repeated by MSDC's Urban Designer the parking doesn't work through much of the site. The double length parking especially in the communal barns will not be used and on street parking will become an issue. Whilst most of the parking is cramped that for units 3, 4 and 5 is not suitable for use and 14, 15 and 16 has the same issue but also the access and turning space within the forecourt area is insufficient to allow access in and out of the parking area. A car would have to reverse down the narrow access and out onto the road. Plot 1's parking compromises the setting of the existing pond. If the parking cannot be resolved within the areas available the PC can only conclude that a development of 16 units has not been demonstrated and that a scheme reverting to the 14 units in the NP should be made.

**Renewable Energy** - the site still does not address this requirement at all.

**DDA and accessible accommodation** - the developer has misinterpreted the requirement of the NP Design Guide in that they have applied the 10% requirement for wheelchair M4(3) accessibility only to the affordable element of the site. This is not the case, the criteria applies to all units in the

development and therefore 1.6 unit should be M4(3). None have been provided. Also only the affordable have been made M4(2) accessible and adaptable, surely this should be shared by the sale properties.

**Percentages of small and larger homes-** as noted above the small homes are for rent, the larger for sale. The mix is very distinct.

**Infrastructure Funding** - no consultation has been had with BPC on allocation of infrastructure funding from this site. Even the traffic calming formally associated with the site in the Infrastructure Plan for Balcombe has been dismissed. No CIL is in place and the wider objectives for infrastructure in the NP have no funding stream without it. Without some involvement of the PC in allocation of funding the aims of the NP are not going to be fulfilled. MSDC must engage in this process with the PC in order to achieve the plan objectives beyond mere housing numbers.

In addition the following items have been provided in the last 6 months;

Refuse - all bins are shown as stored in rear gardens. This again lends itself to the conclusion that insufficient space is available for bin storage.

Hedgerow to the boundaries - the existing field hedges become boundaries to many of the new homes. How would this ecological and visual feature be maintained and protected? Will it remain the property of the Balcombe Estate or come into multiple ownership?

**In conclusion** BPC feel that little has been done to achieve the requirements of the NP highlighted by BPC. No traffic calming, poor standard visibility splays, no pedestrian crossing, no footpath link through the site, green space in poor location, no wheelchair access, no alternative energy initiatives, inadequate parking and limited improvement in design. In all a little disappointing given the profitability of this beautiful site.

BPC must insist that protected pedestrian access across HH road and casual pedestrian access through the site towards the allotments is provided. That a higher standard of visibility is applied at the entrance. That the green space is provided around the existing pond rather than the eastern boundary and that parking is better resolved or that alternatively a scheme for 14 homes in accordance with the allocation in the Neighbourhood Plan is made.

BPC would be keen to continue a dialogue on the issues remaining.

