
13 November 2019

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 21ST NOVEMBER, 2019 at 2.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

- | | | |
|----|--|--------------|
| 1. | To receive apologies for absence. | |
| 2. | To receive Declarations of Interest from Members in respect of any matter on the Agenda. | |
| 3. | To confirm Minutes of the previous meeting of the District Planning Committee held on 31 October 2019. | 3 - 8 |
| 4. | To consider any items that the Chairman agrees to take as urgent business. | |

Recommended for Approval.

- | | | |
|----|--|----------------|
| 5. | DM/19/2845 - Land to the East of High Beech Lane and Land North of Barrington Close, Lindfield, RH16 2DW | 9 - 42 |
| 6. | DM/19/2974 - Land South of Hazel Close, Crawley Down, West Sussex, RH10 4BB | 43 - 76 |

Recommended for Refusal.

None.

Other Matters

None.

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

Human Rights Act

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

Risk Assessment

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

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

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

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

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

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

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

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, 31st October, 2019
from 2.00 pm - 3.30 pm**

Present: R Salisbury (Chair)
R Whittaker (Vice-Chair)

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

Absent: Councillors S Hatton and A Peacock

Also Present: Councillors A MacNaughton and D Sweatman

The Chairman noted that Cllr Sweatman would not sit on the Committee as he is speaking as a Ward Member. He asked the Committee to approve Councillor Rex Whittaker as Vice-Chairman for the meeting, this was unanimously agreed. The Chairman confirmed all Committee Members had received the Agenda Update Sheet.

1. TO RECEIVE APOLOGIES FOR ABSENCE.

The Committee noted that apologies had been received from Councillors Hatton and Peacock.

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

Councillor Whittaker declared a non- prejudicial interest as a member of East Grinstead Town Council's Planning Committee.

3. TO CONFIRM MINUTES OF THE PREVIOUS MEETINGS OF THE DISTRICT PLANNING COMMITTEE HELD ON 19 SEPTEMBER AND 3 OCTOBER 2019.

The Minutes of the Committee meetings held on held on 19th September and 3rd October 2019 were agreed as correct records and signed by the Chairman.

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

None.

5. DM/19/1067 - LAND AT HILL PLACE FARM, TURNERS HILL ROAD, EAST GRINSTEAD, WEST SUSSEX, RH19 4LX

Steve Ashdown, Team Leader for Major Developments introduced the report for reserved matters and drew Member's attention to the Agenda Update Sheet. He noted that three further letters of representation had been received and highlighted

the additional officer comments regarding the car park for Block B, the parameter plan and amendments to conditions 8 and 9. The Team Leader highlighted that East Grinstead Viaduct and Hill Place Farm House are grade two listed structures and the Bluebell Railway is a non-designated heritage asset. He advised the Committee that the provision of Suitable Alternative Natural Greenspace (SANG) had been allowed as part of the appeal decision by the Secretary of State (SoS) in March 2018.

The Team Leader confirmed that the development would provide 200 dwellings, with 30% affordable units in several clusters across the site. The dwellings would be a mix of 2 and 2.5 storey buildings, the main spine road would run through the site and the provision of car parking for 461 vehicles with electric charging points in the garages. He advised that representations had been received to question whether the application does comply with the parameter plan. He drew attention to the update sheet on this matter and confirmed that he was content that the proposals comply with the parameter plan approved as part of the outline permission.

He highlighted the relationships of various plots with existing houses and trees, noting changes to the design of some plots compared to the initial submission (building height and position). He confirmed the removal of permitted development rights for a number of plots. The Committee was informed that the principle of development has been agreed on appeal. He advised that the harm this development could cause was not considered that significant to refuse the application. He noted the less than substantial harm identified to heritage assets must be given great weight and having regard to paragraph 196 of the NPPF the public benefits outweigh the less than substantial harm in this instance. The landscaping scheme is appropriate and conditions are suggested to minimise any impact on trees to be retained, including the Austrian Pine. He advised that the design was considered acceptable and closed by noting that he considers the application complies with Development Plans policies and the NPPF.

Frank Spooner, Arboricultural Consultant for the owner of Barredale Court spoke in objection to the application citing the proposals significant impact on the Root Protection Area of the Austrian Pine. He considered that there was insufficient information relating to the proposed no-dog solution to make a decision at this time. He requested that a Tree Preservation Order (TPO) is placed upon the Austrian Pine.

Paul Gates, resident of The Lodge (Barredale Court) spoke in objection to the application on the grounds of security, particularly in relation to the footpath adjacent to the boundary, loss of privacy as a result of plot 31 and the intrusion of development within areas designated as open space on the approved parameter plan.

Carol Bagshaw, resident of The Coach House (Barredale Court) spoke in objection to the application, and raised issues relating to the relationship with flat block B, that would result in the loss of privacy. She questioned how a decision could be made on this issue when requested drawings to enable a proper assessment of the relationship had not been provided. Raised concern about the impact of the adjacent parking area that would be unnecessary harmful. She considered that the proposals would have significant harm on residential amenities contrary to Policy DP26.

John Longhorn of Linden Homes spoke in support of the application and noted that there have been many pre application consultations with an ongoing dialogue with the residents of Barredale Court residents. He suggested the engagement of an independent consultant, to ensure the protection of the Austrian Pine and that

relocating plot 90 would compromise the design. He confirmed an in principle agreement with the Bluebell Railway to access SANG land.

Sam Sykes, a planning agent for Linden Homes spoke in support of the application. He noted the significant benefits to the Council and local area by providing 200 homes which form part of the Council's 5 year housing supply. He confirmed that 15 hectares of SANG land would be provided as part of the development. He confirmed that the spine road would be built to adopted standards and that it is for Southern Water to provide the necessary infrastructure to serve the development in light of the charging regime that is now in place that requires a contribution per dwelling from the developer.

Don Newling, arboricultural consultant for Linden Homes spoke in support of the application. He noted that the Austrian Pine was a Category A tree and showed no signs of current decline. He confirmed that no excavation is proposed with the RPA and a suitable no-dig solution is achievable.

Councillor Dick Sweatman spoke as Ward Member and was concerned with the impact the development would have on the Austrian Pine. He noted that the Design Review Panel (DRP) had discussed the tree and proposed a no dig condition to protect the tree and its roots system. He advised that the field by the Austrian Pine had not been ploughed since September 2014 and queried whether the no dig proposal was detailed enough. He also expressed concern with potential damage to the pine tree from parking on the soft landscaping, and requested a Tree Preservation Order on the Austrian Pine along with amendments to conditions six and eight. He supported condition seven.

The Chairman confirmed that the Committee should direct their questions to the layout, appearance, scale and landscaping of the development as the SoS had given consent to the development. The Team Leader noted that the principle for the development was already established and included the access and had taken into account matters of highway safety and wider highway network impact.

Members discussed the sustainability of the development and the Team Leader noted that the developer was proposing an energy efficient fabric first approach to the build of the dwellings, sustainable drainage measures and electric charging points for vehicles. He confirmed the development complied with District Plan policy DP39.

The Committee was advised that water recovery issues are a matter for the building control department.

Several Members discussed the housing design and layout, impact of the development on the Austrian Pine, construction of the adjacent turning circle and the spine road. The Chairman noted that the Council was in the process of producing a 'Design Guide' however the design of this scheme had been carefully considered by both the Urban Designer and DRP over a period of time and that they were not raising an objection to the scheme as presented to Members. The Committee was advised that the Housing Team have made an assessment and one wheelchair accessible property has been agreed for the development. The Team leader confirmed that the highway including the turning head would have been designed to the current standards and that the applicants have confirmed that the spine road would be constructed to an adoptable standard and the adoption was a matter for WSCC to consider, should it be put forward by the developer.

Following a proposal of a TPO on the Austrian Pine by Councillor Walker which was seconded by Councillor Bates, the Chairman advised that officers have set out in the report that they have considered the issue of a TPO and do not consider at this point that it meets the relevant criteria. However, he noted his concern with the preservation of the future amenity of the tree and the Committees desire for this to be formally protected. He took time out to discuss the matters raised in association with the Austrian Pine tree with the officers present and then advised the Committee that the officers would place a TPO on the Austrian Pine. The Team Leader advised that, following the offer from Linden Homes, all necessary works around the pine could be overseen by an independent specialist appointed by MSDC and condition 6 could be amended to reflect this suggestion. Such wording would be agreed in consultation with the Chair and Vice Chair.

A Member expressed concerns regarding the foul sewer, the discharge point and capacity of the local system. The Team Leader noted a condition in the outline permission relating to foul drainage and that details would need to be submitted and approved before works could start. He advised that the developer will need to make a contribution, in agreement with the undertaker, regarding any off-site the works and it would be the responsibility of the undertaker to do undertake the necessary works to ensure that there is sufficient capacity to serve the proposed development. He confirmed that this practice is not specific to this development but standard across the district/country.

The Vice-Chairman noted the provision of two and three bedroom dwellings in the development and was in line with the Neighbourhood Plan. He expressed confidence that the scheme would be delivered and the layout would protect the viaduct and railway. He advised the Committee that a S106 agreement has been signed for £2.6m which will deliver significant deliverable infrastructure benefits to the public. He stated it was a good scheme overall and supported the scheme.

The Chairman concluded that the principle of development had been approved by the by SoS. The Committee had no further concerns over the layout and scale; the impact on the residential amenity; the development provides an acceptable housing mix and the impact and assessment on heritage assets, as set out in the report, is accepted. With regard to highways and parking, there were concerns about the refuse sweep lines and the Team Leader confirmed that additional plans had been received to address these concerns.

As there were no further questions the Chairman took the Committee to the recommendations and he advised that the tree officer will seek to apply a TPO on the Austrian Pine and an independent person appointed by MSDC to approve all works around the tree. The Chairman noted the ongoing discussions between the officers and the applicant, and that any changes to the conditions would be approved by the Chairman and Vice-Chairman. The Committee agreed unanimously.

RESOLVED

That planning permission be granted subject to the conditions contained in Appendix A and amendments contained in the Agenda Update Sheet and the serving a TPO on the Austrian Pine tree.

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

None.

The meeting finished at 3.30 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

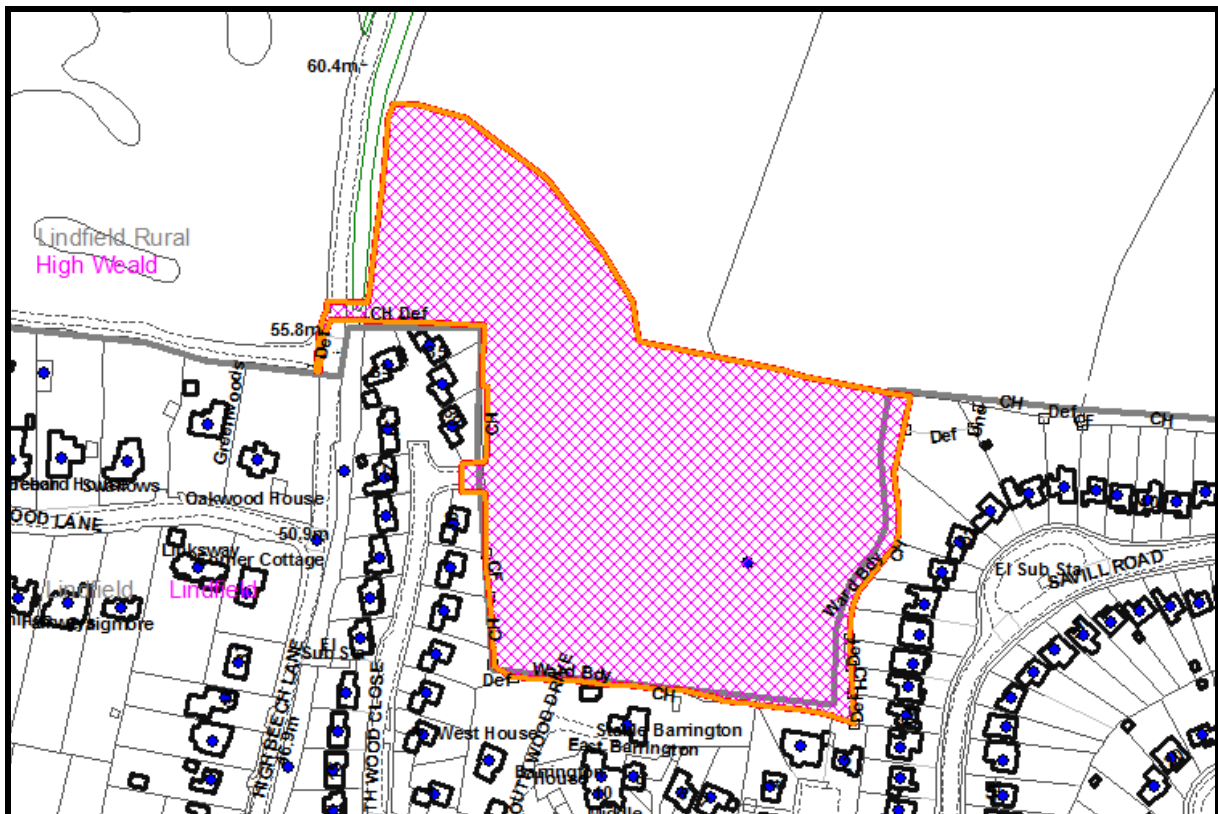
District Wide Committee

21 NOV 2019

RECOMMENDED FOR PERMISSION

Lindfield Rural

DM/19/2845



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**LAND TO THE EAST OF HIGH BEECH LANE/ LAND NORTH OF BARRINGTON CLOSE, LINDFIELD RESERVED MATTERS APPLICATION RELATING TO OUTLINE APPROVAL DM/17/2271, FOR THE APPROVAL OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR 43 DWELLINGS WITH ASSOCIATED WORKS. APPROVAL OF CUSTOM BUILD PLOT LOCATION. AMENDED PLANS RECEIVED SHOWING ALTERATIONS TO DESIGN OF DWELLINGS, INCLUSION OF PLAY AREA AND WIDENING OF ACCESS.
CROUDACE HOMES LTD**

POLICY: Asset of Community Value / Areas of Special Control for Adverts / Areas of Townscape Character / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Tree Preservation Order / Tree Preservation Order Points / Trees subject to a planning condition /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 28th November 2019

WARD MEMBERS: Cllr Linda Stockwell / Cllr Paul Brown /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader, Planning and Economy on the application for reserved matters consent as detailed above.

EXECUTIVE SUMMARY

This application seeks reserved matters consent for the approval of appearance, landscaping, layout and scale for 43 dwellings with associated works and the approval of 3 custom build plot locations at land East of High Beech Lane / Land North of Barrington Close, Lindfield.

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 Lindfield and Lindfield Rural Neighbourhood Plan (NP).

In this case outline planning permission has been granted for the erection of 43 (one, two, three, four and five bedroom) dwellings and three self/ custom build plots (use class C3) with associated infrastructure, landscaping and access. The means of access into the site has been approved. Therefore the principle of development is established, as is the access into the site from the High Beech Lane.

The design of the development has been amended during the course of the application to improve the scheme. It is considered that the layout of the scheme, including the roads and car parking provision is appropriate and the design of the proposed dwellings is acceptable. All of the dwellings would meet the national minimum space standards and the scheme provides a policy compliant level of affordable housing and a satisfactory mix of housing overall.

It is considered that the layout would avoid significant harm to the amenities of the occupiers of neighbouring properties to the east, south and west of the site. In addition the location of the play area would not cause significant detriment to nearby residents through noise or a loss of privacy.

The scheme has resulted in the removal of a section of trees along the road frontage to provide visibility splays. This has been accepted by virtue of the outline planning permission which approved the access into the site. With regards to trees on the boundaries of the site including those subject to tree preservation orders, the scheme is laid out to avoid harm to trees within the site during construction and it is not felt that the layout will result in undue pressure on trees within the site from future occupiers of the new development.

