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11 September 2019

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 19TH SEPTEMBER, 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 District Planning Committee meetings held on 1 and 20 August 2019. | <b>3 - 10</b> |
| 4. | To consider any items that the Chairman agrees to take as urgent business.                   |               |

**Recommended for Approval.**

- |    |  |                |
|----|--|----------------|
| 5. | DM/19/1895 - Land at and adjacent to the Former Sewage Treatment Works, Fairbridge Way, Burgess Hill, West Sussex, RH15 8QT. | <b>11 - 48</b> |
| 6. | DM/19/2641 - Land South Of A2300 Gatehouse Lane, Goddards Green, West Sussex, BN6 9LQ.                                       | <b>49 - 68</b> |

**Recommended for Refusal.**

7. DM/19/1025 - Wealden House, Lewes Road, Ashurst Wood, West Sussex, RH19 3TB.

69 - 140

### Other Matters

None.

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

#### Human Rights Act

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

#### Risk Assessment

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

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

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

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

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

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

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

To: **Members of District Planning Committee:** Councillors R Salisbury, D Sweatman, R Bates, P Chapman, E Coe-Gunnell White, S Hatton, R Jackson, C Laband, A Peacock, N Walker, R Webb and R Whittaker

**Minutes of a meeting of District Planning Committee  
held on Thursday, 1st August, 2019  
from 2.00 pm - 2.36 pm**

**Present:** D Sweatman (Chairman)  
R Whittaker (Vice-Chair)

R Bates  
P Chapman

E Coe-Gunnell White  
S Hatton

A Peacock  
R Webb

**Absent:** Councillors R Salisbury, R Jackson, C Laband and N Walker

**Also Present:** Councillors A MacNaughton and N Webster

Councillor Sweatman noted that he would be Chairman as Councillor Salisbury was absent and Councillor Rex Whittaker would be the Vice-chairman. The Committee unanimously agreed.

**1. TO RECEIVE APOLOGIES FOR ABSENCE.**

The Committee noted that apologies had been received from Councillors Jackson, Laband, Salisbury and Walker.

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

None.

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

None.

**4. DM/19/2197 - LAND WEST OF COPTHORNE WAY, COPTHORNE, RH10 3RX**

Steve Ashdown, Team Leader for Major Developments and Investigations highlighted the Agenda Update Sheet including the rewording of condition 5 and additional informative regarding Gatwick Airport. He introduced the report for construction of a B8 building, associated hard and soft landscaping, including parking, access and ancillary works. He noted that a full application is being sought as the proposed building does not conform to the parameters in respect of the floor space and overall height as set out in the consented outline planning permission. The design and materials to be used will match the consented application of Phase 1 commercial and the visual impact will be limited as it will be shielded by the other building and existing vegetation. He highlighted that it is considered that the application does comply with the Development Plan, when considered as a whole.

The Chairman read a statement from Councillor Phillips, Ward Member for Copthorne and Worth, who opposed the application. He stated that St. Modwens had suggested that the commercial area of this site was to be for small to medium local businesses. In his opinion the use of the site to provide suitable provision for

local businesses would provide more jobs at higher wages which would benefit the local economy and generate less large traffic movements. It was difficult for local businesses to expand due to the lack of available sites.

A Member queried the consented roundabout, access to the site and the residential development. The Team Leader confirmed that consent for phase one had agreed three units or one larger unit. He believed that one larger unit was the applicant's preferred option. He noted that all road infrastructure would be funded by the applicant.

With regard to concerns from Members about the increased height of the building, the Team Leader advised the Committee that the maximum ridge height would be 15ms. He noted that views from the residential development of the building would be limited due to changes in topography and would be broken up by the existing vegetation, which had increased in height since the original survey had been completed. To address comments relating to any impact on residential amenity, he confirmed that in the outline planning permission for the wider development a condition requires the developer to provide details of scheme to mitigate future residents from noise associated with the commercial buildings. The main concern would be noise from use of the access road and it was noted that there are no restriction to the commercial site's hours of use. There was no restriction on the existing consent and it would be unreasonable to require them on this application. He confirmed that Environmental Health were content and the developer should mitigate vehicle noise through glazing and ventilation. He concluded that the classification of B8 was considered appropriate for this location.

Several Members agreed the good location of this site with the provision of new infrastructure and the proximity to Gatwick. Another Member noted the comments by the Parish Council on traffic congestion. In response to questions the Team Leader confirmed the commercial and residential traffic would be split and that no commercial traffic will need to enter the residential element of the wider development. A Member reminded the Committee that at Annual Council Members were advised that most revenue in Mid Sussex comes from small businesses. He noted that there is a lack of premises for them to use and the change of classification from B1 to B8 is significant. The Team Leader advised that the approved outline application was for B1 or B8 use and up to 15,500sq ms and the site could be used for either classification or a mix of both. This application was acceptable in context of the consented site.

Another Member thought the houses would be shielded from the motorway by existing trees and workers could access the site using the bridge from Forge Wood. The Team Leader advised that 90 jobs could be provided by this application with more from Phase one. He confirmed that there was provision through the outline planning permission for footpaths and cycle links, with a new link along the A264 to Copthorne, a link along Shipley Bridge Lane as well as upgrades to the paths that cross the site. Furthermore, an application was due to provide a connection to Copthorne Road (A2220) that would enable access to Three Bridges. The application would provide 26 cycle parking spaces, and 7 electric charging points. He noted that planning department had no control to ensure the applicant provided showers facilities. The Team Leader confirmed that the agent was at the meeting and had heard the Member's concerns with regard to the lack of proposed shower facilities. The agent would feed this back to his clients and it was up to any future occupier to include in the scheme.

The Chairman reminded the Committee that there was only a moderate increase in the height and floor space. The application would provide 90 jobs and as the building would be well screened it would not have an adverse effect on the area.

The Vice-chairman thanked the Team Leader for his report. He stated that the application met the principles of development for design and layout, diversity and sustainability, and highway and parking. The access road was expected to be adopted by West Sussex. There were no material adverse considerations for the scheme and it complied with nine District Plan policies.

As there no further questions the Vice-chairman proposed a motion that the Committee approve the application which was seconded by Cllr Peacock. This was approved unanimously.

#### **RESOLVED**

That permission is to be granted subject to the conditions listed in Appendix A and amendments as listed in the Agenda Update Sheet.

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

The meeting finished at 2.36 pm

Chairman

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**Minutes of a meeting of District Planning Committee  
held on Tuesday, 20th August, 2019  
from 2.00 pm - 2.27 pm**

**Present:** R Salisbury (Chair)  
D Sweatman (Vice-Chair)

R Bates	R Jackson	N Walker
P Chapman	C Laband	R Webb
E Coe-	A Peacock	R Whittaker
Gunnell White		

**Absent:** Councillors S Hatton

**Also Present:** Councillors

**1. TO RECEIVE APOLOGIES FOR ABSENCE.**

The Committee noted that apologies had been received from Councillor Hatton.

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

None.

**3. TO CONFIRM MINUTES OF THE DISTRICT PLANNING COMMITTEE MEETING HELD ON 25 JULY 2019.**

The Minutes of the Committee held on 25 July 2019 were agreed as a correct record and signed by the Chairman after the following addition. "A member made comment that that the feasibility study being undertaken by Network Rail is for either a bridge (as in the original application) or a tunnel, as proposed in this application".

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

None.

**5. DM/18/2342 - LAND TO THE REAR OF FRIARS OAK, LONDON ROAD, HASSOCKS, WEST SUSSEX, BN6 9NA**

Tom Clark, Solicitor to the Council advised that there would be no speakers as this item was 'another matter' and was not the determination of a planning application.

The Chairman advised the Committee that the meeting was to review the reasons the original application was refused on 29 November 2018. He confirmed that all Committee Members had received the Agenda Update Sheet and the officers clarification notes on matters raised in emails. He noted that any rulings by the

Secretary of State (SoS) in respect of the Article 31 Direction does not have any relevance to this Committee and therefore the Committee must make their decision independent of the outcome of the SOS ruling.

Sally Blomfield, Divisional Leader for Planning and Economy confirmed that all Members had received a copy of correspondence from Cllr Dempsey, the Officer's response to this and Cllr Dempsey's further comments. Further to the final comments from the Councillor, the Divisional Leader clarified that although all three applications for the site had proposed the same housing numbers and parameter plans, they were all different in one significant respect. The first application did not propose a crossing over the railway line; the second application proposed a bridge as the means of crossing the Brighton Main Line; and the latest application proposed a tunnel. She confirmed however that if the Planning Inspector, (appointed to consider the appeal into the second application) agrees to consider the request by Rydon Homes to amend the appeal proposal by replacing the bridge with the tunnel, then the proposals subject of appeal would be identical to the proposals in the third application. She reminded the Committee that the Council had resolved to grant permission for the third application at the Committee meeting in July 2019. She advised that the Article 31 Holding Direction only provides the Secretary of State time to decide whether to call in the application and is not material to the consideration of the item before the Committee today

The Chairman confirmed that the Committee was looking at a review of the reasons for refusal of the application now subject to Appeal in the light of changing circumstances. This approach is in line with best practice set out in the Planning Inspectorate's Procedural Guidance on Planning Appeals which makes clear that Council's must review changes in circumstances since the original decision on an application, must assess the implications of the change and in the light of the changes must not behave in an unreasonable way. The National Planning Policy Guidance on Appeals makes clear if local planning authorities behave in an unreasonable way this would justify an award of costs against them.

He reminded the Committee that the first recommendation in this report was only if the Inspector agreed to amend the appeal scheme to make it identical to the approved application; the Local Planning Authority would only provide evidence at the appeal on the five year land supply. The second reason for refusal was no longer an issue as the Local Planning Authority have now reached a Section 106 legal agreement to secure the necessary affordable housing and infrastructure provision.

In response to a Member's question the chairman confirmed that the approval of DM/19/1897 was a change of circumstances. If DM/18/2342 was amended to be identical, then the appeal would only be on the issue of the five year housing supply.

The Solicitor to the Council confirmed that when the enquiry starts it will review any changes between the refusal of the application and the current planning position. He noted that the Committee had approved the application which included a tunnel under the railway line in July 2019. If it is accepted that the bridge can be replaced with a tunnel the Council could not defend an appeal on this issue.

A Member highlighted that the Committee had approved the application with a tunnel on 25 July and the committee must remain consistent to maintain their integrity and supported the officer's report.

With regard to a comment on the Council's continued support for the District Plan and the principles of District Planning Policy DP12, the Chairman reminded the



Committee that whilst the starting point for determining a planning application is the Development Plan, assessing an application is a balancing exercise. The National Planning Policy Framework requires that other material considerations must also be considered. Every application is considered on its merits.

A Member was minded to support the other matter recommendation and referred to National Planning Policy Framework which set out the Government's objective to boost the supply of housing.

The Chairman commented that the Committee must not be seen to be perverse or unreasonable. If the Planning Inspector agreed to change the appeal proposal to accept the tunnel as the means of access to cross the railway, the Council could be viewed as unreasonable in defending the appeal in the light of the recent resolution to approve the proposals in July.

The Chairman concluded that the decision before the Committee was whether to support the withdrawal of reasons for refusal, other than the defence of the Council's 5 Year Housing Land Supply, if the Planning Inspector does allow the change to a tunnel.

The Chairman noted that Network Rail had confirmed the viability of both of a tunnel and a bridge. However, the bridge would have both stairs and ramps, the ramps would be 600 metres long.

As there were no further questions the Chairman moved to the motion proposed by Councillor Walker and seconded by Councillor Whittaker that the Committee to move Recommendations 1 and 2 as set out in the report and the Agenda Update Sheet. The recommendations were unanimously approved.

## **RESOLVED**

The Committee agreed to the recommendations:

### Reason for refusal (1)

If the Inspector agrees to the appeal scheme being amended so it is identical to the scheme that the LPA have resolved to grant planning permission for, officers recommend that the LPA only present evidence to the Public Inquiry on the five year land supply position. It would be an illogical and untenable position for the LPA to continue to seek to resist the appeal scheme (reference DM/18/2342) in these circumstances when it has resolved to grant planning permission for the same development in a later application (reference DM/191897).

### Reason for refusal (2)

This reason for refusal was to safeguard the Councils position in the event of an appeal being lodged against the refusal of the planning application. The applicants have now completed a satisfactory legal agreement with the LPA to secure the necessary affordable housing and infrastructure provision. As such this reason for refusal has been addressed and the Planning Inspector can be advised accordingly at the Public Inquiry.

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

None.

The meeting finished at 2.27 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

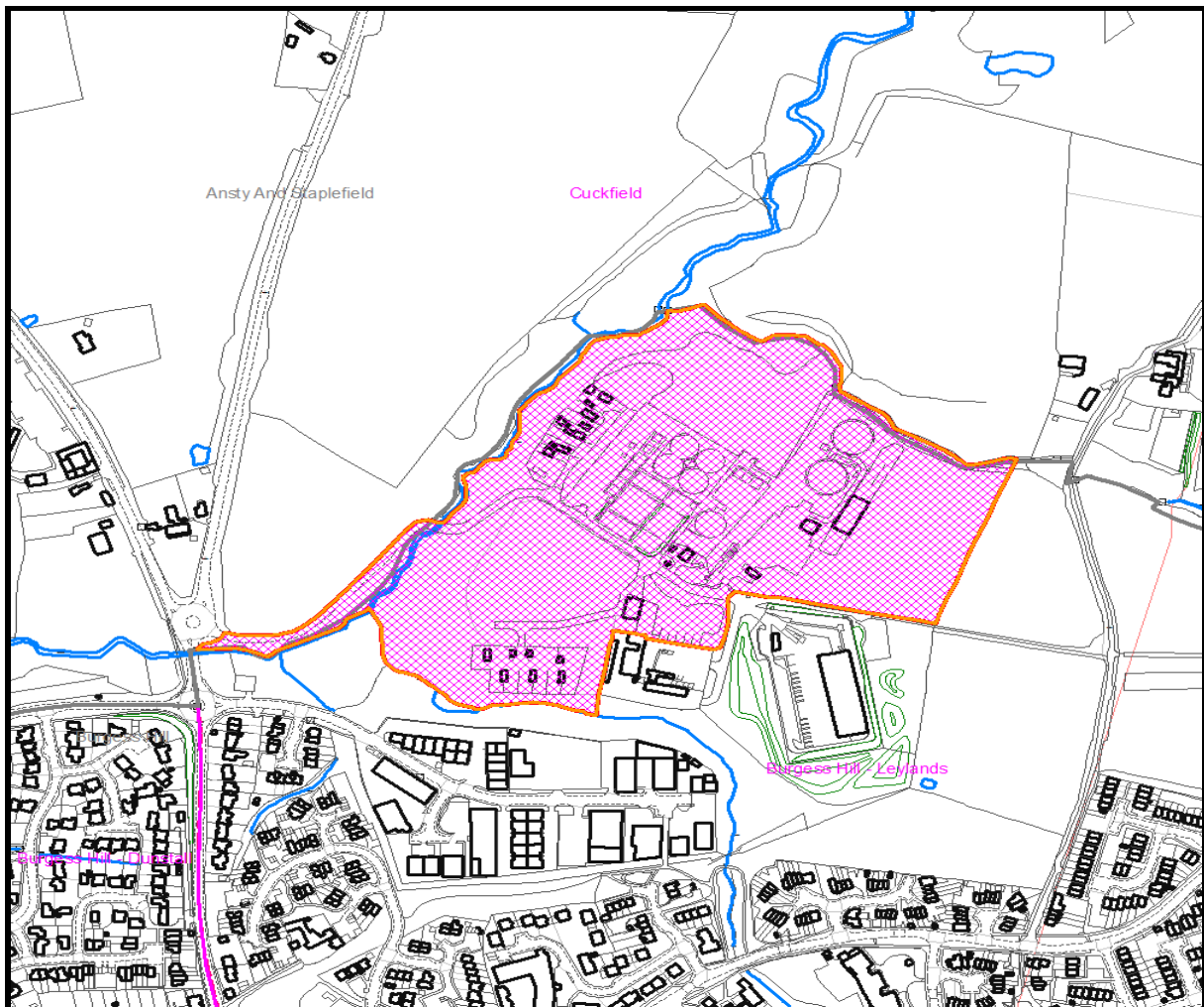
District Wide Committee

**19 SEP 2019**

RECOMMENDED FOR PERMISSION

**Burgess Hill**

**DM/19/1895**



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**LAND AT AND ADJACENT TO THE FORMER SEWAGE TREATMENT WORKS FAIRBRIDGE WAY BURGESS HILL WEST SUSSEX  
OUTLINE APPLICATION FOR THE DEVELOPMENT OF THE FORMER SEWAGE TREATMENT WORKS TO PROVIDE UP TO 325 DWELLINGS (USE CLASS C3) WITH ASSOCIATED ACCESS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE.**

**MR COLIN WHELAN**

POLICY: Areas of Special Control for Adverts / Brownfield Land / Built Up Areas / Classified Roads - 20m buffer / Flood Map - Zones 2 and 3 / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey / Tree Preservation Order /

ODPM CODE:            Smallscale Major Other

8 WEEK DATE:        20th August 2019

WARD MEMBERS:      Cllr Simon Hicks / Cllr Anne Eves /

CASE OFFICER:       Stephen Ashdown

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

The application before members is for outline planning permission for up to 325 dwellings on the site of the former sewage works to the north of Burgess Hill. The site has been subject to the a previous planning approval (08/01644/OUT) for a similar form of development however, that permission time expired in June this year before the applicant was able to submit the reserved matters details associated with the proposed residential elements.

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

The application site lies within the built up area of Burgess Hill as defined within the Development Plan, where the principle of residential development in supported by policy DP6 of the DP. Furthermore, the site has a previous outline permission for a similar development that was approved under 08/01644/OUT but time lapsed in June this year, this is material consideration that should be given significant weight.

The application provides for a suitable vehicular access and pedestrian links to the south to connect with the existing pubic footpath network. The proposal will not give rise to any highway network capacity issues. A condition is suggested requiring the submission and approval of a residential travel plan and it is considered that application complies with DP21 (transport) of the DP.

With the imposition of suitable conditions to provide appropriate mitigation the proposal will not result in unacceptable impacts on the character and appearance of

the area or future residential amenity and provide enhancements to biodiversity. The application therefore complies with policies DP26 Character and Design, DP29 Noise Air and Light Pollution and DP38 Biodiversity.

There is considered to be compliance with a number of policies in the development (DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), DP23 Communication Infrastructure, DP28 Accessibility, Flood Risk/Drainage and DP42 Water Infrastructure and the Water Environment.

A appropriately worded S106 Legal Agreement will secure 30 per cent affordable housing, as well financial contributions to mitigate against the impacts of the development in accordance with the Council's adopted SPD's. The application in this respect complies with policies DP20 Securing Infrastructure, DP24 Leisure and Cultural Facilities and Activities and DP25 Community Facilities and Local Services.

In light of the above it is considered that the proposal complies with the Development Plan and there are no material considerations that indicate that a decision should be taken contrary to it. As such it is considered that the application should be approved.

### **Recommendation**

#### Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure affordable housing and financial contributions and the suggested condition in Appendix A.

#### Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure payments and affordable housing by 19th December 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 policies DP20 and DP31 of the District Plan.

## **SUMMARY OF REPRESENTATIONS**

None received.

## **SUMMARY OF CONSULTEES (full comments can be found in Appendix B)**

### **MSDC Community Leisure Officer**

To be reported

### **MSDC Drainage Officer**

To be reported

### **MSDC Urban Designer**

The information that has been submitted seems inadequate as it lacks clarity and is too sketchy. Furthermore the vignette layouts on p13 of the DAS are inconsistent with the illustrative layout (as it picks out parts of the old 08/01644/OUT layout not the new one!).

The new layout also appears to be significantly inferior to the 08/01644/OUT consent as the public realm in the new layout, is now unacceptably dominated by parking.

### **MSDC Environmental Protection Officer**

To be reported

### **MSDC Contaminated Land Officer**

No comment, subject to condition in the event that previous consents no longer apply

### **WSCC Highways**

No objection subject to conditions and S106 contributions.

### **WSCC Infrastructure**

No objection subject to contributions being secured.

### **WSCC Lead Local Flood Authority**

No objection.

### **Environment Agency**

No objection

### **Southern Water**

From our initial assessment of the existing apparatus it appears that there is limited opportunity to divert existing drainage apparatus, and therefore Southern Water objects to the proposed development. If planning permission were to be granted, Southern Water (as the statutory sewerage undertaker) would request that the Council (as the building control authority) refuse building regulations on the grounds that the building over the public sewer cannot be permitted. In order to progress the proposed development on the site, the layout must be amended.

## **Sussex Police**

No detailed comment to make at this stage.

## **BURGESS HILL TOWN COUNCIL**

RECOMMEND APPROVAL - concerns were raised about the location of the playground. Concerns were raised about sustainability, such as water recycling and renewable energy usage.

Electric charging points should be included.

Swift bricks should be included in the three-storey buildings.

Super-fast fibre broadband should be installed as standard to all properties.

Section 106 contributions should be allocated to community facilities and applied as required.

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## **INTRODCUTION**

The application before members is for outline planning permission for up to 325 dwellings on the site of the former sewage works to the north of Burgess Hill. The site has been subject to the a previous planning approval (08/01644/OUT) for a similar form of development however, that permission time expired in June this year before the applicant was able to submit the reserved matters details associated with the proposed residential elements.

Notwithstanding the above, the applicant has been successful in dealing with a number of important infrastructure issues associated with the site, both through detailed reserved matters submissions and the discharge of planning conditions, including the re-provision of the gypsy and traveller site, de-contamination of the site, highway works associated with the realignment of Fairbridge Way and the formation of development platform including inner loop road and associated infrastructure. The result of the works undertaken pursuant to the lapsed consent is the creation of a fully serviced development site.

In the event that this application is successful, a new outline permission would be granted that would allow for the submission of the reserved matters associated with the residential element, thus allowing the development of the site to be completed, as originally intended.

## **RELEVANT PLANNING HISTORY**

08/01644/OUT - Development comprising the redevelopment of the former sewage treatment works to provide up to 325 residential dwellings (Class C3), the relocation of the existing residential gypsy site, a community hall with associated access and landscaping at Fairbridge Way, Burgess Hill. Such development to include the remediation of the Tip, demolition and excavation of (derelict) existing buildings and

infrastructure associated with previous use as a sewage treatment works, and the remodelling and remediation of the remainder of the site to provide for revised ground contours and development platforms; strategic landscape, realigning of existing of service infrastructure (to include the laying out of foul and surface drainage infrastructure and water attenuation), and new vehicular, cycle and pedestrian access routes, ancillary engineering and other operations. Approved 24th June 2014.

14/03959/REM - Reserved Matters application seeks the approval of details reserved by Condition 1 (Partial Discharge) and details pursuant to Condition 38 of planning permission 08/01644/OUT with regard to the relocation and provision of a gypsy site to accommodate 10 pitches. Approved 19th December 2014.

DM/18/1169 - Application for Reserved Matters for the layout and detailed design of the inner loop road, associated landscape and foul and surface water drainage to allow for serviced residential parcels to be created. Plus discharge of Planning Conditions 6, 12, 13, 15, 16, 23, 24 and 28 in respect of outline planning approval 08/01644/OUT. Approved 11th October 2018.

## **SITE AND SURROUNDINGS**

The application site is located to the northern edge of Burgess Hill and covers approximately 10.34 ha and is made up of the previously derelict wastewater treatment works. The site has been cleared of the redundant ancillary plant, including sludge holding tanks, settlement tanks, storm tanks and administration buildings. The application site also includes the residential gypsy site, which is located on its southern edge and contains 10 pitches.

The site is accessed from the roundabout located at the junction of Issacs Lane (A273) with Cuckfield Road (B2036) and London Road (A273), which forms a major arterial route into and out of Burgess Hill. The access road to the site, Fairbridge Way, also serves the WSCC household recycling/waste transfer site and a 24hr recovery service. This road has recently been subject to realignment works.

To the north and east of the site are current open areas of agricultural land, with the River Adur demarcating the site's western boundary, beyond which, lies further agricultural land and Issacs Lane (A273). It should be noted that this area to north, east and west forms part of the strategic allocation within the District Plan known as the Northern Arc.

To the south of the application site is a small area of woodland, beyond which is the Sheddingdean Business Centre.

## **APPLICATION DETAILS**

The application is in outline form with all matters reserved other than in respect of access. Further reserved matter applications will need to be submitted to deal with matters associated with the layout, appearance, scale and landscaping of the residential elements of the proposed development.



The proposal involves the construction of up to 325 dwellings with access taken from the newly completed realigned Fairbridge Way, which in turn exits onto the local highway network at Cuckfield Road/Isaacs Lane roundabout.

The application is supported by a 'framework' plan that identifies differing areas of land use and a 'building heights' plan which highlights that the majority of the buildings will be of two storeys. A landscape master plan is also submitted in support and it is intended that these plans are considered for approval as part of the determination of this application.

It is proposed the development will contribute 30 per cent affordable housing along with suitable financial contributions to mitigate against infrastructure impacts of the development.