MID SUSSEX DISTRICT COUNCIL

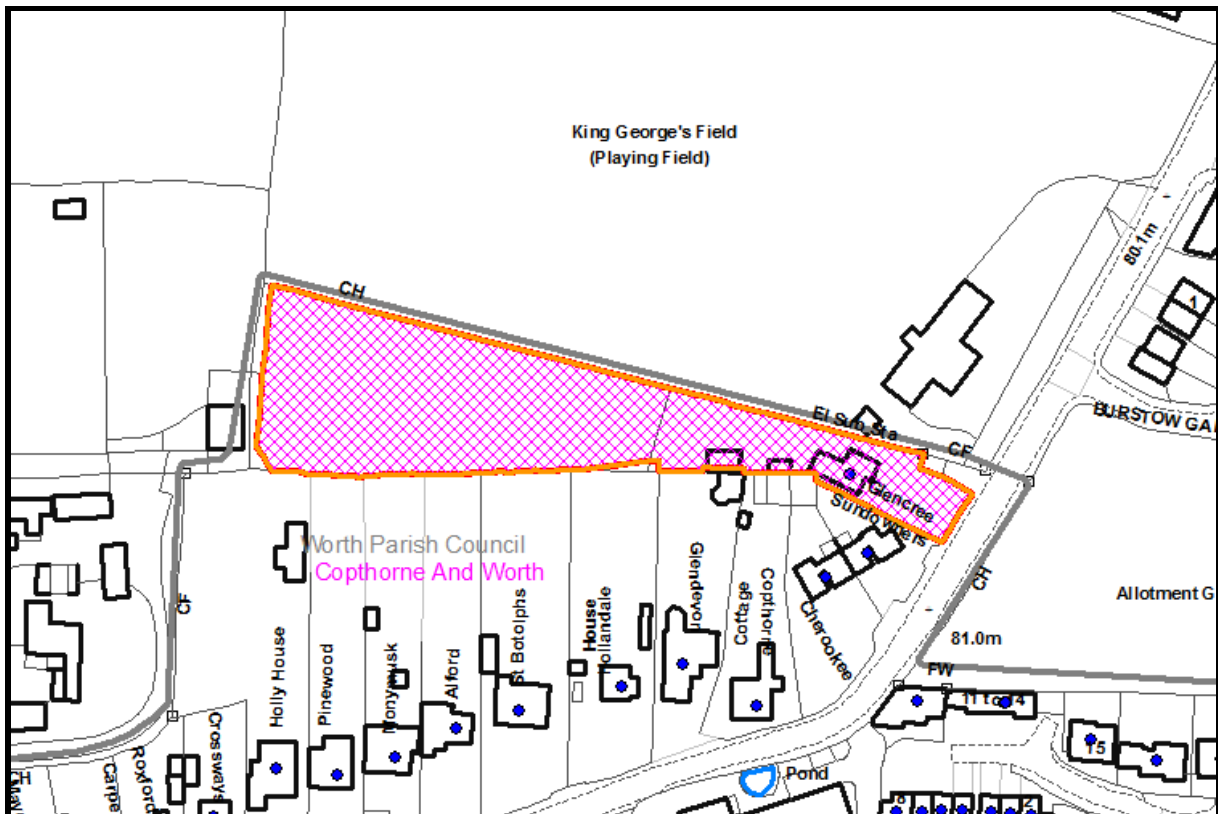
Planning Committee

17 OCT 2019

RECOMMENDED FOR PERMISSION

Worth Parish Council

DM/19/3353



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**GLENCREE COPTHORNE BANK COPTHORNE CRAWLEY  
CONSTRUCTION OF THE GARAGE FOUNDATIONS OF PLOT 2 IN  
ORDER TO ESTABLISH A LAWFUL COMMENCEMENT OF WORK IN  
RESPECT OF 13/03222/OUT AND DM/16/4792.  
C/O AGENT**

POLICY: Article 4 Direction / Article 4 Direction / Areas of Special Control for Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Green Belt / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) / SWT Bat Survey

ODPM CODE: Lawful Development Certificates

WARD MEMBERS: Cllr Paul Budgen / Cllr Christopher Phillips /

CASE OFFICER: Joanne Fisher

### **PURPOSE OF REPORT**

To consider the recommendation of the Head of Economic Promotion and Planning on the application for a lawful development certificate as detailed above.

### **EXECUTIVE SUMMARY**

This application is for a lawful development certificate to confirm a lawful start has commenced in respect of planning references 13/03222/OUT and DM/16/4792 at Glencree, Copthorne Bank, Copthorne.

This is a legal decision where the planning merits cannot be considered.

The application is before committee as the agent is an elected Member for the Copthorne and Worth Ward.

It has been submitted that a lawful start has been carried out before the expiry of the planning permission through the construction of foundations for the detached garage to serve Plot 2.

It is considered that the work carried out on the site constitutes a material operation in accordance with Section 56 of the Town and Country Planning Act (1990) (as amended). All pre-commencement conditions had been discharged. The works therefore constitute a material operation pursuant to the lawful commencement of application 13/03222/OUT and DM/16/4792.

It is therefore recommended that the lawful development certificate be issued confirming that a lawful commencement has occurred in respect of the development of two dwellings on the site and thus the works to implement the above permission and consent may continue.

### **RECOMMENDATIONS**

It is recommended that the lawful development certificate be issued for the reasons outlined at Appendix A.