In light of the above it is considered the application complies with policies DP21, DP26, DP27, DP30, DP31, DP37, DP38, DP39 and DP41 of the District Plan and the provisions of the National Planning Policy Framework (NPPF). As such the reserved matters should be approved.

Recommendation

It is recommended that the application be approved subject to the conditions set out in Appendix A.

SUMMARY OF REPRESENTATIONS

27 Letters of OBJECTION (many replicated)

- Developer commencing works and destruction of trees and hedges.
- The access to the site may have been widened but there is no indication as to what measures are to be taken to introduce Traffic Calming Measures on High Beech Lane. Query on type of crossing is to be installed and pedestrian safeguards will be put in place.
- Loss of biodiversity.
- Site unstable and complex drainage problems so unsuitable for development.
- Impact on privacy to 52 Savil Road as houses higher level and will be overbearing.
- Overlook 35 Portsmouth Wood Close resulting in loss of privacy;
- Increased noise due to location of access road and footpath resulting in noise and loss of privacy (35 PWC).
- Loss of significant mature trees along highway and above hammer head/turning area of Portsmouth Wood Close.
- Cause a significant intrusion into the countryside.
- No details provided in respect of conditions 8 and 14 of the outline approval relating to drainage and slope stability.
- Overlooking to 16 Portsmouth Wood Close.
- Assessment of flooding and damage risks from water runoff from this site have still not been carried out completely or effectively. New plans place a CAR PARK with a substantial area of hard-standing at the head of Portsmouth Wood Drive, which will inevitably increase the run off of water down what is a small private drive.
- Insertion of window to southern flank of Plot 24 unacceptable as it would result in a total loss of privacy to existing houses immediately south of the southern

boundary, especially Stable Barrington, PWD. The steep nature of the site means that ANY south-facing windows so close to the boundary would have a direct line-of-sight into both neighbouring homes and gardens. Initial proposals and subsequent changes have been inadequately considered.

- There has been insufficient thought given to the design and placement of these houses.
- The custom build plots are wholly undefined. The plan, as it exists, gives free rein to those who would develop these plots.
- Concerns on protection measures to existing substantial and mature hedges and trees around the edge of the site.
- Proposals are included to "crown lift" the mature trees at the edge of my property. These trees are on my property, covered by TPOs and there are no circumstances under which I would allow such work to be undertaken.
- Dangerous nature of the entrance from High Beech Lane.
- Site outside the neighbourhood plan boundary.
- Unmitigated strain that further housing will place on local services.
- Impact to 37 Portsmouth Wood Close - overlooking and overbearing nature due to levels between site and neighbouring property.
- Query whether the proposed footpath is an appropriate pedestrian access. It will be steep and therefore inappropriate for those with mobility issues, for the disabled, for those using buggies and for those walking with small children.
- The footpath and stairs will end at an area known as the "hammerhead" that is in constant use by cars, vans and rubbish collection trucks turning to go back down the hill. It is also used for overflow parking by residents.
- The proposed site of the footpath and stairs is surrounded by protected trees which are deciduous, and the stairs will become slippery and leaves will gather at the bottom. There are no proposals to maintain the access.
- Poor site accessibility. The development will increase pedestrian traffic, but High Beech Lane has no pavement on the East side from the proposed development and past the junction with By Sunte.
- Lack of local infrastructure. The application offers no amenities, simply more dwellings.
- Development will cause significant harm to the natural habitat.
- Overlooking to 68 Savil Road due to levels between house and site.
- Flooding comes from site.
- Overbearing and overlooking to 10 Portsmouth Wood Close.
- Concerns on noise and dust caused by development and hours of work.
- Increase in traffic on the access and road junctions down High Beech Lane.
- Loss of privacy to 50 Savil Road.
- Concern that no safeguards are proposed to protect existing properties from vibrations and noise if piling is required.
- Loss of outlook.
- Further intrusion into the countryside.
- Lack of parking.
- Increase in noise and disturbance through location of parking areas, and access in relation to existing houses.
- Density of housing and overlooking and loss of outlook to 14 Portsmouth Wood Close.

- Proximity of play area to 18 Portsmouth Wood Close. Due to higher level result in loss of privacy and proximity result in noise.

Lindfield Preservation Society

Objects.

Contrary to Policy DP41 of the District Plan. Ignores existing flood risk on land south of the site. As the proposal is to build over a field flood risk can only increase. No details have been provided concerning conditions 8 and 14 attached to the outline approval and how the current proposal will overcome them.

The drainage statement presents no methodology, measurements, discussions or reasoned conclusions.

Fails to demonstrate how it would avoid increasing flooding and how would reduce the risk.

Land stability and flood risk are at the heart of the scheme and potentially threaten the quality of life of nearby residents.

Details should not be discharged behind closed doors and should have public scrutiny as part of application.

SUMMARY OF CONSULTEES (full comments in Appendix B)

WSCC Highway Authority

No objection. Suggested conditions.

WSCC Planning Officer

No comments.

WSCC Flood Risk Management

No comment.

MSDC Urban Designer

No objections. Suggested conditions.

MSDC Sustainability Officer

No objection.

MSDC Housing Enabling & Development Officer

No objection.

MSDC Drainage Officer

No objection.

MSDC Environmental Protection Officer

No objection.

MSDC Leisure

Comments.

MSDC Tree Officer

No objection.

MSDC Landscape Officer

No objection.

MSDC Waste Services

No objection.

Ecology Consultant

Comments.

MSDC Street Name and Numbering Officer

Informative.

LINDFIELD RURAL PARISH COUNCIL COMMENTS

Object.

LRPC has concerns that the social housing should be spread around the location and not placed together.

The Council has had to assume the word "Appearance" as given in the application description as meaning design. My Council has been unable to fully consider this aspect of the application due to the fact there are no site cross sectional drawings to clearly show the design of housing, the resulting overlooking within a sloping site and adjacent properties.

My Council is fully aware that the issue of drainage is not for consideration under this application but was considered at the Outline stage and this was covered by a condition requiring the applicant to submit full detail for the drainage system for the site which has a significant history for flooding properties adjacent to the site. We have also been advised that the LPA are not required to consult on reports submitted

to release conditions, therefore LRPC and local residents are having to rely on the LPA drainage engineer but with no caveat to who may be responsible should local housing suffer flooding.

LINDFIELD PARISH COUNCIL COMMENTS

Whilst this development falls outside Lindfield Parish Council's boundary, it is immediately adjacent to the Parish and where the effect on neighbouring properties will be most keenly felt. Based on the information currently provided on MSDC's Planning portal, the Council has been unable to gain any real perspective of the current proposal on this sloping site as it affects the adjoining properties, due to the absence of suitable cross sectional site drawings or projections. The Council is concerned that the levels of overlooking and consequent overbearing impact and loss of outlook may be significant. Separately, it would seem more appropriate for the affordable housing element within the development to be more effectively integrated across the development rather than concentrated as proposed.

The Council recognises that drainage is not a component of this application and was covered by a condition requiring the applicant to submit full detail to the Planning Authority. The adjoining properties already experience significant run-off issues and the absence of such detailed proposals, alongside the understanding that the Planning Authority will not consult on these once received, is extremely disappointing. All the more so in the context of District Plan Policy 41 "...particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates." Land stability assessments also appear to be addressed in a similar fashion. Given the complexities of this site, it is hoped that a full independent appraisal of the applicants proposals in these regards (once they are available) will be required by the Planning Authority.

In the circumstances, Lindfield Parish Council objects to the proposals based on the information currently available.

INTRODUCTION

This application seeks reserved matters consent for the appearance, landscaping, layout and scale for 43 dwellings with associated works, and the approval of the location of 3 custom build plots at land to the east of High Beech Lane / land north of Barrington Close, Lindfield.

RELEVANT PLANNING HISTORY

Outline permission has been granted under reference DM/17/2271 for the erection of 43 (one, two, three, four and five bedroom) dwellings and three self / custom build plots (use class C3) with associated infrastructure, landscaping and access. All matters were reserved except for access. This application was heard at District Planning Committee on 19th April, and approval was given on the 26th April following the completion of the S106.

SITE AND SURROUNDINGS

The site itself is a field with vegetation and trees on the boundaries with further fields to the north. The site slopes away to the west and south with a significant change in levels with the dwellings beyond the site at a lower level.

Access is to be from High Beech Lane. This is a classified 'C' road which retains a rural character with trees and vegetation along the highway. The land to the east of this lane is set at a higher level and currently forms fields. Trees and vegetation have been removed where the access and visibility splays have been considered as part of the approved outline permission.

The site is situated on the edge of the development boundary of Lindfield and on the edge of existing housing development to the eastern, western and southern boundaries. These dwellings are set at a lower level and have vegetation on their boundaries. A number of the trees on the southern and western boundaries are subject to Tree Preservation Orders.

The site is contiguous with the development boundary of Lindfield on part of the eastern and western boundaries and along the whole of the southern boundary of the site.

The application site is situated within the countryside as defined in the District Plan and Neighbourhood Plan.

APPLICATION DETAILS

The application seeks reserved matters consent for the erection of 43 dwellings on land to the east of High Beech Lane / north of Barrington Close, Lindfield. Outline planning permission has been granted for the principle of the development and the means of access into the site was approved at the outline stage. This reserved matters application is therefore seeking consent for the layout, scale, appearance and landscaping of the site in relation to the 43 dwellings and the location of 3 custom build plots within the site.

Vehicular access into the site is as approved in the outline scheme (DM/17/2271) off High Beech Lane. The access road would head east / south-east up into the site set within a parkland setting. Adjacent to the vehicular access would be a pedestrian path. The access would head into the site with trees and two dwellings providing an entrance into the site with planting. The access would then form a central loop with houses either side of the access road. To the west of the site would be a pedestrian link into Portsmouth Wood Close.

The plans show a mixture of detached and semi-detached dwellings within the site with attached and detached garaging and off road parking predominantly to the side of dwellings. The affordable units are to be set to the south of the site comprising of a block of 4 flats and also two terraces adjoined by a single storey carport and access leading to a rear parking court.

All of the properties would be two storeys in height. They would be of a traditional design and would feature a palette of brick, tile hanging and plain roof tiles. There are to be various detailing features to the dwellings including stone and lead window cill's, double brick arch headers to some windows, juliet balcony doors, various porches, and various chimney details. There are to be various elevation features including projecting headers, dentil headers and brick quoins with random knapped flint.

The scheme is to provide 29 market dwellings and 14 affordable units (a total of 43 dwellings) with 3 custom build plots.

The scheme would provide for a total of 115 car parking spaces. The car parking serving the dwellings would be to the side or front of the dwellings, with two car parking courts serving the affordable housing to the south of the site set back from the access road. In addition, there would be 4 visitor spaces adjacent to the public open space to the west of the site.

To the west of the site is to be a public open space and a LEAP (Local Equipped Area of Play) comprising of a toddler swing set, a small children's slide, play boulders, timber railway and a bench. This is to be enclosed by a 1.2 metre post and rail fence.

As part of the application, the location of the 3 custom build plots is sought. These are to be located to the southern end of the site between the affordable units and would have an in-out access set off the main access road serving the development.

LIST OF POLICIES

Mid Sussex District Plan

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

- DP21 - Transport
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP30 - Housing Mix
- DP31 - Affordable Housing
- DP37 - Trees, Woodland and Hedgerows
- DP38 - Biodiversity
- DP39 - Sustainable Design and Construction
- DP41 - Flood Risk and Drainage

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The District Council is consulting on the Mid Sussex Design Guide SPD between 9th October and 20th November 2019. Due to it being out at consultation this currently has little weight in the determination of planning applications. However, once adopted this document will be treated as a material consideration in the assessment of all future planning schemes

This Design Guide is intended to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

Lindfield and Lindfield Rural Neighbourhood Plan

The Lindfield and Lindfield Rural Neighbourhood Plan is a 'made' plan. It carries full weight in the determination of planning decisions but does not itself allocate any housing sites.

There are no relevant policies.

National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

National Design Guide

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

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;
- Design/layout;
- Sustainability;
- Neighbour amenity;
- Access and Transport;
- Housing Mix and Affordable Housing;
- Impact on trees;
- Drainage; and
- Planning Balance and Conclusion

Principle of Development

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

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

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

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

In this part of Mid Sussex the development plan comprises the District Plan and the Lindfield and Lindfield Rural Neighbourhood Plan.

In this case outline planning permission has been granted for the erection of up to 46 dwellings on the site and the means of access into the site has been approved. Therefore the principle of development is established, as is the access into the site from High Beech Lane.

Design and layout of the proposal

Policy DP26 of the District Plan relates to character and design and states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*

- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

The NPPF states that *'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'* (para 124). In addition, paragraph 127 requires that developments are *'visually attractive as a result of good architecture, layout and appropriate and effective landscaping'* and *'are sympathetic to local character and history, including the surrounding built environment and landscape setting'.*

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

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

Whilst currently out at consultation, the Council has a draft design guide which is considered relevant. This draft document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

The design of a number of plots proposed and their facing materials have been amended following negotiation with the officers.

The Council's Urban Design Officer has considered the amended plans and raises no objection to the scheme. He considers that the:

'layout is an improvement upon the outline scheme and works well in most respects. The continuous circular access route provides a legible and connected arrangement that successfully accommodates a well overlooked open space / play area and pedestrian link to Barrington Close. The provision of a play area is important as it should give the open space some level of activity and provide a focus/meeting point for the new community (especially as the nearest play area is some distance away and the sloping nature of the site restricts other recreational opportunities). While the elevations are unimaginative, the site elevations demonstrate that they sit well on the sloping site, and revised elevations have been received that address my initial concerns.'

Officer's agree with the comments of the Urban Designer and consider that the proposed layout of the scheme is acceptable and would provide a well-connected access arrangement and a positive development edge with building frontages facing the access road both into and around the site. Whilst properties to the north would back onto the countryside, there would be low picket fences and vegetation onto the boundary with the field which would soften the impact of the development. In addition, the proposed landscaping and tree planting around the circular access road would soften the development.

The car parking for units would be located predominately to the side of dwellings or to a rear parking court for Plots 20 - 29 and Plots 16-19. This would screen this area of car parking to ensure that the street frontage is not overly dominated by car parking. Whilst there are some plots that would have areas of parking to the front of dwellings, this would however not be overly dominant in the street scene.

With regards to the design of the dwellings, there is to be a mixture in the design and finishing materials for the proposals. It is considered that the proposed design is acceptable and addresses the character of surrounding buildings on the eastern, southern and western boundaries of the site. The site slopes away from the north to the south and also from the north-west to the south-east. Site sections have been submitted as part of the application which shows that the dwellings respond well to the topography of the site with dwellings stepping in an ordered and harmonious manner. In addition, Plots 2, 4, 3, 31, 36 and 37 are to turn corners with two elevations facing the street or the street and public open space. As a result the elevations are to address the public realm and provide overlooking to these spaces responding positively to the street scene.

It is considered that given the above the layout and design of the scheme is acceptable and complies with policy DP26 of the District Plan as well as the requirements of the NPPF and the National Design Guide.

Sustainability

Policy DP21 of the District Plan relates to transport and requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

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

Paragraph 148 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

Paragraph 153 states:

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

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

As part of the submitted supporting statements a sustainability statement has been provided as part of the application. This sets out that all dwellings are to be provided with cycle storage and will be provided as a minimum with an external socket to allow users to charge an electric vehicle. It identifies that where possible houses have been orientated with a southern aspect to utilise the energy from the sun and reduce the demand for non-renewable energy to provide heating and lighting. In addition, it states that dwellings will be built with a high level of insulation and homes will be fitted with 'A' rated appliances. With regards to water consumption it identifies that there will be water saving devices and the dwellings will meet Part G of the Building Regulations.

The Council's Sustainability Officer has considered the proposal and welcomes the points set out in the sustainability statement.

The proposal is considered to be acceptable in sustainability terms and complies with policies DP21 and DP39 of the District Plan.

Impact on neighbour amenity

Policy DP26 of the District Plan seeks to resist developments that would cause significant harm to the amenities of neighbours, taking account of the impact on privacy, outlook, daylight and sunlight and noise, air and light pollution.