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

DP4 - Housing  
DP6 - Settlement Hierarchy  
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
DP20 - Securing infrastructure  
DP21 - Transport  
DP23 - Communication Infrastructure  
DP24 - Leisure and Cultural Facilities and Activities  
DP25 - Community Facilities and Services  
DP26 - Character and Design  
DP28 - Accessibility  
DP29 - Noise, Air and Light Pollution  
DP31 - Affordable Housing  
DP38 - Biodiversity  
DP39 - Sustainable Design and Construction  
DP40 - Renewable Energy Schemes  
DP41 - Flood Risk and Drainage

SPD Development Infrastructure and Contributions (2018)  
SPD Affordable Housing (2018)

### **Burgess Hill Neighbourhood Plan**

S4 - parking standards for New Development  
G3 - Nature Conservation and Biodiversity  
G6 - Footpaths, Rights of Way and Cycle Links

### **National Planning Policies**

National Planning Policy Framework (2019)

## ASSESSMENT

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

- Principle of Development
- Access and Transport
- Impact on Character and Appearance of the Area
- Drainage
- Affordable Housing
- Residential Amenity
- Biodiversity
- Ashdown Forest
- Infrastructure
- Planning Balance and Conclusion

### Principle of Development

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and the Burgess Hill Neighbourhood Plan (BHNP).

The site is located within the built up area of Burgess Hill as identified in both the DP and BHNP and while the site is not allocated for development in either plan, the time lapsed planning permission is a material consideration that should be given significant weight.

From a policy perspective, DP4 sets out the housing provision for the District for the plan period, while DP6 states that *'development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and re-development will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to character and function of the settlement'*.

Having regard to the above, the principle of the development on the site has been previously established and policies with the DP indicate that development should be permitted, subject to consideration of more detailed points that will be set out in the following sections of the report.

## **Access and Transport**

The applicant is seeking approval of the details associated with the means of the access to the site as part of this application. To this end, it is proposed that access will be taken from Fairbridge Way that has been the subject of improvement works associated with, and approved under, the 2014 planning permission.

Policy DP21 deals with transport matters and seeks to ensure that new developments avoid severe additional traffic congestion, protects the safety of road users and pedestrians and that appropriate opportunities are provided to facilitate and promote increased use of alternative means of transport. The improvement of opportunities for alternative modes of transport, in particular the improvement of cycle and footpath facilities is reflected in policy G6 of the BHNP.

The improvements to Fairbridge Way and the main spine road serving the proposed development have already been constructed under the previous permission and have been subject to separate technical approvals by the Local Highway Authority, which includes road safety audits and as such a safe and suitable access is available to the development. The applicant has submitted these drawings as part of the application for completeness.

It is noted that the Local Highway Authority have identified that some outstanding works to the two roundabouts at the junction of A23 where it meets Fairbridge Way and Marchants Way are still to be implemented as part of the previous approval and as such it is important that these are secured as part of any planning permission issued as part of the application. The land in question, upon which these works will take place, is within the control of the Local Highway Authority and with this in mind a suitable condition is suggested to ensure that these works are completed prior to the first occupation of any dwelling.

The traffic generated by the development has been considered in-light of the planning application for the Northern Arc, and vice versa given the previous planning permission, and the Local Highway Authority have not identified that the proposed development would give rise to any serve impact on the wider highway network. In considering the application they have stated;

*'In terms of Highways it should be noted that under the previous outline application 08/01644 the principle of the access road, off-site highway improvements, highway*

*capacity and road safety have been assessed and, subject to detailed design and Technical Approval no objection was raised. Subject to this current proposal providing all outstanding highways infrastructure as originally secured - either by planning condition or S106 Agreement - including the aforementioned S106 contributions etc., the Highway Authority would not object to the proposal.'*

With respect to connectivity of the site to the surrounding area by alternative means of transport, the development, as the previous permission, provides for two pedestrian links to Marchants Way, one at the eastern end and one at the western end. Both these links are under construction and a suitably worded condition is suggested to ensure that these are completed and available for use prior to the occupation of the first residential unit.

It is accepted that the site's position and site constraints offered by a single point of vehicular access is not ideal, particularly when you are trying to encourage non car use and ensure that residents have good access to local facilities. The pedestrian links enable the site to have better linkages, in terms of distance and directness, with surrounding facilities and the site will benefit from the 'Northern Arc' development to that will come forward immediately surrounding the site. In this respect the comments of the Local Highway Authority are noted and at this stage the proposed development and framework plan does not preclude any linkages to the east to the first phase of the wider strategic development. The exact nature, in terms of its form and position, will need to be considered at the reserved matters stage of each development.

To further encourage the use of alternative modes of transport a residential travel plan for the site will need to be submitted and approved and this can be secured via a suitably worded condition.

Having regard for the above, it is considered that the application complies with policy DP21 of the DP and policy G6 of the BHNP.

### **Impact on Character and Appearance of the Area**

The site is located within the built up area of Burgess Hill as defined with the Development Plan and given the extent of development that will come forward immediately adjacent, as part of the 'Northern Arc' development it is not considered that the site will have any significant impact on long distance views to the detriment of wider character and appearance of the area. This is the view that was reached in granting the previous permission and it is not considered that there has been any material change in circumstance, notwithstanding the change in status of the Development Plan or allocation of the 'Northern Arc', that would warrant a different view being taken in respect of this application.

The development has the potential to cause localised impacts from users of the surrounding public highway network and from within the adjacent surrounding area and proposed form of development will be an important tool to mitigate these impacts. The applicants have submitted an illustrative layout to demonstrate that up to 325 dwellings could be accommodated on the site and although the comments of the Urban Designer are noted, it will be up to future developers at the reserved

matters stage to ensure that an appropriate form of development is presented that complies with the Development Plan, including an appropriate dwelling mix, dwellings that meet the national described space standards, parking at appropriate level and an overall high quality design. The fact that the permission is up to 325 allows some flexibility to ensure that the final form of development is acceptable.

Furthermore, the applicants have also submitted a building heights plan, which shows that the majority of the site will be built out with two storey buildings. Three storey buildings are to be limited to an area surrounding a proposed public square and a small section close to the waste transfer station entrance. It is considered that these proposals allow the opportunity for some 'landmark' buildings, while ensuring that the majority of the site is 'low key', which given its elevated position when viewed from the west, will ensure help ensure that future development will not be imposing to the surrounding landscape character.

The application has been supported by a landscape master plan that that shows the proposed strategy for strategic landscaping associated with the development, a similar plan was submitted with the previous permission and some detailed landscaping elements were approved as part of the reserved matters application DM/18/1169. However, it should be noted that the new landscape master plan and the detailed elements approved under the referenced reserved matter application do not included an area of land immediately to the south of the access road adjacent to former concrete batching plant and the current 24hr recovery business. The omission of this area of land from the red line of the application is considered important, as without landscaping (as envisaged within the previous permission) there is the potential that area is not finished to an appropriate standard, which would be detrimental to the character and appearance of the area. The land is within the ownership of the applicant and it is suggested that a suitably worded landscaping condition, requiring site wide details and a programme for implementation, can ensure that all landscape elements across the site are secured in order to protect the character and appearance of the area.

It is considered, that with the suitable condition, this outline application complies with Policy DP26 of the DP.

## **Drainage**

Policy DP41 seeks to ensure that proposals for development do not increase the risk of flooding elsewhere and that Sustainable Drainage Systems (SuDS) are implemented in all new development over 10 dwellings, unless demonstrated to be inappropriate. Furthermore policy DP42 deals with water infrastructure and the water environment relating to off-site service infrastructure and water consumption standards.

Through the partial discharge of the condition as part of reserved matter application DM/18/1169, submitted pursuant to the previous outline planning permission, the Council considered the overall drainage strategy for the site, including appropriate discharge rates. The scheme included the provision of three attenuation ponds, which are shown the submitted drawings and have been constructed on site.

While the overall strategy has been approved, there is still a requirement for the detailed drainage scheme for the residential elements to be submitted and this can be secured via condition as this will need to take into the account the layout of the scheme which is not yet known. As part of these details, further storage within the catchment area of pond 3 (275 cubic metres) will need to be provided, an informative is suggested to bring this to attention of the applicant and any future developer.

The comments of Southern Water are noted, however, it needs to be remembered that the layout of the scheme is not for consideration at this stage and will form the subject of future reserved matter submissions. The broad location of the existing sewers running across the site to the retained pumping station are shown on the submitted framework plan and there is sufficient flexibility within the wording of the relevant conditions to ensure that any layout can accommodate these existing services and still be deliverable.

There will be a requirement for any reserved matter submission(s) to demonstrate how the proposed housing will meet the water consumption standards as set out in policy DP42 of the DP.

There are no outstanding issues in respect of drainage matters that would prevent permission be granted at this stage, subject to suitable planning conditions. The application complies with policy DP41 of the DP.

### **Affordable Housing**

Policy DP31 requires developments to provide a minimum of 30 per cent on-site affordable housing for all development of 11 or more dwellings. In the case of a development of 325 dwellings, these would equate to 98 affordable units.

In order to comply with the Council's adopted SPD, a tenure split of 75 per cent rented and 25 per cent shared ownership is secured, along with 4 per cent of the dwellings being wheelchair accessible, however, the applicants are seeking a 50 per cent split in the tenure and only 3 per cent wheelchair accessible.

The proposed affordable provision by the applicant is similar to that agreed, by means of a Deed of Variation to the original Agreement, by the Council at a meeting of District Planning Committee on the 15th June 2017, where it was considered that at that time there were specific circumstances relating to the site and its constraints that warranted such an approach.

Notwithstanding the above, officers have requested that the applicant provided further justification for their proposed approach in light of this new application and once received the it will be reviewed by the your Housing Officers before they provide their final comments on the scheme. Members will be updated at committee on this matter.

### **Residential Amenity**

Policy DP26 seeks to protect the residential amenities of existing residents and future occupants, including taking into account impacts on privacy, outlook, noise, air

and light pollution. On the latter issues, policy DP29 is relevant particular in relation to noise where it states *'noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development'*.

Given the proximity of the proposed development to the access road serving the waste transfer station, the waste transfer station itself and the operation of Southern Recovery (a 24 hour business operation) on the south side of Fairbridge Way, there are potential noise sources that could impact on the future amenities of the residential occupiers that need to be taken into account at this stage.

Noise is a material planning consideration. The Planning Practice Guidance (PPG) states neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

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

A noise assessment has been submitted with the application, however, on review further information has been requested by your Environmental Protection Officer as it did not take into account all the potential noise sources. At the time of writing the report this additional information is still awaited and members will be updated at the meeting.

Notwithstanding the above, noise matters were considered as part of the previous permission, and the following elements were secured as planning conditions;

- Erection of an acoustic grade fence along the boundaries of the site fronting the waste transfer station and concrete batching plant.
- Restriction upon the internal layout and the provision of acoustic grade double glazing with ventilation units cited with close proximity to the concrete batching plant (identified on a plan).
- Provision of acoustic grade double glazing with ventilation units and bunding to units in an area (identified on a plan) fronting the access road.

It should be noted that acoustic fencing was provided in accordance with approved details in relation to the relocated gypsy and traveller site.

The submitted noise assessment with the application suggests the imposition of noise conditions similar to that placed on the previous permission and with such

measures in place concludes that existing noise would not cause significant disturbance to proposed future residents.

As set out earlier, the final comments of your Environmental Protection Officer are awaiting (and will be based upon additional information requested) and the report has been presented to members on the basis that this issues has been satisfactorily addressed previously and there is no reason to suggest, at the time of writing the report, that suitable condition cannot be imposed this time to ensure that future residential amenity is acceptable with regard to noise generated by existing sources.

It should be noted that while the concrete batching plant referred to in the previous permission has been removed (site cleared) noise is likely to generated by the 24 hour recovery service that operates from the adjacent site (this use forms part to the additional information requested) and appropriate mitigation measures are likely to be required to ensure that future residential amenity levels are acceptable. The Council's Environmental Protection Officers will be able to advise on the appropriate form and location of any mitigation required once the additional information has been reviewed.

At this stage, it is not considered that the proposed development would give rise to any likely significant harm to the amenities of the occupiers of the gypsy and traveller site, which is located to the south of the access road to the waste transfer station, given the distance involve. However, it will be for any future reserved matter submission to consider this issue further in light of any layout/design submitted.

On the basis of the receipt of satisfactory comments from your Environmental Protection Officer it is considered that, subject to appropriate conditions to secure noise mitigation measures, the proposed development would not give rise to likely significant harm to the amenities of future occupants. In this regard the application complies with policies DP26 and DP29 of the DP.

## **Biodiversity**

Policy DP38 states that biodiversity will be protected and enhanced, including the protection of existing biodiversity and taking opportunities to improve, enhance and restore biodiversity and green infrastructure.

The site has been subject to ecological mitigation scheme prior to the de-contamination of the site consented under the previous permission. In part this included the translocation of the Great Crested Newt population that were present in the holding tanks that used to be present on the site. These works were done under a suitable licence obtained from Natural England.

Given these previous works, the site does not hold any ecological value at the present time that would prevent development however, there are opportunities to ensure that some biodiversity enhancement can be achieved around the margins of the site, those areas which are identified on the framework plan as developable, and a suitably worded condition is proposed to enable this to be achieved.



Having regard for the above, it is considered that the application complies with policy DP38 of the DP.

### **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 potential effects of the proposed development are incorporated into the overall results of the transport model (Mid Sussex Transport Study (Updated Transport

Analysis)), 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**

Policy DP28 requires all development to meet and maintain high standards of accessibility so that users can use them safely and easily. It is expected that developments of 5 or more dwellings will make provision for 20 per cent of the dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2). A number of exceptions are listed but are not applicable in this case. This requirement can be secured with a suitably worded condition and the applicant will need to demonstrate compliance at the reserved matters stage.

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

Policy DP39 in the DP requires developers to seek to improve the sustainability of their developments. The policy refers to a number of measures that should be incorporated where appropriate into new development. The applicant has provided limited information with regard to the future intentions with respect to the sustainability of the development, however, given that this is an outline application with all matters reserved, part from access, it is accepted that this level of detail has not yet been considered and it will be for any future reserved matter submission to demonstrate compliance with this policy. A suitable condition is suggested. There is nothing to suggest that the proposed development cannot comply with policy DP39 and as such it is would not be appropriate to refuse the application on this basis alone.

Policy DP24 requires on-site provision of new leisure and cultural facilities, including the provision of play area and equipment for all new residential developments. The submitted framework plan indicates that a large play area will be provided on site and it should be noted that the previous consent made provision for a 'super' play area totalling 1400sqm. The details of the play area, including its future management arrangements, can be secured via a suitably worded condition and in this respect the application complies with policy DP24 of the DP.

## Infrastructure

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy 31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

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

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

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

and:

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

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.'*

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

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122, guidance in the NPPF and the material planning consideration outlined above, the infrastructure set out below is to be secured via a planning obligation;

- Affordable housing at 30 per cent (MSDC)
- Community building contribution based upon formula project to tbc (MSDC)
- Local community infrastructure contribution based upon formula project tbc (MSDC)
- Health contribution to be confirmed (MSDC)
- Primary education contribution based upon formula to be spent on new eastern primary school in Norther Arc development, Burgess Hill (WSCC)
- Secondary education contribution based upon formula to be spent on new secondary school in Northern Arc development, Burgess Hill. (WSCC)

- Further education contribution based upon formula to be spent on new 6th form college for Haywards Heath and surrounding area or expansion at St Paul's Catholic College Burgess Hill (WSSC)
- Library contribution based upon formula to be spent on additional floor space at Burgess Hill library (WSSC)
- A2300 Improvement Scheme financial contribution of £325,928.57 (WSSC)
- Place and Connectivity Programme for Burgess Hill financial contribution of £325,928.57 (WSSC)

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

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

### **Planning Balance and Conclusion**

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

The application site lies within the built up area of Burgess Hill as defined within the Development Plan, where the principle of residential development is supported by policy DP6 of the DP. Furthermore, the site has a previous outline permission for a similar development that was approved under 08/01644/OUT but time lapsed in June this year, this is material consideration that should be given significant weight.

The application provides for a suitable vehicular access and pedestrian links to the south to connect with the existing public footpath network. The proposal will not give rise to any highway network capacity issues. A condition is suggested requiring the submission and approval of a residential travel plan and it is considered that application complies with DP21 (transport) of the DP.

With the imposition of suitable conditions to provide appropriate mitigation, the proposal will not result in unacceptable impacts on the character appearance of the area or future residential amenity and provide enhancements in biodiversity. The application therefore complies with policies DP26 Character and Design, DP29 Noise Air and Light Pollution and DP38 Biodiversity.

There is considered to be compliance with a number of policies in the development (DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), DP23 Communication Infrastructure, DP28 Accessibility, Flood Risk/Drainage and DP42 Water Infrastructure and the Water Environment.

A appropriately worded S106 Legal Agreement will secure 30 per cent affordable housing, as well financial contributions to mitigate against the impacts of the

development in accordance with the Council's adopted SPD's. The application in this respect complies with policies DP20 Securing Infrastructure, DP24 Leisure and Cultural Facilities and Activities and DP25 Community Facilities and Local Services.

In light of the above it is considered that the proposal complies with the Development Plan and there are no material considerations that indicate that a decision should be taken contrary to it. As such it is considered that the application should be approved.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. Approval of the details of the siting, design, appearance and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site, and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.

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

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

2. No development shall commence until details of the play area, and future management arrangements, have been submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping and fencing of the area to be provided. No dwelling within the relevant phase shall be occupied until the play area has been provided in accordance with the approved details and made available for use by the general public.

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

3. Before the completion of the first dwelling within the relevant phase, signs shall be erected within that phase of the play area, indicating the intention to provide a play area on that site. The details of such signage shall be submitted to and approved by the Local Planning Authority and maintained in accordance with such approved details until the play area is provided.

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

4. No development shall take place in each phase until details of the proposed screen walls or fences, for each dwelling, have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until such screen wall/fences associated with them have been erected.

Reason: To ensure that this aspect of the development is acceptable and to accord with Policy DP26 of the District Plan 2014 - 2031.

5. No dwelling hereby approved shall be occupied until a Travel Plan has been submitted to and approved by the Highway Authority after consultation with the Local Planning Authority and the plan shall include arrangements for monitoring its implementation and effectiveness together with targets to reduce private car movements to and from the site. The implementation of such approved Travel Plan shall be within three months of the occupation of the development hereby permitted.

Reason: To seek to reduce the reliance on the use of the private motor car and to comply with Policy DP21 of the District Plan 2014 - 2031.

6. The dwellings, hereby approved, shall not be occupied until covered secure cycle parking spaces have been provided in accordance with a detailed construction plan, for each relevant phase, to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that safe access and storage is provided in a sustainable way pursuant to Policy DP21 of the District Plan 2014 -2031.

7. No dwellings hereby approved shall be occupied until the vehicular and pedestrian access routes shown on drawings 16086-101F, 16086-201-D, 16086-202-D and 216086-203-D (consented pursuant to condition 6 of planning permission 08/01644/OUT) have been constructed in full and made available for public use.

Reason: To ensure suitable access is provided and to accord with policy DP21 of the Mid Sussex District Plan 2014-2031.

8. Notwithstanding the details submitted, within 3 months of the date of this planning permission, a landscape masterplan for entire site shown within the redline associated with planning application 08/01644/OUT (for the avoidance of doubt this included land edged in blue within this application) shall be submitted to and approved in writing to the Local Planning Authority. In addition, detailed hard and soft landscaping details shall be submitted for all areas, except those identified as residential phases 1 -3 on the Framework Plan no.26403 006, shall be submitted to and approved in writing with 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 details shall include a programme for their implementation and these works shall be carried out as approved. 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.

9. A Landscape Management Plan, including ecological supervision and long term objectives, management responsibilities, arboricultural supervision and maintenance schedules for all landscape and open areas (as identified on the

landscape masterplan to the submitted in accordance with the above condition), other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be carried out as approved.

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

10. No development shall be carried out, in each of the phases, unless and until samples/a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings within each of the phases have been submitted to and approved by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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

11. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority, which should have regard to the details pursuant to conditions 23 and 24 to planning permission 08/01644. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan 2014 - 2031. (This pre-commencement condition is necessary as it requires the submission of fundamental details of how the development is to be drained. Such details are necessary before the development commences.) Wording in brackets only to be used in formal notice

12. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person that the remediation scheme required and approved has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
- a) Description of remedial scheme
  - b) built drawings of the implemented scheme;
  - c) photographs of the remediation works in progress;
  - d) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition.

Reason: To ensure that the remediated site has been reclaimed to an appropriate standard and to accord with Policy DP41 of the Mid Sussex District Plan 2014-2031

13. No development on any phase shall commence until details of the method of piling foundations for the buildings in that phase have been submitted to and approved in writing by the Local Planning Authority. The piling shall be undertaken in accordance with the approved details.

Reason: To safeguard the amenity of adjacent occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031. (This pre-commencement condition is necessary as it requires details to be submitted and approved which are fundamental to the construction of the development. This work needs to be carried out before construction of the development starts.)

14. No construction work to commence pursuant to this permission until there has been submitted to the local planning authority verification by a competent person that the initial remediation phase has been completed. Additionally detailed proposals for gas protection will need to be submitted and approved by the Local Planning Authority.

Reason: To safeguard the amenity of future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031. (This pre-commencement condition is necessary as it requires details to be submitted and approved which are fundamental to the construction of the development. This work needs to be carried out before construction of the development starts.)

15. Prior to first occupation of dwellings in area A or C, as identified on drawing 16468/012, details of an acoustic grade fence shall be submitted to, and approved in writing by the Local Planning Authority. The acoustic grade fence shall be of such specification and height so to reduce the level of noise from adjoining industrial uses to a value not exceeding 52 dBLAeq, 16 hour, free field in enclosed gardens or enclosed amenity area at dwellings in areas A and C. The acoustic grade fence shall be located as indicated on drawing 16468/012 and must be erected prior to the occupation of the affected dwellings. The scheme shall only proceed in accordance with the approved details.

Reason: To protect future residential amenity and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

16. The reserved matters pursuant to condition 1 submitted in respect of any dwellings falling within area A shall be accompanied by a noise insulation scheme to ensure that external noise (from night time) does not result in an internal environment for bedrooms in excess of threshold values from the World Health Organisation (Guidelines of Community Noise, 1995/1999) when bedrooms are closed. The submitted scheme shall comprise controls on the internal layout, acoustic double glazing and alternative means of ventilation. The scheme shall be implemented and an independent report submit to the Local Planning Authority, prior to occupation of the dwellings, in order that it can be demonstrated that the required threshold values have been meet.

Reason: To protect future residential amenity and to accord with Policy DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

17. The reserved matters in respect of any dwelling falling within area B, as identified on drawing 16468/012, shall be accompanied by a noise insulation scheme to ensure that external noise (from night time traffic) does not result in an internal environment for bedrooms in excess of threshold values from the WHO



(1995/1999), when windows to bedrooms are closed. The submitted scheme shall comprise acoustic double glazing and alternative means of ventilation.

The submitted scheme shall also provide details of a landscape earth mound between dwellings in area B and the access road servicing the batching plant and the waste transfer station. The scheme shall be implemented and a independent report submit to the Local Planning Authority, prior to occupation of the dwellings, in order that it can be demonstrated that the required threshold values have been meet.

Reason: To protect future residential amenities and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

18. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These shall be identified in any subsequent reserved matters submissions and be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority. Unless an exception is otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

19. Any Reserved Matter application(s) shall be supported by a Sustainability Statement demonstrating how the proposal will comply with the requirements of Policy DP39 of the Mid Sussex District Plan. The development will thereafter be constructed in accordance the submitted and approved details.

Reason: To improve the sustainability of the development and to accord with Policy DP39 of the Mid Sussex District Plan 2014-2031

20. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to throughout the construction period. The Construction Management Plan shall provide and give details for:
- a timetable for the commencement, construction, occupation and completion of the development
  - the anticipated number, frequency and types of vehicles used during construction
  - the method of access and routing of vehicles during construction and directional signage for the purposes of such
  - the siting and layout of site compounds and welfare facilities for construction workers
  - the provision of parking of vehicles by site operatives and visitors
  - the provision for the loading and unloading of plant, materials and removal of waste
  - the provision for the storage of plant and materials used in construction of the development

- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders
- a scheme to protect existing neighbouring properties from dust and noise emissions
- a noise management plan, to include consideration of vibration from construction work including the compacting of ground
- contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014-2031.

21. 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 Applications".

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

#### INFORMATIVES

1. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
3. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
4. Prior to the commencement of works within the public highway, associated with the site access, the applicant shall obtain the appropriate Agreement from West Sussex County Council, as Highway Authority. This Agreement will be dealt with under the provisions of a Section 278 / Section 38 Agreement of the Highways Act, 1980, details of which can be obtained by contacting the Highways Planning Services team, Highways and Transport Unit of the County Council at Chichester.

5. The County Council requires the developer to apply for Approval in Principle by following the appropriate procedure set out in the Design Manual for Roads and Bridges in order to comply with the requirements of the County Council.

