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21 May 2019

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 30TH MAY, 2019 at 2.00 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 Minutes of the previous meeting of the District Planning Committee held on 26 March 2019. **3 - 6**
4. To consider any items that the Chairman agrees to take as urgent business.

**Recommended for Approval.**

5. DM/18/4321 - Land West of Copthorne, Copthorne Way, West Sussex, RH10 3RX **7 - 44**
6. DM/19/0535 - Land at Penland Farm, Hanlye Lane, Cuckfield, RH17 5HR **45 - 68**

**Recommended for Refusal.**

None.

**Other Matters**

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.

**Minutes of a meeting of District Planning Committee  
held on Tuesday, 26th March, 2019  
from 2.00 pm - 2.45 pm**

**Present:** R Salisbury (Chairman)  
J Wilkinson (Vice-Chair)

C Hersey  
E Matthews

P Moore  
D Sweatman

P Wyan

**Absent:** Councillors C Holden, A Watts Williams and N Mockford

**Also Present:** Councillors

**1. TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE  
RULE 4 - SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

Councillor Margaret Hersey substituted for Councillor Mockford, Councillor Walker substituted for Councillor Holden and Councillor Whittaker substituted for Councillor Watts Williams.

**2. TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillor Holden and Councillor Watts Williams.

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

None.

**4. TO CONFIRM MINUTES OF THE MEETING HELD ON 21 FEBRUARY 2019.**

The Minutes of the Committee held on 21 February 2019 were agreed as a correct record and signed by the Chairman after minor amendments to spellings on page 6.

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

None.

**6. DM/18/4321 - LAND WEST OF COPTHORNE, COPTHORNE WAY, COPTHORNE,  
WEST SUSSEX (WEST OF RH10 3RX)**

This application was withdrawn by officers.

**7. DM/18/4837 - LAND AT 37 - 55 PERRYMOUNT ROAD, HAYWARDS HEATH,  
WEST SUSSEX, RH16 3BN**

Steven King, Planning Applications Team Leader, introduced the report for the full planning permission for the redevelopment of the site to provide 145 new residential flats with Commercial floorspace (A2 use) and associated car parking. He noted that two buildings remained on the site in Clair Road but the majority of buildings that used to be on the site had been demolished. The Planning Applications Team Leader noted that the proposed buildings were now more uniform in height, the two upper floors would be set back and the landscaping to the frontage would improve the street scene.

The Team Leader highlighted that the principle of the development had already been established and the high quality design would improve the public realm. The design optimises the use of the site. He confirmed that Design Review Panel had been consulted and both they and the Urban Designer were content with the proposal. 30% affordable rented accommodation would be included in the section 106 agreement and the Housing Team were content. The main impact of the development would be to the properties to the north of the site. Although the view would change significantly the loss of light had been assessed and there would be no significant adverse impact to the occupants.

The Team Leader stated that the two main access points remained the same as the outline application and vehicle movements from the site would be less than those in peak hours from the previous use of the site. The car parking spaces had reduced to 76 with a dedicated number allocated for the affordable units, 30 spaces for the 44 units. This was 12 spaces less than the consented scheme. However, the level of parking provision was acceptable as the site is in a highly sustainable location next to the railway station, a supermarket and is within walking distance of the town centre.

Tim Rodway, agent, and Stephens Andrews, architect for the applicant, spoke in favour of the application.

A Member sought clarification from the officer regarding the installation of access gates and the classification of the commercial floorspace. The Team Leader confirmed that no gates would be installed and condition 12 requested details of the Car Park Management Plan. He noted that the application before the Committee was for A2 use and any future change of use would require a further planning permission. He advised that this did not mean that alternative uses on the ground floor would not be considered, the planning condition just meant that proposed changes of use would require planning permission.

Members discussed the reduction in car parking spaces, allocation of spaces to the flats and access points to the buildings and car park.

The Team Leader confirmed each commercial floor space had separate access points. He noted that Highways and the environmental health officer were content with the Construction Management Plan that was approved under the outline planning permission. The site would be developed from block A through to block D. He noted that if a variation in the Construction Management Plan was required the applicant would have to contact the planning department. He advised that condition 3 was relevant due to the historical use of the site and had been recommended by the contaminated land officer in the approved outline permission. In response to questions regarding satellite dishes he confirmed that there were no permitted development rights on the flats for residents to make external changes to the building without obtaining the required planning permission.

The Chairman stated that conditions 6 and 7 dealt with the Urban Designers comments. He noted that the all residential units would be rented and the applicant should ensure the Car Parking Management Plan would meet the needs of the tenants.

A Member asked whether the Council was content with the impact of the amenity on daylight and noise levels and queried the Car Club Scheme. The Chairman noted that the flats would have a three year tenure. The Team Leader confirmed that the applicant could build in flexibility when submitting the Car Park Management Plan.

Several Members stated they supported the scheme and were pleased to note the additional financial contribution for Newtons Surgery.

The Chairman noted that no more Members wished to speak so took Members to Recommendations A and B as set out in the report. These were 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 contributions and affordable housing and the conditions listed in the appendix.

#### Recommendation B

If the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure payments and affordable housing by 28th June 2019 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 contributions necessary to serve the development and the required affordable housing. The proposal therefore conflicts with polices DP20 and DP31 of the District Plan.

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

None.

The meeting finished at 2.45 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

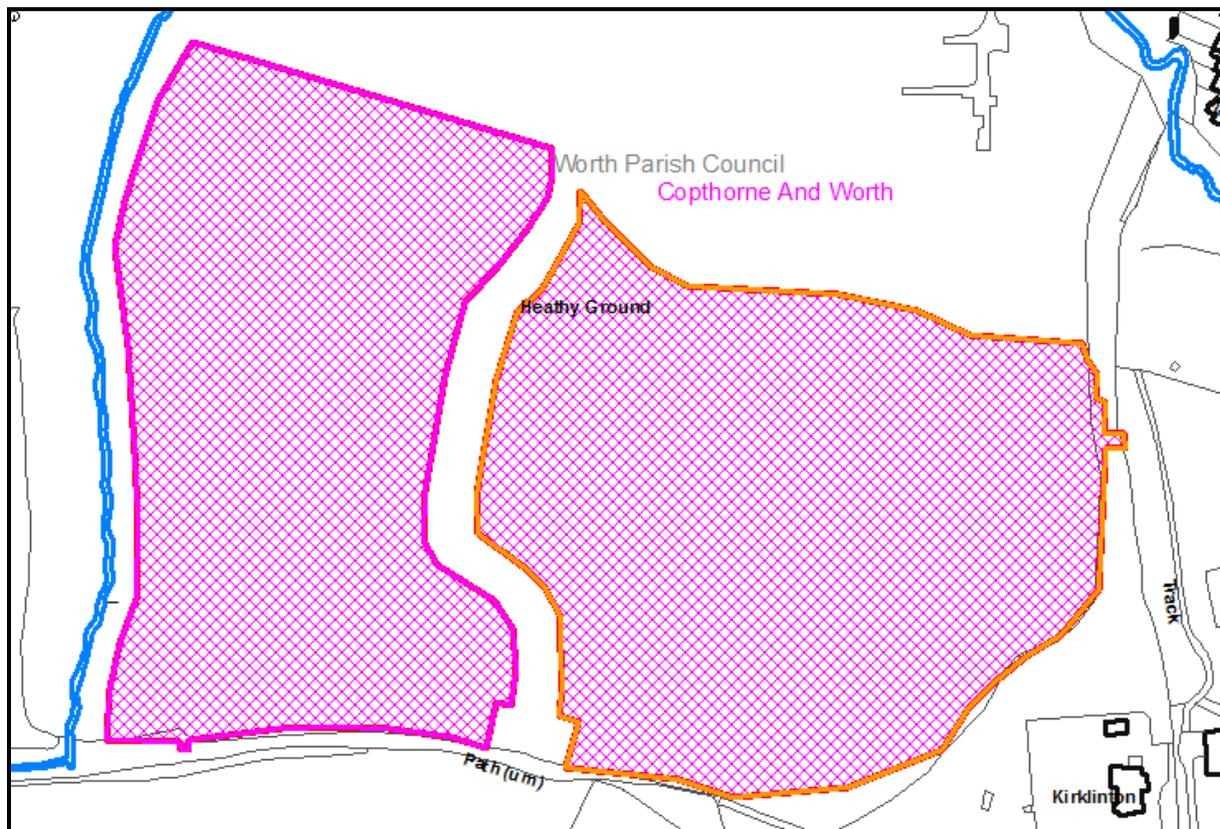
District Wide Committee

**30 MAY 2019**

RECOMMENDED FOR PERMISSION

**Worth Parish Council**

**DM/18/4321**



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**LAND WEST OF COPTHORNE COPTHORNE WAY COPTHORNE WEST SUSSEX**

**RESERVED MATTERS APPLICATION FOR THE APPROVAL OF THE LAYOUT, SCALE, APPEARANCE, LANDSCAPING, AND INTERNAL ACCESS FOR RESIDENTIAL PHASES 1 AND 2 PURSUANT TO CONDITION 1 (RESERVED MATTERS) OF OUTLINE PLANNING PERMISSION 13/04127/OUTES, COMPRISING 303 RESIDENTIAL DWELLINGS, PUBLIC OPEN SPACE, CAR PARKING, AND ASSOCIATED INFRASTRUCTURE WORKS. AMENDED PLANS RECEIVED 22/03/2019 SHOWING REVISIONS TO THE ELEVATIONAL DESIGN OF DWELLINGS WITHIN PHASE 1.**

**ST MODWEN HOMES**

POLICY: Ancient Woodland / Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) / Highways Agreement (WSCC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 23rd January 2019

WARD MEMBERS: Cllr Paul Budgen / Cllr Christopher Phillips /

CASE OFFICER: Stephen Ashdown

### **PURPOSE OF REPORT**

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

### **EXECUTIVE SUMMARY**

This application seeks Reserved Matters consent for the layout, appearance, scale and landscaping, of the first two residential phases pursuant to the outline planning permission (13/04127/OUTES) that was granted consent by the Council under a notice dated 25th May 2016. It makes provision for 303no. dwellings, of which 91no. units will be affordable in line with the requirements of the S106 Legal Agreement.

The outline planning permission (13/04127/OUTES) granted consent for up to 500 dwellings across the wider site, commercial units, a site for a school and a site for a doctor's surgery, amongst other things. Reserved matters have already been consented for the spine road that runs through the site and the first phase of the commercial units and work has commenced on site to deliver the already consented matters, along with the associated infrastructure.

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

It is considered that the overall layout of the scheme can be commended, as it organised in a series of perimeter blocks with building frontages that define the street and spaces, including the attractive woodland backdrop.

The contemporary architectural approach is supported by the Council's Urban Designer and Design Review Panel and helps contribute to providing the scheme with a sense of place and an individuality that is sometimes missing from other developments, and this is aided by the sites setting and its limited wider visibility.

The scheme provides appropriate affordable housing and is acceptable in parking and highways terms.

Overall it is considered that the proposals represent a high quality design both in terms of the layout and elevational treatment of the proposed buildings. The approach shown towards landscaping is considered acceptable in principle and further details will be submitted via conditions.

In light of the above it is recommended that reserved matters consent can be granted for this proposal and that the application complies with policies DP21, DP26, DP27, DP30, DP31, DP37, and DP41 of the District Plan.

### **RECOMMENDATION**

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

### **SUMMARY OF REPRESENTATIONS**

One letter of objection received making the following points;

- Proposed house are bland and unimaginative.
- Character of housing does not reflect that within Copthorne Village and east of M23.
- Should incorporate some of the attributes that contribute to the cohesiveness and sense of place of Copthorne - i.e. twittens.
- Plans should show footpath closed during construction.
- Development must be future proofed - electric car charging points.
- If parking in private lanes cannot be used by all, then overall visitor parking is inadequate.

### **SUMMARY OF CONSULTATIONS**

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

#### **MSDC Urban Designer**

The layout has unfortunately lost the strong and organic form of the outline scheme's illustrative masterplan; in particular the series of concentrically curved streets have been replaced with a less holistic layout with angles replacing the curves. This has been determined by the approved parameter plans that set out the alignment of the primary street and, to some extent, the secondary streets.

The layout nevertheless can be commended for being organised as a series of perimeter blocks encircled by connecting routes and characterised by building frontages that define the streets and spaces including the attractive woodland boundary that surrounds the site. The revised drawings have taken the opportunity to

reduce the dominance of the parking and employ more consistent building lines that define the streets better.

The contemporary architectural language is supported by the Design Review Panel (DRP) and contributes to give the scheme some individuality and sense of place; while on the other hand the woodland boundaries ensure there is limited inter-visibility with the wider surrounds that allows some architectural flexibility. Overall the revised drawings have responded positively to my previous comments and resulted in improvements to the building design as well as the layout, and I therefore raise no objections to the planning application.

While the DRP liked the consistent architectural approach adopted across the site, the significant size of the scheme warrants a little more variety; for this reason and to secure the quality of the finish, I would like the facing materials to be subject to a condition. I also recommend conditions.

#### Additional comments

The revised drawings introduce changes to the articulation of the building facades in phase 1 of the scheme, west of the spine road. This change is welcomed in principle as it introduces some diversity to the development which is particularly needed given its size. Some detailed issues raised, conditions requested.