The site sits at a higher level than the residential properties of Portsmouth Wood Close on the western boundary, Portsmouth Wood Drive and Barrington Close to the south and Savil Road to the east. On these boundaries are trees and vegetation providing some screening of the site.

A number of properties have raised objections in relation to the proposed development and the impact on their amenities through overlooking, un-neighbourly and an overbearing impact.

35 and 37 Portsmouth Wood Close are sited to the north-west of the site and closest to the entrance and access road, with the rear of no 37 angled towards the proposed side elevation of Plot 1. The submitted site layout and landscape plans shows planting on the rear boundaries of the properties with the parkland setting and access road with no 35 Portsmouth Wood Close. Due to the proposed landscaping and position of the access, it is not considered that the proposed access would cause significant detriment to the amenities of no 35 through a loss of privacy or an increase in noise. With regards to no 37, as set out above, the rear of this property is angled towards the side elevation of Plot 1 which is to be set at a higher level than the existing neighbouring property. There is existing tree screening on this western boundary subject to a tree preservation order. There is to be a back to side relationship between these properties measuring a minimum of some 21 metres. Plot 1 would have one first floor side window serving a bathroom facing the neighbour. It is considered that the relationship between Plot 1 and no 37 Portsmouth Wood Close is acceptable and that there will be no significant detriment through overlooking or an overbearing impact.

14 and 16 Portsmouth Wood Close are situated to the west of the site. There would be a rear to side relationship between the existing and proposed property (Plot 27) with a distance of some 20 metres, and a back to back distance between no 14 and Plots 25 and 26 of some 31 metres. Whilst it is acknowledged that the properties of Portsmouth Wood Close are at a lower level, due to the distances and relationship between the units, and the tree screening on the boundary it is considered that the proposal will not result in a loss of privacy, overlooking or an overbearing impact to the amenities of existing occupiers of 14 and 16 Portsmouth Wood Close.

Due to the siting of 10 Portsmouth Wood Close separated from the site by no 12's rear garden and the dense tree and vegetation screening in the south-western corner of the site, it is considered that the layout and scale of the proposed development would not result in significant detriment to the amenities of this nearby property.

On the southern boundary is Stable Barrington which is set at a lower level than the site. There is to be a side to rear relationship with the closest proposed dwelling (Plot 24) with a distance of some 22 metres between. On this side elevation is to be a ground floor secondary window and a first floor bathroom window. Due to the dense tree and vegetation screening and the relationship between these properties, it is considered that the proposal would not result in significant detriment to the existing neighbouring properties amenities. In addition, the three custom build plots are to be located to the north of this property. The appearance, scale, layout and landscaping for these units are to be subject to a separate reserved matters application once these plots have been purchased. Such a relationship would be considered as part of the determination of these additional schemes.

Concerns have been raised by 18 Portsmouth Wood Close in respect of the location of the LEAP, open space and pedestrian access proposed to the side and rear of

this property and the impact on noise and a loss of privacy. The play area is to be sited some 8.5 metres from the boundary with no 18 and some 15 metres between the rear wall of no 18 with the boundary of the play area. The Council's Leisure Officer advises that there is a limited buffer between the LEAP and the boundary with the nearest dwelling no. 18. The minimum buffer recommended by Fields In Trust (FIT) is 10 metres in depth. As such this falls short of such guidelines in terms of amenity. Notwithstanding this, the LEAP and the equipment proposed is aimed at younger children and so the times of when this would be used would be limited to daytime hours. It is acknowledged that it is difficult to assess the potential impact that such a play area may cause to amenities through noise and disturbance. However it is considered that due to the size of the play area and the equipment proposed that this would not cause a significant detrimental impact given the separation distance. In addition, whilst the application site sits at a higher level than this property there is vegetation and tree screening on the rear boundary of this property with the site providing screening which would provide some mitigation to noise and a loss of privacy. In addition the proposed pedestrian access to the northern side boundary with no 18 would slope away from the site with steps leading down onto Portsmouth Wood Close. A condition could be placed on the reserved matters permission requiring details of the boundary treatment with the path and the neighbouring boundary to ensure that there is suitable screening to prevent overlooking into the neighbouring garden.

Finally a number of properties on Savil Road to the east of the site have raised concerns in respect of the impact on their amenities regarding overlooking, loss of privacy due to the site being at a higher level than properties on Savil Road. Plans show that there is a back to back separation distance in excess of some 30 metres between the proposed dwellings and existing properties on Savil Road with vegetation screening on the boundary. Plots 13-15 are angled and so would not provide direct overlooking to neighbouring properties on Savil Road. In addition Plot 9 would provide a side to rear relationship with no 50 Savil Road with a distance of some 11 metres to the boundary and a first floor bathroom window on the side elevation. As such there would be no loss of privacy to number 50 Savil Road. Whilst the proposed dwellings would be set at a higher level than those on Savil Road, due to the distances between and the orientation of some of the dwellings it is considered that the proposal will not cause significant detriment through an overbearing impact or a loss of privacy to properties on Savil Road.

Overall it is felt that there would not be a significant loss of amenity to neighbouring properties and therefore there is no conflict with this element of Policy DP26 in the District Plan.

Transport

The means of access into the site has already been approved by the outline planning permission. As such the impact of the development on road capacity and matters of accessibility have already been found to be acceptable. The issues to consider in respect reserved matters relate to the internal layout of the development.

The scheme would provide 115 car parking spaces, with 6 of these being unallocated visitor spaces. This is to be split as 68 allocated parking spaces, 7

allocated car port spaces, 34 allocated garage parking spaces and 4 visitor parking spaces. In addition each dwelling would provide 2 cycle parking spaces within a store located to the rear gardens of each unit. Plots 16-19 which are to be 2-bed flats would benefit from a communal bike store.

It is considered that the internal highway layout and the level of car parking provision is acceptable.

The scheme includes the provision of a pedestrian footway to the west of the site onto Portsmouth Wood Close as well as a footpath adjacent to the access road onto High Beech Lane.

It is considered that the level of car parking and the pedestrian links are acceptable. No objections are raised by the Highway Authority. In light of all the above, the application therefore complies with policy DP21 of the District Plan.

Housing mix and affordable housing

Policy DP30 of the District Plan states that to support sustainable communities, housing development will provide a mix of dwelling types and sizes from new development that reflects current and future housing needs.

As set out in the Design and Access Statement, the housing mix would be as follows:

Market housing

3 x 2 bed house
9 x 3 bed house
15 x 4 bed house
2 x 5 bed house

Affordable housing - to rent

2 x 1 bed flat
4 x 2 bed flat
2 x 2 bed house
3 x 3 bed house

Affordable Housing - shared ownership

2 x 2 bed house
1 x 3 bed house

The Councils Housing Officer has considered the proposal and advises that the proposed housing mix will meet a broad range of housing needs. She advises that the tenure split in respect of the proposed affordable housing complies with current policy, with 75% of the properties to be provided as rented units and 25% as shared ownership. The applicant is adopting a tenure blind approach in order to aid social integration and create a sustainable development.

Lindfield Parish Council has raised concerns in respect of the location of the affordable housing and considers that these should be more effectively integrated

across the development rather than concentrated. The Councils SPD on Affordable Housing states that such units should be integrated into the overall scheme layout in clusters of no more than ten dwellings. The site layout shows that there are to be two separate clusters providing 10 units to the south-western corner and a block providing 4 flats to the south-east of the site separated with the 3 custom build plots and landscaping between the two. The Councils Housing Officer is satisfied in respect of the location of the affordable housing units. As the applicant is adopting a tenure blind approach to the design of these units this would aid integration and ensure that such units are not visually obvious within the site.

The scheme provides a policy compliant level of affordable housing and thereby meets the requirements of Policy DP31 of the District Plan.

The application also shows the location of the 3 no serviced custom build plots to the southern end of the site. As part of the consideration of this application the location of these plots are considered as part of the layout of the development. However, details of their appearance, layout, scale and landscaping would be subject to 3 separate applications. The provision of these custom build units meets the requirements of Policy DP30 which requires housing development to *'meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots'*.

Dwelling space standards

Policy DP27 of the District Plan states that the minimum nationally described spaces standards for internal floor space will be applied to all new residential development. The standards set out minimum floor space figures for dwellings based on the number of bedrooms and bed spaces within properties.

All of the dwellings would meet the dwelling space standards.

Impact on trees

Policy DP37 seeks to support the protection and enhancement of trees, woodland and hedgerows. It states that development *'that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and / or that have landscape, historic or wildlife importance, will not normally be permitted.'*

The trees and hedging on the boundary with High Beech Lane has been removed prior to the determination of this application. These were not subject to a tree preservation order and were removed in order to create the visibility splays for the access. Mitigation planting has been proposed by the entrance with a number of trees and additional hedge planting set back within the site along this boundary to soften the appearance.

On the western boundary with Portsmouth Wood Close are a number of preserved trees covered by Tree Preservation Orders LR/02/TPO/08, LF/01/TPO/88,

CU/03/TPO/81 and CU/03/TPO/82. Two trees where the proposed footpath link is to be created have been removed without receiving the necessary consent. As part of the submitted site layout and landscape strategy plans these are to be replaced with two Oak trees. The replacement planting has been negotiated as part of the scheme and the Councils Tree Officer supports this proposed replacement planting.

On the southern boundary the trees are protected by Tree Preservation Orders LF/01/TPO/88 and LR/02/TPO/08. These are to be retained with dwellings set away from these trees.

The proposed dwellings and hardstanding are set away from the boundaries of the site and outside of the Root Protection Areas (RPA's) of these protected trees. Whilst the gardens of Plots 25-27 may have some shading by trees on the south-western corner, due to the orientation of the dwellings and the depth of the gardens, it is considered that this would not cause significant detriment to the amenities of future occupiers and there should not be any undue pressure from future occupiers to carry out works on these trees.

With regards to the protection of trees during construction this is subject to a condition on the outline approval (condition 9) which requires 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 to be submitted and approved prior to the commencement of development. As these trees are subject to a tree preservation order, any future works would then be subject to consent.

With regards to additional planting, the landscape plan shows a number of trees to be planted through the site and adjacent to the access road to soften the development. In addition a number of trees are proposed on the edge of and within the open space to the west of the site. This proposed additional planting is welcomed and would seek to enhance the attractiveness of the site and soften the impact of the development. Notwithstanding this, the application has been submitted with a landscaping plan and will also be required to discharge the landscaping condition that is attached to the outline planning permission. This can ensure that the final details of the proposed landscaping are acceptable.

In light of all the above it is felt that the proposal complies with policy DP37 of the District Plan.

Drainage

Policy DP41 of the District Plan seeks to ensure that sites can be satisfactorily drained and not cause drainage problems off site.

The final details of the means of drainage of the site are controlled by a planning condition attached to the outline consent. However, the Agent has advised that *'Based on the current recommendations, the drainage design uses fully tanked storage facilities to avoid introducing water to the slope. The scope of the works includes 4no rotary boreholes to depths of between 10 and 15m with an associated numerical analysis of the existing slope stability.'*

The Council's Drainage Engineer has no objections to the proposals as outlined in the reserved matters application.

In light of the above it is considered that policy DP41 of the District Plan is met.

Other matters

Concerns have been raised in respect of drainage, levels and slope stability. These details are dealt with by conditions 8 (drainage), 14 (slope stability) and 15 (site levels) under the outline approval where further information is required to be submitted in respect of these matters. These are technical matters which will be considered by the Council's own specialist officers and external independent consultants where required when these details are submitted.

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 and the Lindfield and Lindfield Rural Neighbourhood Plan.

In this case outline planning permission has been granted for the erection of up to 46 dwellings on the site and the means of access into the site has been approved. Therefore the principle of development is established, as is the access into the site from High Beech Lane.

The design of the development has been amended during the course of the application to improve the scheme. It is considered that the layout of the scheme, including the roads and car parking provision is appropriate and the design of the proposed dwellings is acceptable. All of the dwellings would meet the national minimum space standards and the scheme provides a policy compliant level of affordable housing and a satisfactory mix of housing overall.

It is considered that the layout would avoid significant harm to the amenities of the occupiers of neighbouring properties. In addition the location of the play area would not cause significant detriment to nearby residents through noise or a loss of privacy.

The scheme has resulted in the removal of a section of trees along the road frontage to provide visibility splays. This has been accepted by virtue of the outline planning permission which approved the access into the site. With regards to trees on the boundaries of the site including those subject to tree preservation orders, the scheme is laid out to avoid harm to trees within the site during construction and it is not felt that the layout will result in undue pressure on trees within the site from future occupiers of the new development.

In light of the above it is considered the application complies with policies DP21, DP26, DP27, DP30, DP31, DP37, DP38, DP39 and DP41 of the District Plan and the provisions of the National Planning Policy Framework (NPPF). As such the reserved matters should be approved.

APPENDIX A – RECOMMENDED CONDITIONS

1. **Approved Plans**

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

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

2. No development above ground floor slab level shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of materials and finishes to be used for external walls and roofs of the proposed garages and car ports.

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

3. No dwelling shall be first occupied until the car parking and garaging serving the respective dwellings has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for the parking and garaging of vehicles and for no other purposes.

Reason: To provide car-parking space for the use and to comply with policy DP21 of the District Plan 2014-2031.

4. No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwellings have been provided in accordance with the approved planning drawings.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to comply with policy DP21 of the District Plan 2014-2031.

5. Prior to the first use of the pedestrian footpath leading to Portsmouth Wood Close, details of boundary treatments between the site and the neighbouring garden boundaries of 18 and 39 Portsmouth Wood Close shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall not be brought into use until the boundary treatment has been carried out in accordance with the approved details.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy DP26 of the District Plan 2014 - 2031.

6. Prior to the creation of the open space and play area details of sections through the open space that show how the play area will be accommodated on the sloping site shall be submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with these details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with Policy DP26 of the District Plan 2014 - 2031.

7. Prior to the first occupation of any dwelling the open space and play area shall be made available for public/community use in accordance with the approved plans.

Reason: For the avoidance of doubt and to provide a benefit to the wider public in terms of leisure provision and to accord with Policy DP24 of the District Plan 2014 - 2031.

8. Prior to the first occupation of Plots 16-19, details shall be provided in respect of the communal bin store. The bin store shall be constructed in accordance with the details submitted and approved.

Reason: To ensure the bin store is of a sufficient size to accommodate refuse for the properties and to accord with Policy DP26 of the District Plan 2014 - 2031.

9. The first floor windows serving bathrooms and en-suites on the side elevations of the dwellings shall at all times be glazed with obscured glass fixed to be top vent opening only.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy DP26 of the District Plan 2014 - 2031.