In relation to approvals for the proposed structures the developer is advised to contact the Implementation Team Leader at an early stage in order to commence liaison over the content of the legal agreement and to enable the County Council to have some influence over the design of the highway link and associated structures from the beginning rather than be presented with a fait accompli at the end of the design process. Contact the Implementation Team, Highways Planning Services, West Sussex County Council, Northleigh, Tower Street, Chichester, West Sussex, PO19 1RH

6. The applicant is advised that as the estate roads are to remain private/unadopted, the Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and casual parking are properly constructed, surfaced and drained, and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.
7. The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
8. Temporary directional signs to housing developments (Major apps only 10 units +) The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporary-development-signs/#overview>
9. The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with any required TROs (temporary or permanent) - i.e. waiting restrictions, removal of parking bays, provision of loading bay, etc. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.
10. Depending on level of traffic, the applicant may be required to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that might result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to discuss this process.

### 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
Highways Plans	16086-101	F	26.06.2019
Highways Plans	16086-201	D	26.06.2019
Highways Plans	16086-202	D	26.06.2019
Highways Plans	16086-203	D	26.06.2019
Location Plan	001		17.05.2019
General	006		17.05.2019
General	008		17.05.2019
Planning Layout	018	A	17.05.2019
Landscaping	P19-0678_01		17.05.2019
Tree Survey	BHA_266_01		17.05.2019
Tree Survey	BHA_266_02		17.05.2019

## APPENDIX B – CONSULTATIONS

### Parish Consultation

RECOMMEND APPROVAL, concerns were raised about the location of the playground. Concerns were raised about sustainability, such as water recycling and renewable energy usage.

Electric charging points should be included.

Swift bricks should be included in the three-storey buildings.

Super-fast fibre broadband should be installed as standard to all properties.

Section 106 contributions should be allocated to community facilities and applied as required.

### MSDC Contaminated Land Officer

As outlined in the Ground Conditions Statement, contamination is already being dealt with under 08/01644/OUT and DM/16/4509, and remediation works are already underway on site.

There is still a requirement under DM/16/4509 for phased verification reports to the councils in terms of showing the agreed remediation has been carried out.

Provided condition 26 of 08/01644/OUT remains in force, Environmental Protection have no comment on this application.

However if for any reason the conditions of application 08/01644/OUT will no longer apply, it is recommended to place a phased verification condition on this application. Such conditions would need to be phased if the site was to be developed in spate parcels. The exact wording would likely need to be agreed but in principle such conditions would cover the following areas:

- 1) No construction work to commence pursuant to this permission until there has been submitted to the local planning authority verification by a competent person that the initial remediation phase has been completed. Additionally detailed proposals for gas protection will need to be submitted and approved by Environmental Protection
- 2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person that the remediation scheme required and approved has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
  - a) Description of remedial scheme
  - b) built drawings of the implemented scheme;
  - c) photographs of the remediation works in progress;
  - d) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition.

Recommendation:

No Comment

## **WSCC Highways**

Summary.

This application has been considered by West Sussex County Council as local Highway Authority.

Comments in response to other specialist (non-highway) areas should be sought directly from those departments.

The applicant is advised that, should the Local Planning Authority be minded to approve such an application the proposed development would attract service and infrastructure contributions (both highways and non-highways) that must be secured through a Section 106 Agreement.

Other than the highways amounts set-out in this document, no other contribution amounts have been included at this stage. This is because the current outline application proposes 325 residential units but does not provide detail of the numbers, mix tenure etc of the units. As such WSCC are not able to determine contribution amounts for non-highways matters. Should the proposals progress to detailed design/reserved matters applications, S106 contributions will be calculated in accordance with the WSCC policy and appropriate formulae.

With regard to highways, there is no objection raised in relation to the proposed residential development subject to a S106 Agreement to secure highways infrastructure, contributions and suitable highway-related conditions being attached to any consent granted.

In terms of Highways it should be noted that under the previous outline application 08/01644 the principle of the access road, off-site highway improvements, highway capacity and road safety have been assessed and, subject to detailed design and Technical Approval no objection was raised. Subject to this current proposal providing all outstanding highways

infrastructure as originally secured - either by planning condition or S106 Agreement - including the aforementioned S106 contributions etc., the Highway Authority would not object to the proposal.

However, there are a series of areas where the County Council will require more information through detailed design/reserved matters applications - including an updated or new Travel Plan.

Therefore there would be no objection to the principle of residential development in highway terms subject to the satisfactory provision of details set out later in this report at reserved matters stage.

Recommendation.

The current application is for the remodelling of the site and construction of 325 residential units.

The application form does not provide a breakdown of the mix and tenure or parking provision on site.

Based on analysis of the TA provided with the development it is acknowledged that the proposed residential development would result in traffic impact on the local highway network. The proposed highway improvements associated with the site would accommodate the likely increase in traffic from the residential development on the immediate highway network and, alongside suitable financial contributions to the wider area - namely £325,928.57 towards the A2300 Improvements

Scheme and the same (£325,928.57) for The Place and Connectivity Programme for Burgess Hill (so total £651,857.14). Both are consistent with other contributions from large-scale/strategic development in the locality. All these would be considered appropriate to mitigate the impact of the scheme.

It should also be noted that the likely traffic generation from the residential development does not account for any likely reductions in private car travel that would result from the implementation of an effective Travel Plan for the site. Given the time lapsed between the earlier 08 application, a new Travel Plan should form part of any reserved matters submissions prior to any residential occupations taking place on-site.

The current application provides an indicative site layout plan. While no objection is raised to the principle of the development the applicants will be required to provide additional detail through Reserve Matters, subject to Local Planning Authority approval, to further satisfy the County Council in terms of the layout of the site. These will include the following details:

- Details on the housing number, mix and tenure.
- Details regarding the parking provision on site including a parking strategy to ensure parking demand is met to avoid unsightly and obstructive on-street parking.
- Details regarding the cycle parking provision on site.
- Details of pedestrian infrastructure and any shared use space and opportunities to provide sustainable linkages to/from other adjacent sites and locations.
- Appropriate tracking plots to demonstrate typical refuse and service vehicles can safely access and service the site.
- For areas to be offered for adoption as publicly maintainable highway, Stage 1 Road Safety Audit + Designers Response in accordance with current WSCC Safety Audit Policy.
- Long sections and Drainage Philosophy for the site.
- Indication of the Street Lighting strategy for the site.
- Detailed Residential Travel Plan for the site.

Conditions:

#### Access roads and off-site highway works

No development shall take place unless and until details of the layout and specification of and construction programme for the roads, footpaths, highway works, surface water drainage and means of disposal have been submitted to and approved by the Local Planning Authority after consultation with the Highway Authority.

Reason - In the interest of road safety and good design.

#### Car parking

No dwelling, hereby approved, shall be occupied until the car parking spaces have been provided, surfaced and marked out in accordance with a detailed construction plan to be submitted to and approved by the planning authority. These spaces shall thereafter be retained at all times for their designated use.

Reason - To provide satisfactory car parking for the development.

#### Cycle parking

No dwelling, hereby approved, shall be occupied until covered secure cycle parking spaces have been provided in accordance with a detailed construction plan to be submitted to and approved by the planning authority.

Reason - To provide alternative travel options to the use of the car in accordance with sustainable transport policies.

#### Construction Management Plan (CMP)

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

Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

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

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

#### Travel Plan

No development, hereby approved, shall commence until a Travel Plan has been approved to the satisfaction of the Highway Authority, and implemented in accordance with the requirements of the Business Travelwise Officer, Andy Moulard, (tel. 01243 642105).

Reason - For reasons of sustainability.

Informatives:

#### S38/278 Agreements.

Prior to the commencement of works within the public highway, associated with the site access, the applicant shall obtain the appropriate Agreement from West Sussex County Council, as Highway Authority. This Agreement will be dealt with under the provisions of a Section 278 / Section 38 Agreement of the Highways Act, 1980, details of which can be obtained by contacting the Highways Planning Services team, Highways and Transport Unit of the County Council at Chichester.

#### Approval in Principle (AiP).

The County Council requires the developer to apply for Approval in Principle by following the appropriate procedure set out in the Design Manual for Roads and Bridges in order to comply with the requirements of the County Council.

In relation to approvals for the proposed structures the developer is advised to contact the Implementation Team Leader at an early stage in order to commence liaison over the content of the legal agreement and to enable the County Council to have some influence over the design of the highway link and associated structures from the beginning rather than be presented with a fait accompli at the end of the design process. Contact the Implementation Team, Highways Planning Services, West Sussex County Council, Northleigh, Tower Street, Chichester, West Sussex, PO19 1RH

#### Private roads.

The applicant is advised that as the estate roads are to remain private/unadopted, the Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and casual parking are properly constructed, surfaced and drained, and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.

#### Temporary works required during construction.

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

#### Temporary Developer Signage.

Temporary directional signs to housing developments (Major apps only 10 units +) The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporary-development-signs/#overview>

#### Traffic Regulation Orders.

The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with any required TROs (temporary or permanent) - i.e. waiting restrictions, removal of parking bays, provision of loading bay, etc. The applicant would be responsible for meeting all costs associated with this process.



The applicant should note that the outcome of this process cannot be guaranteed.

Section 59 of the 1980 Highways Act - Extra-ordinary Traffic.

Depending on level of traffic, the applicant may be required to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that might result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to discuss this process.

### WSSC Local Lead Flood Authority

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

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

### Flood Risk Summary

Current surface water flood risk based on 30year and 100year events	Moderate risk
<p>Comments:</p> <p>Current surface water mapping shows that the site is at moderate risk from surface water flooding. The majority of the site is at low risk but there is higher risk within the central area of the site and along the site boundaries associated with the watercourses/main river.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p>	

Modelled groundwater flood hazard classification	Low risk
<p>Comments:</p> <p>The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled</p>	

data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Ordinary Watercourses nearby?	Yes
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Comments:

Current Ordnance Survey mapping shows ordinary watercourses/main river in close proximity to the site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.

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

Records of any historic flooding within the site?	Yes
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Comments:

We have one record of historic surface flooding within the confines of the proposed site. This was reported to the Fire Service and occurred on 20/12/2012. This should not be taken that this site has not suffered from flooding on other occasions, only that it has never been reported to the LLFA.

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

The Flood and Drainage Strategy Statement included with this application state that detention ponds with a restricted discharge to the main river/watercourse would be used to control the surface water runoff from the site. This strategy has been previously agreed with the District Council Drainage Engineers.

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

Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and

approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

## **WSCC S106 Infrastructure Requirements**

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

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

The advice is as follows:

### **1. School Infrastructure Contribution**

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

### **1.2 Financial Contribution**

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

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

$(\text{DfE figure (Primary)} \times \text{ACP} = \text{Primary Education Contribution}) + (\text{DfE figure (Secondary)} \times \text{ACP} = \text{Secondary Education Contribution}) + (\text{DfE figure (Further Secondary)} \times \text{ACP} = \text{Further Secondary Education Contribution}) = \text{Education Contribution where:}$

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of Housing Units, less any allowance for Affordable Housing Units, as approved by a subsequent reserved matters planning application. The current occupancy rates are as follows:

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

Using the latest published occupancy rates from the census statistics published by the Office for National Statistics to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 7 year groups for primary (years R to 6) and 5 for secondary (years 7 to 11). For Sixth Form, a factor of 0.54 is applied to the Child Product figure as this is the average percentage of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

DfE Figure = Department for Education (DfE) Secondary/Further Secondary school building costs per pupil place) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2019/2020 is £18,370 - Primary, £27,679 - Secondary; £30,019 for Further Secondary, updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.3 The primary contributions generated by this proposal shall be spent on the new eastern primary school located in the Burgess Hill Northern Arc Development.

The secondary contributions generated by this proposal shall be spent on the new secondary school located in the Burgess Hill Northern Arc Development.

The further secondary contributions shall be spent on a new sixth form for Haywards Heath and the surrounding area, or towards expansion at St Paul's Catholic College Sixth Form should the new sixth form not progress.

## 1. Library Infrastructure Contribution

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

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

## 2.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development; the County Council's adopted floorspace standard for library provision; and the estimated costs of providing additional library floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

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

$L \times AP =$  Libraries Infrastructure Contribution where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of Open Market Units and shared Ownership Affordable Housing Units as approved by a subsequent reserve matters planning application. Using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

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

L = Extra library space in sqm. per 1,000 population x the library cost multiplier (which currently for the financial year 2019/2020 are [30/35 sqm] and £5,384 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on library facilities serving the Burgess Hill Northern Arc Development and surrounding area.

## 3. Transport (TAD) Contribution

3.1 The Total Access Demand Contribution will be calculated by the County Council in accordance with the following formula:

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution =  $(C - D) \times E$ , where:

C (Total Access) =  $(A \text{ (number of dwellings)} \times B \text{ (Occupancy per dwelling)})$  using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

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

D = Parking Spaces provided by the residential development element of the Proposed Development

E = Standard multiplier of £703

Infrastructure Contribution = D x F, where:

D = Parking Spaces provided by the residential development element of the Proposed Development

F = Standard multiplier of £1407

Where affordable dwellings are involved, the appropriate discount is applied to the population increase (A x B) before the TAD is formulated.

The contributions generated by this proposal shall be spent on;

- a. The A2300 Improvements Scheme; and
- b. The Place and Connectivity Programme for Burgess Hill.

#### General points

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

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

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

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

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

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

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid

design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

### **Environment Agency**

As the aim of this planning application is to secure the ability to approve the layout of residential parcels beyond 24 June 2019 (deadline on current outline planning permission to submit all reserved matters), and all the proposed residential dwellings will be located outside the design flood level with an allowance for climate change, we have no objection to the proposal.

It is our understanding that matters relating to drainage, land contamination, ecology and landscaping have been already approved.

Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a flood risk activity permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

### **Southern Water**

To be added

### **Sussex Police**

Thank you for your correspondence of 29th May 2019, advising me of an outline planning application for development of the former sewage treatment works to provide up to 325 residential dwellings (Use class C3) in association with detailed access proposals approved under 08/01644/OUT and DM/18/1169, the retention of the gypsy site approved under 14/03959/REM, continuation of land remediation and ground conditions works approved under DM/16/4509, retention of foul and service drainage works approved under DM/18/1169 and landscaping proposals approved under DM/18/1169, seeking approval for access with all other matters reserved 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. Due to the application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

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

Given that this outline application is only to determine the means of access and to seek approval in principle, I have no detailed comment to make at this stage. At the reserved matters stage I would encourage the applicant to update the Design and Access Statement to include appropriate measures for crime prevention and community safety using the principles of Secured by Design and the attributes of safe, sustainable places. These are;

- Access and movement - places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.
- Structure - places that are structured so that different uses do not cause conflict.
- Surveillance - places where all publicly accessible spaces are overlooked.
- Ownership - places that promote a sense of ownership, respect, territorial responsibility and community.
- Physical protection - places that include necessary, well designed security features.
- Activity - places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- Management and maintenance - places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

I thank you for allowing me the opportunity to comment.

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

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



MID SUSSEX DISTRICT COUNCIL

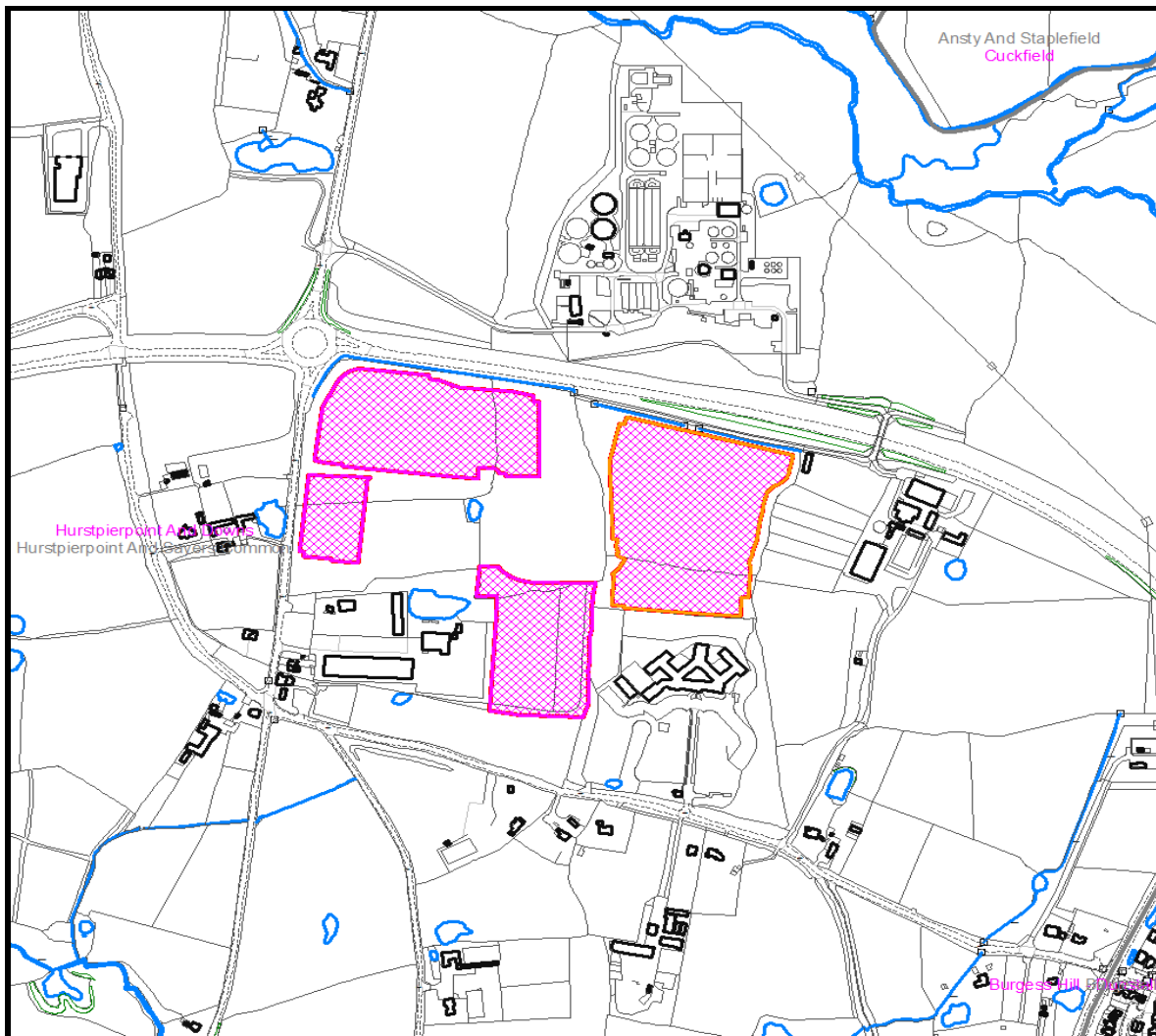
District Wide Committee

**19 SEP 2019**

RECOMMENDED FOR PERMISSION

**Hurstpierpoint And Sayers Common**

**DM/19/2641**



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**LAND SOUTH OF A2300 GATEHOUSE LANE GODDARDS GREEN WEST SUSSEX**

**EMPLOYMENT DEVELOPMENT COMPRISING UP TO 40,695SQM (CLASS B1(B), B1(C), B2, AND B8) WITH ANCILLARY OFFICES, CAR PARKING AND ASSOCIATED INFRASTRUCTURE. ACCESS TO BE DETERMINED.**

**MR COLIN WHELAN**

POLICY: Areas of Special Control for Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey / Highways Agreement (WSCC) /

ODPM CODE: Largescale Major Offices

13 WEEK DATE: 2nd October 2019

WARD MEMBERS: Cllr Colin Trumble / Cllr Alison Bennett / Cllr Rodney Jackson /

CASE OFFICER: Stephen Ashdown

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

The application before members is for outline planning permission for up to 40,695sqm of Class B1(b), B1(c), B2 and B8 commercial floor space, with associated infrastructure, on land to the south of the A2300, Burgess Hill. The site has been subject to a previous planning approval (13/01618/OUT) for up to 50,000sqm of floor space, however, that permission time expired in November 2018 before the applicant was able to submit all the reserved matters details associated with all the proposed development.

Prior to the lapse of the previous planning permission the applicant secured reserved matters approval for two phases of the development, totalling 9,305sqm of floor space. The first of the units has been completed and is occupied by DPD (Class B8 storage and distribution) with the second soon to be commenced which when completed will be occupied by ROCHE (Class B8 storage and distribution).

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

The application site lies within the built up area of Burgess Hill as defined within the Development Plan and is allocated for development as a business park as part of the Northern Arc Strategic Allocation in policy DP9 of the District Plan and policy E1 of Hurstpierpoint and Sayers Common Neighbourhood Plan. Furthermore, the site has a previous outline permission for a similar development that was approved under 13/01618/OUT but time lapsed in November last year, this is material consideration

that should be given significant weight. Furthermore, the proposal would generate a significant number of full time jobs that would contribute towards the districts economic growth and employment needs. Having regard to the above it is considered that the principle of development is acceptable and in accordance with policy DP1 of the Mid Sussex District Plan.

The application provides for a suitable vehicular access from Cuckfield Road and the proposal will not give rise to any highway network capacity or highway safety issues. A condition is suggested requiring the submission and approval of a travel plan and it is considered that the application complies with DP21 (transport) of the DP.

With the imposition of suitable conditions to provide appropriate mitigation the proposal will not result in unacceptable impacts on the character appearance of the area or future residential amenity and provide enhancements in biodiversity. The application therefore complies with policies DP26 Character and Design, DP29 Noise Air and Light Pollution and DP38 Biodiversity.

There is considered to be compliance with a number of policies in the development (DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), DP23 Communication Infrastructure, Flood Risk/Drainage and DP42 Water Infrastructure and the Water Environment.

An appropriately worded S106 Legal Agreement will secure the necessary highway infrastructure contributions to mitigate against the impacts of the development.

In light of the above it is considered that the proposal complies with the Development Plan and there are no material considerations that indicate that a decision should be taken contrary to it. As such it is considered that the application should be approved.

### **Recommendation**

#### Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure highway infrastructure contributions and financial contributions and the suggested conditions in Appendix A.

#### Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure payments and affordable housing by 19th December 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. The proposal therefore conflicts with policy DP20 of the District Plan.

## **SUMMARY OF REPRESENTATIONS**

Two letters of objection stating the following, with specific reference to Unit 2 / Plot 2, being the closest part to Willow Barn;

- LVIA submitted is inaccurate and misleading and a list of concerns in this regard to set out
- Important that development does impact on Willow Barn
- Height of building should be restricted
- No windows should be placed on western elevation
- Appropriate fence/vegetation screening to Cuckfield Road
- Occupational activity is time restricted
- These matters need to be appropriately conditioned at this stage

## **SUMMARY OF CONSULTEES (full comments can be found in Appendix B)**

### **MSDC Drainage Officer**

No objection subject to condition.

### **MSDC Environmental Protection Officer**

No objection subject to conditions

### **WSCC Highways**

No objection

### **WSCC Lead Local Flood Authority**

No objection.

### **Highways Authority**

No objection subject to conditions.

### **Southern Water**

No objection.

### **MSDC Archaeological Consultant**

No objection.

## **HURSTPIERPOINT AND SAYERS COMMON PARISH COUNCIL**

**RECOMMENDATION:** Permission is granted - Strongly recommend that measures are taken to discourage HGV's over 7.5 tons from turning left at the exit to Cuckfield Road. Pedestrian access from the Bus Stop on A2300 to the proposed Units on the west side of the Development needs to be improved.

## **INTRODUCTION**

The application before members is for outline planning permission for up to 40,695sqm of Class B1(b), B1(c), B2 and B8 commercial floor space, with associated infrastructure, on land to the south of the A2300, Burgess Hill. The site has been subject to a previous planning approval (13/01618/OUT) for up to 50,000sqm of floor space, however, that permission time expired in November 2018 before the applicant was able to submit all the reserved matters details associated with all the proposed development.

Prior to the lapse of the previous planning permission the applicant secured reserved matters approval for two phases of the development, totalling 9,305sqm of floor space. The first of the units has been completed and is occupied by DPD (Class B8 storage and distribution) with the second soon to be commenced which when completed will be occupied by ROCHE (Class B8 storage and distribution).

While this is a new outline planning permission, it is essentially seeking to bring forward the remaining balance of the development consented under the previous permission that has since time expired.

## **RELEVANT PLANNING HISTORY**

13/01618/OUT - Employment development comprising up to 50000sqm (Class B1(b), B1(c), B2, and B8) with ancillary offices, access, car parking and associated infrastructure. Access to be determined. Approved 10th November 2015

DM/16/0007 - Reserved Matters application for landscaping only, relating to planning permission 13/01618/OUT. Approved 21st April 2016.

DM/16/5637 - Reserved Matters application for the approval of the appearance, landscaping, layout and scale pursuant to outline permission 13/01618/OUT for the erection of 4,076 sqm for B1b B1c B2 and B8 employment uses with ancillary office, car parking, service yard areas, landscaping and enabling works. Approved 15th September 2017.

DM/18/4588 - Application for approval of reserved matters of landscape, appearance, layout and scale pursuant to outline permission 13/01618/OUT for the erection of 1 industrial unit of 5,229 sq m (GIA) for B1c, B2 and B8 employment uses with gatehouse, ancillary office, car parking, service yard areas, landscaping and enabling works. Approved 21st March 2019.