#### **MSDC Design Review Panel**

The panel support the scheme subject to suggested changes and considerations.

#### **MSDC Housing**

No objection.

#### **MSDC Drainage**

To be reported.

#### **MSDC Waste Services**

The site appears to be accessible for refuse collection vehicles used by MSDC. Some points of clarification raised.

#### **MSDC Leisure**

No objection.

#### **WSCC Highways**

The Highway Authority has no objections to the approval of planning application DM/18/4321 subject to the inclusion of conditions on the following matters on any permission granted.

## **Thames Water**

Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:

- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied

## **Environmental Agency**

We have no comments to make as long as the works do not impact within 8m of the stream (8m buffer zone. This included building materials within 8m during construction and damage to tree roots that are within 8m). We'd also ask that lighting doesn't impact the buffer zone (wildlife friendly lighting which is directed away from the watercourse).

## **Sussex Police**

I was very pleased to note that the amended site masterplan P18, dated 10/12/2018, allayed the majority of my previous concerns conveyed within my letter of PE/MID/18/20/A by implementing the enclosure of the LEAP with railings and gate along with gated parking courts behind the primary streets to control access into them. However, I recommend that these gates are automated. If not these will be opened initially and left in the open position permanently, thus negating the purpose of the secure gate parking court.

My concerns over the potential congestion that may occur due the proposed school access point are extant.

## **Environment Agency**

No objection.

## **NATS Safeguarding**

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (NERL) has no safeguarding objection to the proposal.

## **Gatwick Airport**

No objection.

## **WORTH PARISH COUNCIL**

This application was reconsidered by the Planning and Highways Committee on 15 April 2019.

With reference to our letters dated 28 November 2018 and 11 January 2019, we still have issues with the following, which refer to the Assessment (Consideration of Key Issues) , with the Officers report.

### *Basic Design*

We have no particular problems with layout but do not consider that the design of the dwellings meet the "reflect the distinctive character of the towns and villages" brief specified within DP26. In our view what is proposed is bland, limited type repetitive structures which represent a completely missed opportunity given the setting.

### *Highways and Parking*

We are still of the view that total parking capacity is inadequate and that this development will quickly be over run with vehicles due to short sighted policy. The mix of housing and location suggests that there will be a significant requirement for the parking of light commercial vehicles associated with work; where do these fit into the 761 places and what happens to visitor parking when this has been absorbed. It does not make sense to under-provide parking or tune parking to the minimum requirement at this stage of the development.

### *Landscape*

An overall landscaping scheme has been submitted but this would only appear to reflect what happens within the developed areas. We need to see a scheme which shows how the developed areas connect with the undeveloped areas of land and woodland, to enable their use for recreation and pleasure and to add to the sense of place. We have persistently asked where the "free run" play areas are , how do the informal and formal areas connect to footpaths and cycles way , has the detail and route of the proposed access to the village been agreed . We so far have had very few answers.

### *Sustainability*

This development by its very location and single point access will be very car dependent and will continue to be so throughout its foreseeable life. We asked that the development be future proofed for the use of electric cars by providing charging points for electric cars. From bullet point five under sustainability it would appear that 158 owners of garages will be accommodated but the remainder of the 303 properties will not. This in our view cannot be considered future proofing or sustainable. We do not consider that DP39 has been fully complied with.

The parish Council is of the view that there are still areas of outstanding concern which need to be addresses before approval.

Comments from the 28th November can be found in appendix B.

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## **INTRODUCTION**

This application seeks Reserved Matters for the approval of the appearance, landscaping, layout and scale for residential phases one and two of outline planning permission 13/04127/OUTES, consisting of a total of 303no. dwellings. Accordingly the principle of the development has been established.

The application was withdrawn from the agenda for the District Committee in March 2019 by officers as the applicant wished to submit amended plans for phase 1 of the scheme (west of the spine road) to introduce a different product type. These plans have been re-advertised and your Urban Designer has provided additional comments especially in relation to these amended plans. It should be noted that his previous comments (both of which are summarised and set out in Appendix B) are relevant in the determination of the application.

It is the amended scheme that is presented to committee for determination.

## **RELEVANT PLANNING HISTORY**

13/04127/OUTES; Outline planning application for up to 500 dwellings, a primary school and doctors surgery, a primary school, up to 15,000sqm employment floorspace (B1c light industry/B8 storage and distribution), public open space, allotments and associated infrastructure - Approved 25th May 2016.

DM/17/4875; Reserved matters application for access road to the employment area (phase A4), cycle footpath (phase A5ii), strategic landscaping and land forming for phase L1 - Approved 19th April 2018.

DM/18/2120; Reserved matters application for spine road and associated infrastructure and landscaping - Approved 22nd October 2018.

DM/18/3874; Reserved matters application for B8 warehouse building, service yard, parking area and associated infrastructure - Approved 18th January 2019.

## **SITE AND ITS SURROUNDINGS**

The site forms part of the wider development site that is located to the west of the Copthorne Village, and east of the M23. The A264 (Copthorne Way) lies to the south and provides access to the wider site via a newly constructed roundabout.

The application site lies to the north of the strategic landscape area that is adjacent to the A264 and is bounded by the Burstow stream to the west and retained woodland to the east. A belt of retained trees forms the southern boundary and separates the site from strategic landscaped area/access road to A264.

The site covers approximately 8 hectares in area and is mainly flat and cleared of vegetation. The redline is drawn tightly around the two proposed residential phases

and does not include the spine road, that separates them, as this already has consent and is to be delivered by the overall master developer.

## **APPLICATION DETAILS**

The application seeks approval of the details associated with the layout and design of 303 dwellings, which represents residential phases one and two of the wider development.

The submitted details show a total of 303n. dwellings, of which 91no. dwellings will be affordable. It is proposed that a range of dwelling types will be provided including one and two bedroom apartments and two, three, four and five bedroom dwellings. A mix of flats, terraced, semi-detached and detached dwellings are proposed, along with two bungalows.

The proposed buildings are a mix of two and two and half storeys, with three storey buildings limited to the apartment buildings proposed at the northern end of the site.

Parking is to be provided as mix of garages, on-plot, rear parking courts and off street parking areas. In order to break up the area of some of the larger off street parking areas, pergolas are proposed. Visitor parking is also proposed in various areas across the application site.

The applicants are proposing a contemporary approach to design that borrows from 'the local aesthetic', with simple rectangular forms and large openings. It is proposed that the dwellings will be finished in a mix of brick, tile hanging and boarding. The applicants have introduced a further product type to phase 1 of the development (west of the spine road), which changes the articulation of the dwelling facades from that to phase 2. The applicants are proposing four different character approaches centred on the primary streets, secondary streets, minor streets and mews streets.

As part of the application the applicants are seeking the discharge of a number of planning conditions associated with this phase of development that are attached to the outline planning permission, these include Condition 8 (Construction Management Plan), Condition 9 (Construction Environmental Management Plan), Condition 10 (Ecological Enhancement Scheme), Condition 11 (Bat Sensitive Lighting) and condition 14 (Surface Water).

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

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

Relevant policies include;

DP21: Transport  
DP26: Character and Design  
DP27: Dwellings Space Standards  
DP30: Housing Mix

DP31: Affordable Housing  
DP37: Trees, Woodland and Hedgerows  
DP41: Flood Risk and Drainage

## **Worth Neighbourhood Plan - Copthorne**

Regulation 14 Draft Plan published. Consultation finished 30th April 2017.

Material planning consideration but little weight.

## **National Policy and Legislation**

*National Planning Policy Framework (NPPF) (Feb 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."*

However, paragraph 12 makes clear that:

*"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take*

*decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*

Paragraph 15 states:

*"The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings."*

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

Paragraph 38 states that:

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

Section 12 of the NPPF concerns design and para 121 states in part:

*'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve.'*

Para. 130 states in part:

*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.'*

Planning Practice Guidance

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

### **Assessment (Consideration of Key Issues)**

In determining this reserved matters application the key issues to consider are as follows;

- Layout and Design
- Housing Mix
- Affordable Housing
- Highways and Parking
- Dwelling Space Standards
- Drainage

- Landscape
- Sustainability
- Other Matters
- Conditions

## **Layout and Design**

The application has been assessed by your Urban Designer and the MSDC Design Review Panel (DRP) and as a result of comments made the application has been amended in order to try and address concerns raised. Furthermore the applicants have introduced a revised dwelling product to phase 1 of the scheme in order create greater diversity within the proposed development. It is the scheme as amended that is before members.

In respect of the policy position, DP26 of the District Plan requires development to be well designed and reflect the distinctive character of the towns and villages and states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development*

Section 12 of the NPPF sets out the Government's position on 'achieving well-designed places' and more specifically paragraph 129 states that '*local authorities should ensure that they have access to, and make appropriate use of, tools and processes for accessing and improving the design of development*' and '*in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels*'. Paragraph 130 states that '*where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to the development*'.

In respect of the layout, your Urban Designer has stated;

*"The layout has unfortunately lost the strong and organic form of the outline scheme's illustrative masterplan; in particular the series of concentrically curved streets have been replaced with a less holistic layout with angles replacing the curves. This has been determined by the approved parameter plans that set out the alignment of the primary street and, to some extent, the secondary streets.*

*The layout nevertheless can be commended for being organised as a series of perimeter blocks encircled by connecting routes and characterised by building frontages that define the streets and spaces including the attractive woodland boundary that surrounds the site. The revised drawings have taken the opportunity to reduce the dominance of the parking and employ more consistent building lines that define the streets better".*

Officers agree with your Urban Designer's comments with regard to the layout of the scheme.

In relation to the appearance of the buildings your Urban Designer has stated;

*"The contemporary architectural language is supported by the Design Review Panel (DRP) and contributes to give the scheme some individuality and sense of place; while on the other hand the woodland boundaries ensure there is limited inter-visibility with the wider surrounds that allows some architectural flexibility. Overall the revised drawings have responded positively to my previous comments and resulted in improvements to the building design as well as the layout, and I therefore raise no objections to the planning application".*

Moreover, the introduction of the further product, which has differing articulation to the building facades is welcomed as it provides some diversity which given the overall size of the development is important to help create a sense of place.

Both the Urban Designer and the DRP support the architectural approach put forward by the applicant.

It is acknowledged that the Urban Designer has raised a number of detailed points in respect of the revised dwelling approach to phase 1 and while a condition is suggested to address some of the detailing points, it is not been possible to address them all and in this context the proposed development from a design and layout perspective has to be considered as a whole.

The comments of the Parish Council on this matter are noted and the issue of design is very much one of subjective opinion. Given the location of the site and general lack of indivisibility with the wider surrounds the site does lead itself to a more contemporary approach and it is your officer's view that the proposals do provide for a high quality design that will create a sense of place individual to this development, which can be criticism of other proposals.

Having regard to the comments of the Urban Designer and the DRP and having regard to the design and layout of the development as a whole, it is considered that on the matter of layout and design the proposals comply with Policy DP26 of the District Plan and the policies and objectives of the NPPF.

### **Housing Mix**

Policy DP30 of the District Plan seeks to support sustainable communities and sets out that housing development will provide a mix of dwellings types and sizes that reflect current and future local housing needs. Furthermore, developments should meet the current and future needs of different groups in the community, which could include the provision of bungalows and other forms of sustainable accommodation.

The scheme before members shows the following mix;

One bed flats - 23no.

Two bed flats - 19no.

Two bed houses - 46no.

Two bed bungalows - 2no.

Three bed houses - 99no.

Four bed houses - 110no.

Five bed houses - 4no.

The above mix is split between private (70 per cent) and affordable (30 per cent) and it is considered that it represents a suitable balance to meet the current and future housing needs.

It is considered that the application complies with Policy DP30 of the District Plan.

### **Affordable Housing**

Policy DP31 of the District Plan seeks to secure 30 per cent affordable housing from developments containing 11 or more dwellings of which 75 per cent would be social rented and 25 per cent shared ownership.

The applicant is proposing a development of 303no. dwellings which gives rise to an onsite affordable housing requirement of 30 per cent (91 units). Housing has no objection stating:

*"The applicant is proposing 303 residential dwellings on Phases 1 and 2 of this multi-phase development. The affordable housing requirement is for 30 per cent onsite and the applicant is complying with policy by providing 91 units, with 30 per cent affordable in each of the Phases. The tenure split reflects current policy with 75 per*

*cent rented units and 25 per cent shared ownership. The applicant has adhered to our clustering policy and the social housing is well integrated across the site. The agreed mix is set out below (including 2 x 2 bed bungalows for wheelchair users) and will meet a broad range of housing needs".*

In light of the above it is considered that the application would comply with Policy DP31 of the District Plan.

## **Highways and Parking**

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

Access and highways issues were addressed in detail at outline application stage and the details of the spine road, which split phases one and two, have been agreed under a separate reserved matters approval.

The submitted details show that it is the intention of the applicant to put all roads on the development for adoption except those labelled as 'private lane' and the 'mews'.