INFORMATIVES

1. The applicant's attention is drawn to the conditions attached to the outline planning permission DM/17/2271. In particular, conditions 3, 5, 6, 7, 8, 9, 14 and 15 require further action or submissions by the applicant prior to the commencement of development.
2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Planning Layout	DES-144-103	A	02.09.2019
Parking Layout	DES-144-104	A	02.09.2019
Planning Layout	DES-144-105	A	02.09.2019
Planning Layout	DES-144-106	A	02.09.2019

Means of Enclosure	DES-144-107	A	02.09.2019
Planning Layout	DES-144-108	A	02.09.2019
Drainage Details	DES-144-109	A	02.09.2019
Location Plan	DES-144-150	A	02.09.2019
Block Plan	DES-144-151	A	02.09.2019
Street Scene	DES-144-300	A	02.09.2019
Street Scene	DES-144-301	A	02.09.2019
Sections	DES-144-302	A	02.09.2019
Landscaping Details	DES-144-500	C	08.10.2019
Landscaping Details	DES-144-501		12.07.2019
Proposed Floor and Elevations Plan	DES-144-200		12.07.2019
Proposed Floor and Elevations Plan	DES-144-201		12.07.2019
Proposed Floor and Elevations Plan	DES-144-202		12.07.2019
Proposed Floor and Elevations Plan	DES-144-203		12.07.2019
Proposed Floor and Elevations Plan	DES-144-204	A	02.09.2019
Proposed Floor and Elevations Plan	DES-144-205	A	02.09.2019
Proposed Floor and Elevations Plan	DES-144-206	A	02.09.2019
Proposed Floor and Elevations Plan	DES-144-207		12.07.2019
Proposed Floor and Elevations Plan	DES-144-208		12.07.2019
Proposed Floor and Elevations Plan	DES-144-209		12.07.2019
Proposed Floor and Elevations Plan	DES-144-210		12.07.2019
Proposed Floor and Elevations Plan	DES-144-211		12.07.2019
Proposed Floor and Elevations Plan	DES-144-212		12.07.2019
Proposed Floor and Elevations Plan	DES-144-213		12.07.2019
Proposed Floor and Elevations Plan	DES-144-214		12.07.2019
Proposed Floor and Elevations Plan	DES-144-215	A	02.09.2019
Proposed Floor Plans	DES-144-216		12.07.2019
Proposed Elevations	DES-144-217		12.07.2019
Proposed Floor and Elevations Plan	DES-144-218	A	02.09.2019
Proposed Floor and Elevations Plan	DES-144-219	A	02.09.2019
Proposed Floor and Elevations Plan	DES-144-220	A	02.09.2019
Proposed Floor and Elevations Plan	DES-144-221		12.07.2019
Proposed Floor and Elevations Plan	DES-144-222		12.07.2019
Proposed Floor and Elevations Plan	DES-144-223		12.07.2019
Proposed Floor and Elevations Plan	DES-144-224		12.07.2019
Proposed Floor and Elevations Plan	DES-144-225	A	02.09.2019
Proposed Floor and Elevations Plan	DES-144-226		12.07.2019
Proposed Floor and Elevations Plan	DES-144-227		12.07.2019
Proposed Floor and Elevations Plan	DES-144-228		12.07.2019
Proposed Floor and Elevations Plan	DES-144-229		12.07.2019
Proposed Floor and Elevations Plan	DES-144-230		12.07.2019
Proposed Floor and Elevations Plan	DES-144-231		12.07.2019
Location Plan	DES-144-100		12.07.2019
Proposed Site Plan	DES-144-101	C	08.10.2019
Planning Layout	DES-144-102	A	02.09.2019
Other	DES-144-502		02.09.2019
Other	DES-144-150	A	02.09.2019
Other	DES-144-151	A	02.09.2019

APPENDIX B – CONSULTATIONS

Trees And Landscape

MSDC - Sustainability Officer

Solar PV Panels - Where applicable in terms of building orientation and where there is no current shading from trees the integration of solar pv panels are recommended. They would help to reduce the electricity requirements of the buildings and overall carbon emissions.

Electric Vehicle Charging Points (EVCP) - At the very least I would expect all dwelling to be at least 'chargepoint -ready', i.e. all electric cabling and ducting in place and configured in such a way as to be ready for the easy installation of a domestic EVCP. Ideally all homes with driveways should be fitted with a non-tethered EVCP in the appropriate location by an OLEV accredited installer.

Cycle Provision - Would like to see some evidence of the consideration of cycling within and to the site. Ideally all access points to the site should have provision for cycling whether through shared pedestrian/cycle paths, signage and clear sightlines etc. Some evidence of the encouragement of cycling within though signage or road markings would be welcome

WSCC Highway Authority

Final comments

Although there is no detailed breakdown in terms of how parking has been determined, in the unlikely situation of parking being insufficient and in light of the on-site roads remaining under private maintenance, any overspill will be contained within the development site. There would be no consequences to the users of the public highway. The final WSCC point regarding parking is considered to be addressed.

If the Local Planning Authority is minded to approve this application, the following conditions are suggested.

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

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

Reason: To provide car-parking space for the use.

Amended

A number of highway issues were raised the WSCC Highways consultation response from August. Of these, matters relating to pedestrian accessibility have been discussed directly

with the applicants. From these, it seems that there are some considerable level differences. These are resulting in notable gradients between the site and High Beeches Lane.

As a result, various options have been considered to achieve step free access into the site. Of these an option has been provided that achieves a step free footway alongside the access road into the site. The principle of this is acceptable. However, based on the guidance within Inclusive Mobility, gradients along this are still such that it will be unusable for manual wheelchair users. Current guidance (Inclusive Mobility and Manual for Streets) both allow for consideration to be given to the local topography. It is not therefore strictly unacceptable to have a site with pedestrian access arrangements as shown albeit this is undesirable, and in this circumstance unavoidable. In the context of this development, the pedestrian access arrangements are accepted.

Notwithstanding the above, there are conflicting emails submitted from the applicant available for viewing on the MSDC website; one dated 2nd September and another dated the 3rd September. In that of the 2nd, which is accompanied by a longitudinal section of the originally proposed stepped access from High Beeches Lane, it was identified that step free access was not achievable. That of the 3rd however provides the solution as referred to above (a footway alongside the access road). Although the site layout plan is quite clear as to the final option, it would perhaps be appropriate to mark the earlier correspondence as superseded.

Of the other matters raised, no details seem to have been provided in respects of parking provision and how this has been determined. This aspect is therefore outstanding. All other matters have been addressed through the revised layout.

Original

Matters of vehicular access have been approved as part of the outline planning permission. No further comments are made in respects of these at this stage. Details of pedestrian access were also included as part of the outline development. This were shown onto High Beeches Lane and Portsmouth Wood Close.

It is acknowledge that matters of highway adoption are subject to separate consideration directly with the Local Highway Authority. At this stage, it is unknown if the layout will be offered for adoption. For the purposes of the current planning application the highway layout has been viewed on the basis that it will be kept private.

The layout is indicated primarily as a shared surface for vehicles and pedestrians. Footways are only included over a few small sections of the site. The general principle of a shared surface is acceptable given the low traffic, low speed context.

It's unclear what design refuse vehicle has been used or if this is reflective of that operated by Mid Sussex DC. This should be confirmed. It is in principle accepted that a refuse vehicle would occupy much of the carriageway when manoeuvring. It is recommended that the access road is widened to enable a refuse vehicle and an opposing car on the first bend into the site from High Beeches Lane.

With respects to the pedestrian access, as noted above, the general principle of these has been established through the outline planning permission. Further details in the form of longitudinal sections would be requested of the two options. These would be requested as from the layout drawing implies that there would be steps on both. As a result, there would be no level access to the site. Whilst accepted due to the change in levels that step free access may not be possible from Portsmouth Wood Close, level access should be provided from High Beeches Lane. Without step free access from some point, it is questionable if the

site meets the requirements within Inclusive Mobility or the NPPF (specifically paragraphs 108b, 110a and 110b)

Again, with the High Beeches Lane pedestrian access, the layout of this (the long sweeping curve) achieves very little in terms of providing convenient access; the layout as shown is provided more aesthetically pleasing as opposed to actually meeting the needs of pedestrians wanting a direct route into the site. Unless there are good reasons, the footpath into the development should be made more direct.

No details are provided to support or justify the parking provision within the development. This should be assessed against the standards adopted by Mid Sussex DC. In terms of more detailed matters for parking, visitor bays are not evenly distributed across the site; these are clustered in one small area of the site. As a shared surface is provided, parking would need to take place in clearly demarcated spaces that a spread across the site.

In summary, further information would be sought to address the above points.

WSSC Planning Officer

As this is a reserved matters application, there is already a signed 106 relating to the site for the outline application which encapsulates the reserved matters issues such as housing mix. Therefore we do not send out a new 106 consultation for reserved matters applications.

WSSC Flood Risk Management

WSSC, as LLFA, won't have any comments to submit for this one as it's a reserve matters application which we would leave for your Drainage Engineer to respond as they would deal with the technical detail of the drainage system proposed.

MSDC Urban Designer

Amended

Summary and Overall Assessment

The layout is an improvement upon the outline scheme and works well in most respects. The continuous circular access route provides a legible and connected arrangement that successfully accommodates a well overlooked open space / play area and pedestrian link to Barrington Close. The provision of a play area is important as it should give the open space some level of activity and provide a focus/meeting point for the new community (especially as the nearest play area is some distance away and the sloping nature of the site restricts other recreational opportunities). While the elevations are unimaginative, the site elevations demonstrate that they sit well on the sloping site, and revised elevations have been received that address my initial concerns. For these reasons I raise no objections to the scheme, but would recommend conditions that cover facing material (including the finish of the covered car port serving plots 21, 22, 28 and 29) and the landscape design including the boundary treatment / arrangement (especially in respect of the site perimeter) and sections through the open space that show how the play area will be accommodated on the sloping site.

Layout

While the layout is acceptable in most respects, an unfortunate consequence of the central perimeter block and circular access arrangement is that much of the existing attractive tree-lined boundaries are not fully revealed to the public realm because the houses at the edge of the site back-on to the boundaries. This is accepted here because the site's modest size and

steep slope limiting the layout options. Furthermore the houses have been organised with a sufficient distance from the boundaries that should permit sufficient sunlight/daylight reaching the rear gardens and elevations avoiding placing future pressure on the trees. Also the large trees on the southern boundary will provide an attractive backdrop to the courtyard parking areas serving plots 16-27 and the communal space around the block of flats. The modest tree belt on the western boundary will be revealed too and provide a backdrop to the open space. I would nevertheless recommend that trees and shrubs are added along the northern boundary to help soften and screen the development.

The pedestrian link to Barrington Close is important as the alternative route via the main site / vehicular entrance is unfortunately circuitous (NB: the site access was approved at outline stage and is therefore not considered in these observations).

The arrangement of the proposed picket fencing at the rear of the houses and the boundary trees (on the north, east and west sides) is unclear from the drawings and further detail is needed to demonstrate their juxtaposition and the management / access arrangement for the trees.

On the southern boundary the incorporation of windows in the facing flanks of plots 24 and 25 in addition to the proximity of the block of flats does afford some natural surveillance at the rear of the custom build houses, but this area is still rather tucked away out of sight and could present community safety / security issues in the future.

Elevations

The elevations are reliant on a pastiche design giving the buildings a ubiquitous appearance that provides little sense of place beyond the natural characteristics of the site itself. The houses nevertheless sit well enough on the sloping site and the flint-faced houses on plots 2 and 4 provide an attractive entrance approach to the site. Furthermore following my initial comments on the planning application submission, revised elevations have been received that make the following improvements:

- Plots 20-29 -The terraced houses on each side of the car park gateway enclosure now benefits from book-end gables that gives them a stronger and more formal composition and provides an attractive backdrop at the southern side of the open space. The east flank of plot 20 has also been improved with the incorporation of properly fenestrated east elevation that addresses the pocket space in front of the custom build plots.
- The secondary facing materials / hanging tiles are more comprehensively applied to a number of plots including plots 14, 15, 22, 29, 31.
- Plot 36/37's benefit from a more modelled hipped roof that avoids them looking truncated.
- Plot 3's southern flank has been given an additional window so that it addresses the open space better.

Unfortunately the steep garage roofs on plots 7, 39, 40 have not been changed and they consequently still suffer from an awkward juxtaposition with the shallower angled roofs of the houses they are attached to.

Original

As previously advised the inclusion of a LEAP is important to ensure the o/s has some level of activity and provides a strong focus/meeting point for the new community (especially as the nearest play area is some distance away and the sloping nature of the site restricts other recreational opportunities).

I also have the following detailed points which I would like the applicant to consider:

- Plots 20 -29 - The car park gateway enclosure has been improved (although the wall finish is unclear), but the terraces are still weakly terminated with semi-hipped roofs and it is unfortunate the opportunity has not been taken to provide bookend gables which could be achieved if the 3 bed units on plots 23/24 swapped with the 2 beds on 20+27. Also only a single window is provided in the east flank of plot 20 that does little to address the pocket space and the juxtaposition of plot 20 and the custom build houses is unclear.
- The hanging tiles on plots 22 and 29 incongruously peel away at the rear, and on plot 31 they peel away on the northern flank. While there are other buildings where this happens too, these are particularly problematic as they will be visible from the public realm. The hanging tiles are also half-heartedly applied on plots 14+15 gable frontages.
- Some adjacent standard housing feature different facing treatment that gives the impression this is an exercise in facadism that undermines their architectural integrity: eg. plots 30 + 31 and plots 6+8+9
- The steep garage roofs on plots 7, 39, 40 have an unfortunate juxtaposition with the shallower angled roofs of the houses they are attached to.
- Plots 36, 37 are inelegant as they appear to have originally been designed to be part of a semi-detached configuration that turns the corner (as per 42-43). As detached houses they look truncated. This would be addressed if they were; alternatively it might be helped if the roofs were more modelled with semi-hips that respond better to the adjacent houses (35+38).
- Plot 3's southern flank still could be more fenestrated so that it addresses the open space better.
- Plot 24's southern flank has a completely dead frontage; this needs some windows that provide natural surveillance in this area. It is also unclear whether the area behind the custom build plots (and to a lesser extent behind plot 14) will be left open; as this could present security and community safety issues.
- The tree plan is usefully colour coded. However the street trees from plots 5 / 41 through to 13 / 36 would benefit from a consistent approach (i.e. it could be Greenspire throughout).
- The enclosure plan is confusing as the colours denoting 1.2m high wall and 1.8m c/b fencing are too similar. I also think the trees should be in front of the wall re: plots 8-10.
- The site sections could provide more information. For instance the paths linking the development to High Beech Lane and to Barrington Close need to be shown and the community safety considerations demonstrated. Both sections need to extend further with section 1 showing the whole the full extent of the central open space (including the play area) and plots 27-29. The topographical information could also be presented in the form of contours on the site layout plan.

MSDC Sustainability Officer

Amended

I welcome the points sets out in the Sustainable Design section of the Supporting Statements with the following suggestion

On-site Renewable/Energy Generation - It is recommended that PV panels are fitted to all appropriately orientated roof areas.

Original

I do also have some concerns as to the flood resilience of the site and any arrangements for SUDs. Couldn't find much detail on this.

Solar PV Panels - Where applicable in terms of building orientation and where there is no current shading from trees the integration of solar PV panels are recommended. They would help to reduce the electricity requirements of the buildings and overall carbon emissions.

Electric Vehicle Charging Points (EVCP) - At the very least I would expect all dwelling to be at least 'chargepoint -ready', i.e. all electric cabling and ducting in place and configured in such a way as to be ready for the easy installation of a domestic EVCP. Ideally all homes with driveways should be fitted with a non-tethered EVCP in the appropriate location by an OLEV accredited installer.

Cycle Provision - Would like to see some evidence of the consideration of cycling within and to the site. Ideally all access points to the site should have provision for cycling whether through shared pedestrian/cycle paths, signage and clear sightlines etc.

Some evidence of the encouragement of cycling within though signage or road markings would be welcome

MSDC Housing Enabling & Development Officer

The applicant is proposing a development of 46 dwellings which gives rise to an onsite affordable housing requirement of 30% (14 units). The proposed housing mix will meet a broad range of housing needs and consists of 2 x 1 Bed / 2 Person maisonettes, 4 x 2 Bed / 4 Person apartments, 4 x 2 Bed / 4 Person houses and 4 x 3 Bed / 5 Person houses. The tenure split will comply with current policy, with 75% of the properties to be provided as rented units and 25% as shared ownership. The applicant is adopting a tenure blind approach in order to aid social integration and create a sustainable development.

In addition to the provision of affordable dwellings, we welcome the inclusion in this application of 3 x serviced plots for custom build which will assist the local authority in meeting both its statutory duty and the demand for self and custom build in the district. An independent architect sourced by Croudace will work with each of the three Custom Build clients to design the appearance, footprint, internal configuration, materials and finishes of their bespoke home and the individual clients will be involved in the whole design / layout process.

MSDC Drainage Officer

Amended

The comment from Greg Roberts regarding the examination of slope stability answers my query.

Original

I have looked at the submitted drainage layout plans, supporting details and the public representations. I am satisfied with the proposed layout, and the drainage arrangements have been considered.

Below I have one query (in orange) that I would like answered, please; and a list of details I would expect at condition clearance stage.