## **SITE AND SURROUNDINGS**

The application site is located to the south of the A2300, east of Cuckfield Road and north of Gatehouse Lane. It is broadly 'T' shaped and covers almost fifteen hectares. The site was formally made up of six fields, with field boundaries formed by trees/hedgerows and/or fencing, however, development under a previous planning permission has commenced and delivered a 5,00sqm building (occupied by DPD), with associated access and infrastructure. The site measures a maximum of approximately 500 metres from east to west and 400 metres north to south. It has a

slight incline, dropping approximately twelve metres from south east to north west. There is a pond towards the centre of the site.

To the south east of the application site is The Dene, a hospital providing mental health care. The closest residential properties lie to the west, on the opposite side of Cuckfield Road, and to the south along Gatehouse Lane. The nearest house to the west is approximately 40 metres from the site's western boundary (across Cuckfield Road) and to the south is approximately 80 metres away. Between the houses to the south and the application site are a builder's merchant (Jewson) and a scrap metal yard (G E Richardson). Immediately to the north, across the A2300, is the Goddards Green Waste Water Treatment Works. The area to the east is farmland.

The site lies within the built up area of Burgess Hill, as defined within the Development Plan, and the application site and the area to the east form part of the Northern Arc strategic allocation within the District Plan.

## **APPLICATION DETAILS**

The application seeks outline permission up to 40,695sqm of Class B1(b) [research and development], B1(c) [light industry], B2 [general industry] and B8 [storage and distribution] commercial floor space, with associated infrastructure, on land to the south of the A2300, Burgess Hill.

Access will be taken from Cuckfield Road via entrance arrangements approved and constructed pursuant to the previous planning permission (13/01618/OUT), all other matter (layout, appearance, scale and landscaping) are reserved and will be subject to future considered under a separate application(s) process.

The red line of the application is drawn tightly around the developable areas of land that have not come forward under the previous planning permission, and the submitted parameter plan identifies 4 specific plots in this regard. The plan also identifies that the maximum floor area if any units would be 14,000sqm, up to an overall total of 40,956sqm, which maximum buildings heights of 15m from finished floor levels.

The application is supported by a number of documents including, but not restricted too, a Planning Statement, Landscape and Visual Statement, Transport Statement and Noise Statement. All the supporting documents are available to view on the planning file.

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

- DP1 - Sustainable Development
- DP7 - General Principles for Strategic Development at Burgess Hill
- DP9 - Strategic Allocation to the north and north-west of Burgess Hill
- DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP20 - Securing infrastructure

DP21 - Transport  
DP23 - Communication Infrastructure  
DP26 - Character and Design  
DP28 - Accessibility  
DP29 - Noise, Air and Light Pollution  
DP31 - Affordable Housing  
DP38 - Biodiversity  
DP39 - Sustainable Design and Construction  
DP40 - Renewable Energy Schemes  
DP41 - Flood Risk and Drainage

SPD Development Infrastructure and Contributions (2018)  
SPD Affordable Housing (2018)

### **Hurstpierpoint and Sayers Common Neighbourhood Plan**

E1 - Business Park

### **National Planning Policies**

National Planning Policy Framework (2019)

### **ASSESSMENT**

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

- Principle of Development
- Access and Transport
- Impact on Character and Appearance of the Area
- Drainage
- Residential Amenity
- Noise and Air Pollution
- Biodiversity
- Ashdown Forest
- Infrastructure
- Planning Balance and Conclusion

### **Principle of Development**

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

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

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

*a) The provisions of the development plan, so far as material to application,*

b) And local finance considerations, so far as material to the application, and  
c) Any other material considerations.'

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and the Hurstpierpoint and Sayers Common Neighbourhood (HSCNP).

Policy DP9 of the DP allocates land to the north of and north-west of Burgess Hill for strategic development that will provide for approximately 3,500 dwellings (and associated neighbourhood centres), two new primary schools, a centre for community sport, provision for gypsy and traveller pitches, highway network improvements and *25 hectares of land for use as a high quality business park south of the A2300.*

Policy DP7 of the DP sets out a list of general principles that all strategic development in Burgess Hill is required to support. Of particular relevance in relation to the application proposal it states provide additional, high quality employment opportunities including suitably located Business Park development accessible by public transport'.

Furthermore policy E1 of the HSCNP states that *proposals for the development of a Business Park providing high quality employment at Goddards Green as part of the Northern Arc Development Plan will be supported. Land at Goddards Green, as shown on the Proposals Map, is safeguarded for this use'*. The proposals map refers to the site subject to this application.

In addition to the above, the fact that the site has been subject to a previous planning permission that has resulted in part development of a business park is a material consideration that should be given significant weight.

Policy DP1 of the District Plan deals with Sustainable Economic Development and sets out that the total number of additional jobs required within the district over the plan period is estimated to be an average of 543 jobs per year and this will be achieved by a number of supportive objectives. Furthermore, the policy sets out that the provision of new employment land/premises will be made by incorporating employment provision within large scale housing development as part of a mixed use development where it is appropriate.



The proposed development will generate a significant number of full time jobs that that will make a positive contribution to towards meeting the employment needs of the district, in accordance the policy DP1.

Having regard to the above, the principle of the development on the site has been previously established and is supported by policies within the Development Plan, at both district and parish level.

### **Access and Transport**

The applicant is seeking approval of the details associated with the means of the access to the site as part of this application. To this end, it is proposed that access will be taken from Cuckfield Road, where new access arrangements were approved and constructed under the previous permission.

Policy DP21 deals with transport matters and seeks to ensure that new developments avoid severe additional traffic congestion, protects the safety of road users and pedestrians and provides appropriate mitigation to support on the local and strategic road network.

The application is supported by a Transport Statement that details that the proposed development is a committed scheme and that its traffic effect has already been included and taken into account in the assessment of the strategic Northern Arc development and the in the design of the proposed A2300 duelling scheme. Moreover, it sets out that the predicts traffic effect has been shown be satisfactorily mitigated by the previously proposed and approved improvements to two junctions, that are secured by Section 106 Agreement (in relation to the permission 13/01618/OUT).

The Local Highway Authority have been consulted on the on the application and the have stated the following;

*'The highway authority has no objection to the application.*

*One land parcel on the site has already been built out and occupied, and for the another parcel occupation is expected in 2019. The present application is to renew consent for the remaining four plots, which lapsed on 10th November 2019. As the transport statement says, the application is "effectively an application to reinstate the outline permission for the remaining areas within the previous site boundary". The proposed development is identical to that in the outline consent under 13/01618/OUT.*

*Transport impact, access and off-site highway works have been dealt with under the outline consent'.*

In addition to the Local Highway Authority comments, Highways England has also raised no objection to the proposals, subject to conditions.

Officers wish to draw members' attention to two elements of the Highways England's comments. The first is a suggested condition that restricts the amount of

development that can be brought into use before the completion of the A2300 improvement scheme. There is no evidence in front of officers that suggest such a condition is unreasonable. The second matters relates to the informative regarding the need for the applicant to provide a financial contribution towards the A2300 improvement scheme. On this point, members should note that the existing S106 Agreement does make provision for a financial contribution towards A2300/Cuckfield Road improvements and it is the intention that such contribution equally applies in this instance. There is no justification for the need of a further contribution beyond this.

The comments of the Parish Council are noted with regard to a trying to discourage/restrict the weight of HGV's using Cuckfield Road, however, the Local Highway Authority have not raised an issue in relation to the issue and it is not something that can be restricted using a planning condition.

Having regard for the above, no access or highway issues have been identified by either the Local Highway Authority or Highways England that would prevent the proposed development from coming forward. Subject to appropriate conditions, the application complies with policy DP21 of the DP.

### **Impact on Character and Appearance of the Area**

The site is located within the built up area of Burgess Hill as defined with the Development Plan and subject to an allocation for development, as part of the Northern Arc Strategic Allocation, as set out in policy DP9. In addition, the site has been deemed acceptable for development based upon a similar level and form of development and these are factors that set the context for consideration of this issue at this stage of the planning process.

The application has been supported by a Landscape and Visual Impact Assessment which sets out the following;

- Development would retain key landscape characteristics identified in national and local landscape character assessment and although the landscape character of the site would change as result of the proposals, the overall landscape character of wider area would remain unchanged.
- Visibility of the development is limited to short sections of A2300 and Cuckfield Road; the roundabout adjacent to the northwest of the site; partial and glimpsed views may be experienced from a small number of locations on the PRoW network. Road users at the aforementioned locations would experience close range, direct but transient views of the development .
- Where more distant views from the PRoW network are possible, the development is not considered to be a dominant feature and would be seen in the context of the existing development on the site
- It considers that the proposed development could be successfully accommodated and assimilated into the surrounding landscape without causing substantial or evident change to the landscape character or visual amenity associated with the area.

In considering this issue, the context of the sites allocation and the previous planning permission needs to be taken into account and have regarding to the parameters plan, the overall developable area and the building height limit (15m) are the same as that previous considered acceptable.

The concerns raised in the representations received are noted but it needs to be remembered that the layout, appearance, scale and landscaping of the proposed development in relation to the each of the four parcels identified in the plans will be submitted for consideration under future reserved matter application(s). It will be for this latter process to consider the detail of each of the parcels impact on the visual amenity of the area and there is no evidence at this stage to suggest that appropriate development cannot be achieved with regard to this issue.

The site is not located in an area of designated landscape, such as an Area of Outstanding Natural beauty, is subject to an allocation for development and has been subject to a planning permission that has resulted in part of the site being developed. Subject to appropriate conditions and consideration of the scheme's detailed design at reserved matters stage, officers are satisfied that no adverse visual impact warranting refusal would result from the scheme. This conclusion is the same reached in respect of planning permission 13/01618/OUT.

It is considered that this outline application complies with Policy DP26 of the DP.

## **Drainage**

Policy DP41 seeks to ensure that proposals for development do not increase the risk of flooding elsewhere and that Sustainable Drainage Systems (SuDS) are implemented in all new development over 10 dwellings, unless demonstrated to be inappropriate. Furthermore policy DP42 deals with water infrastructure and the water environment relating to off-site service infrastructure and water consumption standards.

The application is supported by a Flood Risk and Drainage Statement that indicates the development, in respect of surface water drainage, will utilise a mix of previously approved (pursuant to permission 13/01618/OUT) and constructed attenuation structures and on-site attenuation. All surface water will be discharged to the local water systems.

In respect of foul water drainage, a Section 98 Application was made to Southern Water Services for connection to the foul drainage network and a connection was made to their network within the boundary of the development site. A pump station has been constructed, is operational and is in its maintenance period, at the end of which, it will be adopted by Southern Water Services. It has been sized to have capacity to deal with all phases of the development.

The application has been considered by your Drainage Officer and no objection has been raised in relation to surface water and foul water drainage, subject to a condition securing details of the later phases associated with the development contained within this application. Furthermore, it is considered that the proposed development is appropriate in terms of flood risk.

There are no outstanding issues in respect of drainage matters that would prevent permission be granted at this stage, subject to a suitable planning condition. The application complies with policy DP41 of the DP.

### **Residential Amenity**

Policy DP26 seeks to protect the residential amenities of existing residents and future occupants, including taking into account impacts on privacy, outlook, noise, air and light pollution.

In this case, the most sensitive neighbours are The Dene Hospital to the south-east and the various houses to the west and south and south east of the application site. The nearest of these is Willow Barn (Cuckfield Road) which is located approximately 40m from the western boundary of the site. The main likely impacts are due to the bulk and proximity of the buildings, traffic movements, noise and air quality.

The relationship, in the main, between these existing neighbouring residences remains as previously considered under 13/01618/OUT, where it was not considered that the development would give rise to likely significant harm to existing residential amenities. While some changes have occurred through the implementation of the previous planning permission it needs to be remembered that this is an outline planning application and matter associated with the design and layout of the buildings will be subject to reserved matter application(s), where the impact can be assessed having regard to details contained within it.

It is acknowledged that occupiers of the Willow Barn have raised objections to the proposal, within which they express concern about the in relation to the relationship between their property and any building that may be constructed along the frontage of the Cuckfield Road. The previous planning permission established that a building of up to 15m tall could be accommodated on the site without causing significant harm in respect of existing amenities of this property, and others adjoin the site, and there is no material change in circumstance that would warrant a different view being taken in respect of this application, especially given the position with regard to future reserved matter application(s).

In respect of the impact of additional traffic movements, the previous report (13/01618/OUT) stated;

*'The proposed development will increase traffic flows, primarily on Cuckfield Road and the A2300, in relatively close proximity to houses to the west. Most additional traffic would move north/south to or from the A2300 though. The relationship of nearby houses to the access road/junction is not uncommon in larger scale developments and it is not considered that significant harm would arise to their residential amenities as a result.'*

It is your officers' view that this assessment of the issue is still relevant and there is no alternative evidence that would warrant a different view being reached in respect of this application.

It is considered in conclusions on this matter that the proposal, at this stage, is unlikely to give rise to any significant harm to existing residential amenity and as such the application complies with policy DP26 of the DP.

### **Noise and Air Quality Impacts**

Policy DP29 of the DP deals with noise and air pollution matters. It sets out that the quality of people's life will be protected from unacceptable levels of noise, light and air pollution. Development will only be permitted where, in respect of noise pollution, *it is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and surrounding the area*'. Development should also not cause unacceptable levels of noise pollution.

The application has been supported by an air quality statement and noise statement, both of which have been considered by you Environmental Protection Officers.

The air quality statement sets out that during the course of construction the impact (from dust effect) is likely to be short in duration and with the introduction of mitigation measures (secured through a construction management plan) the likely effect is categorised as 'not significant'. Detailed atmospheric dispersion modelling demonstrates the operational impact post development can be considered as 'negligible'.

The noise statement identifies potential noise sources from the development as night time HGV activity, noise from internal activities and noise from fixed plant. It is suggested that with appropriate conditions requiring a noise management for each phase of development and the setting noise criteria for fixed plant, the proposed development would cause significant impact on health and life of local residents in accordance with the national policy aims contained within the NPPF.

Your Environmental Protection Officer has not raised an objection to the proposal, subject to proposed conditions and with this in mind your Officer is content that the application complies with policy DP29 of the DP and will not give rise to unacceptable levels of noise or air pollution.

### **Biodiversity**

Policy DP38 states that biodiversity will be protected and enhanced, including the protection of existing biodiversity and taking opportunities to improve, enhance and restore biodiversity and green infrastructure.

The application is supported by an Ecology Statement that sets out, in summary, that *'the development site currently provides no opportunities for any notable or protected species. The previously recorded ecology constraints have been addressed through the implementation of agreed mitigation strategies. There are no further ecological constraints associated with the site coming forward for development'*. It concludes by stating that *'is no reason from an ecology and nature conservation perspective why the outline planning permission being sought should not be granted'*.

It should be noted as a result of the previous planning permission, and the associated conditions attached to it, the applicants undertook a Great Crested Newt translocation programme under licence from Natural England, with all captured animals released into the onsite receptor site, that is subject to future monitoring and management. This represented the major ecological barrier to development of the site.

Given these previous works, and having reference to a suitable condition requiring an ecological enhancement scheme for proposed development parcels, it is considered that biodiversity value of the site will be protected and enhanced, where appropriate, and there is no overriding ecological constraint that should prevent the current development proposals coming forward.

Having regard for the above, it is considered that the application complies with policy DP38 of the DP.

### **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 an increase in commercial floor space 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 potential effects of the proposed development are incorporated into the overall results of the transport model (Mid Sussex Transport Study (Updated Transport Analysis)), 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**

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

Policy DP39 in the DP requires developers to seek to improve the sustainability of their developments. The policy refers to a number of measures that should be incorporated where appropriate into new development. The applicant has provided limited information with regard to the future intentions with respect to the sustainability of the development, however, given that this is an outline application with all matters reserved, apart from access, it is accepted that this level of detail has not yet been considered and it will be for any future reserved matter submission to demonstrate compliance with this policy. A suitable condition is suggested. There is nothing to suggest that the proposed development cannot comply with policy DP39 and as such it would not be appropriate to refuse the application on this basis alone.

### **Infrastructure**

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is

dealt with under Policy 31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

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

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

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

and:

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

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.'*

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

The applicant has submitted a Unilateral Undertaking with their application seeking to secure the following;

- A2300/Cuckfield Road improvement scheme contribution of £418,000 or the provision of physical works as shown on drawing G1-08007-PL011 revision A. No more than 24,000sqm. of the B1b/c or B2 elements of the development or 34,000sqm. of total floor space can be occupied until the improvement scheme is completed.
- Cuckfield Road access scheme works as shown on drawing G1-08007-PL010 revision A which includes the widening of Cuckfield Road, the construction of the site access, bus stop works and signage. These works are required before any part of the development is occupied.
- Gatehouse Lane cycle/footway link as shown on drawing 30425-PL-106. These works are required before any part of the development is occupied.



- A23/A2300 improvement scheme contribution of £168,631 for undefined improvement works. No more than 10,000sqm of development can be occupied until this has been paid.

The above represents the position secured via a Section 106 Legal Agreement associated with the previous planning permission, 18/01618/OUT, and it is considered that such infrastructure requirements should again be secured by means of a S106 Legal Agreement. Given that the above requirements are essentially matters for West Sussex County Council as the Local Highway Authority, your Officer is currently establishing how best they wish to take this matter forward. However, as the Local Planning Authority, the matters are relevant and material to the determination of this planning application and as such the Council will need to be party to any Legal Agreement.

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122, guidance in the NPPF It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations.

### **Planning Balance and Conclusion**

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

The application site lies within the built up area of Burgess Hill as defined within the Development Plan and is allocated for development as a business park as part of the Northern Arc Strategic Allocation in policy DP9 of the District Plan and policy E1 of Hurstpierpoint and Sayers Common Neighbourhood Plan. Furthermore, the site has a previous outline permission for a similar development that was approved under 13/01618/OUT but time lapsed in November last year, this is material consideration that should be given significant weight. Furthermore, the proposal would generate a significant number of full time jobs that would contribute towards the districts economic growth and employment needs. Having regard to the above it is considered that the principle of development is acceptable and in accordance with policy DP1 of the Mid Sussex District Plan.

The application provides for a suitable vehicular access from Cuckfield Road and the proposal will not give rise to any highway network capacity or highway safety issues. A condition is suggested requiring the submission and approval of a travel plan and it is considered that the application complies with DP21 (transport) of the DP.

With the imposition of suitable conditions to provide appropriate mitigation the proposal will not result in unacceptable impacts on the character appearance of the area or future residential amenity and provide enhancements in biodiversity. The application therefore complies with policies DP26 Character and Design, DP29 Noise Air and Light Pollution and DP38 Biodiversity.

There is considered to be compliance with a number of policies in the development (DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of

Conservation (SAC), DP23 Communication Infrastructure, Flood Risk/Drainage and DP42 Water Infrastructure and the Water Environment.

An appropriately worded S106 Legal Agreement will secure the necessary highways infrastructure contributions to mitigate against the impacts of the development.

In light of the above it is considered that the proposal complies with the Development Plan and there are no material considerations that indicate that a decision should be taken contrary to it. As such it is considered that the application should be approved.

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## APPENDIX A – RECOMMENDED CONDITIONS

### Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	30425-PL-150		28.06.2019
Planning Layout	30425-PL-151	A	28.06.2019
Illustration	30425-PL-152	A	28.06.2019
Illustration	30425-PL-153		28.06.2019

## APPENDIX B – CONSULTATIONS

### Parish Consultation

RECOMMENDATION: Permission is granted - Strongly recommend that measures are taken to discourage HGV's over 7.5 tons from turning left at the exit to Cuckfield Road. Pedestrian access from the Bus Stop on A2300 to the proposed Units on the west side of the Development needs to be improved.

### Heritage Consultations - Surrey County Council

Recommendation: No archaeological concerns

This application follows 13/01618/OUT, where following archaeological assessment and consultation with the WSCC Archaeologist it was identified that; limited archaeological work had been undertaken in this area, and as the site had the potential to contain archaeological horizons, the unknown archaeological potential of the site needed to be further investigated. As a result, geophysical survey and subsequent trial trench evaluation has been conducted across the site (the details of which are accurately set out within the letter from Carl Champness of Oxford Archaeology, dated 20/06/2019, and submitted in support of this planning application).

The final report of the results of these subsequent archaeological investigations is still outstanding, however I understand from interim reporting and communications with Oxford Archaeology that these revealed no finds or features of archaeological significance. An acceptable detailed final report will need to be submitted in relation to these works in order to fulfil the archaeological condition of planning in relation to application 13/01618/OUT.

However in relation to the current application, as it has been demonstrated that no further on-site archaeological work is necessary, I have no archaeological concerns regarding DM/19/2641.

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MID SUSSEX DISTRICT COUNCIL

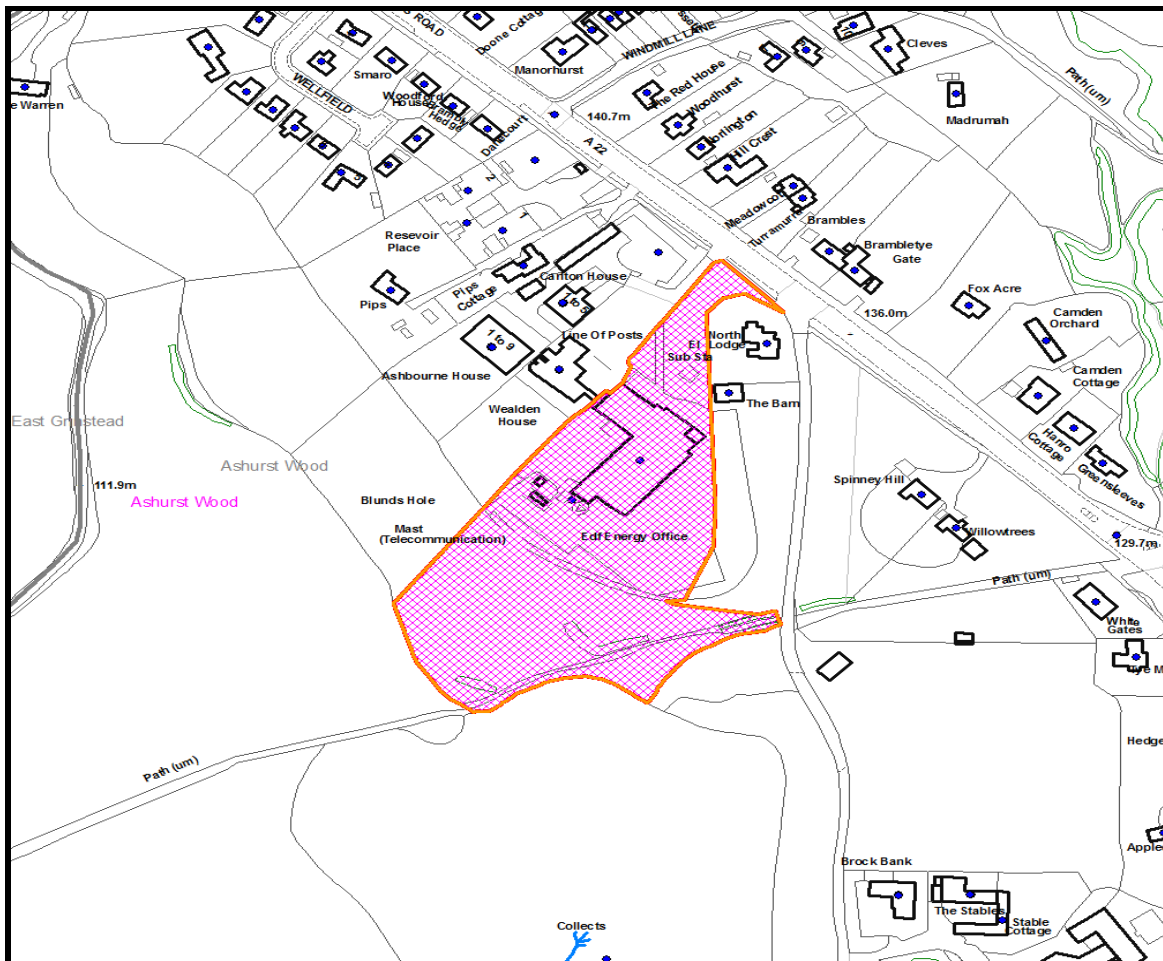
District Wide Committee

19 SEP 2019

RECOMMENDED FOR REFUSAL

## Ashurst Wood

DM/19/1025



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**WEALDEN HOUSE LEWES ROAD ASHURST WOOD WEST SUSSEX  
PROPOSED NEW BUILD RESIDENTIAL DEVELOPMENT CONSISTING OF  
54 UNITS FOLLOWING THE DEMOLITION OF ALL EXISTING SITE  
BUILDINGS. (ADDITIONAL INFORMATION - STATEMENT OF  
COMMUNITY INVOLVEMENT RECEIVED 04/04/2019). AMENDED PLANS  
AND REVISED SUPPORTING INFORMATION RECEIVED 31 JULY.  
ASHGROVE HOMES LTD AND GCP DEVELOPMENTS LTD**

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Article 4 Direction / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Brownfield Land / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / Sewer Line (Southern Water) / SWT Bat Survey /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 30th August 2019

WARD MEMBERS: Cllr John Belsey /

CASE OFFICER: Steven King

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

This application seeks planning permission for the demolition of the existing buildings at EDF Energy, Wealden House, Lewes Road, Ashurst Wood and a residential redevelopment consisting of 54 units.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan (DP) and the Ashurst Wood Neighbourhood Plan (AWNPN). The National Planning Policy Framework (NPPF) is an important material planning consideration.