The Local Highway Authority have reviewed the application and sought a number of clarifications/amendments from the applicant that are reflected in the scheme before members. In respect of the street formation they have stated;

*'The proposed inter-connected street layout is considered to provide a permeable network. The design and layout of the roads are designed in a way to facilitate a design speed of 20mph and appropriate visibility splays for the design speed are provided. A 4.8m carriageway width and 2m footpath on both sides of the road is proposed on all the minor and secondary streets. In the shared surface areas a 4.8m carriageway and 2m delineated footpath on one side are provided'.*

The Local Highway Authority are satisfied that the proposed street layout will not give rise to any highway or pedestrian safety issues and have not raised an objection to the proposal in relation to these matters.

In terms of parking the applicants are proposing a total of 761no. parking spaces across the site on the basis of the following provision split;

- Allocated parking bay - 188no.
- Garages - 153no.
- On plot parking bay - 385no.
- Visitor parking by - 35no.

The Council's parking standards are set out within the SPD 'Development Infrastructure and Contributions' (adopted 2018) and state the following requirements;

- 1 bed dwellings 1 car space per dwelling and 1 cycle space per dwelling
- 2/3 bed dwellings 2 spaces per dwelling and 2 cycle spaces per dwelling
- 4 bed dwellings 3 spaces per dwelling and 2 cycle spaces per dwelling
- 5+ bed dwellings Car and cycle parking to be assessed individually

As part of their submission the applicants have provided a comparison of the car parking level against the WSCC Car Parking Demand Calculator that forecasts that there would be a likely parking demand from a development of this scale, in this location, of 769no. spaces (709no. residents and 60no. visitor). While this is useful comparison, it is the Council's standards that are applicable in the determination of this application.

Having regard for the proposed scheme, the parking arrangements represents an over provision against the minimum standard of 60no. spaces. The Council's requirements do not make any allowance for visitor parking, for which the applicant is proposing 35no., however it should be noted that while a number of the properties, particularly on the outer edge of the development have an on-plot oversupply, there are 6no properties are fall short of the Council standards by one space.

The comments of the Parish Council on this issue are noted and there are no physical barriers that would prevent use of the private lanes by people other than the occupiers of the properties. In conclusion on this matter the Local Highway Authority state;

*'The overall level of car parking proposed is not considered to lead to significant levels of overspill car parking that would warrant a reason for refusal'.*

It is recognised that six of the proposed properties (plots 113, 114, 246, 256, 257 and 262) do not meet the minimum standards as set out in the Council's SPD by one space in each case, however, the overall level of provision across the site is in excess, and includes visitor parking (not a requirement of the SPD). Having regard to the position of the Local Highway Authority on this matter, it is considered that proposed level of parking across the site is acceptable.

In light of the above it is considered that the application from a highway safety and parking perspective complies with Policy DP21 of the Mid Sussex District Plan.

### **Dwelling Space Standards**

Policy DP27 of the District Plan sets out the minimum nationally describe space standards will be applied to all new residential development and that all dwellings will be required to meet them, other than in exceptional circumstances.

The applicants have made revisions to the scheme as originally submitted in order to ensure that all their proposed properties comply with the nationally described space

standards. Officers are content that the scheme before members meets the required standards and that the application conforms to Policy DP27 of the District Plan.

## **Landscaping**

Policy DP37 of the Mid Sussex District Plan states that: *'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected'*. Furthermore, Policy DP26 requires layouts to include appropriate landscaping and greenspace.

To support their application, the applicants have submitted a masterplan that sets out the proposed overall strategy for landscaping across the two residential parcels subject to this reserved matters application. The plan identifies that planting in locations along the secondary and minor roads is intended, along with possible species for various planting situations. It should be noted that the site is currently cleared of vegetation, with all retained trees lying outside the development area within the woodland fringes.

It should be noted that the detail of the landscaping scheme will be submitted via the condition discharge process and condition 16 of the outline planning permission requires a landscape management plan for all non-privately owned domestic gardens. A further, more standard landscaping condition is proposed, to ensure the details of the domestic gardens are appropriate.

On the basis of the above, officers are content that the landscaping matters as they stand comply with Policies DP26 and DP37 of the District Plan.

## **Drainage**

In respect of surface water, Policy DP41 in the District Plan seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. Paragraph 163 of the National Planning Policy Framework states:

*'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

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

An overall drainage strategy for the wider development site, submitted by the master developer, has been approved by the Council and this sets out the general principles across the site as well as the proposed discharge rates. The details submitted in support of this application have been considered in the context of this overall strategy.

The proposed strategy relies heavily on the storage of surface water through a series of underground tanks, the main being along the western edge of the site that would be located within the 20m buffer to Burstow Stream tributary (condition 15 of outline consent). This tank replaces a previously indicated swale (site wide drainage strategy). Your drainage officer has been in discussions with the applicants in order to try and improve the surface water scheme and the latest drawings show a number of impermeable paving areas being introduced.

The final comments of your drainage engineer are awaited and while the benefits of the tank, opposed to a swale, have been raised no formal objection has been received at the time of writing this report. The Environmental Agency have been contacted regarding any concerns that they may have with regard to the tank within the stream buffer area (which has no statutory status such as ancient woodland buffer), and they have not raised an objection providing that all works are outside 8m from the stream.

The final details of the surface water drainage scheme will need to be considered under a separate condition discharge application in relation to condition 14 of the outline planning permission. At that time, should revisions to the layout of the scheme be required in order to accommodate the approved details, then the applicants would need to address them through a further reserved matters submission, depending upon the nature of any changes required. At present there is no evidence in front of officers that suggest that this reserved matter cannot be determined.

In terms of foul water, then the comments of Thames Water are noted. The Council have approved details associated with condition 20 of the outline planning permission, in consultation with Thames Water, which states;

*'Prior to the commencement of development of the site (excluding site clearance/preparation and/or demolition and/or other enabling), details of the proposed foul drainage and means of disposal, including on and/or off site works, shall be submitted and approved in writing by the Local Planning Authority, in consultation with Thames Water, and no dwelling/building shall be occupied, nor any discharge from the site into the public sewer shall be accepted, until all drainage works have been carried out for that phase in accordance with such details as approved by the Local Planning Authority. The details shall include a timetable for its implementation and a management plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.'*

The suggested condition from Thames Water appears to overlap with the requirements of the condition attached, and discharged, on the outline planning

permission that restricts the occupation of any building until such time as the approved details for that phase have been completed.

Having regard for all the above, it is considered that there is no evidence before officers to suggest that the application fails to comply with Policy DP41 of the District Plan.

### **Sustainability**

Policy DP39 of the District Plan seeks to improve the sustainability of developments and the applicants have set out their Design and Access statement how they are seeking to do this. They are adopting a fabric first approach and they state the following measures will ensure a sustainable community;

- Energy efficient fabric to reduce embodied energy and reduce heating bills
- Sustainable Urban Drainage Strategies
- Robust material used in the street design with an enduring quality to withstand the test of time
- Site waste management plan and construction environment plan to reduce waste and limit impacts during construction
- Electric car charging points within garages

It is considered that the application on with regard to these matters complies with Policy DP39 of the District Plan.

### **Other Matters**

The applicants have supplied details of the proposed play area, which is located at the northern end of the site, adjacent to the boundary with phase there (which is yet to come forwards). The applicants have addressed comments raised by your leisure officer concerning the proposed equipment and general layout and it is considered that this element of the proposal is now acceptable. A suitable worded condition will ensure that it is delivered in accordance with the submitted details.

The comments of your waste office are noted and it is not intended that the private lanes will be gated and the applicants are aware of the need for them to be constructed to a suitable standard to take the weight of the freighters. In respect of the arrangements in relation to the plots 6 to 10 the concerns are again noted, however the applicants have made provision for bin storage in respect of these plots through their latest set of amended plans.

The applicants are proposing to provide garages that are sized (3m x 6m) to store cars and bikes, with dedicated cycle facilities in back gardens and apartment blocks, where there is no garage. The Local Highway Authority is content with the level of provision being made and also the amended details regarding the nature of the cycle stands to be provided.

## **Conditions**

As set out earlier in the report, the applicants are seeking to discharge a number of conditions as part of this application. It should be noted in the event that details cannot be approved as part of this application, the applicants would need to be submitted a separate discharge of condition application.

It is considered that the submitted Construction Environmental Management Plan is sufficient to discharge conditions 8 and 9 of the outline planning permission in relation to the residential phases contained within this application only. Similarly, the details submitted in relation to condition 11 are considered acceptable.

It is not considered that conditions 10 and 14 cannot be discharged at this time.

## **Planning Balance and Conclusion**

This application seeks Reserved Matters consent for the layout, appearance, scale and landscaping, of the first two residential phases pursuant to the outline planning permission (13/04127/OUTES) that was granted consent by the Council under a notice dated 25th May 2016. It makes provision for 303no. dwellings, of which 91no. units will be affordable in line with the requirements of the S106 Legal Agreement.

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

It is considered that the overall layout of the scheme can be commended, as it organised in a series of perimeter blocks with building frontages that define the street and spaces, including the attractive woodland backdrop.

The contemporary architectural approach is supported by the Council's Urban Designer and Design Review Panel and helps contribute to providing the scheme with a sense of places and an individuality that is sometimes missing from other developments and this is aided by the sites setting and its limited wider visibility.

The scheme provides appropriate affordable housing and is acceptable in parking and highways terms.

Overall it is considered that the proposals represent a high quality design both in terms of the layout and elevational treatment of the proposed buildings. The approach shown towards landscaping is considered acceptable in principle and further details will be submitted via conditions.

In light of the above it is recommended that reserved matters consent can be granted for this proposal and that the application complies with policies DP21, DP26, DP27, DP30, DP31, DP37, and DP41 of the District Plan.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved 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. 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 Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

2. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, a schedule/sample of materials and finishes to be used for external walls and roof of the proposed dwellings 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 a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

3. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, typical architectural details of the following shall be submitted to and approved in writing with the Local Planning Authority;
  - Balustrading
  - Brick detailing
  - Window Design and Reveals

The above details shall be provided by large scale elevation and section drawings at 1:20 scale that show these elements in the context of front façade. The development shall only be implemented in accordance with the approved details.

Reason: To ensure the architectural quality of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

4. The development shall only be implemented in accordance with the details relating to fencing and enclosures, as shown on the approved drawings listed below, unless first agreed in writing with the Local Planning Authority.

Reason: To control the appearance of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

5. The development shall only be implemented in accordance with the details relating to the play area, as shown on the approved drawing below, unless first agreed in writing with the Local Planning Authority.

Reason: To ensure that suitable play provision is provided and to accord with Policy DP20 of the Mid Sussex District Plan 2014 - 2031.

6. No part of each phase of development shall be first occupied until the respective roads, footways, and casual parking areas serving that phase of development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To secure satisfactory standards of access for the proposed development and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

7. No dwelling shall be first occupied until the car and cycle parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate car and cycle parking space for the use and to promote alternative sustainable travel options and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

#### INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email [gal.safeguarding@gatwickairport.com](mailto:gal.safeguarding@gatwickairport.com) The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)
3. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

## Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-2101	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-3201	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-1-2401	P21	25.01.2019
Planning Layout	R9043-STN-18-00-DR-A-0115	P40	13.05.2018
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-1401	P21	28.01.2019
Landscaping Details	R9043-LLA-18-GF-DR-L-0301	P03	24.10.2018
Landscaping Details	9043-LLA-18-GF-DR-L-0001	P04	24.10.2018
Highways Plans	00-DR-C-220	E	25.01.2019
Highways Plans	00-DR-C-221	E	25.01.2019
Highways Plans	00-DR-C-0002	C	25.01.2019
Highways Plans	00-DR-C-410	C	28.01.2019
Highways Plans	00-DR-C-403	C	28.01.2019
Highways Plans	00-DR-C-411	C	28.01.2019
Highways Plans	00-DR-C-412	C	28.01.2019
Highways Plans	00-DR-C-413	C	28.01.2019
Location Plan	R9043-STN-18-00-DR-A-0100	P10	24.10.2018
Highways Plans	00-DR-C-400	C	28.01.2019
Highways Plans	00-DR-C-401	C	28.01.2019
Highways Plans	00-DR-C-402	C	28.01.2019
Proposed Site Plan	R9043-STN-18-00-DR-A-0102	P40	13.05.2019
Proposed Site Plan	R9043-STN-18-00-DR-A-0103	P40	13.05.2019
Parking Layout	R9043-STN-18-00-DR-A-0106	P40	13.05.2019
Proposed Site Plan	R9043-STN-18-00-DR-A-0105	P40	13.05.2019
Proposed Roof Plan	R9043-STN-18-00-DR-A-0104	P40	13.05.2019
Proposed Site Plan	R9043-STN-18-00-DR-A-0107	P40	13.05.2019
Proposed Floor and Elevations Plan	R9043-STN-18-00-DR-A-8000	P10	24.10.2018
Proposed Floor and Elevations Plan	R9043-STN-18-00-DR-A-8001	P10	24.10.2018
Proposed Floor and Elevations Plan	R9043-STN-18-00-DR-A-8002	P10	24.10.2018
Proposed Floor and Elevations Plan	R9043-STN-18-00-DR-A-8003	P18	24.10.2018
Proposed Floor and Elevations Plan	R9043-STN-18-00-DR-A-8004	P19	24.10.2018
Proposed Floor and Elevations Plan	R9043-STN-18-00-DR-A-9000	P10	24.10.2018