### **SUMMARY OF REPRESENTATIONS**

None received

### **SUMMARY OF CONSULTATIONS**



None

## **WORTH PARISH COUNCIL OBSERVATIONS**

This being a legal consideration; this application is noted.

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### **INTRODUCTION**

The application is made pursuant to Section 191 (1) (b) of the Town and Country Planning Act 1990 ("TCPA 1990") and seeks confirmation that a lawful start has occurred under the details approved under planning references 13/03222/OUT and DM/16/4792 at Glencree, Copthorne Bank, Copthorne.

### **RELEVANT PLANNING HISTORY**

Outline planning permission was granted on the 13th November 2013 under reference 13/03222/OUT for the demolition of the existing bungalow and the erection of two dwellings and shared access drive. The matters for consideration were the access and layout of the proposal with all other matters (appearance, landscaping and scale) reserved.

Condition 1 of this approval states:

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

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

*The development hereby permitted must be begun before the expiration two years from the date of approval of the last of the reserved matters to be approved.*

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

Reserved Matters was granted on the 5th January 2017 under reference DM/16/4792 for the approval of the scale, landscaping and appearance of the two dwellings following the approval of the above outline planning permission (reference 13/03222/OUT).

A prior approval application for the demolition of the existing bungalow was approved under reference DM/18/2984 on the 6th August 2018.

Following this pre-commencement condition 2 relating to the reserved matters approval DM/16/4792 was approved under reference DM/18/4205 on the 22nd October 2018.

In addition, pre-commencement conditions 2, 3, 4, 6, 7, 9, 10, 11, 13 and 14 relating to the outline approval 13/03222/OUT was approved under reference DM/18/4206. The last condition of the outline approval (condition 7 drainage) was discharged on the 14th November 2018.

## **SITE AND SURROUNDINGS**

The site consists of a fairly level, irregular shaped plot of land located on the east side of Copthorne Bank, Copthorne. The former bungalow 'Glencree' has been demolished and there is heras fencing around the site. Vehicle and pedestrian access is gained to the site from Copthorne Bank.

The site lies partly within the built up area of Copthorne and the rear part within the countryside as defined in the District Plan. The area of the site within the built up area is approximately 0.15ha in area and comprises of all the land that forms the front (east) part of the site up to a line approximately 90 metres into the site which then follows the (northern) boundaries of the rear gardens of the properties along Copthorne Bank that are arranged perpendicular to the site.

The northern and western boundaries are well screened from a recreation ground to the north and open land to the west by trees and vegetation. The level of screening along the southern boundary to the rear gardens of Copthorne Bank varies as levels of vegetative screening and tree cover are sporadic and boundary treatments vary. Most of the properties along Copthorne Bank benefit from generous rear gardens. To the north of the site there is a pavilion associated with the recreation ground and to the east of the site is a substantial area of allotments.

The surrounding dwellings are mostly large detached properties set within substantial, verdant plots with generous rear gardens, the exceptions being Cherokee and Sundowners, a pair of semi-detached properties, set back from the road in close proximity to and with little screening from the application site.

## **APPLICATION DETAILS**

The application seeks confirmation that a lawful start has commenced under the details approved under outline planning reference 13/03222/OUT and reserved matters approval DM/16/4792.

The application has been made on the basis that a material operation has been carried out before the expiration of two years from the date of approval of the last of the reserved matters as set out in the decision notice in respect of the outline approval. The reserved matters approval was determined on the 5th January 2017, thereby works were required to be carried out before the 5th January 2019.