As the site is allocated for redevelopment in the AWNP, the principle of the development is acceptable. The application is seeking to overcome the reasons why the previous scheme for 71 units on the site was refused.

It is considered that given the existing building that occupies the site, the proposal would conserve the natural beauty of this part of the High Weald AONB. Also weighing in favour of the scheme is the fact that the proposal would bring about a redevelopment of a previously developed site. There would also be economic benefits from the scheme associated with both the construction phase and also the additional spend in the economy from new residents. The provision of 54 dwellings would make a positive contribution to the Councils housing land supply and this weighs in favour of the application

It is considered that the scheme would not cause a significant loss of residential amenity to the occupiers of The Barn, which is the closest residential property to the

site. It is also considered there would not be a significant adverse impact on North Lodge to the east of the site.

It is considered that in their own right, the elevations of the proposed buildings are reasonable. The elevations are well ordered and the detailing, choice of materials and set back of upper floors helps to break down the scale of the buildings. Nonetheless the buildings will clearly be of a different scale to the domestic scale buildings around the site. This is a function of the applicant's interpretation of the Ashurst Wood Neighbourhood Plan and the supporting text to its housing section, which refers to the approximate capacity of this site as being 50+. It is acknowledged that it is challenging to reconcile this assessment with criteria a) of policy ASW9 which requires schemes to *'reflect and respect the predominant character of the area with particular regard to unit type, scale and massing'*.

One of the reasons why the previous application was refused was that the scheme for 71 units was an over development of the site and this was evidenced by the lack of car parking on site and the hard edged nature of the scheme. Whilst the current scheme is less hard edged and not so dominated by car parking, there is still a significant shortfall of car parking against the District Councils standards and a larger shortfall against the Neighbourhood Plan's car parking standards. Given the location of the site the alternatives to the private car are more limited compared to central locations in East Grinstead and it is therefore reasonable to expect that the likely car parking requirements of the development are met on site.

In this case it is felt that the significant shortfall of car parking is evidence that the scheme is still seeking to put too many units onto the site, since there is no more space within the site to materially increase the level of car parking provided. It is therefore felt that whilst an improvement, this reduced scheme has still not overcome the previous reason for refusal relating to the shortfall in car parking.

With regards to affordable housing, if a scheme is not providing a policy compliant level of 30% on site affordable housing, the requirement is for the applicants to demonstrate that it is not viable for such provision to be provided. The financial information that has been submitted by the applicants has been independently assessed for the District Council and the outcome is that the District Council is not satisfied that it has been demonstrated that the scheme cannot provide any affordable housing. The provision of affordable housing is a corporate priority for the Council and therefore the failure to adequately justify providing no affordable housing on site means there is a conflict with policy DP31 of the DP and policy ASW15 of the AWNP.

There is a requirement for developments of this scale to provide contributions towards the costs of infrastructure to mitigate the impacts of the development. In the absence of a completed legal agreement to provide the required infrastructure contributions there is a conflict with policy DP20 of the DP. As there is no legal agreement to secure the mitigation required in relation to the Ashdown Forest Special Protection Area there is also a conflict with policy DP17 of the DP.

Taking all of the above into account it is considered that whilst there are clear benefits from delivering housing on a brownfield site that is allocated for

development in a made Neighbourhood Plan, the level of development and associated shortfall in on site car parking, the absence of affordable housing and the absence of a legal agreement to provide the infrastructure contributions to mitigate the impact of the development means that the proposal is in conflict with the development plan when read as a whole, which is the proper basis for decision taking. There are no material planning considerations that would indicate that a decision should be made that is not in accordance with the development plan. In light of the above the application is recommended for refusal.

### **Recommendation**

It is recommended that planning permission is refused for the following reasons:

1. The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required affordable housing. The proposal therefore conflicts with policies DP20 and DP31 of the Mid Sussex District Plan 2014-2031 and policy ASW15 of the Ashurst Wood Neighbourhood Plan
2. The proposal fails to mitigate its impact on the Ashdown Forest Special Protection Area. The proposal therefore conflicts with policy DP17 of the Mid Sussex District Plan 2014-2031.
3. It has not been demonstrated that the level of car parking that is proposed is sufficient to serve the development. The proposal is seeking to put too many units onto the site and this results in a conflict with policies ASW9 and ASW14 in the Ashurst Wood Neighbourhood Plan. The proposal also conflicts with policy DP21 of the Mid Sussex District Plan 2014-2031 and policy ASW21 of the Ashurst Wood Neighbourhood Plan.

## **SUMMARY OF REPRESENTATIONS**

Amended plans:

8 letters of objection:

- contrary to the policies in the Neighbourhood Plan that seek to retain the distinctive character of the village
- density and design out of keeping with the area
- over development of the site
- neighbourhood plan policy has been incorrectly worked out as the site is not suitable for 50 plus dwellings
- schools and doctors are full
- will cause a highway safety issue from the additional traffic
- no housing needs survey has been carried out
- developers have not engaged properly with the community
- contrary to neighbourhood plan policy
- there is no need for such a high density development as the parish is delivering sufficient housing



- will cause extra strain on waste water treatment works on Luxfords Lane and more tanker movements which cause a nuisance
- no evidence has been provided about potential contamination on the site
- impact of lighting within the site has not been considered
- proposal causes a risk to ecology on the site
- public access to the ancient woodland will harm the woodland
- impact on Ashdown Forest not adequately assessed
- inadequate level of car parking for the development
- will adversely affect the residential amenities of The Barn
- there is no open space in the development
- tenure mix of affordable housing is not policy compliant

## **SUMMARY OF CONSULTEES**

### **County Planning Officer**

Requires infrastructure contributions towards education, libraries and TAD.

### **Highway Authority**

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

### **WSCC Lead Local Flood Authority**

No objection subject to conditions.

### **Southern Water**

No objection subject to conditions.

### **County Landscape Architect**

No objection subject to conditions

### **Horsham and Mid Sussex CCG**

Requires an infrastructure contribution of £32,394.

### **Sussex Police**

#### Infrastructure

Requires a contribution of £2,953.92 to go towards Police infrastructure

## Crime Prevention

I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered and mentioned where necessary.

## **Leisure Officer**

Requires infrastructure contributions towards play space, formal sport and community buildings

## **Urban Designer**

### Summary and Overall Assessment

This application positively responds to the refused scheme for 71 dwellings (DM/18/1548) by decreasing the unit numbers to 54 enabling a reduction in the overall building footprint and the provision of additional space between the buildings, including greater separation around the woodland edges, more defensible space and a small open space that provides the layout with a central focus. Together these spaces enable an acceptable level of landscaping to soften the development.

The scheme still represents a high density for its edge-of-settlement location, but this is justified by the 50+ dwelling allocation in the Ashurst Wood Neighbourhood Plan and policy ASW5 which generate a flat-based scheme. With respect to policy ASW9 (that applies specifically to this site), the intensive use of the site does not reflect the predominant lower density character of the area but on the other hand is not dissimilar to the typology of the existing blocks of flats on the adjacent site. The proposed 3 and 4 storey buildings are also a similar height to the building they will replace and are well set-back from the site boundary and retain/safeguard the trees / woodland around its eastern and south western boundaries that ensures the development will be mostly screened and will therefore have limited visual impact. In addition, the revised drawings have involved re-modelling the frontages and setting back the top floors of the blocks nearest to the site entrance.

The contemporary architecture is a contrast to much of the surrounding buildings but is considered acceptable as the facades are well organised and there is little inter-visibility with the surrounds.

On balance including consideration of policy DP26, I do not object to the application but would recommend the following conditions requiring approval of additional information to secure the quality of the design:

- 1:20 scale elevation (vignette) and section drawings of the front elevation of the block with units 13-20.
- Detailed landscape plan including boundary treatments.
- Facing materials including windows
- Design and layout of solar panels and lift-housing on the roof

### **Design Review Panel (comments on original plans)**

The panel support the scheme subject to changes being made to the elevations of the buildings to prevent them being too block like and commercial. The proximity of the existing building (referred to as the "Barn") on the eastern boundary to the proposed block (plots 7-12) was a concern.

### **Conservation Officer**

It is considered that the visual impact of the proposal from Lewes Road will be minimal, and as such it is not considered to have an impact on the existing edge-of-town character of the setting of Camden Cottage. The proposal therefore meets the requirements of Local Plan Policy DP34 and the relevant paragraphs of the NPPF.

### **Housing Officer**

The applicant is of the view that the development cannot viably deliver any onsite affordable housing or pay any contribution in lieu and has provided a Viability Appraisal setting out his position. An independent valuer has been appointed to undertake an assessment of the information submitted and although it would appear that the scheme as currently presented would not enable 17 Affordable Housing units to be viably provided, a scheme of 6 units for affordable rent and 3 units for shared ownership appears to be viable. As a result, at this stage, on the grounds of viability we will only be requiring the 9 affordable housing units to be provided. The viability position will however be reviewed at a later date in the project in accordance with our Development Viability SPD when more accurate information about costs and values will be able to be provided.

### **Drainage Officer**

No objection subject to conditions

### **Contaminated Land Officer**

No objection subject to conditions.

### **Environmental Health Officer**

No objection subject to conditions.

### **Ecological Consultant**

To be reported

### **ASHURST WOOD PARISH COUNCIL**

The minor amendments to the application do not address the objections of the Village Council set out in detail in the consultation response dated 24th April 2019.

The Urban Designer, in his response dated 30th May 2019, states that 'the scheme still represents a high density for its edge-of-settlement location and has been justified by the 50+ dwelling allocation in the Ashurst Wood Neighbourhood Plan.' As previously stated, there is not a 50+ dwelling allocation in the Plan. The application must be assessed against policy ASW9 and the Urban Designer's statement confirms that the scheme conflicts with ASW9 (a).

The number of units therefore needs to be reduced.

The Applicant's Planning Consultant, Frank Taylor, states 'If EDF were not to be developed to its allocated 50+ units, one wonders where else development would be preferred. There is no obvious way of meeting the required 62 units..'

The Neighbourhood Plan, policy ASW5, provides for 62+ new dwellings over the Plan period 2015 - 2031, to be delivered on both allocated and windfall sites. Since 2015, permission has been granted for 14 dwellings on allocated sites and 14 dwellings on windfall sites. 50 dwellings were delivered between 2001 and 2014 (including the developments at Ashbourne House and Carlton House). The Village Council is confident that sufficient sites will come forward between now and 2031, even with a lower number on the EDF site than suggested in the Plan.

The Village Council produced the Neighbourhood Plan with the support of the community and the Plan stresses the importance of respecting the scale and positive features of the character of the surrounding area (not of the existing EDF building on the site) - ASW9(a) and (b), ASW14(a) and (b).

The applicant has ignored the many objections to the urban style of design and only made changes suggested by the Design Review Panel and Urban Designer. The Village Council repeats its view that 3 and 4 storey buildings are inappropriate to the site and in conflict with the policies of the Neighbourhood Plan.

Car parking provision remains inadequate and fails to comply with ASW21.

The Neighbourhood Plan Site Assessment Report stated that the site was large enough to supply a mix of accommodation, including affordable housing. The mix of housing is to be determined by a Housing Needs Survey, which the applicant has failed to supply. It is not enough to say that 'the scheme provides for a type of accommodation and a sector of the market that is not catered for in Ashurst Wood.'

It is noted that Dixon Searle's review of the applicant's Viability Report concludes that the scheme is capable of including a percentage of affordable dwellings. It should also be noted that the nearby allocated site is providing two units out of a net gain of just 5 dwellings (DM/17/2695). The Village Council therefore sees no justification for excluding affordable dwellings from this site.

The Village Council urges the applicant to go back to the drawing board and produce a new scheme that is of an appropriate scale, density and design to reflect the site's edge of settlement location in the countryside, and which contains adequate provision for parking and affordable housing.

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## INTRODUCTION

This application seeks planning permission for the demolition of the existing buildings at EDF Energy, Wealden House, Lewes Road, Ashurst Wood and a residential redevelopment consisting of 54 units.

## RELEVANT PLANNING HISTORY

A planning application for the demolition of the existing buildings at EDF Energy, Wealden House and a residential redevelopment consisting of 71 units (reference DM/18/1548) was refused on 11 March 2019 for the following reasons:

1. The proposal is a significant over development of the site that has resulted in a poor quality layout that will not provide a high quality environment for prospective occupiers. The spaces between the buildings are too hard-edged and dominated by parking. There is a lack of defensible space in front of habitable windows and the location of many of the car parking spaces would cause a nuisance to prospective occupiers from cars coming and going. The buildings are too close together and there is insufficient space to comfortably accommodate balconies. Overall the proposal is not providing a high quality design and layout and therefore there is a clear conflict with policy DP26 of the Mid Sussex District Plan 2014-2031 and policies ASW9 and ASW14 of the Ashurst Wood Neighbourhood Plan.
2. The proximity of units 7 to 12 to The Barn would cause a significant loss of amenity to the occupiers of this property. The units at 7 to 12 would be over bearing and unduly dominant when viewed from The Barn and would have a very significant adverse impact on the outlook from the first floor bedroom window that faces the site. The proposal therefore conflicts with policy DP26 of the Mid Sussex District Plan 2014-2031.
3. The proposed layout of the site does not sufficiently address crime prevention. There are a number of blocks (1-6, 7-12, 17-24, 25-32, 49-57 and 58-71) where there is a lack of defensible space around the buildings. The proposed play area would be poorly overlooked. There is limited natural surveillance of the central court block 33-48 and the cycle and parking areas at the entrance to the site are unobserved. The proposal therefore conflicts with policy DP26 of the Mid Sussex District Plan 2014-2031 and the aims of the NPPF as set out in paragraph 127.
4. The proposal provides 21 affordable units of accommodation which is below the required number of 22 units. The proposed tenure mix is not in line with the Councils requirements of 75% rented and 25% shared ownership. The proposed 2 bed units do not meet the Occupancy Requirement set out in the Affordable Housing Supplementary Planning Document. The proposed affordable housing is not sufficient integrated within the site with a concentration of 21 units located together on the eastern side of the site. The proposal therefore conflicts with policy DP31 of the Mid Sussex District Plan 2014-2031.

5. The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required affordable housing. The proposal therefore conflicts with policies DP20 and DP31 of the Mid Sussex District Plan 2014-2031.

6. The proposal fails to mitigate its impact on the Ashdown Forest Special Protection Area. The proposal therefore conflicts with policy DP17 of the Mid Sussex District Plan 2014-2031.

7. The proposal would not provide a sufficient buffer zone between the development and the Ancient Woodland to the south of the site and would therefore have an adverse impact on the integrity of the ancient woodland. The proposal therefore conflicts with policies DP37 and DP38 of the Mid Sussex District Plan 2014-2031.

8. The proposal has not provided sufficient detail to show how matters relating to sustainable design and construction have been addressed. The proposal therefore conflicts with policy DP39 of the Mid Sussex District Plan 2014-2031.

9. The following units would not meet the Technical housing standards-nationally described space standard because the proposed floor space would be below the space standards for the number of bed spaces that are shown on the submitted plans.

-units 1, 2, 3, 47, 8, 9, 10, 44, 45, 46, 51, 52, 53, 54 and 55

The proposal therefore conflicts with policy DP27 of the Mid Sussex District Plan 2014-2031.

10. It has not been demonstrated that the level of car parking that is proposed is sufficient to serve the development. The proposal therefore conflicts with policy DP21 of the Mid Sussex District Plan 2014-2031 and policy ASW21 of the Ashurst Wood Neighbourhood Plan.

## **SITE AND SURROUNDINGS**

The site of the application is a substantial utilitarian building that is located on the southern side of Lewes Road in Ashurst Wood. The building is set back some 70m from the Lewes Road. The building on the site has an L shaped footprint. It is bounded by car parking to the north, east and south. There is a large telecommunications mast to the rear of the building.

The access road to the site also serves Wealden House to the west and a development of flats to the northwest (Carlton House and Ashbourne House).

To the northeast there is a 1.8m fence on the boundary. Beyond this is a two storey dwelling called The Barn that is part of the adjacent school complex. To the west is Wealden House, a traditional looking two storey building that is in business use.

To the south there is an area of woodland beyond the car park. On the opposite side of Lewes Road to the north are detached houses.

In policy terms the site lies within the countryside as defined in the DP and is allocated for development under policy ASW9 in the AWNP. The site also lies within the High Weald area of outstanding natural beauty (AONB).

## **APPLICATION DETAILS**

This application seeks full planning permission for the demolition of the existing buildings on the site and the erection of 54 dwellings.

The plans show that there would be seven blocks of accommodation provided; four of these would be on the eastern side of the site and three of them would be on the western side of the site. Two of the blocks on the eastern side of the site would be three storeys in height within the other blocks all being four storeys in height.

The external elevations of the buildings would feature brick, render with an upper floor set back and featuring panelling. All of the buildings would be flat roofed. The scheme would provide 15 x 1 bed units and 39 x 2 bed units.

The site would utilise the existing access onto the Lewes Road. The plans show that there would be 67 car parking spaces positioned around the site, with the largest area of car parking being a block positioned around the blocks on the western side of the site.

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

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

Relevant policies:

- DP6 - Settlement Hierarchy
- DP12 - Protection and Enhancement of Countryside
- DP16 - High Weald area of outstanding natural beauty
- DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP20 - Securing Infrastructure
- DP21 - Transport
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP28 - Accessibility
- DP29 - Noise, air and light pollution
- DP31 - Affordable Housing
- DP34 - Listed Buildings and other Heritage Assets
- DP38 - Biodiversity
- DP39 - Sustainable Design and Construction
- DP41 - Flood Risk and Drainage

## **Neighbourhood Plan**

The Ashurst Wood Neighbourhood Plan (AWNPN) was made on 30 June 2016 and so forms part of the development plan. It is therefore a material consideration with full weight. Relevant policies are:

Policy ASW 1 - Protection of the Countryside  
Policy ASW 5 - Sites for New Homes  
Policy ASW 9 - Wealden House, Lewes Road (EDF site)  
Policy ASW 14 - Design and Character  
Policy ASW 15 - Affordable Housing

## **National Policy and Legislation**

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

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

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

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

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

### *National Planning Policy Guidance*

### *Technical Housing Standards*



## ASSESSMENT

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

- The principle of development;
- Character and design
- Impact on Heritage Assets
- Affordable housing
- Crime prevention
- Sustainable design and construction
- Impact on residential amenity
- Noise
- Access, Parking, and Highway Safety
- Drainage
- Infrastructure
- Contaminated land
- Ecological matters
- Impact on Ashdown Forest
- Whether the proposal would be sustainable development; and
- Planning Balance and Conclusion

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.'* The "in accordance" determination is one in accordance with the development plan when read as a whole.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (2018) and the Ashurst Wood Neighbourhood Plan (2016).

## Principle of development

Whilst the site is in the countryside as defined in the DP, it is a previously developed site and has been allocated in the AWNP for redevelopment. Policy DP12 of the DP relates to development in the countryside and states:

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

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

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

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

*Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.*

*Economically viable mineral reserves within the district will be safeguarded.'*

Policy DP6 in the DP states:

*'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement. The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:*

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
2. *The site is contiguous with an existing built up area of the settlement; and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

The developer will need to satisfy the Council that:

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

Policy ASW9 in the AWNP states:

*' Proposals for residential development on land at Wealden House, Lewes Road (EDF site) will be supported subject to the following criteria:*

- (a) Schemes must reflect and respect the predominant character of the area with particular regard to unit type, scale and massing; and*
- (b) Ensure that all properties are set back from the front boundary to reflect the pattern of development in the immediate area and have a layout which reflects and respects the spacious character of the locality to help integrate the new development into the vicinity; and*
- (c) Use the existing access from Lewes Road with appropriate modifications as required for increased traffic to site; and*
- (d) Retain and strengthen tree screening to the western and southern boundaries of the site; and*
- (e) Provide and safeguard in perpetuity a buffer zone to protect and sustain the Ancient Woodland to the south of the site; and*
- (f) Provide for the removal or suitable relocation of the telecommunications mast; and*
- (g) Provide evidence that any potential contamination of the site has been fully investigated and any remediation found to be necessary has been satisfactorily undertaken before any development begins; and*
- (h) Provide a mix of dwelling types and sizes, both market and affordable, to include small homes and homes suitable for elderly residents. Appropriate mix to be informed by an up-to-date housing needs survey together with information from MSDC's Common Housing Register; and*
- (i) Show what arrangements will be made for future maintenance of communal areas; and*
- (j) Ensure future access to the existing sewerage infrastructure within the site for maintenance and upsizing; and*
- (k) Agree arrangements during the construction period including hours of work, delivery, parking and storage arrangements in order to minimise the impact on local residents during the construction period and undertake work in accordance with those details.'*

It is therefore clear that development plan policy supports the redevelopment of the site for residential uses. Therefore there is no conflict with policy DP12 or DP6 of the DP since the site is allocated for development in a Neighbourhood Plan. The principle of redeveloping the site is therefore acceptable.

### **Character and design**

Policy DP26 in the DP seeks to promote a high standard of design in all new development. Policy ASW9 in the AWNP as set out above contains criteria relating

to design. Policy ASW14 in the AWNP contains a number of criteria relating to design for all development in the parish. It states:

*'All new development (including extensions and additions to individual properties) must demonstrate good quality design and respect the existing character and appearance of the surrounding area. All proposals will be expected to identify how they address the local surroundings and landscape context by:*

- (a) Using design that respects the scale and character of existing and surrounding buildings with reference to the Character Assessment; and*
- (b) Demonstrating that the design of the particular development has addressed and protected the positive features of the character of the local area; and*
- (c) Using materials which are compatible with the materials of the host or surrounding buildings; and*
- (d) Respecting established building lines where relevant and using green hedging and / or trees for highway boundaries wherever possible and in keeping with the existing streetscape; and*
- (e) Ensuring safe access for pedestrians, cyclists and other road users; and*
- (f) Providing adequate refuse and recycling storage incorporated into the scheme to minimise visual impact; and*
- (g) Adopting the principles of sustainable drainage where appropriate; and*
- (h) Providing private garden amenity space proportionate to the size of the dwelling; and*
- (i) Providing off-street parking space in accordance with Policy 21 and ensuring that garages reflect the architectural style of the house they serve and are set back from the street frontage wherever possible to reflect the local character and context. Parking should be positioned between dwellings, rather than in front, so it is not prominent in or does not dominate the street scene to the detriment of local character; and the visual impact of parking areas should be minimised wherever possible by the use of alternative surfaces and screening; and*
- (j) Ensuring that the living conditions of adjoining residents (including privacy, daylight, sunlight and outlook) are safeguarded; and (k) Ensuring that lighting schemes will not cause unacceptable levels of light pollution particularly in intrinsically dark areas.'*

Finally the NPPF is strongly supportive of good design and also seeks to make effective use of land in meeting the need for homes. The reuse of suitable brownfield land is strongly supported.

It is considered that there is a tension between policy ASW9 in the AWNP and the preamble within the Neighbourhood Plan relating to housing supply. There is a table in the Neighbourhood Plan that sets out the approximate capacity of the allocated sites within the Parish. The site at Wealden House is listed in the text in the Neighbourhood Plan as having an approximate capacity of 50+. To achieve this number of units of the site would require a higher density flatted scheme. However it is important to recognise that this table is not the planning policy. Irrespective of the approximate numbers that are set out in the table it remains the case that developments must be assessed against the relevant policies in the DP and NP and other material considerations to ascertain whether the design of the proposal is acceptable.

Policy DP26 in the DP states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Taking the criteria of policy ASW9 in turn, it is clear that the proposed scheme is not of the same character of the surrounding houses, which are two storeys. However there are larger flatted buildings to the northwest at Ashbourne House and Carlton House and the adjoining building at Wealden House is also larger than traditional two storey dwellings. It is also the case the proposed new buildings are of a similar

scale to the buildings that are being replaced. Overall then there is not full compliance with part a) of policy ASW9.

With regards to part b) of policy ASW9, the development is set back from the road. The flatted layout is different to the traditional two storey housing around the site but it must be acknowledged that there is a development of flats to the southwest of the site at present. Therefore there is not full compliance with criteria b).

The proposal utilises the existing access from the Lewes Road. There are no objections from the Highway Authority to the proposed access arrangements. As such criteria c) of policy ASW9 is met.

The plans show some new planting on the western boundary and also some additional planting within the buffer on the southern boundary. As such there would not be a conflict with criteria d) of policy ASW9.