Proposed Floor and Elevations Plan	R9043-STN-18-00-DR-A-9001	P18	24.10.2018
Proposed Site Plan	R9043-STN-18-00-DR-A-0108	P40	13.05.2019
Proposed Site Plan	R9043-STN-18-00-DR-A-0109	P40	13.05.2019
Proposed Site Plan	R9043-STN-18-00-DR-A-0111	P40	13.05.2019
Street Scene	R9043-STN-18-00-DR-A-0117	P18	12.03.2019
Street Scene	R9043-STN-18-00-DR-A-0118	P17	24.10.2018
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-1101	P40	13.05.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-1201	P21	28.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-1401	P21	11.12.2018
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-1501	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-1701	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-1901	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-2001	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-2201	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-2301	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-2501	P21	25.08.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-2701	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-2901	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-3101	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-3301	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-3501	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-3701	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-3702	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-3901	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-4101	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-4201	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-4301	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-	P21	25.01.2019

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Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-4601	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-4801	P22	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-4901	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-5001	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-5201	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-5401	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-5601	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-5701	P21	25.01.2019
Proposed Floor and Elevations Plan	R9043-STN-18-ZZ-DR-A-5801	P21	25.01.2019
Street Scene	R9043-STN-18-00-DR-A-0119	P40	13.05.2019
Street Scene	R9043-STN-18-00-DR-A-0120	P17	13.05.2019
Proposed Elevations	R9043-STN-18-ZZ-DR-A-6902	P21	25.01.2019
Proposed Floor Plans	R9043-STN-18-ZZ-DR-A-6901	P21	25.01.2019
Proposed Elevations	R9043-STN-18-ZZ-DR-A-6802	P21	25.01.2019
Proposed Floor Plans	R9043-STN-18-ZZ-DR-A-6801	P21	25.01.2019
Existing Site Plan	R9043-STN-18-00-DR-A-0101	P10	24.10.2018
Illustration	R9043-STN-ZZ-VS-A-0131	P10	19.03.2019
Illustration	R9043-STN-ZZ-VS-A-0130	P10	19.03.2019
Illustration	R9043-STN-ZZ-VS-A-0129	P36	19.03.2019
Illustration	R9043-STN-ZZ-VS-A-0128	P36	19.03.2019
Illustration	R9043-STN-ZZ-VS-A-0127	P36	19.03.2019
Illustration	R9043-STN-ZZ-VS-A-0126	P36	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9081	P40	13.05.2019
Proposed Elevations	R9043-STN-19-XX-DR-A-BD0354	P36	13.05.2019
Planning Layout	R9043-STN-19-00-DR-A-0160	P40	13.05.2019
Planning Layout	R9043-STN-19-00-DR-A-0161	P40	13.05.2019
General	R9043-STN-19-XX-DR-A-BD0352	P35	19.03.2019

General	R9043-STN-19-XX-DR-A-BD0353	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9005	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9010	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9015	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9020	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9030	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9035	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9040	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9045	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9050	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9055	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9060	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9065	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9070	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9075	P40	13.05.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9080	P40	13.05.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9085	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9090	P40	13.05.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9095	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9100	P35	19.03.2019
Proposed Floor and Elevations Plan	R9043-STN-19-ZZ-DR-A-9105	P40	13.05.2019

## **APPENDIX B – CONSULTATIONS**

### **Worth Parish Council comments from 11th January 2019**

I refer you to my letter dated 28 November 2018 with the Council's previous comments and note that although there are some improvements, many queries remain unaddressed.

#### General Design

The Council's comments regarding urban and "boxy" appearance still apply.

None of the drawings appear to show any solar energy panel.

### Parking

The question regarding the provision of electric vehicle charging points remains unaddressed.

WSCC is asking for details of a secondary street and proposed speed limits outside the school, these have not been supplied to date.

### Landscaping

There has been no significant change to the landscaping proposals.

There are no indications or lists on drawings which indicate what other street furniture is to be provided such as litter and dog bins.

### Play Areas

There are still no areas of informal green space to allow for unstructured "run free" play.

### Pedestrian and Cycling Access

No information has been provided regarding the pedestrian/cycling access via Holly Farm to Copthorne Village.

No information has been provided to show how the development links to the footpath network on the site.

### General Layout

No information has been provided regarding "private lanes"; adoption or management, responsibility for management, adequacy for emergency vehicles.

The Parish Council considers that there are too many outstanding questions regarding this Reserved Matters application for it to be considered adequate for approval.

### **Worth Parish Council comments from 28th November 2018**

As a general comment, the housing mix and location of the affordable housing within the scheme appears to be reasonable, although provision of more bungalows for general residency would be welcomed.

The quality of some of the drawings and the labelling of those drawings shows a worrying lack of attention to detail. Some of the house drawings are hand drawn with stick on labels. Plot 39 has a garage labelled as 41 and plot 52 has a garage with the space in front labelled as 52.

### General Design

Outer appearance housing lack imagination and is urban and "boxy" in appearance. There is no reflection of the Sussex vernacular or e.g. tile hung frontages. Porches in many cases are flat rooved canopies when pitched rooved enclosed porches would be an improvement.

### Parking

Only around a third of houses have garages and not all are adjacent to the property which they serve. This is also the case for allocated parking spaces e.g. 66, 67, 136, 193 and 288.

There is no provision for electric charging points which does not reflect Government policy with regard to the phasing out of petrol and diesel cars and would future proof the development.

### Landscaping

There would appear to be little landscaping within the development. Some trees are shown along the main street but there is little evidence of any other significant planting. The lack of softening, combined with the "boxy" style of the proposed housing creates an urban environment, not in keeping with the area.

The small "pocket parks" within the development only add to the urban feel as they are surrounded by townscape.

It would be useful at this stage to know what other street furniture is to be included within the design such as litter and dog bins etc.

### Play Area

We are unsure of what is proposed as there is a discrepancy between the statement and the drawing. Proposals state it will have 5 pieces of equipment, yet the adjacent illustrations shows 9. The LEAP documentation needs to be consistent.

There are no areas of informal green space to allow unstructured "run free" play.

### Pedestrian and Cycling Access

The route to Copthorne Village for pedestrian/cycling access, between this phase of development via the adjacent Holly Farm development is not shown; is this yet to be agreed? We would like sight of this please.

General arrangement layout drawings should show the proposed route of existing footpaths that have been closed for development. This applies to all elements of the development which impinge on public footpaths. The drawings should also show how the development links to these footpaths.

### General Layout

We query whether all roads are to be adopted by WSCC; if not, will a management company be running the site.

Are the roads marked "private lanes" actually private and if so, are the households on such lanes responsible for their upkeep.

Are these "private lanes" adequate for emergency service access in the event that parking per household is inadequate and on road parking becomes normal practice?

We ask the above comments be taken into account when considering the proposals.

## **Environment Agency - Sussex Area Office**

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

### Environment Agency Position

In order to provide a full response we require further details including a landscape management plan and details of planting. With regards to condition 10 we require details of proposed bridges including management and maintenance plans.

Please reconsult us when this information is available.

## **MSDC Urban Designer**

### Summary and Overall Assessment

The layout has unfortunately lost the strong and organic form of the outline scheme's illustrative masterplan; in particular the series of concentrically curved streets have been replaced with a less holistic layout with angles replacing the curves. This has been determined by the approved parameter plans that set out the alignment of the primary street and, to some extent, the secondary streets.

The layout nevertheless can be commended for being organised as a series of perimeter blocks encircled by connecting routes and characterised by building frontages that define the streets and spaces including the attractive woodland boundary that surrounds the site. The revised drawings have taken the opportunity to reduce the dominance of the parking and employ more consistent building lines that define the streets better.

The contemporary architectural language is supported by the Design Review Panel (DRP) and contributes to give the scheme some individuality and sense of place; while on the other hand the woodland boundaries ensure there is limited inter-visibility with the wider surrounds that allows some architectural flexibility. Overall the revised drawings have responded positively to my previous comments and resulted in improvements to the building design as well as the layout, and I therefore raise no objections to the planning application.

While the DRP liked the consistent architectural approach adopted across the site, the significant size of the scheme warrants a little more variety; for this reason and to secure the quality of the finish, I would like the facing materials to be subject to a condition. I also recommend conditions requiring the approval of further drawings in respect of the following:

- Typical architectural details including balustrading, brick detailing, window design and reveals provided by large scale detailed elevation and section drawings at 1:20 scale that show these elements in the context of the front façade.
- Landscaping including boundary treatment and the design of the pergolas.
- The position of the rainwater downpipes on the front elevations of the terraced and semi-detached houses.
- The full front elevation of the semi-detached pair of houses on plots 301/302.

### Layout

At approximately 37 dwellings per hectare, this scheme has a moderately high residential density (for a green field site) that in combination with the high ratio of houses to flats has generated a large parking requirement with limited space to accommodate them. The impact of the parking upon the street has been reduced by incorporating rear court parking

principally behind the primary street frontages which has enabled on-parking to be omitted allowing for strong consistent enclosure and a well organised streetscape featuring a consistent run of trees on both sides.

Elsewhere though the originally submitted layout was over-reliant on front threshold parking that undermined street enclosure and created hard-edged thresholds. The revised drawings have partly addressed this by accommodating the parking more discreetly along some of the streets and around the central open space and pocket park/green in the eastern part of the scheme. Where front threshold parking has been retained, there is generally more tree planting to soften it. Pergolas have also been introduced around parking spaces that should play a positive role in helping to break-up and partially screen the parking while also helping to define street edges.

Some of the rear parking courts are unfortunately large which raise community safety concerns. They nevertheless benefit from direct overlooking from FOG's (flats over garages) and less directly from surrounding houses. However effort needs to be made to soften these areas; and consideration should be given to providing more attractive boundary treatment with brick piers introduced as proposed along the street frontages (NB: the spacing of the brick piers still needs to be determined across the scheme). Also the ground floor flats need some defensible / planted space to protect their amenity.

Some of the smaller rear courts suffer from blind corners. This problem has been addressed by securing them with gates.

### Elevations

The revised drawings have made a number of improvements to the quality of the elevations. This includes the following:

- The previously bland façades of the type H2B706A + A1B539/605; now benefit from being better articulated through vertical window grouping.
- The FOG's have also been re-designed with more vertically articulated frontages in place of the previous banding that unfortunately accentuated the horizontal proportions (that was at odds with the adjacent buildings). The articulation of the type A1B578B FOG has also been improved with the better alignment of the window openings and doors.
- The terraced houses have been reconfigured as replicated frontages that give them underlying rhythm.
- The dormer windows on the 2+1 storey frontages are now more crisply designed with flat rather than gable-topped roofs, that works better with the contemporary aesthetic of the buildings.
- Corner houses have been redesigned with formally fenestrated return façades in place of dead flanks or poorly articulated flanks. This has been achieved with the type H4B1203B (+A) and 4B1475B which is especially important as they occupy the prominent plots 1 and 147 at the site entrance.
- The gabled bay on the H5B1858 has been strengthened through steepening the roof, and also benefits from being a consistent roof pitch with the adjacent type H4B1765 houses.
- The vertical articulation of the type A1B658/738 has been improved with the grey faced central bay being taken down to the ground floor to make this a stronger feature.
- Houses H4B1282A/B + H3B938 with naturally symmetrical double-fronted façades, have been re-designed omitting the unfortunate asymmetric elements that previously unbalanced the frontages.
- The landmark position of the H4B1203 semi-detached pairing where it terminates the entrance axis on plot 301/302 has been re-designed as a symmetrical double gabled

frontage to give it the formality its entrance position warrants (a full front elevation is nevertheless needed). Unfortunately the opportunity has not been taken to do this on the prominent plots 2/3, 148/9, 70/71, and these still read as asymmetric frontages.

I also sought the re-design of the apartment blocks which was not forthcoming. In particular, the shallow roofs are a weak feature. They would have benefitted from dropping the eaves level to the window head height, which would not only steepen the roof pitch but also bring the eaves more level with the houses.

I also raised concerns about the prominence of the meter boxes but unfortunately this falls outside the scope of planning control.

### **Additional comments on Amended phase 1 plans**

The revised drawings introduce changes to the articulation of the building facades in phase 1 of the scheme, west of the spine road. This change is welcomed in principle as it introduces some diversity to the development which is particularly needed given its size.

As with phase 2, the articulation is used to group the windows, however as a brick pattern rather than a singular block of contrasting material. Unfortunately, no detailed drawings have yet been provided that show the quality of the finish, and the same applies where brick patterning is used on phase 2 (the extent of the light and shadow cast by the projecting bricks are especially important as these will animate the pattern). I therefore recommend a condition covering this (requiring 1:20 section and elevation drawings) to secure the quality of the design.

I have also raised some detailed concerns in terms of the consistency of the fenestration and approach to the window grouping. While some of these have been addressed, I still have issues with the clumsily organised type 1272, and the grouping of the ground floor window and door on the type 1006 as it generates an overtly horizontally proportioned frontage where it is employed on the semi-detached houses on plots 55-56 that is also not helped by the rwp positioning (it would be better centred).

Not all the conjoined frontages are featured in the street sections, and I particularly question plots 11-16, as the type 936 on plot 16 is designed to abut but there is a separation gap with plot 15.