The site is situated on a relatively steep gradient; and with the expected sub-strata of clay soils overlaying sandstone, land stability for the development has to be carefully considered - hence condition 14. With possible changeable ground conditions, the methods and mitigations to ensure the stability of the structures could vary across the site.

- Therefore, in anticipation of the slope stability and ground investigation report for condition 14, please can the developer inform me of the scope of this investigation and whether the submitted layout would still be achievable even if sub-level construction methods go beyond what would normally be expected for a site like this?

With a steep slope gradient, surface water run-off during construction could carry silt polluting local surface water systems and adjacent land. As part of meeting condition 8, I would like to receive a site management plan that focuses specifically on the management of construction run-off and silt control.

For condition 8, I will expect the following:

- Final detailed layout plans and supporting design calculations that demonstrate the development's ability to cater for the 1 in 100 year storm event plus 40% capacity for climate change.
- Exceedance flow plan showing safe access and egress in the event of rainfall exceeding the design.
- Formal approval for the connection points of discharge.
- A maintenance and management plan showing how the proposed drainage systems will be maintained for the lifetime of the development, who will undertake this work and how it will be financed.

MSDC Environmental Protection Officer

I write in regards to concerns raised in relation to the location of the proposed playground within the development.

There are various noise sources, such as playgrounds and nurseries, which are not covered by existing recognised standards.

Therefore if we were to ask for an acoustic assessment of the proposed park, there would be no set standard under which to judge whether it was acceptable or not. If we were to consider the park under more general guidance for acceptable ambient noise levels, such as the World Health Organisation Guidelines for community Noise dated 1999, and BS8233:2018 it likely would not show the true impact of the noise.

This is because the noise is from a specific source, and compliance with general ambient levels would not show whether it would be noticeable or intrusive to residents against the general background. Secondly, while the average noise from children playing over set period may be considered acceptable, that doesn't take into account the varied level of children noise over that period. It is inevitable that there will be peak noise levels that will have the potential to interfere with the amenity of local residents.

Additionally it impossible to know how much the park will be used, at what times it will be used, or what volumes those using it may create. It is likely that any disturbance will be limited to daytime hours, but that does not prevent residents being impacted at weekends, or retired residents and those who work from home being disturbed in general.

I do note that there is vegetation between existing properties and the proposed park, but I would make it clear that vegetation will provide a negligible impact in terms of screening noise. Acoustic fencing could be installed, but its effect would be limited by its placement, its weight and its height.

I therefore am concerned that the amenity of residents nearby the proposed park may be affected. However it is difficult to be sure of the level of disturbance in reality.

I would advise great caution in allowing the proposed park so close to residents but recognise there are no set standards under which to judge the level of detriment it may have to residents, and therefore no guidance on which to base an objection.

MSDC Leisure

Amended

The Council's Landscape Officer has reviewed drawing DES-144-101B, and notes that the play area is approx. 8m from 18, PORTSMOUTH WOOD CLOSE (about 8m away) which only provides a limited buffer so this will need to be addressed.

The minimum size guidelines and buffers recommended by FIT are:

Playable space (LAP type need not be equipped)

1. Minimum active playable space of 100 sq m (need not be equipped).
2. Buffer zone of 5m minimum depth between the active playable space and the nearest dwelling

Equipped play area (LEAP type)

1. Minimum activity zone area of 400 sq m.
2. Buffer zone of not less than 10m in depth between the edge of the equipped activity zone and the boundary of the nearest dwelling and a minimum of 20m between the equipped activity zone and the habitable room facade of the dwelling

The range of equipment proposed for a small play area aimed at young children is good. I would urge towards a swing seat that offers more support for the small children the play area will appeal to. It's also good to see a bench with back and arm rests.

Original

In the Outline planning application the developer indicated that they intended to provide a LEAP on site so we did not ask for a financial contribution toward children's playing space however the proposed site layout does not seem to include any play provision so further information is needed regarding the layout, equipment and on-going maintenance arrangements.

MSDC Tree Officer

Final Comments

All my issues with regard the landscape plan have been addressed and so in respect of the landscaping I have no further comments and am satisfied with the proposed plantings.

Can I ask if the tree protection measures have been agreed, as there are clearly a large number of trees that will need protecting during construction.

Amended

The issues I previously outlined have now been addressed. The additional number of oak trees is good, however is there any reason the requested oak trees replacing the felled trees at the pedestrian access cannot be placed there? If two replacement trees are considered excessive in this spot, one oak would be a valuable addition to this area.

In addition, the plan is showing existing trees and hedges on the boundary with High Beech Lane, which I understand are being totally removed. Will there be a replacement hedgerow and trees within this area? Can the plan be amended accordingly?

Original

Following on from our visit to the above site this morning I have the following comments:

- TPO Area - Trees removed - There has been the removal of three clumps of trees within the area (G1) which is protected by of the CU/03/TPO/81. Clearly a mature ash tree has been felled, which we have been advised had a large fungal bracket that was threatening the health of this tree. The fungus was not visible as it had been buried amongst the branches of the felled tree. There is also evidence of the removal of a clump of lime stems and a large clump of smaller unidentified stems. These removals were not authorised, but as the removal has already taken place, this should be mitigated with the planting of 2 x heavy standard oak trees as close as possible to the position of the felled trees. These should be added to the landscape strategy.
- Removal of trees along the west boundary of the site for vehicular access onto High Beech Lane. This involves the removal of a large number of trees including oaks, and in particular a couple of very good oaks, in order to accommodate access. It was suggested that the better trees should be identified and not felled, however it has been explained that due to the drop in level from the trees to the road, the trees are being removed in order to scrape the bank back to provide the road level visibility. It would therefore not be possible to pick and choose which frontage trees are be removed. It is strongly recommended that the absolute minimum number of trees is removed to accommodate the access visibility.
- To mitigate the loss of these trees a planting scheme has been submitted. It is difficult to differentiate between some of the species suggested due to the similarities of the colours in the key. Please can this be made clearer? In addition there only appears to be two replacement oak trees. I would request further native oaks (in addition to the ones requested above) are incorporated into the scheme to mitigate the loss of so many on the western boundary

MSDC Landscape Officer

Landscapes have advised that there is a good selection of tree species planted good distance from properties. Utilising wild flower areas and natural materials. No other comments or feedback.

MSDC Waste Services

I have now viewed the plans of the site layout (DES-144-101C, received on the 08/10/2019) and refuse strategy (DES-144-105A, received on the 02/09/2019) and can confirm the following information.

The site layout allows the collection vehicle to gain sufficient access to all areas of the development.

The individual properties have space to store the 2 x 240 litre bins required and the routes residents will use to move their bins to kerbside collection points have been clearly shown on the refuse strategy plan. The individual collection points also appear to be in line with our policies on how far our contractors should have to wheel bins.

The communal block of flats comprising of four properties has use of a communal bin store. The scale of the refuse strategy plan suggest the store is approx. 3 x 3 metres. If this is correct, this size store will be able to store the required bins for storage of refuse and recycling. The store is also in a location to allow sufficient access for the collection vehicle. Waste Services will require confirmation that the bin store is of sufficient size to accommodate 2 x 1100 litre bins prior to occupation. The dimensions of 1100 litre bins are 1360mm wide and 1080mm deep.

The only other point to note is that the entrance to the communal bin store should be level, avoiding any steps, steep slopes or other obstructions such as kerbs that are not dropped or parking spaces in front of the doors.

On this basis, Waste Services do not foresee any issues with the storage and collection of waste at this development.

Ecology Consultant

Whilst there is no updated ecological assessment, the issues are relatively straight forward and as indicated by the outline application. Therefore, the submitted Landscape and Ecological Management Plan & Biodiversity Mitigation and Enhancement Plan are considered sufficient to discharge the prior approval aspects of condition 6 except for the lighting plan, which does not appear to have been submitted yet— I note that mitigation document contains generic guidance on this but a plan showing how this will be translated in practice is required.

MSDC Street Name and Numbering Officer

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

Informative (Info29)

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

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MID SUSSEX DISTRICT COUNCIL

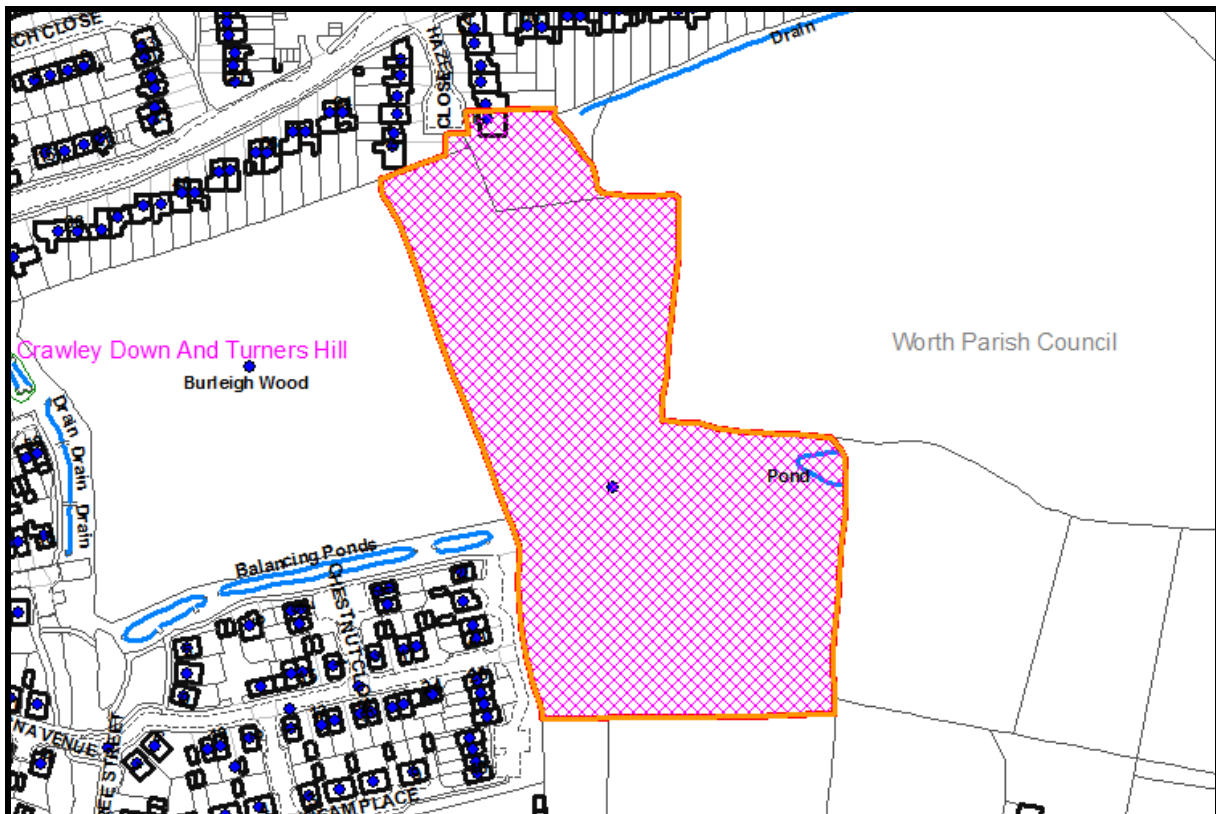
District Wide Committee

21 NOV 2019

RECOMMENDED FOR PERMISSION

Worth Parish Council

DM/19/2974



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LAND SOUTH OF HAZEL CLOSE CRAWLEY DOWN WEST SUSSEX RESERVED MATTERS APPLICATION RELATING TO OUTLINE APPLICATION AP/16/0038 (DM/15/4094) SEEKING THE APPROVAL OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING. AMENDED PLANS RECEIVED ON 26 SEPTEMBER SHOWING REVISED LEVELS, REVISED HOUSE TYPES AND REVISED LAYOUT TAYLOR WIMPEY UK LTD.

POLICY: Ancient Woodland / Ancient Woodland / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation /

Aerodrome Safeguarding (CAA) / Tree Preservation Order /
Highways Agreement (WSSC) / Highways Agreement (WSSC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 22nd November 2019

WARD MEMBERS: Cllr Phillip Coote / Cllr Ian Gibson / Cllr Roger Webb /

CASE OFFICER: Steven King

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader, Planning and Economy on the application for reserved matters consent as detailed above.

EXECUTIVE SUMMARY

This application seeks reserved matters consent for the erection of 60 dwellings on land south of Hazel Close, Crawley Down. The means of access into the site has already been approved by the granting of outline planning permission for the development on the site. As such this application is seeking consent for the reserved matters of the layout, scale, appearance and landscaping of the site. The principle of developing this site for 60 dwellings is established.

The details of the reserved matters of the layout, scale, appearance and landscaping of the site need to be assessed against the relevant policies in the development plan. In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

It is considered that the landscape impact of the proposal is acceptable. There will be a significant change from a green field site to a housing site but the principle of this has been accepted as planning permission has been granted for the development of the site. The important boundary trees around the site will be retained with the proposed houses facing out towards these trees.

It is considered that the applicants have responded to officers concerns and developed a scheme that works well on this challenging sloping site. The layout is sound and the external elevations of the dwellings will produce a development that fits in satisfactorily in the area. It is therefore considered the application complies with policy DP26 of the District Plan (DP), policy CDNP05 of the Crawley Down Neighbourhood Plan (CDNP) and represents the high quality design that is sought by the National Planning Policy framework (NPPF).

The access into the site was approved at the outline stage. This was found to be acceptable both in relation to highway safety and in relation to the impact on the capacity of the road network. The road layout within the site will encourage vehicles

to travel at a low speed and is satisfactory. It is considered that given the layout of the site the use of shared surfacing at the southern end of the site is appropriate. It is also considered that the level of car parking provided is also satisfactory to serve the development.

There is a conflict with part p) of policy CDNP05 in respect of the percentage of 2 and 3 bedroom market units that is provided within the scheme. However the conflict is very minor and the scheme does provide a good mix of dwelling sizes as required by policy DP30 in the DP. The scheme provides a policy compliant level of affordable housing and the Councils Housing Officer has no objection to the scheme. It is considered the delivery of a good mix of housing, including affordable housing should be significant positive weight in the planning balance.

The required infrastructure to serve the development and the necessary mitigation in respect of the impact on the Ashdown Forest have been secured by the legal agreement that was completed when outline planning permission was granted for the development of this site. As such policies DP17 and DP20 of the DP are met.

It is considered that there would not be a significant adverse impact on the residential amenities of the occupiers of the properties that adjoin the site. The proposal would result in some new overlooking from the properties at the northern end of the site. However this is not considered to cause a significant adverse impact given the distances between the existing properties and the new properties. It is also relevant that the existing houses to the north and within the built up area where there is already mutual overlooking between the properties.

In light of all the above it is considered that the proposal complies with the development plan when read as a whole, which is the proper basis for decision making. It is therefore recommended that reserved matters consent is granted for this development.

Recommendation

It is recommended that reserved matters consent be granted subject to the conditions set in Appendix A.

SUMMARY OF REPRESENTATIONS

1 letter received:

- concerned about how I will be able to reverse into my driveway

SUMMARY OF CONSULTEES (full comments in appendices)

Highway Authority

No objection.

Sussex Police

No objection.

NATS Safeguarding

No objection.

Ecological Consultant

No objection.

Housing Officer

The application proposes a development of 60 dwellings of which 18 are proposed as affordable housing in accordance with the current 30% policy and the legal agreement for the outline permission. The affordable dwellings provide a suitable mix of sizes and comprise of: 2 x 1 bedroom flats (one of which is wheelchair accessible), 4 x 1 bedroom maisonettes, 10 x 2 bedroom houses and 2 x 3 bedroom houses.

Community Facilities Project Officer

In general the landscaping proposals are OK but some aspects may need to be revised

Drainage Engineer

TBR

Urban Designer

Although the elevations suffer from a ubiquitous design, the revised drawings incorporate a number of improvements that result in better-ordered facades. Despite the 15m ancient woodland buffers that makes the northern part of the site quite narrow, the layout overall works with the attractive woodland boundaries revealed to the building frontages, access roads and footpaths. The central open space is modest but benefits from its central position and visual connection with Burleigh Wood and Rushetts Wood on either side.