The plans show a 15m buffer to the ancient woodland to the south of the site. Whilst there is development adjacent to this buffer, account needs to be taken of the current situation where the car park that serves the current building on the site goes right up to the woodland. Therefore there would be a benefit compared to the current position as there would be a buffer between development and the woodland whereas there is currently none. It would have been preferable for the car parking to have been set slightly further away from the buffer zone but overall, given the above it is not felt that there would be grounds to object to the scheme in relation to criteria e) of policy ASW9.

The proposal includes the removal of the existing telecommunications mast, in compliance with criteria f) of policy ASW9.

Criteria g) of policy ASW9 requires evidence that any potential contamination of the site has been fully investigated and any remediation found to be necessary has taken place before development begins. The Councils Contaminated Land Officer has assessed the application and has recommended that a phased planning condition is imposed to ensure the site is safely developed for its end use. With such a condition in place, criteria g) of policy ASW9 would be met.

With regards to criteria h) the scheme provides for 15 x 1 bed flats and 39 x 2 bed flats. The accommodation that is provided is driven by the layout and design of the scheme; it is only realistic to accommodate this number of units on the site with a flatted development. The accommodation provided would be smaller dwellings. The application is not accompanied by a housing needs survey. The applicants Design and Access Statement (DAS) states that in complying with part M of the Building Regulations, the scheme will provide level access and that within the buildings corridors and door widths (especially to WC provision) are sized to ensure that the circulation within the entrance storey of the dwelling facilitates wheelchair use. There would be no reason why the proposed flats could not be occupied by elderly persons as the buildings would be accessible.

The District Councils Housing and Economic Development Needs Assessment (HEDNA) (February 2015) which formed part of the evidence base for the District

Plan examination states on page 75 *'Table 31 indicates that the over the plan period, there will be a significant need for smaller dwelling types, with the majority of new households being 1 or 2 person households with a very high proportion of need arising for elderly persons (75+) with the majority of such households being 1 or 2 person households. A significant proportion of future household growth will also be for family sized homes at around 30% of total growth, with 15% of total household growth requiring smaller family sized homes of 2-3 bedrooms and 15% requiring larger family sized homes of 3+ bedrooms.'*

It is therefore considered that whilst the application is not accompanied by a housing needs survey, the evidence that the District Council holds shows that there is a requirement for smaller dwellings.

With regards to affordable housing, this will be assessed later in this report.

Overall then there is not full compliance with criteria h) of policy ASW9. The scheme would provide smaller dwellings that would be accessible but does not provide affordable housing.

Criteria i) (maintenance of communal areas), j) (sewerage infrastructure) and k) (construction arrangements) can all be adequately addressed by planning conditions.

Assessing the scheme against policy DP26 in the DP, it is considered that the overall layout is reasonable. The open space proposed is located in a logical position at the front of the site where it will be well overlooked. The Councils Urban Designer has stated *'Consistent building lines provide well defined street edges and spaces. The main spine road has been designed as shared space and features generously soft landscaped thresholds that also provide a good level of separation / defensible space (3 to 5m) for the ground floor flats; and the revised drawings now show consistent masterplan and landscape layouts. A pedestrian-friendly surface (such as block paving) will nevertheless be needed.'*

*Most of the existing trees along the Lewes Road boundary are shown retained enabling the sylvan quality of this frontage to be maintained and providing a soft backdrop for the parking adjacent to the site entrance.*

*The four blocks of flats on the eastern boundary have been designed to provide enough separation from the existing woodland belt with the revised drawings now permitting a better relationship between the block with units 10-12 and the existing adjacent building known as the "Barn". Conflict with the retained trees on the eastern edge has mostly been avoided as the buildings are organised without habitable rooms that depend alone on an aspect facing this boundary.*

*The southern boundary now incorporates the required 15m buffer zone to safeguard the ancient woodland along this edge.*

*The rear courtyard behind the blocks (with plots 13-42) on the southern / western corner incorporates soft landscaping to make it a more comfortable space.'*

Your officer agrees with the comments that have been made above. It is considered that as a high density scheme on an irregularly shaped site, the proposed layout is reasonable and responds to the constraints around the site. It is felt that the way the car parking that has been provided within the scheme is reasonable and does not dominate the development unduly. The adequacy of the level of car parking that has been provided will be assessed later in this report.

In relation to the elevations, the Urban Designer states *'The blocks of flats have a contemporary design softened by predominantly brick facades that, except for the block with units 1-9, are articulated at the front by circulation cores with a contrasting metal-clad finish. The frontages benefit from further vertical articulation generated by grouped windows and balconies. The latter not only provide the flats with private outdoor amenity space (missing in the previous refused scheme) but also provide structural depth and elevational interest.'*

*The consistent approach to the architecture gives the scheme underlying order, but risks appearing uniform. This has been helped by the revised drawings that incorporate different metal clad finishes and vary the articulation of the top floor. In addition the reconfiguration of the block with units 1-9 at the site entrance has involved sub-dividing the main frontage facing the open space into three parts which can be read as a terrace of houses, rather than flats.*

*The contemporary architectural language is dependent on the quality of the finish with the windows crisply design (UPVC will be unacceptable) and incorporating generous reveals that contribute a sense of structural depth. The opportunity should also be taken to discreetly incorporate solar panels on the roof. It is also noted that no provision has been given to any lift housing that may be required on the roof. Appropriate conditions are therefore needed to cover this.'*

Again, your officer agrees with these comments. Whilst clearly different to the two storey housing around the site, in their own right the elevations are considered to be well designed.

With regards to the other criteria of policy DP26, an assessment in relation neighbour amenity impacts will be carried out later in this report. The proposal is a high density scheme so does optimise the potential of the site.

Policy ASW14 in the AWWNP is a criteria based policy on design. It states:

*'All new development (including extensions and additions to individual properties) must demonstrate good quality design and respect the existing character and appearance of the surrounding area. All proposals will be expected to identify how they address the local surroundings and landscape context by:*

*(a) Using design that respects the scale and character of existing and surrounding buildings with reference to the Character Assessment; and*

*(b) Demonstrating that the design of the particular development has addressed and protected the positive features of the character of the local area; and*



- (c) Using materials which are compatible with the materials of the host or surrounding buildings; and*
- (d) Respecting established building lines where relevant and using green hedging and / or trees for highway boundaries wherever possible and in keeping with the existing streetscape; and*
- (e) Ensuring safe access for pedestrians, cyclists and other road users; and*
- (f) Providing adequate refuse and recycling storage incorporated into the scheme to minimise visual impact; and*
- (g) Adopting the principles of sustainable drainage where appropriate; and*
- (h) Providing private garden amenity space proportionate to the size of the dwelling; and*
- (i) Providing off-street parking space in accordance with Policy 21 and ensuring that garages reflect the architectural style of the house they serve and are set back from the street frontage wherever possible to reflect the local character and context. Parking should be positioned between dwellings, rather than in front, so it is not prominent in or does not dominate the street scene to the detriment of local character; and the visual impact of parking areas should be minimised wherever possible by the use of alternative surfaces and screening; and*
- (j) Ensuring that the living conditions of adjoining residents (including privacy, daylight, sunlight and outlook) are safeguarded; and*
- (k) Ensuring that lighting schemes will not cause unacceptable levels of light pollution particularly in intrinsically dark areas'*

Taking these criteria in turn, it is considered that the proposal does not fully accord with part a) for the same reasons that have been outlined earlier in the design section of this report, namely that the proposal is of a significantly greater scale than the more domestic scale housing around the site

With regards to part b) the proposed development would be well self-contained and would not be particularly visible from the wider area. The existing building is a substantial structure and is of no architectural merit.

With regards to parts c) and d) it is felt the proposed materials themselves are reasonable and there are no issues regarding building lines. As such it is not felt there is a conflict with parts c) and d) of policy ASW14.

With regards to criteria e) and f) the site would have a safe access for vehicles and pedestrians and provide adequate refuse and recycling, thus complying with these elements of the policy ASW14.

The scheme proposes sustainable drainage methods which can be secured by a condition, thus complying with criteria g) of policy ASW14.

As the scheme is a flat development, it does not propose individual gardens. Criteria h) is therefore not complied with because the scheme does not propose dwelling houses.

With regards to criteria i), the scheme does not meet the car parking standards in the Neighbourhood Plan and this is set out later in the report. Criteria f) of policy ASW14 is therefore not met.

Criteria j) relates to safeguarding the living conditions of adjoin residents and this issue is assessed later in the report, with the conclusion that there would not be a significant adverse impact on neighbouring occupiers amenities.

Finally with regards to criteria k) the internal lighting of the site can be conditioned so that it does not result in any unacceptable light pollution. As such there is no conflict with part k) of policy ASW14.

### Overall conclusions on design and layout

To conclude, overall it is considered that in their own right, the proposed development is reasonable in terms of the design of the buildings. It is acknowledged that they would be of a greater scale than the two storey dwellings around the site. Whilst it could be said that this conflicts with elements of the Neighbourhood Plan policy it should be recognised that there is a substantial building on the site at present and the replacement buildings are of greater architectural merit than the current building.

A key drawback of the design of the scheme is that to accommodate this level of development would require significantly more car parking than has been provided. Therefore it is felt that this is an indication that the scheme is still seeking to get too many units than can be accommodated resulting in a conflict with policies ASW9 and ASW14 in the AWNP.

### **Impact on the High Weald AONB**

The site lies within the High Weald AONB. Policy DP16 in the DP states:

*'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;*

- *the identified landscape features or components of natural beauty and to their setting;*
- *the traditional interaction of people with nature, and appropriate land management;*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- *the conservation of wildlife and cultural heritage.*

*Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.*

*Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'*

The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan. Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) that provides an overview of the national, county and district landscape character assessments for the site and surrounding area. The key characteristics which are relevant to the site and surroundings are highlighted. The LVIA provides an accurate assessment of the potential impacts that the development would have on the local landscape and views.

The County Landscape Architect has assessed the application and has not raised an objection to the scheme. She states *'The demolition of the existing building and associated infrastructure would provide an opportunity to enhance this area of the High Weald AONB landscape in the village context of Ashurst Wood. The proposed landscape strategy and masterplan would provide a high quality landscape setting for the development.'*

Given the existing development on the site, it is considered that in terms of its impact on the High Weald AONB, the scheme would conserve the natural beauty of this part of the AONB. It is important to note that this is a different issue compared to an assessment of the design merits of the proposal.

### **Impact on Heritage Assets**

S 66 of the Planning Listed Building and Conservation Areas Act 1990 states *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

Policy DP34 in the DP relates to listed buildings and other heritage assets. Archaeological assets fall within the definition of heritage assets in this policy. The policy seeks to conserve heritage assets in a manner appropriate to their significance. In their consultation response on the previous application (DM/18/1548) the Council's archaeological consultant suggested that an archaeological Desk Based Assessment which considers all available resources, including plans and

details of envisaged below ground works, is undertaken at the predetermination stage and submitted as part of the planning application. Whilst these comments are noted, given the fact that the site is previously developed with a large building and substantial areas of hard standing, it is considered that in this case it would be appropriate for there to be a planning condition requiring an archaeological assessment to be done prior to works commencing in the event that planning permission is granted for this proposal.

Camden Cottage is a grade 2 listed building that is some 120m to the east of the site, on the northern side of the Lewes Road. It is considered that the visual impact of the proposal from Lewes Road will be minimal, and as such it is not considered to have an impact on the existing edge-of-town character of the setting of Camden Cottage. The proposal would preserve the setting of this listed building and therefore complies with policy DP34 in the DP.

### **Affordable housing**

Policy DP31 in the DP requires developments on sites such as this to provide 30% affordable housing on site. The policy states that proposals *'that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach.'*

Policy ASW15 in the AWNP has similar aims and refers to a requirement to provide 30% affordable housing unless clear financial evidence has been provided to demonstrate why that cannot be provided.

The applicants have provided viability information with their application that seeks to demonstrate that the scheme is not viable to provide any affordable housing on site. This information has been independently assessed by consultants appointed by the District Council. The results of the appraisal that has been carried out by the District Councils consultants has indicated that based on the full revised section 106 contributions and containing 6 units for affordable rent and 3 for shared ownership the scheme produces a small surplus of £12,394.

The applicants do not accept this conclusion. They state *'We have so far taken a viability approach to the scheme, following your own recommendations, and our viability report demonstrates that the scheme is unviable if affordable housing is provided. Your consultants have argued, and primarily because they put a value to ground rents for future leases, that 9 affordable houses should be provided on site. We have drawn your attention to the Central Government advice that it is to remove any financial value to ground rent in future leases and that they will be legislating via the Leasehold Reform Act in the near future. For this reason we are of the opinion that our case is very robust at appeal especially as the legislation will likely catch up during the appeal process.'* These comments are noted. However the Council considers that viability guidance requires a development to be assessed as of today, and at the time of writing ground rents are still chargeable. The Council's position is

therefore that ground rents should be included in viability assessments until new legislation is drafted and enacted to the contrary.

The applicants have also suggested that if the Council do not accept the applicant's viability arguments, then Vacant Building Credit should be applied to the scheme. In 2014, Government introduced a vacant building credit (VBC) which may be applied to sites where a vacant building is brought back into lawful use, or is demolished to be replaced by a new building. The vacant building credit reduces the requirement for affordable housing contributions based on the amount of vacant floor space being brought back into use or redeveloped by offering a financial credit.

In this case officers have advised the applicant that we do not consider that VBC applies to this proposal. The site was put forward for residential development by the land owner in early 2013 as part of the neighbourhood plan preparation and they advised that they lease the building to EDF but that the current lease runs out in 2017/18. This would suggest that the site was made empty for the sole purposes of redevelopment. The building has also not been empty for a continuous period of 5 years and the original application for 71 dwellings on the site offered 30% on site affordable housing which would not suggest that this is a site which would not otherwise be developed and the policy was not intended simply to enable reductions in affordable housing contributions.

To conclude on this matter the Council do not agree with the applicant's position that the scheme is not viable to provide any affordable housing. As the scheme provides no affordable housing and no agreement has been reached on the level of affordable housing that would be viable, there is a conflict with policy DP31 of the DP and policy ASW15 of the AWNP.

### **Crime prevention**

The NPPF demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

There are first and second floor kitchen/living room windows on plots 1-9 facing the car parking areas either side of the proposed building. On plots 10-12 and 43-46 there are first and second floor living room windows facing the car parking area to the side of the proposed building. On plots 47-54 there are first, second and third floor kitchen and living room windows facing the car parking to the rear of this proposed building. The car parking court to the rear of the site that is enclosed by plots 13-20, 21-28 and 29-42 is overlooked by first, second and third floor bedroom windows.

Sussex Police have advised that they have no major concerns over the proposals. They do advise that car parking courts should be overlooked by active rooms (one where there is a direct and visual connection between the room and the street: such connections can be expected from rooms such as kitchens and living rooms but not bedrooms and bathrooms).

On this basis the majority of the car parking areas is overlooked by active rooms. Whilst one car parking court of 15 spaces is only overlooked by bedrooms, this parking area is enclosed by three buildings and so officers consider that its natural surveillance is reasonable.

The community space/LPA in the centre of the site is well overlooked. The fencing of this area could be controlled by a planning condition.

In light of all the above it is considered the proposal is acceptable in relation crime prevention matters.

### **Sustainable design and construction**

Policy DP39 in the DP seeks to ensure that new development has regard to the issue of energy efficiency and sustainable design. The applicants have stated in their Design and Access Statement that they intend to:

- minimise energy usage by utilising small blocks with small footprints which provide layouts with dual and triple aspects
- the flat roof areas will allow for the installation of photo voltaic/solar panels
- water usage will be limited to 110L/person/day
- sustainable drainage will be utilised

It is considered the applicants have addressed the issue of sustainable design as set out in policy DP39.

### **Impact on residential amenity**

Policy DP26 in the DP seeks to resist proposals where there would be a significant adverse impact on the residential amenities of existing occupiers. The nearest residential property to the site is a two storey house, known as The Barn, that is located to the east of the site. This property is within the ownership of the adjacent school and is occupied as a residential dwelling.

The 3 storey block of plots 10-12 would be located 10m to the west of The Barn. There is a first floor bedroom window in the side elevation of The Barn which faces towards the application site. This bedroom is also served by a roof light in the rear (north) facing roof slope. The scheme has been amended during the course of submission to seek to reduce the impact on The Barn and provide an improved outlook from the first floor bedroom window of this property.

The applicants have provided a Daylight and Sunlight Report to seek to demonstrate that the impact of the proposed development on daylight and sunlight on The Barn is acceptable. The BRE Guidelines are used by Local Planning Authorities as a means of assessing the acceptability of daylight and sunlight to properties in relation to development proposals. The BRE Guidelines specify that the daylight and sunlight results be considered flexibly and in the context of the site.

The Executive Summary of the applicants Daylight and Sunlight report concludes:

*'In daylight terms, all windows analysed at The Barn meet the BRE Guidelines for VSC and serve rooms that meet the BRE Guidelines for daylight distribution with the proposal in place. In sunlight terms, all windows analysed at The Barn meet the BRE Guidelines for both annual and winter sunlight with the proposal in place. Overall, this property is compliant with the BRE Guidelines for both daylight and sunlight with the proposal in place.'*

There are no reasons to dispute the findings of the applicants report on daylight and sunlight. It is therefore felt the impact on light from this proposal on The Barn will be acceptable.

The amendments to block 10 to 12 mean that there will still be an open aspect from the first floor bedroom window in The Barn. It is an unusual situation to have a window serving a habitable room so close and facing across a side boundary. It is therefore felt the aspect from this window will be acceptable and the proposed development would not cause significant harm by being overly dominant or overbearing. There would be no clear glazed windows in the side elevation of block 10-12 facing The Barn and therefore no overlooking.

Overall it is not considered that the proposal would cause harm to the residential amenities of The Barn that would conflict with policy DP26 of the DP.

North Lodge is a detached property that is set some 14m from the eastern boundary of the site. Plots 1 to 9, which is a three storey block, would be located some 2m off the mutual boundary. There would not be any habitable windows in the side elevation of plots 1 to 9 facing North Lodge. Whilst the development would be visible to the occupiers of North Lodge it is not considered that the proposal would cause a significant loss of amenity as it would not be unduly overbearing and there would be no overlooking. As such it is not considered that the proposal would cause harm to the residential amenities of North Lodge that would conflict with policy DP26 of the DP.

## **Noise**

In relation to noise, policy DP29 states:

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

*Noise pollution:*

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

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

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

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

Noise is a material planning consideration. The Planning Practice Guidance (PPG) states neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

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

In this case the dominant noise source would be road traffic noise from the A22. The proposed flats would be no closer to the highway than the existing housing that is on both sides of the A22. It is considered that it would be possible to satisfactorily design and insulate the proposed flats so that they provided an acceptable environment for prospective occupiers in relation to noise. The Councils Environmental Health Officer has not objected to the application and has suggested that a planning condition can be used ensure that noise levels could be appropriately controlled. It is considered that with this in place the application complies with policy DP29 of the DP.

### **Access, Parking, and Highway Safety**

Vehicular access to the proposed development will be taken via the existing access onto the A22 Lewes Road, which includes a right turn lane for vehicles accessing the site. Pedestrian and cycle access will be via the same access, with the access road forming a shared surface environment within the site. At this point Lewes Road is subject to a 30 miles per hour speed limit.

Policy DP21 in the District Plan states:

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

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



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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

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

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

Vehicular access to the proposed development will be taken via the existing access onto the A22 Lewes Road, which includes a right turn lane for vehicles accessing the site. Pedestrian and cycle access will be via the same access, with the access road forming a shared surface environment within the site. At this point Lewes Road is subject to a 30 miles per hour speed limit. In accordance with Manual for Streets

(MfS) parameters 43 metres of visibility are achievable from a 2.4 metre 'X' distance in both directions. The road is a straight road, with footways offset from the carriageway edge, there are no visibility issues from the existing site access, with all land required for the visibility splay located within the highway boundary.

In relation to the access into the site the Highway Authority state: *'The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents in the vicinity of the site access or using the RTL onto Lewes Road. There is no evidence to suggest that the road is operating unsafely, or that the proposed would exacerbate an existing safety concern. In conclusion the principle of the access has been demonstrated as acceptable and 'Safe and Suitable' in accordance with Paragraph 108 of the National Planning Policy Framework.'* There are no grounds to dispute the findings of the Highway Authority on this issue.

In relation to vehicular movements, the applicants have provided a Transport Statement (TS) with their application to estimate trip generation between arising from the proposal compared with the previous use. This advises that the development could generate a decrease in vehicular trips of 51 two-way trips in the weekday morning peak hour and 42 two-way trips in the weekday evening peak hour. Across a typical weekday, the proposed residential is likely to generate a reduction of 237 two-way vehicular trips compared to the existing commercial site use.

Whilst concerns have been raised about the TS the fact of the matter is that there is an existing lawful commercial use on the site that could be resurrected. Therefore this is an appropriate fall-back position to base an assessment of vehicular movements on. The Highway Authority has considered the TS and has raised no concerns about its content. It is also the case that the number of vehicular movements that would be generated by this proposal would be very small in comparison with the number of daily movements on the A22.

In light of all the above it is not considered that the proposal would have a severe impact on vehicular movements of the A22 and there are no grounds to resist the application based on this matter.

With regards to car parking, the scheme proposes 67 spaces. The District Councils car parking standards are contained in the Councils Infrastructure SPD and are expressed as a minimum indicative standard. Using this standard the scheme should provide 93 spaces. The scheme is therefore 26 spaces short of the District Councils standards.

The District Councils SPD states:

*'The minimum indicative standard of car parking provision expected in new developments is set out in Appendix 1 and is based on the WSCC car parking standards. However, developers should be aware that, in addition to these standards, some town and parish councils have set out their own car parking standards in their respective Neighbourhood Plans. Reference should be made to those standards.'*

Ashurst Wood has its own parking standards in its Neighbourhood Plan. Policy ASW21 states:

*'(a) Development proposals that generate an increased need for parking must provide adequate and suitable off-street parking in order to minimise obstruction of the local road network in the interests of the safety of all road users, including pedestrians and cyclists. In the case of residential development, a minimum of two parking spaces will be required for units with 1 - 3 bedrooms, and a minimum of three parking spaces will be required for units with 4 or more bedrooms; unless it can be satisfactorily demonstrated that an alternative provision would be appropriate on a specific site. Parking spaces can take the form of spaces or garaging/car port facilities, but must be permanently available for parking use.*

*(b) Proposals that would reduce the existing level of off-street parking provision will be resisted unless it can be satisfactorily demonstrated that the amount of overall provision is adequate.'*

The County Council have their own parking demand calculator (PDC). The Highway Authority has stated that *'Parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator (PDC); there will be unallocated parking in accordance with the WSCC calculator. Previously the LHA raised no concerns with parking allocation which was slightly below the requirement from the PDC. In addition it should be noted the proposals are likely to be less intensive than the previous uses (as outlined in detail in the below section). The LHA is satisfied that the car parking provision is anticipated to satisfy the likely demands.'* Based on the parking standards in the Neighbourhood Plan the scheme should provide 108 car parking spaces. The scheme would therefore be 41 spaces short of the AWP standard.

It would not be appropriate for there to be on street car parking on the A22 as this is a strategic route through the District. The development should be capable of accommodating the car parking requirements that it generates. One of the reasons for refusal of the previous application was that it had not been demonstrated that the level of car parking was sufficient to serve the development. To seek to justify the level of car parking provision the applicants have provided a review of local car ownership levels utilising data from the 2011 Census. The applicants provide the following table

	Census car ownership proportion	Number of proposed units	Potential parking demand
No cars or vans	18.1%	10	0
One car or van	60.3%	33	33
Two or more cars or vans	21.6%	12	24
TOTAL	100%	54	57

The applicant's state that based on the table and based on the local flat car ownership trends, a 54 dwelling development is likely to require 57 car parking spaces. Therefore the applicants conclude that *'providing a car parking layout of 67 spaces is considered to address the predicted demands of the development, whilst*

*ensuring an element of additional parking is available based on the local car ownership trends.'*

Whilst it can often be appropriate to be flexible on car parking standards in town centre locations where there is a choice of transport modes and there are also other options for parking (on street or public car parks), these alternative options are not realistic in this location. Therefore whilst taking account of the evidence provided by the applicants, it is not felt that such a significant shortfall from the District and Neighbourhood Plan car parking standards has been adequately justified in this case.

## **Drainage**

Policy DP41 in the DP seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere.

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk. The majority of the site is occupied by the hard surfacing of the EDF building and the car park that surrounds it.

It is proposed that surface water would be disposed of via soak aways and Sustainable Drainage Systems. Foul drainage would be connected to the existing local foul system.

The Council's Drainage Engineer has no objection to the scheme and considers that the details of the drainage scheme can be controlled by a planning condition. With this in place the application would comply with policy DP41 of the DP.

## **Infrastructure**

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

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

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

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

*'54 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning*

*obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'*

and:

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

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

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

#### West Sussex County Council Contributions:

Library provision: £14,758  
Education Primary: £46,476  
Education Secondary: £50,018  
6th Form: £11,719  
TAD: £66,271

#### District Council Contributions

Formal sport: £50,918  
Community buildings: £29,203  
Local community infrastructure: £33,147

#### Other contributions

NHS Sussex contribution of £24,433  
Sussex Police £2,953.92

These figures are based on the application as submitted, i.e. with no affordable housing provision.