The houses on plots 102-105 are now represented differently (in comparison with the December submission) on the street elevation 01 drawing 119. The ridge line on the middle two houses now untidily rise above the ridge line of the end houses. This gives rise to possible issues elsewhere and for this reason I feel conjoined frontages should be shown fully

The pergolas at the front of plot 97-99 are unfortunately stepped in response of the slope; this is a clumsy arrangement that needs to be addressed. The detailed pergola design also needs to show the conjoined arrangement.

The site layout drawing needs to identify that the type H3B1006V2 will feature on plot 59.

On street elevation 03 drawing 119, the side windows of plot 35 need to feature as this is a prominent façade.

The boundary treatment around the rear court parking still unfortunately features close boarded fencing which will generate an unattractive backdrop. The brick post and fencing treatment needs to be extended to here too.

I would like either revised drawings or conditions added to pick up these remaining points

### **Mid Sussex Design Review Panel**

The panel commended the clarity of the presentation (that included a 3D "fly-through") and were pleased that many of their previous comments had been taken on board. It was acknowledged that the panel's previous issues in respect of the road alignment and provision of open space were largely outside the applicant's control because they were set by the outline planning consent which govern much of the layout of the reserve matters application.

The panel were satisfied in overall terms with the following elements:

- The building design, and the fact that a consistent design approach was being taken incorporating a restrained palette of materials. The employment of white rather than grey framed windows was an improvement. The panel were pleased that there was now consistency of architectural approach on both sides of the main spine road which they now accepted was appropriately proportioned.
- The improved landscaping especially in respect of the open spaces and the boundary conditions that includes the narrowing of the private roads around the edge of the site.
- The introduction of more shared surfaces.
- The redesigned radial axis which now permitted views out to the woodland.

There were nevertheless concerns about the right-angle threshold parking, which risks generating hard-edged / car-dominated streets. This is particularly an issue in the north-west quadrant of the site where it features in an extended block.

The brick detailing was applauded but the reveals would need to be sufficient to animate them as shown on the drawings, and the scheme would benefit from it being used on more buildings. It was also felt there needed to be a greater contrast between the two selected bricks to provide a little more variety. Consideration could also be given to introducing grey bricks.

The gabled dormers looked odd and out of place on the contemporary designed houses. In terms of diversity, more consideration could be given to designing the private roads differently from the other roads.

The overall quality of the scheme would nevertheless be dependent on the landscaping details.

### Overall Assessment

The panel support the scheme subject to the above changes and considerations

### **MSDC Housing Officer**

The applicant is proposing 303 residential dwellings on Phases 1 and 2 of this multi-phase development. The affordable housing requirement is for 30% onsite and the applicant is complying with policy by providing 91 units, with 30% affordable in each of the Phases. The tenure split reflects current policy with 75% rented units and 25% shared ownership. The applicant has adhered to our clustering policy and the social housing is well integrated across the site. The agreed mix is set out below (including 2 x 2 bed bungalows for wheelchair users) and will meet a broad range of housing needs.

Phase 1:

	Rented	Shared Ownership
1 bed flats	11	
2 bed flats	4	2
2 bed house	11	4
2 bed bungalow	2	
3 bed house	4	5

Phase 2:

	Rented	Shared Ownership
1 bed flats	12	
2 bed flats	5	2
2 bed house	14	5
3 bed house	5	5

### **MSDC Waste Services**

I have now viewed the plans for the above application, specifically the refuse vehicle tracking and bin store plans.

#### Access for Collection vehicles:

The site appears to be accessible for the refuse collection vehicles that MSDC use and we should be able to get round the site if roads are not obstructed by parked vehicles. However, I do require confirmation that the areas of the developments marked as Private Lanes are accessible to the refuse collection vehicles, as we would need to travel along the roads to collect the bins from the properties. I could not tell from the plans if these sections of the development are to be gated or not built to take the weight of a 26 tonne freighter? An example of this is show on the refuse vehicle tracking sheet 1, from plots 69 to 77.

#### Waste Storage and Collection:

The plans show that each individual property has space to store the 2 x 240 bins required (also space for a 340 litre garden waste bin if they choose to subscribe to this service) and have space to present the bins in standard kerbside collection points.

The 2 blocks of flats also have adequate bin storage and the collection vehicle will be able to gain access to the bins. The communal bin stores have the required amount of bins to serve all properties.

If I have read the plans correctly, I note there are 3 areas of 1 bedroom flats (plots 06 to 10, 258 to 261 and 296 to 299), and 2 of these appear to have bin stores with a number of 240 litre bins. Plots 06 to 10 do not appear to have a bin store? If the expectation is for the collection crews to service bins for these properties from the bin stores, we would need the stores to be within 10 metres of where the collection vehicle can get to and we would prefer the use of 1100 litre communal bins. Would it be possible for the developers to confirm the bin arrangements for these plots, in particular 06 to 10?

### **MSDC Leisure**

With regard to the play area design:

- The playground is located next to main road into development so further limits to access the main road from the play area are recommended

- Given that it's a LEAP we would like to see more variety than the balance equipment offered. The swing and slide are good pieces, so it is recommended that something that offers a different play experience should be installed. i.e. something that rotates.
- It appears that grass is being used as impact attenuation surface. This is not advisable as it is likely to become compacted and ineffective over time. At the very least we would like to see grass mats with mesh underlay.

## **WSSC Highways**

Following West Sussex County Council's (WSSC) previous consultation response dated 2/01/2019 the applicant has provided a revised CEMP and plans, which these comments relate to.

### **Condition 9 Construction Environmental Management Plan (CEMP)**

The Highway Authority previously stated that no in principle objections were raised in relation to the CEMP but that they would look for a commitment from the applicant to undertake a condition survey of adjacent highways prior to commencement and that deliveries to and from the site shall be avoided during peak hours.

The applicant has now included commitments that a condition survey shall be undertaken and to undertake deliveries between 09.30 and 16.30; to avoid adding to peak hour congestion. In light of these additions WSSC as Highway Authority has no objections to the discharge of conditions 8 and 9 of planning permission 13/04127/OUTES.

### **Residential Street Layout**

The applicant has now amended the plans and included the footway outside plot 196 on the Section 38 agreement plan as land to be adopted. The applicant has also now provided a speed reducing feature on the secondary street which shall provide access to the primary school (Phase A6). The feature is a ramped table but it differs from all other tables within the site given that the carriageway is not block paved. The Highway Authority has no issues with the principle of this feature but would look for the table to be block paved. The materials will act as a speed reducing measure and the visual impact will encourage slower vehicle speeds. This matter can be addressed at detailed design stage as part of the Section 38 agreement.

### **Cycle Parking**

The applicant has revised the designs and is now proposing horizontal cycle parking (Sheffield Stands) with sufficient spacing and aisle widths which are therefore deemed acceptable.

### **Recommendation**

The Highway Authority has no objections to the approval of planning application DM/18/4321 subject to the inclusion of conditions on the following matters on any permission granted:

#### **Access Road**

No part of each phase of development shall be first occupied until the respective roads, footways, and casual parking areas serving that phase of 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.

#### Car and cycle parking space

No dwelling shall be first occupied until the car and cycle parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate car and cycle parking space for the use and to promote alternative sustainable travel options.

#### Provision of Adoptable Highway Informative

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

#### Comments from 02/01/2019

The applicant's response has addressed the majority of the issues raised by the Highway Authority however clarification should be provided in relation to the design of the secondary street outside of the primary school and the changes made to the CEMP prior to determination.

#### Comments from 06/12/2018

Whilst the Highway Authority has no objections in principle to the development the applicant should provide revised details in relation to the following prior to the Highway Authority being in a position to recommend no objections to the application:

- Revised details of policy compliant cycle parking (horizontal, ideally Sheffield Stands)
- Necessary amendments as set out within the Residential Street Layout section of these comments.
- Necessary changes to the CEMP as highlighted in these comments.

Once these amendments have been made the Highway Authority should be reconsulted.

#### **Sussex Police**

Thank you for your correspondence of 30th October 2018, advising me of a planning application for a reserved matters application for the approval of the layout, scale, appearance, landscaping, and internal access for residential phases 1 and 2 pursuant to condition 1 (reserved matters) of outline planning permission 13/04127/OUTES, comprising 303 residential dwellings, public open space, car parking, and associated infrastructure works. Amended plans received 11/12/2018 showing revisions to the layout and design of the scheme 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

I was very pleased to note that the amended site masterplan P18, dated 10/12/2018, allayed the majority of my previous concerns conveyed within my letter of PE/MID/18/20/A by implementing the enclosure of the LEAP with railings and gate along with gated parking courts behind the primary streets to control access into them. However, I recommend that these gates are automated. If not these will be opened initially and left in the open position permanently, thus negating the purpose of the secure gate parking court.

My concerns over the potential congestion that may occur due the proposed school access point are extant.

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.

## **Thames Water**

### **Waste Comments**

Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal.

Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:

- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames

Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Waters Risk Management Team by telephoning 02035779483 or by emailing [wwgriskmanagement@thameswater.co.uk](mailto:wwgriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

#### Water Comments

With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, ME6 5AH, Tel:01444 -448200

#### Supplementary Comments

Waste: We are working closely with the Developer to understand the infrastructure needs for this proposal and agree the drainage strategy. Part of this work includes undertaking surveys to confirm the impact and what infrastructure upgrades are required and by when.

#### **Gatwick Airport**

Further to the above mentioned consultation and our subsequent correspondence.

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal.

However, I understand that the Council's drainage engineer is still in discussion with the applicant with regard to drainage. We would ask that should any amendments be made that we are re-consulted.

I understand from your email earlier today with regard to landscaping that the details will be submitted under a discharge of conditions application. We would ask that those details include the numbers of each species.

We would also request that the following observation is included on any planning consent issued:

## Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries/applications please email [gal.safeguarding@gatwickairport.com](mailto:gal.safeguarding@gatwickairport.com). The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

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MID SUSSEX DISTRICT COUNCIL

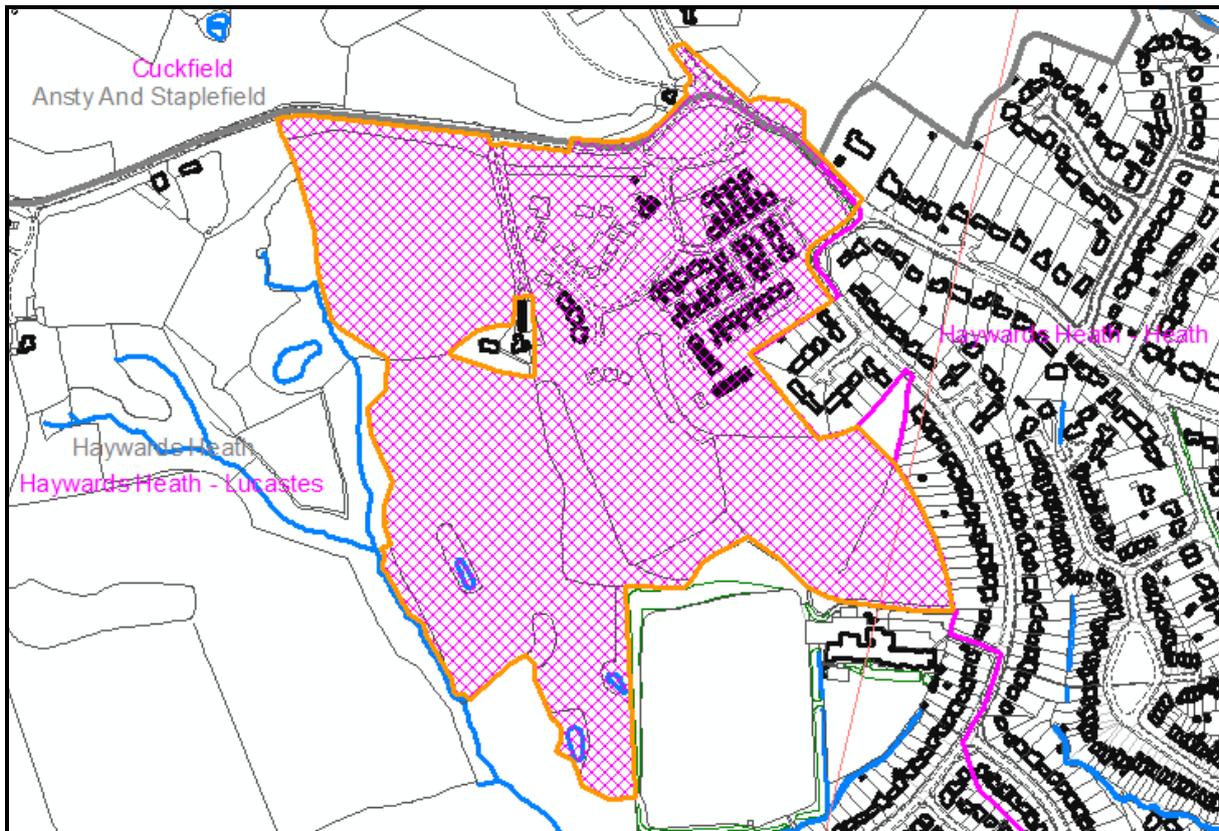
District Wide Committee

**30 MAY 2019**

RECOMMENDED FOR PERMISSION

## Haywards Heath

**DM/19/0535**



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### **LAND AT PENLAND FARM HANLYE LANE CUCKFIELD HAYWARDS HEATH**

**VARIATION OF PLANNING CONDITION NOS. 5, 11, 21 AND 26 ATTACHED TO PLANNING PERMISSION REF. DM/18/0194 (PURSUANT TO THE APPROVED PERMISSION DM/16/1803), TO ALLOW FOR THE RETAINED TEMPORARY ACCESS FROM HANLYE LANE FOR 150 OCCUPATIONS AND TO ALLOW FOR MINOR CHANGES TO THE APPROVED LAYOUT.**

**MR MICHAEL MASKEW**

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Built Up Areas / Countryside Area of

Dev. Restraint / Classified Roads - 20m buffer / Listed Building / Miscellaneous Charges / Parks and Gardens of Special Interest / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / Site of Nature Conservation Importance / Tree Preservation Order / Tree Preservation Order Points / Archaeological Notification Area (WSCC) / Highways Agreement (WSCC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 17th May 2019

WARD MEMBERS: Cllr Jim Knight / Cllr Ruth De Mierre /

CASE OFFICER: Stephen Ashdown

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

Full planning permission for the development of the site for 210 dwellings was granted consent under DM/16/1803 on the 9th June 2017, with a subsequent permission granted under DM/18/0194 on the 24th June 2018 that varied several of the planning conditions.