This is nevertheless an awkward sloping site and the applicant has reviewed the levels in light of the Design Review Panel (DRP) and my concerns in considering the relationship to the road and access points of the properties, as well as streetscape and roof composition; a comprehensive set of street elevations has been provided to help demonstrate this. However, the cross section relationship of the sloping thresholds and driveways with the building frontages and carriageway also need to be provided. Therefore while I raise no objection to the scheme, I recommend a condition requiring the approval of a number of cross section drawings to fully explain the levels, as well as conditions covering landscaping (including boundary treatment and the design of the pergolas in the parking areas), facing materials and

the first floor windows on the front elevation of the type NA22 and NA34 houses (to address concerns about inconsistently designed windows).

Crawley Down Parish Council Comments

It was considered that the amended plans did not address the Committee's original concerns; It was AGREED to object as previous, namely:

It was noted that the housing mix does not comply with the Crawley Down Neighbourhood Plan for either market or affordable housing. It does not provide a range of dwellings that are suited to the needs of both young families and older residents, therefore the proposals are contrary to CDNP05m) and CDNP05p) Parking provision is seven spaces short, when calculated against the CDNP Appendix 1 - Parking Standards. It was noted that no provision has been made for mitigation of the impact of the development on the adjacent ancient woodland, in that no wildlife corridor has been created across the site. Whilst the fact that the houses face away from the ancient woodland buffer zones is welcomed, pathways are shown through these buffer zones which is not permissible. This impact on the ancient woodland and fauna is therefore contrary to DP37, and to CDNP09a), CDNP09b) and CDNP09c) With regard to connectivity, only the access road connects the development to the rest of the village, the development is contrary to CDNP05i). The recent appeal decision AP/19/038 relating to 6 dwellings at 2 Crawley Down Nurseries made reference to this policy when dismissing the appeal.

In addition, the Council considers that the proposals are contrary to CDNP10a) and b), given the distance that those residents to the south of the site will have to walk to get to public transport. To improve connectivity, non-vehicular access should be made into Acorn Avenue, in the south east corner of the site.

Whilst it is understood that any such access would cross land outside the curtilage of this development, the Council considers it vital in order to assist compliance with CDNP5i) and DP26. Streeting light on the site should be low level LED bollards emitting warm yellow light with an effective temperature not exceeding 3200 kelvin.

INTRODUCTION

This application seeks reserved matters consent for the erection of 60 dwellings on land south of Hazel Close, Crawley Down. The means of access into the site has already been approved by the granting of outline planning permission for the development on the site. As such this application is seeking consent for the reserved matters of the layout, scale, appearance and landscaping of the site. The principle of developing this site for 60 dwellings is established.

RELEVANT PLANNING HISTORY

Members resolved to approve the outline planning application (reference DM/15/4094) for up to 60 dwellings on this site at the District Planning Committee on 7th April 2016, subject to the completion of a legal agreement to secure the

necessary infrastructure provision and affordable housing. Before the decision could be issued, the application was called in by the Secretary of State (SoS) for his own determination. A Public Inquiry opened on 31st January 2017 and the Inspector appointed by the SoS recommended that the application be approved. In a decision letter dated 1st March 2018 the SoS agreed with the recommendation of his Inspector and approved the planning application.

SITE AND SURROUNDINGS

The site comprises approximately 2.7ha hectares of undeveloped land located on the south eastern edge of Crawley Down. There is a fall in levels from south to north through the site. The Site is bound by residential development to the north, and two designated Ancient Semi natural Woodlands on either side (Burleigh Wood and Rushetts Wood). Burleigh Wood is subject to a Tree Preservation Order (TPO WP - 10 - TPO - 88).

To the south and south east of the site are agricultural fields, which are defined by existing hedgerows and mature trees. To the west lies a consented residential scheme 13/03312/OUT for 51 dwellings for which a reserved matters application (DM/15/1298) was approved on 26th June 2015.

In terms of planning policy the site lies within the countryside as defined in the District Plan (DP). The site is outside the built up area of the village as defined in the Crawley Down Neighbourhood Plan (CDNP).

APPLICATION DETAILS

This application seeks reserved matters consent for the approval of layout, scale, appearance and landscaping of 60 dwellings on a parcel of land to the south of Hazel Close, in Crawley Down. The means of access into the site from Hazel Close was approved by the outline planning permission granted by the SoS.

The plans show that the access road into the site would run alongside the southern boundary and would then run southwards along the eastern boundary of the site. There would be an area of open space in the centre of the site. The main access road would then run southwards through the centre of the site, with houses located either side.

The southern part of the site has been designed using the principle of a perimeter block layout which allows the houses to face out onto the street and for back gardens to back on to one another. The northern parcel of the site has been designed along similar principles.

The open space within the centre of the site features play equipment. This area is overlooked by houses to the north and south.

The scheme proposes the following housing mix:

Market housing
8 x 2 bed houses

22 x 3 bed houses
12 x 4 bed houses

Affordable housing

1 x 1 bed flat (wheelchair)
1 x 1 bed flat
4 x 1 bed maisonette
10 x 2 bed houses
2 by 3 bed houses

The affordable housing would be in two clusters within the site; one on the northern half consisting of 8 units and one on the south western half consisting of 10 units.

The dwellings would be of a traditional design and would feature a mix of brick (two different bricks across the site), tile hanging, eternet cladding and differing coloured roof tiles. There will be a mixture of detached, semi detached and terraced houses together with flats.

The plans show 110 allocated car parking spaces, 19 garages and 20 unallocated visitor spaces.

LIST OF POLICIES

Mid Sussex District Plan

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

Relevant policies:

DP12 Protection and Enhancement of Countryside
DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 Securing Infrastructure
DP21 Transport
DP22 Rights of Way and other Recreational Routes
DP23 Communication Infrastructure
DP26 Character and Design
DP27 Dwelling Space Standards
DP29 Noise, Air and Light Pollution
DP30 Housing Mix
DP31 Affordable Housing
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The District Council is consulting on the Mid Sussex Design Guide SPD between 9th October and 20th November 2019. Due to it being out at consultation this currently

has little weight in the determination of planning applications. However, once adopted this document will be treated as a material consideration in the assessment of all future planning schemes

This Design Guide is intended to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

Neighbourhood Plan

The site falls within the Crawley Down Neighbourhood Plan (CDNP) area. The CDNP was made on 28 January 2016 and has full weight.

The following policies are therefore relevant.

CDNP01 - Securing Sustainable Local Infrastructure
CDNP05 - Control of New Developments
CDNP06 - Sustainable Drainage Systems
CDNP08 - Prevention of Coalescence
CDNP09 - Protect and Enhance Biodiversity
CDNP10 - Promoting Sustainable Transport

For the benefit of the committee, the entire wording of policy CDNP05 is set out below as this is the primary policy dealing with new development within the neighbourhood plan area.

'Subject to the other policies of this Neighbourhood Plan; Within the Crawley Down Neighbourhood Plan Area, planning permission will be granted for residential development subject to the following criteria:

- a) The scale height and form fit unobtrusively with the surrounding buildings and the character of the area or street scene and where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.*
- b) Individual development will not comprise more than 30 dwellings in total, with a maximum density of 25 per Ha and spacing between buildings to reflect the character of the area.*
- c) Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- d) The individual plot sizes are proportionate to the scale of the dwelling.*
- e) Open green spaces are provided in accordance with the Local Plan standard provisions. Where practical open spaces should provide linkage/connection to elements of the local footpath network.*
- f) Construction materials are compatible with the materials of the general area and are locally sources where practical.*
- g) The traditional boundary treatment of the area is provided and where feasible reinforced.*
- h) Suitable access and on-site parking is provided without detriment to neighbouring properties.*

- i) The development is arranged such that it integrates with the village.*
- j) Housing need is justified.*
- k) The development does not impact unacceptably on the local highway network.*
- l) Issues raised in the local housing supply document site assessment are satisfactorily addressed.*
- m) Has a range of dwelling sizes and in particular provides dwellings that are suited to the ends of both young families and older residents.*
- n) Includes affordable homes as required by District policy.*
- o) Proposals for new housing development must meet the standards set out in Appendix 1.*
- p) Development of 6 or more dwellings should provide a mix of dwellings sizes (market and affordable) that fall within the following ranges;*

Market Housing At least 75 per cent 2-3 bedroom houses and up to 25 per cent other sizes

Affordable Housing At least 80 per cent 2-3 bedroom houses and up to 20 per cent other sizes.'

National Planning Policy Framework (NPPF) (Feb 2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three 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 '*significantly boosting the supply of homes.*'

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 38 of the NPPF states '*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

National Design Guide

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

ASSESSMENT

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

- The principle of development;
- Landscape Impact
- Design and layout of the proposal
- Access and Transport
- Drainage
- Ecology / Biodiversity
- Housing Mix and Affordable Housing
- Infrastructure
- Ashdown Forest Special Protection Area
- Neighbour amenity
- 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 Crawley Down Neighbourhood Plan (CDNP).

In this case outline planning permission has been granted for the erection of up to 60 dwellings on the site and the means of access into the site has been approved. Therefore the principle of development is established, as is the access into the site from the Hazel Close. The matters to assess therefore are the reserved matters of the appearance, landscaping, layout and scale of the site.

Landscape Impact

Policy DP12 in the DP seeks to protect the countryside in recognition of its intrinsic character and beauty. In this case the principle of development on the site has been approved by the grant of planning permission for 60 dwellings on the site. It is an inevitable consequence of developing on greenfield sites that there will be a significant change to the character of the area at the local level. In his recommendation letter the Inspector stated *'Overall I have concluded that although both proposals would result in significant adverse changes to the character and appearance of the application sites themselves, these would be off-set by a well-designed, high quality and well-landscaped development, such as could be achieved by either application scheme. As a result, neither scheme would have an unacceptably adverse impact on the wider landscape. Nor would they have any harmful impacts on the Burleigh Wood or Rushetts Wood areas of ancient woodland'*.

The reserved matters proposal retains the boundary planting around the site and provides for a 15m buffer with the ancient woodlands to the east and west. Therefore, acknowledging that the principle of development has been approved, it is considered that the proposal layout will have an acceptable impact on the wider character of the landscape.

Design and layout of the proposal

Policy DP26 in the DP seeks a high standard of design in new development.

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

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

Whilst currently out at consultation, the Council has a draft design guide which is considered relevant. This draft document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

The proposed layout of the site has evolved since the illustrative plans that were submitted with the outline application. The layout shows the access road coming into the site and then being positioned on the eastern side of the site. The access road then branches out at the southern end of the site where the site opens up. The dwellings around the boundary of the site have been laid out so that they face outwards onto the roads. This has created a perimeter block type layout that allows the front elevations of the houses to face the street and for there to be traditional arrangement of back gardens backing on to one another within the scheme.

In the centre of the site there would be a play area which would be overlooked by houses to the north and south.

There would be a 15m buffer zone to the east and west of the site with the ancient woodlands that bound the site.

The dwellings would comply with the national dwelling space standards.

It is considered that the layout of the site is sound. The perimeter block layout allows the new houses to face onto the attractive trees that bound the site and also allows for proper streets to be formed with houses fronting onto the highway. The location of the play space within the centre of the site is also sound as this will be a focal point for the development and it will have good natural surveillance from the new houses. The Councils Urban Design concurs with this assessment. He states *'Despite the 15m ancient woodland buffers that makes the northern part of the site quite narrow, the layout overall works with the attractive woodland boundaries revealed to the building frontages, access roads and footpaths. The central open space is modest but benefits from its central position and visual connection with Burleigh Wood and Rushetts Wood on either side.'*

In relation to the elevations of the dwellings, the Urban Designer states *'The elevations have a ubiquitous style that contributes little to giving the scheme a sense of place, but can be commended for the facing materials which are comprehensively applied on all sides of the buildings. In addition to this the following improvements have been made:*

- *The opportunity has been taken to provide greater rhythm and order through more consistent organisation or repetition of standard house types and incorporating more consistent roof pitches and window sizes / proportions.*
- *Dead flanks have generally been avoided with facing materials wrapped around and windows included on most side elevations.*
- *Some diversity across the site has been achieved by varying the facing materials with hanging tiles featuring in the northern part and black cladding in the southern part.*

- *Consideration has been given to employing secondary facing materials on the more prominent buildings on corners and at the end of axes, including the house at the of Hazel Close at the site entrance.*

In respect of the first point, the type NA22 and NA34 houses still suffer from inconsistent window proportions / sizes that undermine the integrity of their design; for this reason I recommend a condition that makes the first floor windows subject to further approval.'

The Urban Designer has recommended a condition requiring the approval of a number of cross section drawings to fully explain the levels, particularly the relationship of the sloping thresholds and driveways with the building frontages and carriageway. There is already a condition attached to the outline consent requiring details of levels to be provided and therefore this issue can be addressed when the applicants come to discharge this planning condition.

Overall the Urban Designer raises no objection to the scheme. Your officer concurs with this view. It is considered that the applicants have responded to officers concerns and developed a scheme that works well on this challenging sloping site. The layout is sound and the external elevations of the dwellings will produce a development that fits in satisfactorily in the area. It is therefore considered the application complies with policy DP26 of the DP, policy CDNP05 of the CDNP and represents the high quality design that is sought by the NPPF and the National Design Guide.

In relation to sustainable design, the applicants have advised that Taylor Wimpey adopt a sustainable approach to building design. Under this approach energy consumption of a building takes precedence over the use of bolt-on renewable energy technologies. The applicants state that a key advantage of a fabric-first approach is that it does not require changes to the behavioural patterns of the occupants.

It is considered that the applicants have had regard to policy DP39 of the DP and the scheme will minimise the use of energy through the fabric first approach.

Access and Transport

The means of access into the site has already been approved by the outline planning permission. As such the impact of the development on road capacity and matters of accessibility have already been assessed and are settled. The issues to consider in respect reserved matters relate to the internal layout of the development.

It is intended that the majority of the roads within the site would be built to a standard to allow them to be offered up for adoption to the County Council. The roads at the southern end of the site, beyond the public open space, would be a shared surface.

The layout of the site will mean that vehicle speeds within the site will be low. It is therefore considered that there is no objection to the use of a shared surface. The Highway Authority has raised no objection to the application.

Officers have encouraged the developers to seek to achieve a pedestrian connection with the relatively recent development to the west of the site to improve pedestrian connectivity. Unfortunately for legal reasons the neighbouring developer has not provided their consent for this and therefore whilst the applicants are willing to provide this, the reality is that this pedestrian link cannot be delivered. Whilst this is unfortunate it is not considered that this would be a reason to resist this reserved matters application.

It is worth noting that in his recommendation letter to the SoS, the Inspector when dealing with the outline application stated *'I have noted the Parish Council's concerns that there would be no link to the adjacent Woodlands Close development (in the case of the Gleeson 60 scheme), and Mrs Ward's concerns that the proposed access would only have a footway along one side, for part of its length. However, having considered the proposed access arrangement drawing, I am satisfied that these developments would provide acceptable access arrangements for all users, and would be within reasonable walking and cycling distances of a range of services and facilities in the village. As such, they would help to support the existing and future community's health, social and cultural well-being. In view of all these points I conclude that both schemes would satisfy the social role of sustainable development. Again, these benefits should attract significant weight in the proposals' favour.'*

It is not considered that there are any grounds to come to a different conclusion on this point now to that of the Planning Inspector. There is therefore no conflict with criteria i) of policy CDNP05 in the CDNP or parts a) and b) of policy CDNP10 in the CDNP.

In relation to car parking the scheme would provide 129 allocated spaces, of which 19 would be in garages with the other allocated spaces either being in front of garage or dedicated spaces adjacent to or within the curtilages of plots.

The County Council published new guidance on car parking provision in August 2019 and this represents the most up to date guidance on car parking provision.