It is considered that all of the above infrastructure requirements are necessary in order for the development to mitigate its impact. Developers are only required to mitigate the impact of their proposals; it is not lawful to seek infrastructure contributions to deal with existing infrastructure deficiencies.

As there is not a completed legal agreement to secure the necessary infrastructure contributions to mitigate the impact of the development the proposal conflicts with policy DP20 of the DP.

### **Contaminated Land**

Mapping indicates that the site has two in-filled pits within its curtilage, the contents of which are unknown. There is also an electricity substation on site. Substations due

to their composition have a number of products and materials which may have the potential to cause localised contamination.

Paragraph 178 of the NPPF states:

*'Planning policies and decisions should ensure that:*

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

The Councils Contaminated Land Officer has stated that a phased contaminated land condition should be attached to ensure the site is safely developed for its end use. Additionally a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed. With such a condition in place it is considered that this issue would be appropriately addressed.

## **Ecological matters**

Policy DP38 of the DP seeks to protect biodiversity.

The woodland to the south and southwest of the site is designated as ancient woodland. In relation to ancient woodland paragraph 175 of the NPPF states *'When determining planning applications, local planning authorities should apply the following principles:*

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>58</sup> and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in*

*and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

The layout of the scheme now provides for a 15m buffer between the edge of the development and the ancient woodland. The 15m buffer arises from standing advice from Natural England. It is intended that a post and rail fence would demarcate the boundary of the ancient woodland with the landscaping around the proposed apartments.

Given the existing situation and the fact that a buffer is now proposed, it is considered that the impact on the ancient woodland will be acceptable and therefore there would be no conflict with policy DP38 of the DP.

### **Impact on 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.

#### 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 is within the 7km zone of influence and generates a net increase of 54 dwellings, and as such, mitigation is required.

An appropriate scale of SAMM mitigation for the proposed development is £104,754, and if the approved scheme provides for a strategic SANG contribution, this would be £63,015.

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and (if the approved scheme provides for a strategic SANG contribution), the SANG Strategy. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

The strategic SANG is located at East Court & Ashplats Wood in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the 10-year Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.

The financial contributions to SAMM and SANG have been secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").

The Planning Obligation securing the SAMM and SANG contributions has not been completed so it is considered that the mitigation of the recreational impact to the Ashdown Forest has not been secured. The proposal therefore conflicts with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and their comments are awaited.

#### Atmospheric pollution

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

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as development allocated through the Ashurst Wood neighbourhood Plan, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

#### Conclusion of the Habitats Regulations Assessment

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed does not provide mitigation to avoid any potential impact on the Ashdown Forest SPA.



The development therefore conflicts with policy DP17 of the DP.

## CONCLUSION

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the DP and the AWNP. The NPPF is an important material planning consideration.

As the site is allocated for redevelopment in the AWNP, the principle of the development is acceptable. The application is seeking to overcome the reasons why the previous scheme for 71 units on the site was refused.

It is considered that given the existing building that occupies the site, the proposal would conserve the natural beauty of this part of the High Weald AONB. Also weighing in favour of the scheme is the fact that the proposal would bring about a redevelopment of a previously developed site. There would also be economic benefits from the scheme associated with both the construction phase and also the additional spend in the economy from new residents. The provision of 54 dwellings would make a positive contribution to the Councils housing land supply and this weighs in favour of the application

It is considered that the scheme would not cause a significant loss of residential amenity to the occupiers of The Barn, which is the closest residential property to the site. It is also considered there would not be a significant adverse impact on North Lodge to the east of the site.

It is considered that in their own right, the elevations of the proposed buildings are reasonable. The elevations are well ordered and the detailing, choice of materials and set back of upper floors helps to break down the scale of the buildings. Nonetheless the buildings will clearly be of a different scale to the domestic scale buildings around the site. This is a function of the applicant's interpretation of the Ashurst Wood Neighbourhood Plan and the supporting text to its housing section, which refers to the approximate capacity of this site as being 50+. It is acknowledged that it is challenging to reconcile this assessment with criteria a) of policy ASW9 which requires schemes to *'reflect and respect the predominant character of the area with particular regard to unit type, scale and massing'*.

One of the reasons why the previous application was refused was that the scheme for 71 units was an over development of the site and this was evidenced by the lack of car parking on site and the hard edged nature of the scheme. Whilst the current scheme is less hard edged and not so dominated by car parking, there is still a significant shortfall of car parking against the District Councils standards and a larger shortfall against the Neighbourhood Plan's car parking standards. Given the location of the site the alternatives to the private car are more limited compared to central locations in East Grinstead and it is therefore reasonable to expect that the likely car parking requirements of the development are met on site.

In this case it is felt that the significant shortfall of car parking is evidence that the scheme is still seeking to put too many units onto the site, since there is no more

space within the site to materially increase the level of car parking provided. It is therefore felt that whilst an improvement, this reduced scheme has still not overcome the previous reason for refusal relating to the shortfall in car parking.

With regards to affordable housing, if a scheme is not providing a policy compliant level of 30% on site affordable housing, the requirement is for the applicants to demonstrate that it is not viable for such provision to be provided. The financial information that has been submitted by the applicants has been independently assessed for the District Council and the outcome is that the District Council is not satisfied that it has been demonstrated that the scheme cannot provide any affordable housing. The provision of affordable housing is a corporate priority for the Council and therefore the failure to adequately justify providing no affordable housing on site means there is a conflict with policy DP31 of the DP and policy ASW15 of the AWNP.

There is a requirement for developments of this scale to provide contributions towards the costs of infrastructure to mitigate the impacts of the development. In the absence of a completed legal agreement to provide the required infrastructure contributions there is a conflict with policy DP20 of the DP. As there is no legal agreement to secure the mitigation required in relation to the Ashdown Forest Special Protection Area there is also a conflict with policy DP17 of the DP.

Taking all of the above into account it is considered that whilst there are clear benefits from delivering housing on a brownfield site that is allocated for development in a made Neighbourhood Plan, the level of development and associated shortfall in on site car parking, the absence of affordable housing and the absence of a legal agreement to provide the infrastructure contributions to mitigate the impact of the development means that the proposal is in conflict with the development plan when read as a whole, which is the proper basis for decision taking. There are no material planning considerations that would indicate that a decision should be made that is not in accordance with the development plan. In light of the above the application is recommended for refusal.

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## **APPENDIX A – REASONS FOR REFUSAL**

1. The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required affordable housing. The proposal therefore conflicts with policies DP20 and DP31 of the Mid Sussex District Plan 2014-2031 and policy ASW15 of the Ashurst Wood Neighbourhood Plan

2. The proposal fails to mitigate its impact on the Ashdown Forest Special Protection Area. The proposal therefore conflicts with policy DP17 of the Mid Sussex District Plan 2014-2031.
3. It has not been demonstrated that the level of car parking that is proposed is sufficient to serve the development. The proposal is seeking to put too many units onto the site and this results in a conflict with policies ASW9 and ASW14 in the Ashurst Wood Neighbourhood Plan. The proposal also conflicts with policy DP21 of the Mid Sussex District Plan 2014-2031 and policy ASW21 of the Ashurst Wood Neighbourhood Plan.

### Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	1809_01	A	27.08.2019
Proposed Block Plan	1809_02	C	27.08.2019
Proposed Site Plan	1809_05	H	27.08.2019
Existing Floor Plans	1809_10	-	27.08.2019
Existing Floor Plans	1809_11	-	27.08.2019
Existing Roof Plan	1809_12	-	27.08.2019
Existing Elevations	1809_15	-	27.08.2019
Existing Elevations	1809_16	-	27.08.2019
Existing Elevations	1809_17	-	27.08.2019
Existing Elevations	1809_18	-	27.08.2019
Proposed Floor Plans	1809_125	B	27.09.2019
Proposed Floor Plans	1809_126	B	27.08.2019
Proposed Elevations	1809_127	B	27.08.2019
Proposed Roof Plan	1809_128	A	27.08.2019
Proposed Elevations	1809_130	A	27.08.2019
Proposed Elevations	1809_131	A	27.08.2019
Proposed Elevations	1809_132	A	27.08.2019
Proposed Floor and Elevations Plan	1809_135	A	27.08.2019
Proposed Floor Plans	1809_136	B	27.08.2019
Proposed Elevations	1809_140		27.08.2019
Proposed Roof Plan	1809_141	A	27.08.2019
Proposed Floor Plans	1809_50	C	27.08.2019
Proposed Floor Plans	1809_51	C	27.08.2019
Proposed Floor Plans	1809_52	C	27.08.2019
Proposed Floor Plans	1809_53	D	27.08.2019
Proposed Floor Plans	1809_54	C	27.08.2019
Proposed Elevations	1809_55	C	27.08.2019
Proposed Elevations	1809_56	C	27.08.2019
Proposed Elevations	1809_57	C	27.08.2019
Proposed Floor Plans	1809_60	C	27.08.2019
Proposed Floor Plans	1809_61	C	27.08.2019
Proposed Floor Plans	1809_62	C	27.08.2019
Proposed Floor Plans	1809_63	C	27.08.2019
Proposed Floor Plans	1809_64	B	27.08.2019
Proposed Elevations	1809_65	C	27.08.2019
Proposed Elevations	1809_66	C	27.08.2019

Proposed Elevations	1809_67	C	27.08.2019
Proposed Floor and Elevations Plan	1809_70	C	27.08.2019
Proposed Floor Plans	1809_71	C	27.08.2019
Proposed Floor Plans	1809_72	C	27.08.2019
Proposed Floor Plans	1809_73	C	27.08.2019
Proposed Floor Plans	1809_74	B	27.08.2019
Proposed Elevations	1809_75	C	27.08.2019
Proposed Elevations	1809_76	C	27.08.2019
Proposed Elevations	1809_77	C	27.08.2019
Proposed Floor Plans	1809_80	D	27.08.2019
Proposed Floor Plans	1809_81	E	27.08.2019
Proposed Roof Plan	1809_82	C	27.08.2019
Proposed Elevations	1809_85	C	27.08.2019
Proposed Elevations	1809_86	D	27.08.2019
Proposed Floor Plans	1809_95	C	27.08.2019
Proposed Floor Plans	1809_96	C	27.08.2019
Proposed Floor Plans	1809_97	C	27.08.2019
Proposed Floor Plans	1809_98	C	27.08.2019
Proposed Floor Plans	1809_99	B	27.08.2019
Proposed Elevations	1809_100	C	27.08.2019
Tree Survey	18089-BT4		31.07.2019
Landscaping Details	LMSL/23/WH0 01-V2/AH	D	31.07.2019
Proposed Elevations	1809_101	C	27.08.2019
Proposed Elevations	1809_102	C	27.08.2019
Proposed Elevations	1809_103	C	27.08.2019
Proposed Floor and Elevations Plan	1809_105	B	27.08.2019
Street Scene	1809_115	D	27.08.2019

## APPENDIX B – CONSULTATIONS

### Parish Consultation

Dear Sir,

I should be pleased if you would note that at a recent meeting of the Council's Planning Committee, the council made the following comment:

DM/19/1025

Location: Wealden House Lewes Road Ashurst Wood West Sussex

Desc: Proposed new build residential development consisting of 54 units following the demolition of all existing site buildings.

Recommend: Refusal

This is the second application to develop this site, which was allocated in the Neighbourhood Plan for residential development.

The Village Council supports the principle of development, however the proposal once again fails to comply with the policies of the Neighbourhood Plan and the Village Council cannot support it for the reasons set out below.

### Community Consultation

As with the previous proposal (DM/18/1548) the application was prepared and submitted without any prior engagement with the Village Council or members of the community. A Statement of Community Involvement has belatedly been prepared.

This repeats the contents of the previous SCI and goes on to state that the consultation responses made during the previous application have now been addressed by the new application. This is not true: most of the Village Council's objections to the previous application have been ignored, as have those of Brambletye School and other local residents.

### Number of dwellings

The Design and Access Statement (page 39) refers to 'the allocated requirement' of 50+ dwellings. The Neighbourhood Plan does not allocate any number of dwellings for the site. Policy 5 states that the NP will provide for 62+ dwellings over the Plan period, to be delivered on allocated and windfall sites. This site is obviously the largest of the allocated sites and has been identified as having an approximate capacity of 50+.

There is no specific housing number in policy 9 itself (which covers this site). The application must be assessed against the relevant Plan policies.

It is also noted that the Design and Access Statement states that the size of the site is 1.473 hectares. During the Neighbourhood Plan site assessment, the size of the site was measured (using online tools) at approximately 1.2 hectares with the ancient woodland included, or 0.8 hectares excluding the woodland. The correct size of the developable area of the site should be clarified.

### Design and Character

Policy ASW9 is the Neighbourhood Plan policy which specifically covers this site. ASW9 (a) requires the scheme to reflect and respect the predominant character of the area with particular regard to unit type, scale and massing

while ASW9(b) requires a layout which reflects and respects the spacious character of the locality to help integrate the development into the vicinity.

In addition ASW14(a) requires design that respects the scale and character of existing and surrounding buildings with reference to the Character Assessment and ASW14(b) requires the design of a proposed development to have addressed and protected the positive features of the character of the local area.

The Ashurst Wood Character Assessment has not been referred to in the application. Members consider that the urban design is unattractive and out of keeping with the character of the Lewes Road area.

The applicant states several times in the application that 3 and 4 storey buildings are appropriate to this site. The Village Council disagrees. The majority of dwellings in the Lewes Road area are single or double storey, with some loft extensions. The 14 flats close to the site are 2.5 storeys with the top floor sitting in the roof space.

There are no circumstances in which a 4-storey block of flats is appropriate in the village of Ashurst Wood, while 3 storeys would only be acceptable if designed to appear as 2.5 storeys.

The removal of the existing building provides an opportunity to enhance the site, which this proposal does not achieve. The reference to developments in Cambridge and London as

precedents for this scheme is inappropriate, as those developments are in cities which are obviously not comparable to a village located in the High Weald AONB. Despite numerous objections to the urban style of the previous proposal, the applicant has made no design changes, apart from the addition of balcony spaces. It is not acceptable (or correct) to argue that the buildings will be hidden from public view.

The Village Council agrees with the comments made by Brambletye School about the impact of the proposed buildings on the school's buildings and community.

#### Dwelling mix

ASW 9(h) requires the applicant to provide a mix of dwelling types and sizes, both market and affordable, to include small homes and homes suitable for elderly residents. The appropriate mix to be informed by a Housing Needs Survey together with information from MSDC's common housing register.

This is also a requirement of DP30.

It is accepted that there is a need for small units, but the application does not address this requirement adequately.

A Housing Needs Survey must be commissioned by the applicant with the appropriate questions agreed with the Village Council and MSDC.

#### Garden space

ASW14(h) requires private garden amenity space proportionate to the size of the dwelling. The Neighbourhood Plan stresses the importance of gardens in the village. The nearby flats have large communal gardens. The Village Council notes that balconies have now been added to the scheme. While accepting that there will be some residents who will not require gardens, the Village Council wishes to see the inclusion of some private garden spaces. This will help to provide the mix of dwelling types and sizes required.

#### Car parking

Car parking provision does not comply with ASW 21, which requires two spaces to be allocated for each flat. Ashurst Wood has higher than average car ownership, as demonstrated in the evidence base for the Neighbourhood Plan. The Examiner stated that this policy reflects the circumstances found in Ashurst Wood and is well-designed and locally distinctive. It is essential that all parking is contained within the site.

Although this point was made with regard to the previous application and indeed is one of the reasons for refusal of that application, the applicant has ignored it and instead relies on WSCC parking standards.

Moreover, ASW 14(i) states that parking should not be prominent in or dominate the street scene, and the visual impact of parking areas should be minimised wherever possible by the use of alternative surfaces and screening.

It is therefore necessary for the applicant to design a scheme that has sufficient parking provision without being dominated by hardstanding.

#### Affordable Housing

This is required by ASW15 as updated by DP31. The applicant states that it is not viable to include any affordable housing in the scheme, having previously proposed a scheme of 71 dwellings including 21 affordable units. It is for the District Council to scrutinise the evidence put forward by the applicant to support its argument and the Village Council expects such scrutiny to be thorough as it would be extremely detrimental to the village if this site were to

provide no affordable homes. The provision of affordable housing was an important factor in the production of the Neighbourhood Plan.

#### Conclusion

The Village Council agrees that the potential of the site must be realised, but not at the expense of spoiling the character of the surrounding area and the village.

The applicant has ignored the Village Council's representations made about the previous application and has paid little regard to the policies of the Neighbourhood Plan. It is clear that the proposal is not acceptable when judged against the Plan's policies. It is also clear that the proposal continues to represent an overdevelopment of the site and that the number of units will need to be reduced in order to provide a mix of dwelling types, suitable outdoor space, suitable building height, appropriate design and affordable dwellings.

Yours sincerely

#### **Parish Consultation**

14th August 2019

Chief Planning Officer

Mid Sussex District Council

Oaklands Road

Haywards Heath

West Sussex

RH19 1SS

By email.

#### PLANNING APPLICATIONS

Dear Sir,

I should be pleased if you would note that at a recent meeting of the Council's Planning Committee, the council made the following comment:

DM/19/1025

Location: Wealden House Lewes Road Ashurst Wood

Desc: Proposed new build residential development consisting of 54 units following the demolition of all existing site buildings. (Additional Information ' Statement of Community Involvement received 04/04/2019). Amended plans and revised information received 31 July.

Recommend: REFUSAL

The minor amendments to the application do not address the objections of the Village Council set out in detail in the consultation response dated 24th April 2019.

The Urban Designer, in his response dated 30th May 2019, states that 'the scheme still represents a high density for its edge-of-settlement location and has been justified by the

50+ dwelling allocation in the Ashurst Wood Neighbourhood Plan.' As previously stated, there is not a 50+ dwelling allocation in the Plan. The application must be assessed against policy ASW9 and the Urban Designer's statement confirms that the scheme conflicts with ASW9 (a).

The number of units therefore needs to be reduced.

The Applicant's Planning Consultant, Frank Taylor, states 'If EDF were not to be developed to its allocated 50+ units, one wonders where else development would be preferred. There is no obvious way of meeting the required 62 units..'

The Neighbourhood Plan, policy ASW5, provides for 62+ new dwellings over the Plan period 2015 ' 2031, to be delivered on both allocated and windfall sites. Since 2015, permission has been granted for 14 dwellings on allocated sites and 14 dwellings on windfall sites. 50 dwellings were delivered between 2001 and 2014 (including the developments at Ashbourne House and Carlton House). The Village Council is confident that sufficient sites will come forward between now and 2031, even with a lower number on the EDF site than suggested in the Plan.

The Village Council produced the Neighbourhood Plan with the support of the community and the Plan stresses the importance of respecting the scale and positive features of the character of the surrounding area (not of the existing EDF building on the site) ' ASW9(a) and (b), ASW14(a) and (b).

The applicant has ignored the many objections to the urban style of design and only made changes suggested by the Design Review Panel and Urban Designer. The Village Council repeats its view that 3 and 4 storey buildings are inappropriate to the site and in conflict with the policies of the Neighbourhood Plan.

Car parking provision remains inadequate and fails to comply with ASW21.

The Neighbourhood Plan Site Assessment Report stated that the site was large enough to supply a mix of accommodation, including affordable housing. The mix of housing is to be determined by a Housing Needs Survey, which the applicant has failed to supply. It is not enough to say that 'the scheme provides for a type of accommodation and a sector of the market that is not catered for in Ashurst Wood.'

It is noted that Dixon Searle's review of the applicant's Viability Report concludes that the scheme is capable of including a percentage of affordable dwellings. It should also be noted that the nearby allocated site is providing two units out of a net gain of just 5 dwellings (DM/17/2695). The Village Council therefore sees no justification for excluding affordable dwellings from this site.

The Village Council urges the applicant to go back to the drawing board and produce a new scheme that is of an appropriate scale, density and design to reflect the site's edge of settlement location in the countryside, and which contains adequate provision for parking and affordable housing.

Yours sincerely

Rebecca Roberts  
Clerk to the Council



## County Planning Officer

### Summary of Contributions

<b>Education</b>			
Locality	East Grinstead		
Population Adjustment	93.6		
	Primary	Secondary	6th Form
Child Product	0.3705	0.3705	0.2001
Total Places Required	2.5935	1.8525	0.4002
<b>Library</b>			
Locality	East Grinstead		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£14,758		
Population Adjustment	93.6		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	54		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	93.6		
Net Parking Spaces	3		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

### Summary of Contributions

S106 type	Monies Due
<b>Education - Primary</b>	£46,476
<b>Secondary</b>	£50,018
<b>Education - 6<sup>th</sup> Form</b>	£11,719
<b>Libraries</b>	£14,758
<b>Waste</b>	No contribution required
<b>Fire &amp; Rescue</b>	No contribution required
<b>No. of Hydrants</b>	To be secured under Condition
<b>TAD</b>	£66,271

<b>Total Contribution</b>	<b>£189,242</b>
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Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition ( Appendix 5)

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2018.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 54 Net dwellings and an additional 3 car parking spaces.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

#### 5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2019. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be spent on additional equipment at Ashurst Wood Primary School.

The contributions generated by this proposal shall be spent on small scale improvements at Sackville School.

The contributions generated by this proposal shall be spent on small scale improvements at Sackville School Sixth Form.

The contributions generated by this proposal shall be spent on providing additional stock at East Grinstead Library.

The contributions generated by this development shall be spent on:

- A cycle path along the A22 towards East Grinstead
- Safety improvements at School Lane/Maypole Lane junction
- Traffic calming within the village of Ashurst Wood

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

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

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

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

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

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

##### **1. School Infrastructure Contributions**

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

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

##### **a) TPR- Total Places Required:**

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

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

Year groups are as below:

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

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

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

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

b) Cost multiplier- Education Services

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

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

2. Library Infrastructure

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

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

**Contributions = SQ M Demand x Cost Multiplier**

a) Square Metre Demand

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

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

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is **£5,252** per square metre. This figure was updated by Royal Institute of

Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2018/2019 period.

### 3. TAD- Total Access Demand

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

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

#### a) Infrastructure Contribution

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

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

#### b) Sustainable Transport Contribution

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

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

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

### Highway Authority

#### Additional comments

### Summary and Background

The site is currently occupied by an office building, which was formerly occupied by EDF Energy. The existing building has a gross external floor area of 3,057 square metres with 64 car parking spaces and an additional, informal, overflow parking area. WSCC in its role of Local Highway Authority (LHA) previously commented on an application (DM/18/1548) for 71 dwellings in July 2018. At this time the LHA did not raise an objection to the proposals. The application was subsequently refused by the Local Planning Authority (LPA) in March 2019.

This latest development proposes 54 dwellings. The 54 dwellings comprise one and two-bedroom units with 67 car parking spaces provided at the site. Communal cycle parking is also provided, with 52 cycle parking spaces across the development site.

The application is supported by a Transport Statement (TS); this includes TRICS data. Upon inspection of the information and statements submitted the LHA would support the proposals, additional comments and clarity is provided within the response below. This latest consultation takes into account additional information from the applicant which includes a parking survey and revised layout plan.

## Comments

The Transport Consultant has provided a response to the car parking queries. The LHA would not have further points to add to the response other than the proposals meet the requirements of the LHA's parking standards. The LHA parking standards have changed from the 5th August 2019, however given the extensive history at the site the LHA consider the standards agreed previously would still apply. Minor changes are applied to the internal layout of the site however these are not anticipated to result in any changes that would warrant a change in highway comments.

### Original comments

Summary and Background-The site is currently occupied by an office building, which was formerly occupied by EDF Energy. The existing building has a gross external floor area of 3,057 square metres with 64 car parking spaces and an additional, informal, overflow parking area.

WSCC in its role of Local Highway Authority (LHA) previously commented on an application (DM/18/1548) for 71 dwellings in July 2018. At this time the LHA did not raise an objection to the proposals. The application was subsequently refused by the Local Planning Authority (LPA) in March 2019.

This latest development proposes 54 dwellings. The 54 dwellings comprise one and two-bedroom units with 67 car parking spaces provided at the site. Communal cycle parking is also provided, with 52 cycle parking spaces across the development site.

The application is supported by a Transport Statement (TS); this includes TRICS data. Upon inspection of the information and statements submitted the LHA would support the proposals, additional comments and clarity is provided within the response below.

Access-Vehicular access to the proposed development will be taken via the existing access onto the A22 Lewes Road, which includes a right turn lane for vehicles accessing the site. Pedestrian and cycle access will be via the same access, with the access road forming a shared surface environment within the site.

Vehicular access for the site will be taken via the existing access arrangement onto the A22 Lewes Road. This existing access point includes a Right Turn Lane (RTL), for vehicles accessing the site which is considered a benefit to the proposed development given the higher volumes of traffic Lewes Road caters for.

At this point Lewes Road is subject to a 30 miles per hour speed limit. In accordance with Manual for Streets (MfS) parameters 43 metres of visibility are achievable from a 2.4 metre 'X' distance in both directions. The road is a straight road, with footways offset from the carriageway edge, there are no visibility issues from the existing site access, with all land required for the visibility splay located within the highway boundary. The LHA would recommend a condition to secure the splays of 43 metres throughout the proposed usage.