This application seeks to vary conditions 5 (construction management plan), 11 (site access), 21 (working hours) and 26 (approved drawings) of planning permission DM/1/0194. The principles and matters approved under the existing permission that are not altered by this current submission remain acceptable and it is not within the scope of this application to re-visit them.

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

It is considered that the proposed amendment to condition 11 to allow the occupation of 150 units before the completion of the approved full highway works will not result in any severe harm to the highway network, individually or cumulatively, nor have an adverse impact on highway safety.

The proposed extension to the working hours (condition 21) in relation to the proposed highway works will give rise to additional impacts on the amenities of nearby residents however, they will help facilitate the delivery of the works in the

shortest period possible that will help limit significant disruption to both residents and businesses within the wider area. With this in mind it is considered that the proposed extended hours are acceptable in this instance. Furthermore, the proposed changes to the house types of specific plots will not be detrimental to the character and the appearance of the area, nor give rise to any significant harm to existing residential amenities.

On the basis of the above, the application complies with policies DP20, DP21, DP26, DP27, DP34 and DP36 of the District Plan and policies E11 and T1 of the Haywards Heath Neighbourhood Plan and can be supported.

### **RECOMMENDATION**

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

### **SUMMARY OF REPRESENTATIONS**

3 letters of objection have been made in respect of this application raising the following matters;

- Object to the delay in providing the roundabout
- Since vegetation removed traffic speeds of vehicles heading south down Balcombe Road have increased significantly and the construction of the roundabout will help with this
- Lack of details regarding timescales, likely impact on local residents, schools and businesses
- What measures will be put in place to mitigate the impact on local businesses
- Traffic survey data does not show impact of months of road closures on the road network
- Lack of detailed drawing showing the levels of the roundabout
- Opportunity to considered amending the speed limit of the key approaches to the proposed roundabout have not been taken
- Large roundabout is not necessary, a smaller mini-roundabout would be more appropriate
- Not convinced by wider site flood mitigation measures.

### **SUMMARY OF CONSULTEES**

#### **West Sussex County Council Highways**

No objection.

#### **Mid Sussex Environmental Protection Officer**

No objection.

## **HAYWARDS HEATH TOWN COUNCIL**

No comment.

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### **INTRODUCTION**

This application has been submitted under Section 73 of the Town and Country Planning Act and seeks to vary conditions 5, 11, 21 and 26 of planning permission DM/18/0194 (granted 24th April 2018), which itself was a S73 application pursuant to planning permission DM/16/1803, the details of which are set out in the planning history section of this report.

While the approval of this application would result in the issuing of a new planning permission, the terms of the existing permission would still apply (i.e. development of the site for 210 dwellings with access from Hanlye lane), other than where amended through the variation of the conditions proposed.

### **RELEVANT PLANNING HISTORY**

DM/18/0194 - Approved 24th May 2018

Section 73 application to vary condition 11 (site access) and 26 (approved plans) and the removal of condition 19 (contamination) relating to planning permission DM/16/1803.

DM/16/1803 - Approved 9th June 2017

Full application for the development of 210 dwellings (C3), means of access from Hanlye Lane and a new roundabout junction on Balcombe Road, the provision of new internal access roads and footpaths, details of site levels, landscaping and open spaces, drainage measures and associated infrastructure. The development includes demolition of existing structures.

DM/13/03472/OUT - Allowed on appeal 12th January 2015

Outline planning application (with all matters reserved except for means of access from Balcombe Road) for up to 210 dwellings, provision of new internal access roads and footpaths, landscaping, open space, drainage measures and associated infrastructure. The development includes demolition of existing structures. This is an EIA application accompanied by an Environmental Statement

### **SITE AND SURROUNDINGS**

The application site covers approximately 21.75 hectares, located to the north of Haywards Heath, outside the defined built up area boundary. Site works has commenced with regard to planning permission DM/16/1803 with extensive site works having been undertaken and the first of the house nearing completion.

To north of the site is Hanlye Lane, beyond which is Borde Hill Gardens; a Grade II\* registered Park and Garden, within which sits Borde Hill Place, a Grade II listed building. To the north-east of the site, at the junction of Hanlye Lane and Balcombe

Road is South Lodge (including its gate and piers), which is also a Grade II listed building.

To the east runs Balcombe Road, with the residential properties in Penland Road and The Spinney to the south-east. Woodland dominates to the south of the site, with Harlands School and the college sports ground located beyond.

The northern tree belt to Hanlye Lane is subject to a Tree Preservation Order, along with some individual trees within the site, (Order ref: TP/13/0007 refers), which was confirmed by the Council on 17th October 2013. The woodland that abuts the site to the south and west is designated as Ancient woodland.

The site is not subject to any national or statutory designations, although the boundary of the High Weald Area of Outstanding Natural Beauty (AONB) lies on the northern side of the Hanlye Lane, opposite the site. To the west is the non-statutory designated Paiges and Blunts Woods Site of Nature Conservation Interest (SNCI).

A public footpath passes through the site, running from Harlands Primary School in the south-east, passing west through the lower southern wooded parts of the site, before turning north towards Penland Farm House, where it then heads west into the woodland along the sites western boundary.

## **APPLICATION DETAILS**

This application seeks to vary conditions 5 (construction management plan), 11 (temporary site access arrangements), 21 (working hours) and 26 (approved drawings) of planning permission DM/18/0194. The details are as follows;

### Condition 5

The applicant is seeking consent to amend the approved construction management plan to take into account the requested change in working hours associated with the construction of the roundabout/highway works only.

### Condition 11

The applicant is seeking to extend the number of occupation it can have from 50 to 150 before the completion of the roundabout/highway works.

### Condition 21

The applicant is seeking to formalise additional working hours in relation to the construction works associated with the roundabout/highway works. The working hours relating to the construction of the dwellings remain as consented.

The hours of additional work that they are seeking in are as follows;

08:00 - 18:00 (Mon- Fri)  
09:00 - 17:00 (Sat)  
10:00 - 17:00 (Sun)

### Condition 26

The applicant is seeking to amend a number of the approved drawings to take into account proposed changes to the layout of the development that consist of the following;

- Swap approved Worcester house types on plots 23, 95, 109, 142 and 150 for Oxford Lifestyle house type (approved elsewhere on site).

The applicants have also submitted a number of updated drawings associated previously approved condition details to reflect the proposed changes to house types.

## **LIST OF POLICIES**

### **Neighbourhood Plan**

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

Relevant policies include;

E11 - Major Developments  
T1 - Pedestrian and Cycle connections

### **District Plan**

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

Relevant policies include:

DP20 - Securing Infrastructure  
DP21 - Transport  
DP26 - Character and Design  
DP27 - Dwelling Space Standards  
DP34 - Listed Buildings and Other Heritage Assets  
DP36 - Historic Parks and Gardens

### **National Policy and Legislation**

*National Planning Policy Framework (NPPF) (Feb 2019)*  
*National Planning Policy Guidance*  
*Technical Housing Standards*

## **ASSESSMENT**

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and the Haywards Heath Neighbourhood Plan.

Planning permission has been granted for the development of this site for 210 dwellings as such, the principle of the development is established. This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that *"On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and -*

*(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*

*(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."*

It is therefore considered that the only issues to consider in this case are as follows;

- Highway matters;
- Design and Layout;
- Impact on amenities;
- Ashdown Forest;
- Other matters; and
- Planning Balance and Conclusion

It is important to set out at this stage that it is not for the District Council to comment on the merits of any proposed road closure, the length of such a closure nor the potential implications of such a closure on local businesses (and possible mitigation) as they are not material considerations in the determination of this application. The principles and matters approved under the existing permission that are not altered by the current submission (which include the roundabout and associated highway works) remain acceptable and it is not within the scope of this application to re-visit them. The applicants will need to make a separate application to the Local Highway Authority for the road space to undertake the highway works and it will be them to determine matters associated with any road closure.

## Highway Matters

The applicants are seeking to amend the wording of condition 11 of the existing planning permission to allow the occupation of the 150 units ahead of the completion of all the permitted highway works. The existing condition states;

*No part of the development shall be first occupied until such time as the temporary vehicular access has been constructed in accordance with the details indicatively shown on drawing PB5314-S278-TA-100-01 rev D1. No more than 50 residential dwellings shall be occupied (as identified on drawing no. 2717-21-04-010 or other such plan as agreed) until the vehicular access has been constructed in accordance with the details indicatively shown on drawing P4399-P-05 revision P5 and the temporary vehicular access serving the residential dwellings has been closed to vehicular traffic.*

*Reason: In the interests of highway safety and to accord with Policy DP19 of the District Plan.*

For members reference the permitted drawing referenced in the above condition shows a new vehicular access off a re-aligned Hanlye Lane with a new roundabout replacing the existing Hanlye Lane / Balcombe Road junction.

Originally, the highway works were required to be completed prior to the occupation of the first unit, however, issues associated with the securing of road space to allow these works to take place prompted the applicants to secure the above variation that was supported by the Local Highway Authority as the impact on the highway network and safety of its users was acceptable.

In support, and as a means of background, to their request to amend the condition to allow further occupation prior to the completion of the highway works the applicants have set out the following within their submission;

*'The approved roundabout proposals are located within the development site and also within the highway. As such, Redrow need to secure a Traffic Regulation order (TRO) in order to undertake work within the highway. Redrow have completed the road works within the red line and need to connect the roundabout to the public highway.*

*In January 2018 an application was submitted to Mid Sussex District Council ref DM/18/0194 seeking approval for a temporary access to the site so that building could continue whilst Redrow secure the TRO to complete the roadworks. At the time of submission, it was envisaged that a road space could be secured for October 2018. Permission was granted in April 2018 for a temporary site access to serve the first 50 occupied dwellings and it was envisaged that the temporary access would be closed upon completion of the full site access.*

*Following the granting of the S73 permission ref 18/0194, Redrow were given a road space in March 2019 with a window of three months to complete the roadworks in full. There is an extensive levels difference of 1-2 metres approximately in places*

*between the existing and proposed road. As such a road closure has been identified as the safest way to undertake the road works within the three month period.*

*In recognition of the significance of the road closure to residents and the delay to businesses that the road closure would cause, Redrow undertook advanced notification of the proposed road closure in November 2018. 495 residents and businesses were notified including local bus companies and emergency services.*

*Residents were provided with a letter and map showing the extent of the road closure and suggesting a diversion route. The formal TRO application was submitted to West Sussex County Council in December 2018 along with all responses to the notification process.*

*Through engagement with local members, West Sussex County Council, it is understood that there are safety improvement works programmed to London Lane during the summer of 2019. London Lane would form part of the diversion whilst the roundabout works took place. To allow for the safety improvement works to be undertaken without impact, it was agreed at a meeting with officers on the 25th January 2019 that Redrow would withdraw the current road closure application. The next available road space is the summer of 2020 and in order to continue building the site in line with the current build programme, Redrow are seeking approval for an increase in the number of occupations to be taken for the temporary site access.'*

The proposed alteration to allow for the retained temporary access from Hanlye Lane for 150 occupations has been considered by the Local Highway Authority in respect of the highway network capacity and highway safety. In support of the proposal the applicant has undertaken an assessment of the temporary site access onto Hanlye Lane and the priority junction of Borde Hill/Hanlye Lane/Balcombe Road in respect of both issues. The full comments of the Local Highway Authority on these matters can be found in appendix B to this report.

In respect of the highway network capacity, the submitted assessment demonstrates that the temporary site access onto Hanlye Lane would still operate within capacity, even with the traffic associated with the occupation of 150 dwellings.