A planning statement has been submitted with the application stating that this requirement was met *'by the carrying out of construction works comprising a material operation on Wednesday 5th December and Thursday 6th December 2018'*. Supporting documents showing photographs of the excavation of the garage foundations as well as the invoice for the concrete for the works have been submitted. The statement sets out a timeline of the works carried out. It states:

*The construction work was carried out to the following timescale:*

**5th December 2018**

- 1) A Building Notice and fee were submitted to Mid Sussex District Council and the acknowledgement below received:*
- 2) A Building Control inspection by Mid Sussex District Council was booked for 6th December 2018*
- 3) HERAS fencing was erected to protect the existing trees in accordance with the approved Arboricultural Method Statement.*
- 4) Setting out work was carried out to accurately mark the centre line of the foundations by GERALD BUDGEN and JOHN SHORLAND of ALFRED BUDGEN LIMITED.*
- 5) The necessary excavation work was carried out and level pegs for foundation concrete were set in place by GERALD BUDGEN and JOHN SHORLAND of ALFRED BUDGEN LIMITED.*

**6th December 2018**

- 6) A Building Control inspection was carried out by Mid Sussex District Council and the excavated foundations were found to be acceptable.*
- 7) Foundation concrete was supplied by CEMEX and laid by GERALD BUDGEN, MARK BUDGEN, JOHN SHORLAND and KIEREN HOLLANDS of ALFRED BUDGEN LIMITED.'*

**LIST OF POLICIES**

As this is an application to establish the lawful commencement of the development; development plan policies are not applicable.

**ASSESSMENT**

To implement a planning permission the developer must:

- a. Carry out a "material operation" (as defined in section 56 of the TCPA 1990); and
- b. Ensure all planning conditions requiring compliance prior to commencement of development have been complied with.

Section 56 (2) of the Town and Country Planning Act (TCPA) 1990 states that development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. S.56 (4) lists what is meant by 'material operation':

*"material operation" means—*

*(a) any work of construction in the course of the erection of a building;*

*(aa) any work of demolition of a building;*

*(b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;*

*(c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);*

*(d) any operation in the course of laying out or constructing a road or part of a road;*

*(e) any change in the use of any land which constitutes material development.'*

It has been submitted through photographs, and an invoice regarding materials used that works have been carried out before the expiry of the 2013 outline approval (reference 13/03222/OUT) and the 2016 reserved matters approval (DM/16/4792) consisting of the construction of the garage foundations for plot 2. The location of the foundations is shown in the submitted drawing within Section 3 of the submitted Planning Statement accompanying the application. This shows a 'U' shaped area of foundations where the side and rear walls of the garage are to be situated. A site visit by your Planning Officer confirms that these works have been carried out in accordance with the details submitted. Importantly, the operational development was carried out after the approval of the last of the pre-commencement conditions on the 14th November 2018.

Section 56(4) (b) of the TCPA (1990) includes the digging of a trench which is to contain the foundations, or part of the foundations, of a building. It is considered that the location of the trench which was dug and the foundations laid is broadly in accordance with the location of the garage for Plot 2 approved as part of the 2013 outline and 2016 reserved matters approvals.

It is considered that the works referred to in the Applicants submission does constitute a material operation and was undertaken within the time limit imposed by Condition 1 of the 2013 outline permission and after the approval of the pre-commencement conditions.

No third party evidence has been provided which contradicts the submission in terms of the works carried out and when.

As such, it is considered that on the balance of probabilities, the works carried out are lawful and the remaining development approved under the 2013 outline permission and the 2016 reserved matters application can lawfully be carried out.

## **CONCLUSION**

The works carried out on site, namely the construction of the garage foundations for plot 2 constitutes a material operation in accordance with Section 56 of the Town and Country Planning Act (1990) (as amended). The works therefore constitute a

material operation pursuant to the lawful commencement of application 13/03222/OUT and DM/16/4792, and a certificate to this effect may be issued solely for the purpose of section 191 of the Town and Country Planning Act (1990) (as amended).

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## APPENDIX A – RECOMMENDED CONDITIONS

1. The Mid Sussex District Council hereby certify that on 22nd August 2019 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, is lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

The works carried out on site, namely the construction of the garage foundations of plot 2 constitutes a material operation in accordance with Section 56 of the Town and Country Planning Act (1990) (as amended). The works therefore constitute a material operation pursuant to the lawful commencement of applications 13/03222/OUT and reserved matters approval DM/16/4792 under Section 191 of The Town and Country Planning Act (1990) (as amended).

### 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	GLENC2-02	A	21.08.2019

## APPENDIX B – CONSULTATIONS

### Parish Consultation

This being a legal consideration; this application is noted.

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