The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents in the vicinity of the site access or using the RTL onto Lewes Road. There is no evidence to suggest that the road is operating unsafely, or that the proposed would exacerbate an existing safety concern. In conclusion the principle of the access has been demonstrated as acceptable and 'Safe and Suitable' in accordance with Paragraph 108 of the National Planning Policy Framework (NPPF).

Layout and Parking- There are no concerns with the layout of the site. The access road will take the form of a 4.8 metre wide arrangement with 8 metre kerb radii. An internal footpath is provided within the site, this should be 1.8 metres in width. This is considered suitable as this will be a low speed, low traffic environment. Swept path diagrams have been provided showing larger vehicles turning paths within the site, this would be required. The applicant should liaise with MSDC's Waste Collection Team to discuss the suitability of this arrangement from their perspective.

Parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator (PDC); there will be unallocated parking in accordance with the WSCC calculator. Previously the LHA raised no concerns with parking allocation which was slightly below the requirement from the PDC. In addition it should be noted the proposals are likely to be less intensive than the previous uses (as outlined in detail in the below section). The LHA is satisfied that the car parking provision is anticipated to satisfy the likely demands.

Trip Generation and Capacity- The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposal and the previous builds use. As with the previous application the development could generate a decrease in vehicular trips of 51 two-way trips in the weekday morning peak hour and 42 two-way trips in the weekday evening peak hour. Across a typical weekday, the proposed residential is likely to generate a reduction of 237 two-way vehicular trips compared to the existing commercial site use. The LHA acknowledges that the TRICS outputs are based upon sites considered to be comparable in terms of planning use class and location to that proposed, in accordance with TRICS Best Practice Guidance. As such the trip rate generated provides a realistic indication of likely trip generation from the new dwellings in comparison with the existing use. Whilst the proposal does exceed the 30 vehicle movement threshold the existing use of the site and less intensive nature does not warrant any formal junction assessments.

It is recognised that this proposal would give rise to a less intensive use of the existing access onto London Road. This proposal is not anticipated to result in a severe cumulative impact on the operation of the local network in accordance with paragraph 108 of the National Planning Policy Framework.

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

Sustainability and Accessibility-The TS considers sustainable transport links and confirms that a Travel Plan will be produced to further promote sustainable travel for all users of the site. The site is accessible via regular bus services accessible from bus stops along the A22 Lewes Road. East Grinstead railway station is located approximately three kilometres north west of the site providing access to services to London Victoria.

Additional rail services are available via the 291 bus service, which routes to Three Bridges to provide access to the Southern Railways Mainline. Services link to other retail and employment centres of Brighton, Worthing and Chichester. The site is accessible via regular bus services accessible from bus stops along the A22 Lewes Road. A Travel Plan Statement (TPS) has been prepared for the site in accordance with WSCC guidance. The TPSt will seek to encourage sustainable travel behaviour to and from the site.

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

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

Conclusion-Based on the information submitted in support of the application, the LHA does not consider that the proposed would have 'severe' residual impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 108), and that there are no transport grounds to resist the proposal.

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

#### Construction Management Plan

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

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

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

#### Visibility

No part of the development shall be first occupied until visibility splays of 2.4 by 43 metres been provided at the proposed site vehicular access onto Lewes Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

#### **WSCC Lead Local Flood Authority**

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

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



## Flood Risk Summary

Modelled surface water flood risk	Low risk
<p>Comments:</p> <p>Current surface water mapping shows that the proposed site is at low risk from surface water flooding. The majority of the site is at low risk, while there is a thin band of higher risk running across the site.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.</p> <p>Reason: NPPF paragraph 103 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.’</p>	

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

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

Ordinary watercourses nearby?	No
<p>Comments:</p> <p>Current Ordnance Survey mapping shows no ordinary watercourses near the site although local or field boundary ditches, not shown on Ordnance Survey mapping, may also exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</p>	

## Future development - Sustainable Drainage Systems (SuDS)

The FRA for this application proposes that sustainable drainage techniques (permeable paving, cellular infiltration crates and swales) would be used to control the surface water run-off from this development. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

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

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

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

## **Southern Water**

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

Please note:

No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works.

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

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

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

The construction of tanked pavement over public or adoptable sewers will not be acceptable. The design of drainage should ensure that no land drainage or groundwater is to enter public sewers network.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

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

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

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

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

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

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

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

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

### **County Landscape Architect**

#### 1) Summary Recommendation

Recommend for Approval in principle subject to the imposition of conditions

The proposal could comply with NPPF Section 15 policies for conserving and enhancing the natural environment.

This is with particular reference to Paragraph 170 which requires planning policies and decisions to contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

The proposals could comply with paragraph 172:

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

## 2) Reason for Recommendation

1. The NPPF Section 15 provides policies for conserving and enhancing the natural environment.

Paragraph 170 states that :

'Planning policies and decisions should contribute to and enhance the natural and local environment

by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

2. Further to the above paragraph 172 requires that:

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

3. If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external hard works and planting.

4. The Landscape and Visual Impact Assessment (LVIA), Land Management Services February 2019, submitted to support the application provides an accurate assessment of the baseline landscape and visual context of the site.

5. The LVIA provides an overview of the national, county and district landscape character assessments for the site and surrounding area. The key characteristics which are relevant to the site and surroundings are highlighted.

6. The LVIA provides an accurate assessment of the potential impacts that the development would have on the local landscape and views.

7. The demolition of the existing building and associated infrastructure would provide an opportunity to enhance this area of the High Weald AONB landscape in the village context of Ashurst Wood. The proposed landscape strategy and masterplan would provide a high quality landscape setting for the development.

8. Should the planning authority be minded to permit the development it is recommended that the following are required as conditions:

i. Implementation of the indicative landscape masterplan as submitted to support the application.

ii. Details of boundary materials around the site and between gardens. It is recommended that, where fences are required, these are timber post and rail/wire fences. Mixed native species hedges could be used to reinforce boundaries and enhance local habitats. Close board fencing should be avoided as these are suburban and detract from rural character.

iii. High quality surfacing materials chosen from a limited palette and which complement the proposed building materials.

iv. Positive management of the existing trees and other boundary vegetation which is to be retained.

v. Existing trees to be retained on the site to be protected in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction.

vi. A long term management plan to ensure the successful establishment and care of the landscaped areas.

9. It is recommended that the proposed development can be supported as it would provide

### **Horsham and Mid Sussex CCG**

Horsham & Mid Sussex CCG appreciate being consulted on this proposed new revised planning application on this site and were aware that DM/18/1548 was dismissed for various reasons.

We have been asked to comment on the developers argument that the site is not viable for the inclusion of affordable housing of around 16/17 units which appears strange given that the 30% requirement is set out in MSDCs District Plan 2014- 31. Regarding our NHS requirements however , we do not differentiate between market and affordable housing as the occupants of all types will utilise some or all NHS services and as such we wish to seek

our own Section 106 application , as set out below, based on the total number and types of flats proposed.

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

Horsham and Mid Sussex CCG therefore cover the entirety of Mid Sussex District Council's catchment area and the above planning application would be close to east Grinstead Town Centre GP practices which will need to accommodate new patients, especially from new developments., and internal redesign of buildings is very much a pre-requisite of new residents/patients can receive the NHS service they require.

Should a planning consent be given then this would create a potential further new 94 resident/patients.

In calculating our Section 106 requirement, we utilise currently available West Sussex average occupancy figures, agreed with West Sussex County Council and using the Senior District Valuer's approved formula.

As mentioned, overall, all potential new residents who will utilise some or all of the health services the CCG commissions and will put further pressure on medical services generally, particularly at GP practice level in Primary care, which are the gatekeepers to the wider MHS. We care also mindful that new housing developments do not disadvantage the health services for existing residents/patients by diluting healthcare delivery.

This developer contribution calculated at £24,433 is on a proportionate pro rata basis and equals to an average of £452 per Flat.

## Sussex Police

### Infrastructure

#### **S106 Contributions to Sussex Police (Mid Sussex District Council)** (see Appendix 4 of Mid Sussex Development Infrastructure and Contributions SPD)

Font in red can be adjusted

#### Current policing requirement:

Predicted development incidents:  
Total incidents per year for Mid Sussex 29,587  
Mid Sussex population 152,402  
Incidents per person 0.19

#### Predicted incidents as result of population increase:

#### Proposed development population:

Where total number of unit types are known:

Dwelling numbers (including affordable housing)	Dwelling size	Occupancy (persons)	Proposed development population (persons)	Incidents (per person)	Predicted number of incidents from development	Required uniformed officers	Required support staff
15	1 Beds	1.3	19.5	0.19	3.8		
39	2 Beds	1.9	74.1	0.19	14.4		
0	3 Beds	2.5	0	0.19	0.0		
0	4 Beds	2.9	0	0.19	0.0		
0	5+ Beds	3.3	0	0.19	0.0		
<b>54</b>			<b>93.6</b>		<b>18.2</b>	<b>0.09</b>	<b>0.06</b>
<b>Contribution:</b>							
Staff set up cost						£905.81	£187.42
Premises						£0.00	£0.00
Vehicles						£1,860.69	
<b>Total contribution</b>							<b>£2,953.92</b>

Where total number of unit types are not known:							
Dwelling numbers (including affordable housing)	Dwelling size	Occupancy (persons)	Proposed development population (persons)	Incidents (per person)	Predicted number of incidents from development	Required uniformed officers	Required support staff
0	Not known	2.5	0	0.21	0.0		
<b>Total</b>			<b>0</b>		<b>0.0</b>	<b>0.00</b>	<b>0.00</b>
<b>Contribution:</b>							
Staff set up cost						£0.00	£0.00
Premises						£0.00	£0.00
Vehicles						£0.00	
ANPR							
<b>Total contribution</b>							<b>£0.00</b>
<b>Costs / requirements / provision (2018)</b>							
<b>Staff</b>							
Total number of uniformed officers		151					
Total number of support staff		97					
Ratio support staff to officers		0.64					
<b>Staff set up costs (capital)</b>							
Uniformed officer		£9,767.33					
Support staff		£3,146.00					
<b>Premises</b>							
Cost per sqm		£2,631.00					
Required floorspace/ employee		8.93					
<b>Vehicles</b>							
Standard patrol vehicles		£17,000.00					
Total Mid Sussex vehicles		63.3					
Cost per Mid Sussex household		£34.46					
ANPR		£0.00					
Total Mid Sussex households		62,460					

## Crime Prevention

Thank you for your correspondence of 01st August 2019, advising me of a planning application for a proposed new build residential development consisting of 54 units following the demolition of all existing site buildings. (Additional Information - Statement of Community Involvement received 04/04/2019). Amended plans and revised supporting information received 31 July 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 cannot find any information within the Design and Access Statement to support any changes to the design and layout. I have based my comments on LMS masterplan Rev D July 2019 against previous illustrative masterplan Rev B February 2109. There are some changes to the design and layout that require additional crime prevention comments which I will provide below from a Secured by Design (SBD) perspective. Further information can be found at [www.securedbydesign.com](http://www.securedbydesign.com) My previous comments within PE/MID/19/06/B remain extant.

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

With the exception of the block containing plots 47' 54 , there is no active surveillance over the parking courts. All communal parking bays will need to have surveillance from active rooms over parking facilities. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms.

SDB promotes careful and creative siting of areas of play. It should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance. There is only a hedge shown to separate the LAP / Community Space from the adjacent Block containing plots 13 '20. The connecting pathway should be gated providing access only for residents of that block.

Cycle stores are still unobserved from the block. They have to be located in view of an active room.

I note fencing is indicated to the buffer zone but no indication of the height or construction has been provided. Finally, lighting throughout the development will be an important consideration throughout the development conforming to the requirements within BS 5489-2:2016, especially around the block entrances, public, parking, cycle and refuse areas. 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

### **Leisure Officer**

Thank you for the opportunity to comment on the plans for the development of 54 residential dwellings at Wealden House, Lewes Road, Ashurst Wood RH19 3TB on behalf of the Head of Corporate Resources.

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

Housing mix options

A: Zero onsite affordable housing

B: AH mix (6 x 1 bed flats and 10 x 2 bed flats)

C: AH mix (6 x 1 bed flats and 11 x 2 bed flats)

### **CHILDRENS PLAYING SPACE**

The developer has indicated that they intend to provide a Local Area for Play and outdoor gym equipment on site and full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition.

### **FORMAL SPORT**

In the case of this development, the following financial contributions will be required toward improvements to the football pitch and / or sports pavilion at Ashurst Wood Recreation Ground.

A: £50,918

B: £46,107

C: £45,766

### **COMMUNITY BUILDINGS**

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, the following financial contributions will be required to make improvements to the pavilion at Ashurst Wood Recreation Ground.



A: £29,203  
B: £26,444  
C: £26,248

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development.

The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

## **Urban Designer**

### Summary and Overall Assessment

This application positively responds to the refused scheme for 71 dwellings (DM/18/1548) by decreasing the unit numbers to 54 enabling a reduction in the overall building footprint and the provision of additional space between the buildings, including greater separation around the woodland edges, more defensible space and a small open space that provides the layout with a central focus. Together these spaces enable an acceptable level of landscaping to soften the development.

The scheme still represents a high density for its edge-of-settlement location, but this is justified by the 50+ dwelling allocation in the Ashurst Wood Neighbourhood Plan and policy ASW5 which generate a flat-based scheme. With respect to policy ASW9 (that applies specifically to this site), the intensive use of the site does not reflect the predominant lower density character of the area but on the other hand is not dissimilar to the typology of the existing blocks of flats on the adjacent site. The proposed 3 and 4 storey buildings are also a similar height to the building they will replace and are well set-back from the site boundary and retain/safeguard the trees / woodland around its eastern and south western boundaries that ensures the development will be mostly screened and will therefore have limited visual impact. In addition, the revised drawings have involved re-modelling the frontages and setting back the top floors of the blocks nearest to the site entrance.

The contemporary architecture is a contrast to much of the surrounding buildings but is considered acceptable as the facades are well organised and there is little inter-visibility with the surrounds.

On balance including consideration of policy DP26, I do not object to the application but would recommend the following conditions requiring approval of additional information to secure the quality of the design:

- 1:20 scale elevation (vignette) and section drawings of the front elevation of the block with units 13-20.
- Detailed landscape plan including boundary treatments.
- Facing materials including windows
- Design and layout of solar panels and lift-housing on the roof

### Layout

The layout represents a significant improvement upon the previous refused scheme:

A modest-sized open space has been positioned where it will have maximum impact at the front of the site and is well overlooked by building frontages on the south and east side. This incorporates a small play area to provide the layout with some central focus / meeting point for the future community.

Consistent building lines provide well defined street edges and spaces. The main spine road has been designed as shared space and features generously soft landscaped thresholds that also provide a good level of separation / defensible space (3 to 5m) for the ground floor flats; and the revised drawings now show consistent masterplan and landscape layouts. A pedestrian-friendly surface (such as block paving) will nevertheless be needed.

Most of the existing trees along the Lewes Road boundary are shown retained enabling the sylvan quality of this frontage to be maintained and providing a soft backdrop for the parking adjacent to the site entrance.

The four blocks of flats on the eastern boundary have been designed to provide enough separation from the existing woodland belt with the revised drawings now permitting a better relationship between the block with units 10-12 and the existing adjacent building known as the "Barn". Conflict with the retained trees on the eastern edge has mostly been avoided as the buildings are organised without habitable rooms that depend alone on an aspect facing this boundary.

The southern boundary now incorporates the required 15m buffer zone to safeguard the ancient woodland along this edge.

The rear courtyard behind the blocks (with plots 13-42) on the southern / western corner incorporates soft landscaping to make it a more comfortable space.

### Elevations

The blocks of flats have a contemporary design softened by predominantly brick facades that, except for the block with units 1-9, are articulated at the front by circulation cores with a contrasting metal-clad finish. The frontages benefit from further vertical articulation generated by grouped windows and balconies. The latter not only provide the flats with private outdoor amenity space (missing in the previous refused scheme) but also provide structural depth and elevational interest.

The consistent approach to the architecture gives the scheme underlying order, but risked appearing uniform. This has been helped by the revised drawings that incorporate different metal clad finishes and vary the articulation of the top floor. In addition the reconfiguration of the block with units 1-9 at the site entrance has involved sub-dividing the main frontage facing the open space into three parts which can be read as a terrace of houses, rather than flats.

The contemporary architectural language is dependent on the quality of the finish with the windows crisply design (UPVC will be unacceptable) and incorporating generous reveals that contribute a sense of structural depth. The opportunity should also be taken to discreetly incorporate solar panels on the roof. It is also noted that no provision has been given to any lift housing that may be required on the roof. Appropriate conditions are therefore needed to cover this.

### **Design Review Panel (original plans)**

The panel agreed the revised 54 unit scheme is a significant improvement upon the previous 71 unit proposal. There is more space between the buildings allowing for more soft

landscaping and an open space that is well-positioned at the front of the site where it is well-overlooked by building frontages. In addition the parking is less dominant, and the elevations have been much improved with better detailing and facing materials, and the incorporation of integrated balconies that also address amenity concerns.

The backdrop of trees on the boundary also helps to soften the height and massing of this comparatively dense development, and offset the hard surfacing required to serve the large number of parking spaces necessary for this scale of development.

Nevertheless the buildings look too "block-like" and commercial, that risks giving the development an impersonal character (although this may be partly to do with the way they had been presented). This would be helped by more variety between the buildings, both in terms of their massing and the introduction of softer materials such as timber cladding. It was also felt that there needed to be more contrast between the zinc cladding and brickwork on the blocks south of the open space.

The proximity of the existing building (referred to as the "Barn") on the eastern boundary to the proposed block (plots 7-12) was a concern, and a section is needed to show this relationship.

There was a discussion about how the hard surfacing / parking could be further softened, and it would be helpful if the spine road could be defined by an avenue of trees. However it was accepted there was little scope for more planting because of the space limitations at this density. It was nevertheless agreed that sufficient space should be found to accommodate planting along all the boundaries, especially at the dead ends of parking areas. The spur-end of the spine road could also be reduced and/or finished in a different material (such as grasscrete).

### Overall Assessment

The panel support the scheme subject to changes that address the above issues.

### **Conservation Officer**

It is considered that the visual impact of the proposal from Lewes Road will be minimal, and as such it is not considered to have an impact on the existing edge-of-town character of the setting of Camden Cottage. The proposal therefore meets the requirements of Local Plan Policy DP34 and the relevant paragraphs of the NPPF.

### **Housing Officer**

The applicant is proposing a development of 54 dwellings which gives rise to an onsite affordable housing requirement of 30%. In accordance with our Affordable Housing SPD, any part number is to be rounded up which equates to the provision of 17 units of affordable housing. The applicant is of the view that the development cannot viably deliver any onsite affordable housing or pay any contribution in lieu and has provided a Viability Appraisal setting out his position. An independent valuer has been appointed to undertake an assessment of the information submitted and although it would appear that the scheme as currently presented would not enable 17 Affordable Housing units to be viably provided, a scheme of 6 units for affordable rent and 3 units for shared ownership appears to be viable. As a result, at this stage, on the grounds of viability we will only be requiring the 9 affordable housing units to be provided. The viability position will however be reviewed at a later date in the project in accordance with our Development Viability SPD when more accurate information about costs and values will be able to be provided. This review will be

undertaken on the sale of 75% of the market residential units and will ensure that the maximum reasonable level of affordable housing is provided in line with District Plan Policy DP31. If the applicant is unwilling to proceed on the basis that 9 affordable housing units will be required then the scheme would not receive the support of Housing Services.

### **Drainage Officer**

#### **Recommendation:**

No objection subject to conditions

#### **Summary and overall assessment**

The proposed development has considered how surface and foul water will be managed. It is proposed that the site will utilise a SuDS system of a large area of permeable paving that will attenuate and part infiltrate, which in turn will discharge to a swale. The system has been designed to cater for the 1 in 100 year rainfall event plus 40% for climate change.

This proposed development should continue to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods.

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

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

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

The proposed development drainage will need to:

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

#### **Flood Risk**

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk.

There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

### Surface Water Drainage Proposals

It is proposed that the development will utilise a SuDS system of a large area of permeable paving that will attenuate and part infiltrate, which in turn will discharge to a swale. The system has been designed to cater for the 1 in 100 year rainfall event plus 40% for climate change.

### Foul Water Drainage Proposals

It is proposed that the development will utilise the existing foul systems that serve the site.

### Suggested Conditions

C18F - Multiple Dwellings

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

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

### Further Drainage Advice

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

### Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
√	√	√			Flood Risk Assessment / Statement (checklist)
√	√	√			Drainage Strategy / Statement & sketch layout plan (checklist)
	√				Preliminary layout drawings
	√				Preliminary "Outline" hydraulic calculations
	√				Preliminary landscape proposals

	√				Ground investigation report (for infiltration)
	√	√			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		√		√	Maintenance program and on-going maintenance responsibilities
		√	√		Detailed development layout
		√	√	√	Detailed flood and drainage design drawings
		√	√	√	Full Structural, hydraulic & ground investigations
		√	√	√	Geotechnical factual and interpretive reports, including infiltration results
		√	√	√	Detailing landscaping details
		√	√	√	Discharge agreements (temporary and permanent)
		√	√	√	Development Management & Construction Phasing Plan

Additional information may be required under specific site conditions or development proposals

Useful links:

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

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

Climate change allowances - Detailed guidance - Environment Agency Guidance

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

1.

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

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

2.

**For the use of soakaways:**

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

3.

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

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

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

#### **4.**

##### **Outfall to Watercourse:**

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

#### **5.**

##### **Outfall to Public Sewer:**

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

#### **6.**

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

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

#### **7.**

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

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

## 8.

### **Watercourse On or Adjacent to Site:**

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

### **Contaminated Land Officer**

#### **Main Comments:**

The application looks to build 54 residential units following the demolition of the current buildings on site.

Mapping indicates that the site has two in-filled pits within its curtilage, the contents of which are unknown. There is also an electricity substation on site. Substations due to their composition have a number of products and materials which may have the potential to cause localised contamination. Of initial concern are PCB's (Poly Chloride Biphenyl's) and any localised mineral oils used as lubricants. These particular chemicals are not obvious to the naked eye and would have implications for human health.

Due to the above, and the size and sensitivity of the proposed development, a phased contaminated land condition should be attached to ensure the site is safely developed for its end use.

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

#### **Recommendation: Approve with conditions**

- 1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
  - a) A *desk study* report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;  
**and unless otherwise agreed in writing by the LPA,**
  - b) A *site investigation report* documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme ([MCERTS](#)) where possible; the report shall refine



the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

**and, unless otherwise agreed in writing by the LPA,**

c) A *remediation method statement* detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a *design report* and an *installation report* for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person<sub>1</sub> to oversee the implementation and completion of the works.

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of

contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (i)c

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

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

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

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

### **Environmental Health Officer**

Due to the proximity of adjacent residential premises, should the application be approved, the following conditions aimed at minimising disturbance to residential amenity during demolition and construction are recommended. In addition, the proximity of this site to a busy A road suggests that existing background noise levels are likely to be fairly high due to traffic. A condition is therefore recommended to protect the amenity of future residents:

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

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

Reason: to protect the amenity of local residents.

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

Monday to Friday: 08:00 - 18:00 hrs;  
Saturday: 09:00 - 13:00 hrs  
Sunday & Public/Bank holidays: None permitted

Reason: to protect the amenity of local residents.

**Control of Demolition/Construction noise:** Demolition/Construction work shall not commence until a scheme for the protection of neighbouring properties from noise generated during demolition/construction work has first been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with BS5228-1:2009 'Noise and Vibration control on construction and open sites'. The scheme as approved shall be operated at all times during the demolition/construction phases of the development.

Reason: To protect neighbouring residents and residences from noise and vibration.

**Minimise dust emissions:** Demolition/Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to, and approved in writing by, the local planning authority. The scheme as approved shall be operated at all times during the demolition/construction phases of the development.

Reason: to protect the amenity of local residents from dust emissions.

**Soundproofing (Traffic):** No development shall commence until a scheme for protecting any residential units of the development from noise generated by traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hr when measured at any period.

Reason: To safeguard the amenity of neighbouring residents.

**Lighting:** the lighting scheme installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) for zone E2. Thereafter the approved installation shall be maintained and operated in accordance with zone E2 requirements unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the amenity of local residents

**Informative:**

Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

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

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

**Conservation Officer**

Please find below comments on the above application. Please read these in conjunction with my comments on the previous application DM/18/1548, also added below, for your convenience.

This application represents a revision of a previous scheme for development on the site, planning permission for which was refused on numerous grounds on 11th March 2019. The application site is within the setting of Grade II listed Camden Cottage, which is situated on the opposite (north) side of Lewes Road; however the previous proposal was considered, for reasons given at the time, not to detract from the setting of that listed building. Although the layout of the proposed development as well as its detailed design have been revised, the impact on the setting of Camden Cottage is not considered to be materially altered.

For the reasons given in relation to the previous proposal DM/18/1548 I consider that the proposal will not harm the setting of the nearby heritage asset. This will meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

**Ecological Consultant**

To be reported.