In considering the impact on the priority junction Hanlye Lane/Balcombe Lane, the Local Highway Authority has stated the following;

*"The modelling results show that in the AM peak the Hanlye lane arm of the junction, for the movements left and right out of this arm, is operating over capacity. This occurs if either 50 or 150 dwellings are occupied. In the PM peak all junction arms operate within capacity but when 150 dwellings are occupied the movements out of Hanlye Lane start to cause the junction to approach theoretical capacity.*

*Given that in the AM peak the Hanlye Lane arm of the junction currently operates over capacity and that the occupation of the 150 dwellings make the performance of the junction slightly worse the impact from the planning application itself is not considered to be severe impact as set out within paragraph 109 of the National Planning Policy Framework."*

Turning to highway safety matters, the applicant has undertaken a stage 3 Road Safety Audit of the temporary access and works have been agreed with the Local Highway Authority that will be undertaken through a Section 278 Agreement with the County Council. Furthermore, a safety assessment of the Borde Hill Lane/Hanlye Lane/Balcombe Road junction has been undertaken (which reviews the junction and accident records) and the Local Highway Authority are satisfied that the increase of the use of the temporary access from 50 to 150 residential occupations would not cause an unacceptable highway impact at this junction.

In conclusion on these matters the Local Highway Authority state;

*"In light of the assessment undertaken the Highway Authority do not consider that there are reasonable grounds to object to the proposed variation of condition 11 to permit up to 150 occupations to use the temporary access onto Hanlye Lane."*

Looking at the policy context, Policy DP21 of the District Plan deals with transport matters and requires proposals to avoid severe additional congestion, individually or cumulatively, taking account of any proposed mitigation and to protect the safety of road users and pedestrians. The policy reflects the wording in the NPPF in respect of paragraph 109. Policy T1 of the Neighbourhood Plan requires major developments to provide good pedestrian and cycle connections with the aim to encourage walking and cycling to reduce reliance on vehicles.

Having regard for the above, it is considered that the extended use of the temporary access to allow up to 150 residential occupations prior to the completion of the main site access works is in accordance with the Development Plan and can be supported. The Local Highway Authority, in not objecting to the proposal, they have confirmed that it would not give rise to any unacceptable highway capacity or safety issues, and the proposal would allow the continued delivery of units from the site which otherwise would not be available until summer 2020.

The comments made within the representations have been noted and as previously stated it is not the purpose of this application to assess the merits of the road closure. The extent of the highway works have been approved as part of the previous planning permissions and it for the Local Highway Authority, in conjunction with the developer, to manage how those works are implemented under any highway licence/agreement, which sits outside the planning process.

Having regard for all the above, it is considered that the variation to condition 11 can be supported.

### **Design and Layout**

Policy DP26 of the District Plan requires proposals to demonstrate a high quality design and layout that includes appropriate landscaping and greenspace. Policy E11 of the Neighbourhood Plan sets out that any identified visual impacts must be addressed through the design of the buildings, site layout, and landscaping of the site.

The overall design approach to the development of the site, with regard to the layout and appearance, has already been deemed acceptable through the granting of the previous permissions. It should also be noted that the proposed alternative house type (Oxford Lifestyle) has been consented on the site already. The applicants have set out the proposed swap of units will allow for a better relationship between adjacent properties within the street scene.

In the main, the proposed plots subject to the swap of house types are set within the development with the exception of plot 23, which is located on the frontage of the site with Penland Road, adjacent to the junction with Balcombe.

The main difference between the proposed Oxford Lifestyle house type the currently consented Worcester is the change of the catslide roof with a more traditional full flank and hipped roof arrangement that provides for an increase of floor space at first floor level. The adjacent plot, no.24, is already proposed as Oxford Lifestyle house type. It is not considered the proposed change in house type in this location would have a detrimental impact on the appearance and character of the area given the context of the site and the adjacent plot at No.24 which is of a same design. It should be noted that the proposed house type complies with the National Describe Dwelling Space Standards as required by policy DP27 of the District Plan.

Overall, it is considered that the proposed changes in house types are acceptable and comply with the relevant Development Plan policies DP26 and DP27 (District Plan) and E11 (Neighbourhood Plan).

### **Impact on Amenities**

Policy DP26 of the District Plan sets out that proposals' should not cause significant harm to amenities of existing nearby residents and future occupants by taking account of the impact on privacy, outlook and daylight/sunlight.

In respect of the proposed change in house types, the relationship between plot 23 and the nearest existing residential properties the south (Penland Road) and east (Balcombe Road) remain as considered (acceptable) under previous consents and the small increase in bulk from the removal of the catslide roof and the introduction of additional front facing windows will not have a significant impact on existing residential amenities by means of loss of privacy, overlooking or loss of daylight.

The major impact on amenities in respect of the proposal is the proposed increase in working hours associated with the highway works which are in excess of the normal work hours conditioned in respect of construction sites, and those currently set out in condition 21 of the planning permission in relation to the construction of the dwellings on the site.

The proposed working hours associated with the construction of the highway works only are;

08:00 - 18:00 (Mon- Fri)

09:00 - 17:00 (Sat)

10:00 - 17:00 (Sun)

It should be noted that the above hours represent a slight revision to those as originally submitted as a result of comments from your Environmental Protection Officer.

In making the request for extended work hours the applicants have set out the following justification;

*'In order to complete the roadworks in March 2019 within the three month window provided to Redrow, it was identified by Redrow's highway contractors that a programme of seven day working would be necessary.'*

*Redrow are seeking approval for a seven day working week so that should it become necessary in order to reduce the overall construction timeline as part of the roadworks proposed for 2020, the necessary approvals are in place. The seven day working would relate to the construction of the roundabout and associated highways works only.'*

It is acknowledged that in order to complete the highway works that a road closure is required, for the reason previously set out in this report, and it is not for the District Council to consider whether such a closure is appropriate, that is a matter for the Local Highway Authority when considering an application for road space. Furthermore, it is acknowledged that the closure of the road for a period of up to 3 months would be extremely disruptive and as set out by the applicants in their submissions, the 3 month timetable is based upon a 7 day working week. In the event that they do not have the flexibility to work 7 days a week, then the length of time taken to undertake the work would be significantly longer.

The proposed extended working hours would impact on the amenities of existing residents in Penland Road, Balcombe Road and Borde Hill Lane and while any revised construction management plan would contain measures to mitigate impacts associated with noise, air and light pollution, the impact would be significantly greater than normally experience by residents given the longer working hours across the whole week, including the whole weekend. In contrast, the benefits of providing the flexibility to enable the applicant to deliver the highway works as quickly as possible are much more wide spread, as the route north from Haywards Heath along Balcombe Road is extremely well used and not only provides routes to Balcombe, Crawley and the M23 but also to a number of small businesses both at Borde Hill (including the garden itself) and beyond in Balcombe village. Limiting the length of any road closure would have significant benefits for all residents and businesses in the immediate and wider area.

Your Environmental Protection Officers have considered the proposed hours and have stated;

*"Environmental Protection (EP) accepts that works to construct the site access to this development are necessary, and will only be carried out for a limited period of around 3 months. However, EP considers that the proposed hours of operation detailed in section 3.7 of the Construction Management Plan reference T&PPB4399R001D02 dated 01 February 2019 would result in local residents being adversely affected by noise from construction work early in the morning. EP would*

*therefore recommend that the CMP be amended to show the following hours of operation for construction of the site access:*

*08:00 - 18:00 (Mon- Fri)*

*09:00 - 17:00 (Sat)*

*10:00 - 17:00 (Sun)"*

From a policy perspective, DP29 of the District Plan deals with noise, air and light pollution and seeks to protect the quality of people's lives from unacceptable levels of pollution, while Policy DP26 seeks to protect the general amenities from residents from issues, including increased noise and disturbance.

There is no doubt that the proposed extended working hours will have a detrimental impact on nearby residents amenities but this does need to be balanced against the wider benefits of ensuring the disruption caused by the any road closure is limited to a shorter period as possible and the extended working hours will make this possible.

It should be noted that the extended working hours only relates to works associated with the highway works, all other on-site work associated with the construction of the dwellings will still be limited to the Council's normal working hours as currently set out in the planning permission which is 08:00 to 18:00 Monday to Friday, 09:00 - 13:00 Saturdays and no works on Sunday and bank/public holidays.

Having regard for the above it is considered that in this particular instance, the extended working hours (condition 21) can be supported and as such the application complies with policies DP26 and DP29 of the District Plan.

### **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.

An overall Habitats Regulations Assessment screening report has been undertaken which includes the type of development proposed.

### 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.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

### Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development was modelled in the Mid Sussex Transport Study (Updated Transport Analysis) as a **committed scheme** such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal

### 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 types of development identified which includes this 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

### **Other Matters**

In relation condition 5, the applicants have submitted a revised Construction Management Plan to take into account the proposed extended working hours, however, to ensure that the document reads clearly and that other matters that may be affected by the proposed highway works, i.e. construction traffic routing, are

transparent to provide clarity in the event of any issues of enforcement arise, officers are seeking further revisions. At the time of writing the report a revised version is still awaited but given the intended start date for the highways works is not until 2020, the wording of condition 5 has been amended slightly to provide an opportunity for this to be submitted for approval at a later date, prior to the commencement of those works. The existing approved construction management plan is still enforceable in relation to the development site as a whole.

Borde Hill is a registered Grade II\* park and gardens and as such the proposed development has the potential to affect its setting, along with South Lodge (a grade II listed building located on the Hanlye Lane/Balcombe Road junction). When considering the existing planning permission regard was given to the potential impact the development may have on these heritage assets and it was concluded, in line with the previous Inspectors comments, that there would be no harm to the significance of any of them. The proposed alterations sought under this application will not alter the previous view reached.

It needs to be remembered that in relation to the heritage assets, there is a statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (s66, Planning (Listed Buildings and Conservation Areas) Act 1990) and this must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision maker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. Given the above, the significance of the heritage assets will be preserved and therefore the application complies with policies DP34 and DP36 of the District Plan.

Members should note that suggested condition 27 will ensure that the obligations set out in the S106 Agreement associated with planning permission DM/16/1803, which include the securing of the affordable housing and infrastructure contributions/projects, will equally apply to the any planning permission granted as result of this application.

## **PLANNING BALANCE AND CONCLUSION**

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

It is considered that the proposed amendment to condition 11 to allow the occupation of 150 units before the completion of the approved full highway works will not result in any severe harm to the highway network, individually or cumulatively, nor have an adverse impact on highway safety.

The proposed extension to the working hours (condition 21) in relation to the proposed highway works will give rise to additional impacts on the amenities of nearby residents however, they will help facilitate the delivery of the works in the

shortest period possible that will help limit significant disruption to both residents and businesses within the wider area. With this in mind it is considered that the proposed extended hours are acceptable in this instance. Furthermore, the proposed changes to the house types of specific plots will not be detrimental to the character and the appearance of the area, nor give rise to any significant harm to existing residential amenities.

On the basis of the above, the application complies with policies DP20, DP21, DP26, DP27, DP34 and DP36 of the District Plan and policies E11 and T1 of the Haywards Heath Neighbourhood Plan and can be supported.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the 9th June 2020.

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

2. The development shall only be implemented in accordance with the materials/finishes shown on drawings Materials Plan\_Phase 1 (rev Q), phase 2 (rev H) and phase 3 (rev D), unless first agreed in writing with the Local Planning Authority.

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

3. The development hereby permitted shall only be implemented in accordance with the soft landscaping details shown on the following drawings:

3666\_DR\_002- Planting Plan 1 of 7\_ Rev D  
3666\_DR\_003- Planting Plan 2 of 7\_ Rev D  
3666\_DR\_004- Planting Plan 3 of 7\_ Rev F  
3666\_DR\_005- Planting Plan 4 of 7\_ Rev E  
3666\_DR\_006- Planting Plan 5 of 7\_ Rev E  
3666\_DR\_007- Planting Plan 6 of 7\_ Rev F  
3666\_DR\_008 - Planting Plan 7 of 7 A1L Rev F  
3666\_DR\_013-Planting Approach Drawing\_Rev A  
3666\_SP\_001 - Landscape Management Plan Rev D (ref:3666/SP001) by Lloyd Bore Ltd  
3666\_SP\_002-Soft Landscape Specification\_Rev A  
RS\_PDFT\_EDP 1808\_08g Arboricultural Assessment\_Final

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

4. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP24 of District Plan and Policy of Haywards Heath Neighbourhood Plan.

5. The development hereby approved, save for the highway work, shall only be implemented in accordance with the details contained within in the Construction Management Plan reference T&PPB4399R001D02 dated the 8th January 2018, unless first agreed in writing with the Local Planning Authority.

Prior to the commencement of the highway works, a detailed construction management plan shall be submitted to and approved in writing with the Local Planning Authority and the works shall only be implemented in accordance with the approved details.

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety and to accord with Policy DP21 of the District Plan.

6. The proposed development shall only be implemented in accordance with the details contained within Technical Appendix 8.6: Ecological Construction Method Statement, Mitigation and Enhancement Scheme (ref: C\_EDP1808\_07a) by EDP Ltd; and Landscape Management Plan (ref: 3666/SP001) by Lloyd Bore Ltd, unless first agreed in writing with the Local Planning Authority.

Reason: To protect the ecological value of the site and to accord with policies C5 and Policy DP38 of the District Plan.

7. The development shall only be implemented in accordance with the details approved and shown on drawing numbers PB4399-RPA-101-01 P2, PB4399-RPA-101-02 P2 and PB4399-RPA-101-03 P2, unless first agreed in writing with the Local Planning Authority.

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 District Plan.