The level of allocated car parking provision accords with the West Sussex County Council car parking demand calculator. The County Council parking demand calculator indicates that with 129 allocated spaces there would be a further requirement for 12 visitor spaces. The scheme provides for 20 unallocated spaces, whereas the parking demand calculator indicates a requirement for 12 unallocated spaces. As such the scheme provides 8 more unallocated spaces than is indicated by the County Council's car parking demand calculator. It is also considered that by only providing a minority of the allocated spaces within garages, this will mean that those spaces are actually used for car parking rather for general storage, which is more likely to take place within garages.

The Parish Council have stated that the proposal is 7 car parking spaces short when calculated against the standards contained in the Neighbourhood Plan. The Highway Authority has no objection to the level of car parking provided. It is considered that the level of car parking is sufficient for the scheme to result in a level of additional on street car parking that would lead to a highway safety hazard. There is always a

balance to be struck between providing sufficient car parking and ensuring that a scheme does not become dominated by hard standing for the private car.

In this case, given the views of the Highway Authority and the very modest shortfall against the Neighbourhood Plan standards (which pre date the West Sussex County Council parking demand calculator), it is not considered that there would be any sustainable reason to resist the reserved matters application based on the level of car parking provision.

Drainage

Policy DP41 in the District Plan seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. Policy CDNP06 states:

'Development proposals will be expected to demonstrate that they include sustainable drainage systems designed to manage the risk of surface water flooding within their boundaries, and that they will not increase flood risk elsewhere in the Parish. Examples of sustainable drainage systems include permeable driveways and parking areas, water harvesting and storage features (rain/grey), green roofs and soakaways. The preferred hierarchy of managing surface water drainage from any development is: 1) infiltration measures; 2) attenuation and discharge to watercourses; 3) discharge to surface water only sewers.

Such measures should protect the amenity and security of other properties and should not adversely affect the water table and associated aquifers or ancient woodland. Arrangements for the maintenance of drainage systems shall be required as a condition of planning permissions and these arrangements shall include details of who will manage and fund the maintenance for the lifetime of the development.'

Paragraph 163 of the NPPF states: *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

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

It should be noted that as planning permission has been granted for development on the site, it has been accepted by the SoS that as a matter of principle, this site can be adequately drained for this quantum of development. The issue to assess now is the proposals that have been put forward with this reserved matters layout; there is a separate conditions discharge application (reference DM/19/2971) that seeks to

discharge the drainage conditions that were attached to the outline planning permission that has been granted on the site. It is this conditions discharge application that will deal with the details of the means of drainage that are proposed for this site.

The existing site is currently drained via a network of ditches along the east, west and northern boundaries, with the majority of the runoff likely to enter the northern and eastern ditches. A pond is also located along the eastern boundary which shall receive runoff, with an overflow into the eastern ditch. The low point of the site is in the north-east with the a drainage ditch flowing from this area off site towards the north-east. This ditch then flows into a watercourse to the north, which is a tributary of the River Medway.

The applicants have submitted a drainage report with the reserved matters application. In summary it states:

- The proposed surface water discharge from the development has been split into two catchments to mimic the natural drainage on site.
- As confirmed within the approved Flood Risk Assessment, due to low permeability of the site's geology, infiltration is not a viable discharge method for surface water. Surface water runoff shall therefore be discharged to the adjacent watercourse in accordance with the discharge hierarchy.
- Both Catchment 1 and 2 connect into the eastern boundary ditch via a gravity system.
- Surface water runoff is attenuated on site using a combination of ponds, swales, permeable paving and below ground geo-cellular tanks.
- Foul water from the development shall drain via gravity to the north of the site through a network located with the main roads. This shall then discharge into the existing Southern Water public foul water network to the north.

The Councils Drainage Engineer has assessed the applicant's submissions and considers that the proposals are a satisfactory way to drain the site. The Councils Tree Officer and Ecological Consultant are both content with the proposed attenuation pond and swales being partly within the 15m ancient woodland buffer on the eastern side of the site. In light of the above policy DP41 of the DP is complied with.

Ecology / Biodiversity

Policy DP38 in the DP states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be*

- offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
 - *Promotes the restoration, management and expansion of priority habitats in the District; and*
 - *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017/1012.

Paragraph 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 reasons⁶ and a suitable compensation strategy exists; and

(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'

The application is accompanied by an Ecological Impact Assessment that is available on file. The report states that an extended Phase 1 habitat survey was carried out in fine and dry weather conditions on 16 May 2019. Further updates were carried out between April and June 2019 relating to bats, badgers and Great Crested Newts (GCN). The report states that the site presently comprises a field of semi-improved grassland bounded by Ancient Woodland to the east and west, with hedgerows and scattered trees along the remaining boundaries, and a pond along the eastern boundary.

The applicants report notes that a low population of grass snake and GCN are present on-site, as well as a badger sett within Rushetts Wood close to the western Site boundary. A number of species of bat use the site for foraging and commuting, with a number of pipistrelle bats observed passing between the two woodland parcels. The applicants state that the existing pond is to be enhanced through selective clearance and planting. New habitat creation will include thicket planting along the woodland edges, incorporation of wildlife boxes and wetland SuDS features.

The proposed development scheme allows a minimum 15m buffer of semi-natural habitat between the edges of ancient woodland parcels to the west and east of the site and the edge of built development (with the exception of SuDS features which will be located within this buffer, and a minor encroachment into the buffer by the footpath west of the LEAP which will be constructed with no-dig methods).

The Council's Ecological Consultant has been consulted and has considered all of the applicant's proposals and supporting information. He has stated *'With regard to the principle of footpaths within the buffers, whilst there is obviously some loss of planting space, there does need to be access for maintenance and there is merit in these areas being valued as naturalistic green space by residents to discourage them being used as dumping areas for garden waste. Further to clarification from CSA Environmental Ltd regarding the footpath in the buffer being grass not metalled as suggested in the impact assessment, plus amendment of the drawing to delete the triangular layout adjacent to the LEAP which would have taken up valuable buffer planting space, this is now sufficient to address my concerns. I assume the updated drawing will supersede those submitted to discharge DM/19/2971.'* He concludes by stating *'my concerns regarding the proposed layout have been resolved.'*

In light of the positive recommendation from the Councils Ecological Consultant it is considered that there are no grounds to resist this reserved matters consent on ecological grounds. The proposals should ensure that the important trees around the site are protected. As such the proposal complies with policies DP37 and DP38 of the DP.

With regards to the lighting of the site, the applicants have advised that this is not part of this reserved matters application. Condition 6 (c) imposed upon the outline permission requires the submission of a lighting plan showing measures to be used to ensure dark flight routes for bats and to minimise light pollution of woodland and woodland buffers. The applicants have stated that the lighting strategy has been discussed and the final design will be informed by a thorough ecological assessment to inform the most appropriate means of lighting and location of any lighting columns and/or bollards. The details of lighting for the site will be considered at the time of preparing and submitting a lighting strategy in order to discharge condition 6(c).

Housing mix and affordable housing

Policy DP30 of the DP states that to support sustainable communities, housing development will provide a mix of dwelling types and sizes from new development that reflects current and future housing needs.

Parts m), n) and p) of policy CDNP05 in the CDNP contain the following criteria relating to residential development:

'm) Has a range of dwelling sizes and in particular provides dwellings that are suited to the ends of both young families and older residents.

n) Includes affordable homes as required by District policy.

p) Development of 6 or more dwellings should provide a mix of dwellings sizes (market and affordable) that fall within the following ranges;

Market Housing At least 75 per cent 2-3 bedroom houses and up to 25 per cent other sizes

Affordable Housing At least 80 per cent 2-3 bedroom houses and up to 20 per cent other sizes.'

The proposed housing mix would provide 30 market two and three bedroom properties, which is 71% of the market housing. As such there is a shortfall of 4% when assessed against criteria p) of policy CNP05 in the CDNP. In relation to affordable housing 66.6% of the properties would be 2 and 3 bed room properties. As such there is a shortfall of 13.6% when assessed against criteria p) of policy CNP05 in the CDNP.

In relation to the proposed market dwellings, the 4% shortfall against the Neighbourhood Plan requirement for 2 and 3 bedroom units equates to 2 dwellings. Policy DP30 in the DP does not contain a specific requirement for different dwelling sizes within new developments. It states that housing development will *'provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future housing needs.'* The District Councils Housing and Economic Development Needs Assessment (HEDNA) (February 2015) which formed

part if the evidence base for the District Plan examination provided the background information in relation the future housing needs of the District. The HEDNA 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 your officer's view that the proposal will provide a mix of market housing that reflects current and future housing needs. The majority of the proposed market units are smaller properties with a minority (29%) being 4 bedroom.

Given the pressing need to deliver housing to meet the housing requirements of the District and to maintain the Councils 5 year housing land supply it is considered that the minor conflict with part p) of policy CDNP05 in relation to the percentage of 2 and 3 bedroom market properties would not form a sustainable reason to resist this reserved matters application.

The percentage of affordable homes complies with policy DP30 in the DP31 and therefore by definition also complies with part n) of policy CDNP05 in the CDNP.

The Councils Housing Officer has no objection to the proposed mix of affordable housing. Therefore whilst there is a conflict with part p) of policy CDNP05 the scheme is in accordance with policy DP30 in the DP. Given the support of the Councils Housing Officer and the pressing need to deliver affordable housing, it is not considered that the conflict with this element of policy CDNP05 would warrant a refusal of the reserved matters consent on this ground.

Whilst the Parish Council have stated that they do not consider the proposal complies with criteria m) of policy CDNP05, it is your officers view that the range of dwellings proposed is suitable for young families and older residents. There is nothing to suggest that the proposed houses would not be suitable for all sections of the housing market. As such officers consider there is no conflict with part m) of policy CNP05.

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 NPPF 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).

In this case there is a completed section 106 planning obligation that was attached to the outline planning permission that was granted by the SoS for the development of this site. As such the infrastructure requirements generated by this development are secured by this section 106 legal agreement.

Ashdown Forest

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

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

A Habitats Regulations Assessment was undertaken for the proposed development when planning permission was granted for the development.

The proposed development, with the mitigation already secured, would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

It is considered that the application accords with policy DP17 of the DP.

Impact on neighbour amenity

Policy DP26 of the DP seeks to resist developments that would cause significant harm to the amenities of neighbours, taking account of the impact on privacy, outlook, daylight and sunlight and noise, air and light pollution.

The front elevation of plot 1 would be some 17m to the southeast of 6 Hazel Close. Number 6 Hazel Close has a first floor window and balcony area in the side elevation of the property that faces towards the application site. The application site is at a higher level than Hazel Close. The new housing at the site would be visible to the occupiers of 6 Hazel Close. However simply being able to see a development does not equate to 'significant harm', which is the relevant test in policy DP26 of the DP. It is considered that because of the distance between 6 Hazel Close and the new property on plot 1 and the location of the new dwelling to the south east of the existing property this relationship would not cause significant harm to the residential amenities of 6 Hazel Close.

Plots 3 and 4 would be 18m to the south of the rear garden of 7 Hazel Close. Again, the development site is at a higher level than this property on Hazel Close. The plans indicate that the ground level of the rear garden for 7 Hazel Close is 111.17 and the visitor car parking to the south would be at a level of 112.25. There would be a retaining wall along the side boundary of 7 Hazel Close and there would be a 1.8m close board fence along this boundary on top of the retaining wall.

It is considered that with the proposed boundary treatment in place, there would not be an adverse impact on the residential amenities of the occupiers of 7 Hazel Close from the vehicular movements associated with the proposed development. The access road itself would be inset 8m from the mutual boundary with 7 Hazel Close.

The new dwellings would be visible from the rear garden of 7 Hazel Close and would introduce some additional overlooking. However it is the case that as 7 Hazel Close is an end of terrace property, its rear garden is already overlooked by the detached houses in the remainder of the terrace. In an urban area a degree of mutual overlooking between residential properties is normal and acceptable. It is therefore felt that the relationship between the new dwellings and 7 Hazel Close is acceptable and would not result in a significant loss of residential amenity to the occupiers of this property.

Overall it is considered the application is acceptable in relation to neighbour amenity and there is no conflict with this part of policy DP26 of the DP.

PLANNING BALANCE AND CONCLUSION

To summarise, the principle of development and the access into this site has been established by virtue of the planning permission that was granted by the Secretary of State. The details of the reserved matters of the layout, scale, appearance and landscaping of the site need to be assessed against the relevant policies in the

development plan. In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

It is considered that the landscape impact of the proposal is acceptable. There will be a significant change from a green field site to a housing site but the principle of this has been accepted as planning permission has been granted for the development of the site. The important boundary trees around the site will be retained with the proposed houses facing out towards these trees.

It is considered that the applicants have responded to officers concerns and developed a scheme that works well on this challenging sloping site. The layout is sound and the external elevations of the dwellings will produce a development that fits in satisfactorily in the area. It is therefore considered the application complies with policy DP26 of the DP, policy CDNP05 of the CDNP and represents the high quality design that is sought by the NPPF.

The access into the site was approved at the outline stage. This was found to be acceptable both in relation to highway safety and in relation to the impact on the capacity of the road network. The road layout within the site will encourage vehicles to travel at a low speed and is satisfactory. It is considered that given the layout of the site the use of shared surfacing at the southern end of the site is appropriate. It is also considered that the level of car parking provided is also satisfactory to serve the development.

There is a conflict with part p) of policy CDNP05 in respect of the percentage of 2 and 3 bedroom market units that is provided within the scheme. However the conflict is very minor and the scheme does provide a good mix of dwelling sizes as required by policy DP30 in the DP. The scheme provides a policy compliant level of affordable housing and the Councils Housing Officer has no objection to the scheme. It is considered the delivery of a good mix of housing, including affordable housing should be significant positive weight in the planning balance.

The required infrastructure to serve the development and the necessary mitigation in respect of the impact on the Ashdown Forest have been secured by the legal agreement that was completed when outline planning permission was granted for the development of this site. As such policies DP17 and DP20 of the DP are met.

It is considered that there would not be a significant adverse impact on the residential amenities of the occupiers of the properties that adjoin the site. The proposal would result in some new over looking from the properties at the northern end of the site. However this is not considered to cause a significant adverse impact given the distances between the existing properties and the new properties. It is also relevant that the existing houses to the north and within the built up area where there is already mutual overlooking between the properties.

In light of all the above it is considered that the proposal complies with the development plan when read as a whole, which is the proper basis for decision

making. It is therefore recommended that reserved matters consent is granted for this development.