8. The development hereby permitted shall only be implemented and maintained in accordance with the ancient woodland buffer details shown on the following documents/drawings

3666\_DR\_001-Ancient Woodland Buffers\_Rev F  
3666\_DR\_011-Woodland Buffers, Roundabout and Boundary Planting 2\_ Rev E  
3666\_DR\_012-Woodland Buffers, Roundabout and Boundary Planting 3\_ Rev F  
3666\_DR\_014- Woodland Buffers, Roundabout and Boundary Planting 4-A11-Rev C  
3666\_SP\_03 Landscape Buffers, Roundabout and Boundary Planting Rev E  
3666\_SP\_001 Landscape Management Plan (ref:3666/SP001) by Lloyd Bore Ltd  
3666\_SP\_002-Soft Landscape Specification\_Rev A

Reason: To protect the ecological value of the site and to accord with Policy DP38 of the District Plan.

9. The development hereby permitted shall only be implemented in accordance with the foul water drainage and means of disposal details submitted to and approved in

writing with the Local Planning Authority under application DM/17/2450, unless first agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policy DP41 of the District Plan.

10. The development hereby permitted shall only be implemented in accordance with surface water drainage, and means of disposal details submitted to and approved in writing with the Local Planning Authority under application DM/17/2450, unless first agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policy DP41 of the District Plan.

11. No part of the development shall be first occupied until such time as the temporary vehicular access has been constructed in accordance with the details indicatively shown on drawing PB5314-S278-TA-100-01 rev D1. No more than 150 residential dwellings shall be occupied until the vehicular access has been constructed in accordance with the details indicatively shown on drawing P4399-P-05 revision P5 and the temporary vehicular access serving the residential dwellings has been closed to vehicular traffic.

Reason: In the interests of highway safety and to accord with Policy DP19 of the District Plan.

12. No dwelling shall be first occupied until the car parking spaces serving the respective dwelling have been constructed in accordance with the approved planning drawing. These spaces shall thereafter be retained at all times for their designated use.

Reason: To ensure that adequate parking provision is made and to accord with Policy DP21 of the District Plan.

13. No dwelling shall be first occupied until the cycle parking spaces serving the respective dwelling have been constructed in accordance with the approved planning drawing. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the District Plan.

14. Within 3 months of the date of this permission details of the roads road(s), footways, and casual parking areas shall be submitted to and approved in writing with the Local Planning Authority. The scheme shall only be implemented in accordance with the approved details.

Reason: To secure satisfactory standards of access for the proposed development and to accord with Policy DP21 of the District Plan.

15. The development hereby permitted shall only be implemented in accordance with plans, details, and construction specification works in relation to the surfacing works for Right of Way no. 19dCU submitted to and approved in writing with the Local Planning Authority under application DM/18/4087, unless first agreed in writing with the Local Planning Authority.

Reason: To ensure that suitable materials are used for the surfacing works and to safeguard users and to accord with Policy DP21 of the District Plan.

16. The development hereby permitted shall only be implemented in accordance with the details shown on lighting plan PB4399-1300-01 P1 and maintained thereafter unless first agreed in writing with the Local Planning Authority.

Reason: To protect the ecological value of the site and to accord with Policy DP38 of the District Plan.

17. The development shall only be implemented in accordance with play areas details submitted and approved in writing with the Local Planning Authority under application DM/18/3772, unless first agreed in writing with the Local Planning Authority.

Reason: To ensure that an appropriate play area is provided that will be adequately managed and maintained in the interests of safety for the general public and to ensure the area remains for public use to accord with Policy DP24 of the District Plan.

18. The development shall only be implemented and maintained permanently retained as such, in accordance with the hard landscaping (together with screen/retaining walls and fences) details submitted to and approved in writing with the Local Planning Authority, unless first agreed in writing with the Local Planning Authority. The approved details and shall thereafter be permanently retained as such.

Reason: In order to ensure a high quality environment and to accord with Policy DP26 of the District Plan.

19. Within 3 months of the date of this permission details of the emergency access onto Hanlye Lane shall be submitted to and approved in writing with the Local Planning Authority and no dwelling in phase 2 shall be occupied until such time as the approved details have been fully constructed. Details shall include measures to prevent use of the access by occupiers of the approved development. The development shall only be implemented in accordance with the approved details.

Reason: In the interest of road safety and to accord with Policy DP21 of the District Plan.

20. The development hereby permitted shall only be implemented in accordance with the design details submitted to and approved in writing with the Local Planning Authority under application DM/18/3772, unless first agreed in writing with the Local Planning Authority.

Reason: To ensure that this aspect of the development is compatible with the design of the building and to accord with Policy DP26 District Plan.

21. 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

Works of construction, including the use of plant and machinery, necessary for the implementation of the site access details indicatively shown on drawing PB5314-S278-TA-100-01 rev D8 shall be limited to the following times and only for the duration of works;

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 17:00

Sunday 10:00 to 17:00

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the District Plan.

22. The development hereby permitted shall only be implemented in accordance with the Preliminary Remediation Strategy (section 9) of the Merebrook Geo-Environmental Assessment report dated Feb 2016 unless first agreed in writing with the Local Planning Authority. In the event that the electricity sub-station on site be decommissioned, the surrounding soils should be tested for PCBs and, if necessary, remediated in accordance with a strategy to be submitted and approved in writing with the Local Planning Authority.

Following completion of measures identified in the remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing with the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with Policy DP1 of the District Plan.

23. The development shall be implemented in accordance with the approved phasing plan (No. PB4399-P-06), unless first agreed in writing with the Local Planning Authority. Details which are required by any condition of this planning permission to be submitted for approval in relation to phases of the development shall be submitted for approval in accordance with the approved phasing details.

Reason: To enable the Local Planning Authority to control the detail of submission and to accord with Policy DP26 of the District Plan.

24. The development hereby permitted shall only be implemented alongside the approved scheme for the Local Liaison Committee (LLC) dated 28th September 2017, who shall meet in accordance with the approved scheme.

Reason: To provide a mechanism for keeping the local community and their elected representatives involved during the construction period to ensure that the development is implemented without causing significant harm to their amenities in accordance with Policy DP26 of the District Plan.

25. The development shall only be occupied in accordance with the temporary pedestrian arrangements to Penlands Road submitted and approved in writing with the Local Planning Authority under application DM/18/4087 until such time as the permanent access arrangements have been constructed in accordance with the approved plans, unless otherwise agreed with the Local Planning Authority.

Reason; In the interests of road safety and to accord with Policy DP21 of the District Plan.

#### **Approved Plans**

26. 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.

27. The obligations contained in the planning obligation by way of Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 dated 9th June 2017 pursuant to the planning permission reference: DM/16/1803, and in accordance with clause 16 of the said Agreement, will be equally applied to and satisfy the requirements necessitated under this application DM/19/0535.

Reason: To ensure appropriate infrastructure provision is secured to mitigate the impacts of the development and to accord with policies DP20 and DP31 of the Mid Sussex District Plan.

#### **INFORMATIVES**

1. In accordance with Article 31 Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Section 278 Agreement of the 1980 Highways Act - Works within the Highway  
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway  
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

4. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water developer Services will be required. They can be contacted in 0800 009 3921.

### 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
General	A792 08	A	07.02.2019
General	A792 09	A	07.02.2019
Affordable Housing Statement	A792 06	A	07.02.2019
Parking Layout	A792 05	A	07.02.2019
Location Plan	A792 02		07.02.2019
Planning Layout	A792 01	C	07.02.2019
Location Plan	A679 022		07.02.2019
Planning Layout	A792 17		07.02.2019
Planning Layout	A792 18		07.02.2019
Planning Layout	A792 19		07.02.2019
Highways Plans	PB5314-S278-TA-100-01	D3	07.02.2019
Other	PB4399-RPA-1300-01	P1	07.02.2019
Highways Plans	PB5314-S278-100-01	D7	07.02.2019

## APPENDIX B – CONSULTATIONS

### Parish Consultation

No Comment

### West Sussex County Council Highways

West Sussex County Council as Highway Authority have been consulted on application DM/19/0535 which seeks the variation to planning conditions 5, 11, 21 and 26 of planning permission DM/18/0194 (pursuant to the original approved permission DM/16/1803). The variation of the condition seeks to allow for the retained temporary access from Hanlye Lane for 150 occupations and to allow for minor changes to plots 23, 95, 109 and 142 of the approved layout.

#### Condition 5 Construction Management Plan

The applicant has submitted a revised Construction Management Plan dated 1st February 2019 (Reference: T&PPB4399R001D02). The plan has been submitted to reflect the changes proposed via the amendment to condition 21 which seeks to permit 7 days working relating to the highway works. The plan includes various measures to limit the impact construction traffic will have on the highway network and is therefore considered to be acceptable. The Highway Authority has no objections in relation to condition 5.

#### Condition 11 Temporary access restriction on occupations

The applicant is seeking to vary condition 11 to increase the number of occupations that can occur and use the approved temporary access from the currently permitted level of 50 up to 150 residential units. The applicant has undertaken an assessment of both the temporary site access onto Hanlye Lane and the priority junction of Borde Hill Lane/Hanlye Lane/Balcombe Road. This assessment has been in relation to both the highway capacity and road safety implications of permitting an increased number of residential units to be occupied and use the existing access arrangements.

In terms of junction modelling the applicant has demonstrated that the temporary site access onto Hanlye Lane shall still operate within capacity with the traffic associated with 150 residential units being occupied. The priority junction of Borde Hill Lane/Hanlye Lane/Balcombe Road has also been assessed. The modelling results for the turning movements that have to give way to other traffic show the following:

<b>Junction Turning Movement</b>	<b>AM Peak 50 dwellings occupied</b>	<b>AM Peak 150 dwellings occupied</b>	<b>PM Peak 50 dwellings occupied</b>	<b>PM Peak 150 dwellings occupied</b>
	<b>Max. Ration of Flow to Capacity (RFC)</b>			
<b>Left turn out from Hanlye Lane</b>	1.338	1.427	0.520	0.888
<b>Right turn out from Hanlye Lane</b>	1.375	1.462	0.869	0.923
<b>Right turn into Hanlye Lane from Borde Hill Road</b>	0.243	0.250	0.328	0.351

An RFC over 0.85 indicates that a junction is approaching capacity constraints and a value above 1 indicates that the junction is operating over its theoretical capacity. The modelling results show that in the AM peak the Hanlye Lane arm of the junction, for the movements left and right out of this arm, is operating over capacity. This occurs if either 50 or 150 dwellings are occupied. In the PM peak all junction arms operate within capacity but when 150 dwellings are occupied the movements out of Hanlye Road start to cause the junction to approach theoretical capacity.

Given that in the AM peak the Hanlye Lane arm of the junction currently operates over capacity and that the occupation of 150 dwellings make the performance of the junction slightly worse the impact from the planning application itself is not considered to be a severe impact as set out within paragraph 109 of the National Planning Policy Framework.

In terms of an assessment on road safety the applicant has undertaken a stage three road safety audit of the temporary site access and agreed the necessary mitigation works to address the points raised. These works will take place outside of this application as part of the Section 278 agreement for the highway works to install the temporary site access.

The applicant has also produced a safety assessment of the Borde Hill Lane/Hanlye Lane/Balcombe Road which reviews the existing junction and accident records. The Highway Authority are of the view that the potential increase in vehicles that could be associated with permitting an increase in use of the temporary access from 50 residential occupations to 150 would not cause an unacceptable highway impact at this junction.

In light of the assessment undertaken the Highway Authority do not consider that there are reasonable grounds to object to the proposed variation of condition 11 to permit up to 150 occupations to use the temporary access onto Hanlye Lane.

#### Condition 21 Hours of Working

The applicant seeks to amend condition 21 to alter the permitted hours of working on the site from those currently permitted (Mon - Fri 8-18 and Sat 9-13) to 7 day working. The

applicant's proposed hours of working are Mon - Fri 7-17, Sat 8-16 and Sun 9-16. These hours of working would solely relate to the approved highway works on Hanlye Lane, Borde Hill Lane and Balcombe Road.

The Highway Authority has no objections to this proposed extension of hours in planning terms and it is noted that the proposed extension is outside of the traditional network peak hours. The applicant should note that obviously they would still have to book road space with the County Council's Street Works team ([street.works@westsussex.gov.uk](mailto:street.works@westsussex.gov.uk)).

Condition 26 Development carried out in accordance with approved plans

The applicant is seeking to vary condition 26 to make changes to the approved layout of plots 23, 95, 109, 142 and 150. The proposed changes amend the design of the house type; the housing mix and number of properties remain the same. Therefore the Highway Authority has no objections to this variation in the design and house type.

Summary

The Highways Authority has no objections to the approval of the proposed variation of conditions 5, 11, 21 and 26 of planning permission DM/18/0194.

**MSDC Environmental Protection Officer**

Environmental Protection (EP) accepts that works to construct the site access to this development are necessary, and will only be carried out for a limited period of around 3 months. However, EP considers that the proposed hours of operation detailed in section 3.7 of the Construction Management Plan reference T&PPB4399R001D02 dated 01 February 2019 would result in local residents being adversely affected by noise from construction work early in the morning. EP would therefore recommend that the CMP be amended to show the following hours of operation for construction of the site access:

08:00 - 18:00 (Mon- Fri)  
09:00 - 17:00 (Sat)  
10:00 - 17:00 (Sun)