APPENDIX A – RECOMMENDED CONDITIONS

1. Prior to development commencing to construct the first floor of house types NA22 and NA34, details of the proposed first floor windows for these units shall be submitted to the Local Planning Authority for their written approval. The scheme shall 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 of the Mid Sussex District Plan 2014 - 2031 and Policy CDNP05 of the 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
Planning Layout	CB_85_170_0 01	M	18.10.2019
Site Plan	CB_85_170_0 02	C	18.10.2019
Affordable Housing Statement	CB_85_170_0 04	C	18.10.2019
Levels	CB_85_170_0 05	C	18.10.2019
Parking Layout	CB_85_170_0 06	C	18.10.2019
Site Waste Management Plan	CB_85_170_0 07	D	18.10.2019
Proposed Roof Plan	CB_85_170_0 08	D	18.10.2019
Site Plan	CB_85_170_0 00	-	23.07.2019
Street Scene	CB_85_170_0 13	C	18.10.2019
Street Scene	CB_85_170_S S_01	C	18.10.2019
Street Scene	CB_85_170_S S_02	C	18.10.2019
Street Scene	CB_85_170_S S_03	C	18.10.2019
Landscaping Details	D2790-FAB- XX-XX-DR-L- 0100	PL02	23.07.2019
Landscaping Details	D2790-FAB-	PL05	07.11.2019

	XX-XX-DR-L-0101		
Landscaping Details	D2790-FAB-XX-XX-DR-L-0101	PL05	07.11.2019
	XX-XX-DR-L-0102		
Landscaping Details	D2790-FAB-XX-XX-DR-L-0102	PL05	07.11.2019
	XX-XX-DR-L-0103		
Landscaping Details	D2790-FAB-XX-XX-DR-L-0103	PL05	07.11.2019
	XX-XX-DR-L-0104		
Proposed Sections	D2790-FAB-XX-XX-DR-L-0401	PL02	23.07.2019
	XX-XX-DR-L-0901		
Landscaping Details	D2790-FAB-XX-XX-DR-L-0901	PL05	07.11.2019
Street Scene	CB_85_170_S_S_06	C	18.10.2019
Street Scene	CB_85_170_S_S_05	C	18.10.2019
Street Scene	CB_85_170_S_S_04	C	18.10.2019
Proposed Elevations	CB_85_170_N_T31_E04	C	18.10.2019
Proposed Elevations	CB_85_170_N_T31_E07		18.10.2019
Proposed Floor Plans	CB_85_170_N_T31_P02		18.10.2019
Proposed Elevations	CB_85_170_N_T31_E06	C	18.10.2019
Proposed Floor Plans	CB_85_170_N_T31_P03		18.10.2019
Proposed Floor and Elevations Plan	CB_85_170_N_T31_M4(2)		18.10.2019
Proposed Elevations	CB_85_170_N_A32_E01	B	18.10.2019
Proposed Elevations	CB_85_170_N_A32_E05	A	18.10.2019
Proposed Floor Plans	CB_85_170_N_A32_P01	A	18.10.2019
Proposed Elevations	CB_85_170_N_A32_E02	C	18.10.2019
Proposed Elevations	CB_85_170_N_A32_E06		18.10.2019
Proposed Floor Plans	CB_85_170_N_A32_P02	A	18.10.2019
Proposed Elevations	CB_85_170_N_A32_E04	A	18.10.2019
Proposed Floor Plans	CB_85_170_N_A32_P03	A	18.10.2019
Proposed Elevations	CB_85_170_N_A21_E01	A	18.10.2019
Proposed Floor Plans	CB_85_170_N_A21_P01	A	18.10.2019

Proposed Elevations	CB_85_170_N A21_E02	C	18.10.2019
Proposed Floor Plans	CB_85_170_N A21_P02	B	18.10.2019
Proposed Elevations	CB_85_170_N A21_E03	B	18.10.2019
Proposed Floor Plans	CB_85_170_N A21_P03	B	18.10.2019
Proposed Elevations	CB_85_170_N A21_E04	B	18.10.2019
Proposed Floor Plans	CB_85_170_N A21_P04	A	18.10.2019
Proposed Elevations	CB_85_170_N A34_E01	B	18.10.2019
Proposed Floor Plans	CB_85_170_N A34_P01	B	18.10.2019
Proposed Elevations	CB_85_170_N A22_E01	B	18.10.2019
Proposed Floor Plans	CB_85_170_N A22_P01	A	18.10.2019
Proposed Elevations	CB_85_170_N A22_E02	B	18.10.2019
Proposed Floor Plans	CB_85_170_N A22_P02		18.10.2019
Proposed Elevations	CB_85_170_N A22_E03	C	18.10.2019
Proposed Floor Plans	CB_85_170_N A22_P03	A	18.10.2019
Proposed Elevations	CB_85_170_N A22_E04	C	18.10.2019
Proposed Floor Plans	CB_85_170_N A22_P04	A	18.10.2019
Proposed Elevations	CB_85_170_1 BM_E02	C	18.10.2019
Proposed Elevations	CB_85_170_1 BM_E03		18.10.2019
Proposed Floor Plans	CB_85_170_1 BM_P01		18.10.2019
Proposed Elevations	CB_85_170_1 BA(W)_E01	C	18.10.2019
Proposed Floor Plans	CB_85_170_1 BA(W)_P01		18.10.2019
Sections	RSK-C-ALL- SK02	PO3	05.11.2019
Affordable Housing Statement	CB_85_170_0 03	C	18.10.2019
Proposed Site Plan	CB_85_170_0 10	C	18.10.2019
Street Scene	CB_85_170_S S-07	C	18.10.2019
Levels	133610	PO4	26.09.2019
Block Plan	CB_85_170_0 12	C	18.10.2019
Proposed Elevations	CB_85_170_N A44_E01	B	18.10.2019

Proposed Elevations	B_85_170_NA 44_E02		18.10.2019
Proposed Elevations	CB_85_170_N A44_E03		18.10.2019
Proposed Floor Plans	CB_85_170_N A44_P01		18.10.2019
Proposed Elevations	CB_85_170_N T31_E01	C	18.10.2019
Proposed Elevations	CB_85_170_N T31_E02	C	18.10.2019
Proposed Floor Plans	CB_85_170_N T31_P01		18.10.2019
Proposed Elevations	CB_85_170_N T31_E03	C	18.10.2019
Proposed Floor and Elevations Plan	CB_85_170_G AR_01		18.10.2019
Proposed Floor and Elevations Plan	CB_85_170_G AR_02		18.10.2019
Proposed Floor and Elevations Plan	CB_85_170_G AR_03		18.10.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

It was considered that the amended plans did not address the Committee's original concerns; It was AGREED to object as previous, namely:

It was noted that the housing mix does not comply with the Crawley Down Neighbourhood Plan for either market or affordable housing. It does not provide a range of dwellings that are suited to the needs of both young families and older residents, therefore the proposals are contrary to CDNP05m) and CDNP05p) Parking provision is seven spaces short, when calculated against the CDNP Appendix 1 ' Parking Standards. It was noted that no provision has been made for mitigation of the impact of the development on the adjacent ancient woodland, in that no wildlife corridor has been created across the site. Whilst the fact that the houses face away from the ancient woodland buffer zones is welcomed, pathways are shown through these buffer zones which is not permissible. This impact on the ancient woodland and fauna is therefore contrary to DP37, and to CDNP09a), CDNP09b) and CDNP09c) With regard to connectivity, only the access road connects the development to the rest of the village, the development is contrary to CDNP05i). The recent appeal decision AP/19/038 relating to 6 dwellings at 2Crawley Down Nurseries made reference to this policy when dismissing the appeal. In addition, the Council considers that the proposals are contrary to CDNP10a) and b), given the distance that those residents to the south of the site will have to walk to get to public transport. To improve connectivity, non-vehicular access should be made into Acorn Avenue, in the south east corner of the site. Whilst it is understood that any such access would cross land outside the curtilage of this development, the Council considers it vital in order to assist compliance with CDNP5i) and DP26. Streeting light on the site should be low level LED bollards emitting warm yellow light with an effective temperature not exceeding 3200 kelvin.

Parks And Landscapes Team

Sorry for the delay, I have no comments to add.

Parish Consultation

It was noted that the housing mix does not comply with the Crawley Down Neighbourhood Plan for either market or affordable housing. It does not provide a range of dwellings that are suited to the needs of both young families and older residents, therefore the proposals are contrary to CDNP05m) and CDNP05p)

Parking provision is seven spaces short, when calculated against the CDNP Appendix 1 ' Parking Standards.

It was noted that no provision has been made for mitigation of the impact of the development on the adjacent ancient woodland, in that no wildlife corridor has been created across the site.

Whilst the fact that the houses face away from the ancient woodland buffer zones is welcomed, pathways are shown through these buffer zones which is not permissible. This impact on the ancient woodland and fauna is therefore contrary to DP37, and to CDNP09a), CDNP09b) and CDNP09c)

With regard to connectivity, only the access road connects the development to the rest of the village, so the development is contrary to CDNP05i). The recent appeal decision AP/19/038 relating to 6 dwellings at Crawley Down Nurseries made reference to this policy when dismissing the appeal.

In addition, the Council considers that the proposals are contrary to CDNP10a) and b), given the distance that those residents to the south of the site will have to walk to get to public transport.

To improve connectivity, non-vehicular access should be made into Acorn Avenue, in the south east corner of the site. Whilst it is understood that any such access would cross land outside the curtilage of this development, the Council considers it vital in order to assist compliance with CDNP5i) and DP26.

Streeting light on the site should be low level LED bollards emitting warm yellow light with an effective temperature not exceeding 3200 kelvin.

Architect / Urban Designer - Will Dorman

Highway Authority

Having reviewed the following:

- covering letter dated 22 July 2019
- Highways Technical Report
- drawing 133610 C ALL 05 01 - drainage strategy

the highway authority has no objection to the application.

Additional comments

Having reviewed the Woolf Bond letter regarding the amendments and dated 25th September 2019, together with various revised plans, the highway authority has no objection to the amended proposals.

Sussex Police

Thank you for your correspondence of 01st August 2019, advising me of a planning application for Reserved Matters application relating to outline application AP/16/0038 (DM/15/4094) seeking the approval of layout, scale, appearance and landscaping at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's 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 requirements should be considered.

I was pleased to note that the applicant's agent has responded to this office's previous request to include appropriate measures for Crime Prevention and Community Safety within the Design and Access Statement, submitted in support of this application. The development in the main has outward facing dwellings with back to back gardens which has created good active frontage, with the streets and the public areas being overlooked. There are a number of gated rear access pathways. Parking in the main has been provided with on-curtilage, garage, a number of on-street parking bays and two small unobserved parking courts, this should leave the street layout free and unobstructed. There are good private / public space demarcation measures included into the design and layout. The two small unobserved parking courts should be illuminated in order to provide security and safety for the vehicles and users.

I was pleased to note the gates to the rear access pathways are on or to the front of the building line as is possible, so that attempts to climb them will be in full view of the street. They should be the same height as the adjoining fence. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges and serve the minimum number of homes, usually four or less. SBD research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house. Vulnerable areas, such as exposed side and rear gardens need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow for greater surveillance as for this development's rear garden pathways. Trellis (300mm) topped 1.5 metre high close board fencing is to be used in such circumstances. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres.

In order to maintain the natural surveillance from the surrounding dwellings over the LEAP, ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area.

Finally, lighting throughout the development will be an important consideration and is recommended, if incorporated is to conform to the recommendations within BS 5489-2:2013.

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

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

NATS Safeguarding

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

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Ecological Consultant

Further to submission of further information, namely, the four drawings 790_FAB_XX_XX_DR_L_0101 PL05 to 790_FAB_XX_XX_DR_L_0104 PL05 showing the edge of the two areas of ancient woodland, I am now satisfied that the minimum 15m buffer width condition is met by the proposed layout.

With regard to the principle of footpaths within the buffers, whilst there is obviously some loss of planting space, there does need to be access for maintenance and there is merit in these areas being valued as naturalistic green space by residents to discourage them being used as dumping areas for garden waste. Further to clarification from CSA Environmental Ltd regarding the footpath in the buffer being grass not metalled as suggested in the impact assessment, plus amendment of the drawing to delete the triangular layout adjacent to the LEAP which would have taken up valuable buffer planting space, this is now sufficient to address my concerns. I assume the updated drawing will supersede those submitted to discharge DM/19/2971.

In conclusions, my concerns regarding the proposed layout have been resolved.

Housing Officer

The application proposes a development of 60 dwellings of which 18 are proposed as affordable housing in accordance with the current 30% policy and the legal agreement for the outline permission. The affordable dwellings provide a suitable mix of sizes and comprise of: 2 x 1 bedroom flats (one of which is wheelchair accessible), 4 x 1 bedroom maisonettes, 10 x 2 bedroom houses and 2 x 3 bedroom houses.

The application is silent on the tenure split of the affordable housing but in order to meet current policy and the requirements of the legal agreement for the outline permission, 75% (14) of the dwellings will be required for rent and 25% (4) for shared ownership. The preferred tenure mix to best meet known housing need is:

Rented	6 x 1 bed flats/maisonettes 8 x 2 bed houses
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Shared Ownership	2 x 2 bed houses 2 x 3 bed houses
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The proposed floor plans for the affordable dwellings meet the occupancy and space standards and are shown as being positioned in two distinct areas across the site.

Community Facilities Project Officer

Thank you for the opportunity to comment on the Reserved Matters application regarding Land South Of Hazel Close, Crawley Down on behalf of the Head of Corporate Resources.

Colleagues in Landscapes have observed that in general the landscaping proposals are OK but the following may need to be revised and further information is required:

Proposed Climber Planting Species: *Parthenocissus tricuspidata* 'Veitchii' - very strong plant that will take over any structures very quickly

Proposed Overseeding To Grassland: *Arum Maculatum* - Toxicity - All parts are highly toxic by ingestion

Landscape Maintenance & Management Specification: SUDS and Wetlands areas-some specification of future maintenance of ponds but not clear. This is open to interpretation - especially pond dredging

Drainage Engineer

TBR

Urban Designer

Summary and Overall Assessment

Although the elevations suffer from a ubiquitous design, the revised drawings incorporate a number of improvements that result in better-ordered facades. Despite the 15m ancient woodland buffers that makes the northern part of the site quite narrow, the layout overall works with the attractive woodland boundaries revealed to the building frontages, access

roads and footpaths. The central open space is modest but benefits from its central position and visual connection with Burleigh Wood and Rushetts Wood on either side.

This is nevertheless an awkward sloping site and the applicant has reviewed the levels in light of the Design Review Panel (DRP) and my concerns in considering the relationship to the road and access points of the properties, as well as streetscape and roof composition; a comprehensive set of street elevations has been provided to help demonstrate this. However, the cross section relationship of the sloping thresholds and driveways with the building frontages and carriageway also need to be provided. Therefore while I raise no objection to the scheme, I recommend a condition requiring the approval of a number of cross section drawings to fully explain the levels, as well as conditions covering landscaping (including boundary treatment and the design of the pergolas in the parking areas), facing materials and the first floor windows on the front elevation of the type NA22 and NA34 houses (to address concerns about inconsistently designed windows).

Layout

The perimeter block approach is supported as it generates street frontages that face the streets and spaces and reveals the attractive wooded boundaries, while avoiding overshadowed rear gardens.

The DRP were critical of the amount of open space provided. While the only useable space is modest, it is well positioned in the centre of the site where it visually connects Burleigh Wood and Rushetts Wood. It benefits from a LEAP / play area that should provide a community focus for the new development. The revised drawings also show more soft-landscaping than originally proposed.

Most of the boundary on the northern part of the site abuts ancient woodland which is cordoned off by timber post and rail around a 15m buffer zone. Nevertheless, this area should provide visual amenity for the perimeter path / road that loops around this part of the site. Unfortunately a continuous circular pedestrian route has not been achieved around the whole site partly because of the awkward topography and the proximity of the development along the southern boundary.

The applicant has unfortunately not been able to negotiate a pedestrian link with the Burleigh Woods development and consequently there is no through route, resulting in a slightly more circuitous link to the village centre for some dwellings that may discourage walking. It is also unfortunate that shared road/path in the southern part of the site features tarmac rather than a pedestrian-style finish, such as block paving, to signify its dual use.

The parking is better organised than before around the central open space. Elsewhere parking has been mostly located at the side of houses and avoids front thresholds except in a few areas where it is softened by tree planting. The large area of parking serving plots 1-11 and 16-17 features pergolas that help to articulate the space (a drawing showing the design of this needs to be provided).

The street frontages also benefit from consistent building lines.

Elevations

The elevations have a ubiquitous style that contributes little to giving the scheme a sense of place, but can be commended for the facing materials which are comprehensively applied on all sides of the buildings. In addition to this the following improvements have been made:

- The opportunity has been taken to provide greater rhythm and order through more consistent organisation or repetition of standard house types and incorporating more consistent roof pitches and window sizes / proportions.
- Dead flanks have generally been avoided with facing materials wrapped around and windows included on most side elevations.
- Some diversity across the site has been achieved by varying the facing materials with hanging tiles featuring in the northern part and black cladding in the southern part.
- Consideration has been given to employing secondary facing materials on the more prominent buildings on corners and at the end of axes, including the house at the of Hazel Close at the site entrance.

In respect of the first point, the type NA22 and NA34 houses still suffer from inconsistent window proportions / sizes that undermine the integrity of their design; for this reason I recommend a condition that makes the first floor windows subject to further approval.

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