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9 December 2019

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **TUESDAY, 17TH DECEMBER, 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 21 November 2019. | <b>3 - 10</b>    |
| 4.                               | To consider any items that the Chairman agrees to take as urgent business.                              |                  |
| <b>Recommended for Approval.</b> |   |                  |
| 5.                               | DM/18/4979 - Land North of Clayton Mills, Ockley Lane, Hassocks, West Sussex, BN6 8EX                   | <b>11 - 212</b>  |
| 6.                               | DM/18/4980 - Land at Grid Reference 531337 117617, Keymer Road, Burgess Hill, West Sussex               | <b>213 - 222</b> |
| 7.                               | DM/19/1148 - Kingsland Laines, Reeds Lane, Sayers Common, Hassocks, West Sussex, BN6 9JG                | <b>223 - 274</b> |

8. DM/19/2764 - Gamblemead, Fox Hill, Haywards Heath, West Sussex, RH16 4QT **275 - 314**
9. DM/19/3845 - Land to the West of Freeks Lane, Freeks Lane, Burgess Hill, West Sussex, East of RH15 9RW **315 - 386**

**Recommended for Refusal.**

None.

**Other Matters**

None.

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

Human Rights Act

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

Risk Assessment

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

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

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

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

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

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

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

To: **Members of District Planning Committee:** Councillors R Salisbury, 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, 21st November, 2019  
from 2.00 pm - 3.30 pm**

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

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

**Also Present:** Councillors I Gibson, Andrew Lea, A MacNaughton and  
L Stockwell

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

None as all Committee Members were present.

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

None.

**3. TO CONFIRM MINUTES OF THE PREVIOUS MEETING OF THE DISTRICT PLANNING COMMITTEE HELD ON 31 OCTOBER 2019.**

The Minutes of the Committee meeting held on held on 31 October 2019 were agreed as a correct record and signed by the Chairman.

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

None.

**5. DM/19/2845 - LAND TO THE EAST OF HIGH BEECH LANE AND LAND NORTH OF BARRINGTON CLOSE, LINDFIELD, RH16 2DW**

Joanne Fisher, Senior Planning Officer introduced the report for reserved matters and drew Member's attention to the Agenda Update Sheet. She noted that the update sheet detailed a further 10 letters of representation, clarification on comments, amended wording to conditions 7 and 9, and additional background information on the Section 106 agreement completed as part of the outline approval (reference DM/17/2271). The reserved matters application relates 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 the access.

The officer noted that the 30% affordable housing were a mix of semi-detached houses, terraced houses and flats and would be situated on the southern end of the development in clusters of no more than 10 units. The development would have 115 car parking spaces with rear courtyard parking for the terraced houses. The appearance of the site would be enhanced and softened by the planting of additional trees. The scheme has been designed to encourage social integration and benefits from an enclosed play area and open landscaping area. The officer noted that the buildings would be of a traditional design no more than two storeys high and the development is acceptable in terms of design and layout. She highlighted that the trees that had been removed along High Beech Lane were not protected by TPOs and it was necessary for the sightlines to permit safe access to the site. She also advised that the flooding concerns of local residents, would be sought to be improved by the development through capturing surface water runoff and controlling its discharge off the site through a drainage system. Details in respect of drainage are to be submitted through a pre-commencement condition which is attached to the outline approval.

Gil Kennedy, Lindfield Preservation Society spoke in objection to the application. He was concerned whether the issues of potential further risk of flooding and the stability of the land would be satisfactorily addressed by the developer. He requested that the application is deferred until technical reports were received from the applicant.

Hilary May, a local resident spoke in objection to the application. She was also concerned with the land stability and drainage issues which were not included in the reserved matter application. She advised that local properties could be flooded due to underground springs.

Councillor Andrew Lea spoke as a near local Ward Member of Lindfield in objection to the application and was timed. He noted that the principle of planning is that applications are fairly considered in the public realm to ensure transparency. He highlighted that the land and slope stability were regulated by a condition and the pivotal matters of concern are caused by the land topography. He requested that the Committee address the issues of flooding and drainage. He asked that the Committee defer any decision until technical reports have been received and checked, and suggested that a specialist is engaged by the Council to review these reports.

Councillor Linda Stockwell, Ward Member for High Weald spoke in objection to the application. She expressed concern that the application was being considered without the benefit of the land stability report or the flood risk and drainage report. The Ward Member noted that previous applications for this site had not been approved. She highlighted that underground springs are not mentioned in the emails from the MSDC drainage engineer when they have been referred to in previous applications. The Committee was advised that some properties below the site have undertaken works to prevent flooding of their gardens. She stated that there are concerns over the long term viability and maintenance of the underground water storage tanks. Concern over the unauthorized removal of protected trees was also noted.

The Chairman noted the concerns regarding the lack of the technical reports. He advised that the developers could not provide technical reports unless they know what they can build on the site. He confirmed that the issue of planning permission

does not give the right to build on the site until all the conditions have been met. He asked for a further explanation of conditions 8 and 14.

Steve King, Planning Applications Team Leader confirmed that planning permission had been granted for the development, subject to the conditions of the outline application which had been found to be acceptable by the District Planning Committee. He stated that the conditions that require details to be submitted prior to works commencing on the site must be adhered to before the development can start and if external specialists are required to review technical reports the Council will engage them. The Team Leader noted that any breaches of planning control are regrettable, however Members must look at the merits of the scheme before the committee and assess the scheme against the development plan and not the developers past conduct. He confirmed that the Committee must consider the layout and the developers must have the technical work completed for the drainage and slope stability prior to any building commencing on the site.

Tom Clark, Solicitor to the Council confirmed to the Committee that the existing outline planning permission cannot be changed as it has been approved. He noted that the development would control the flow of water from the site compared to the existing situation.

The Chairman noted there are numerous examples of land with sandstone and chalky ground which can flood and this can be controlled.

Several Members expressed concern over drainage issues and asked for clarification on the replies received by the MSDC drainage engineer by the developer.

The Senior Planning Officer advised that the developer would later provide all the catchment and drainage methods but noted that the full details are not required for the reserved matters scheme.

The Chairman read the requirements for condition 8 as set out by the Drainage Engineer in Appendix B and added that the condition clearly placed stringent demands on the developer and confirmed that the development cannot commence until the officers are content with all responses from the developer in relation to the conditions.

A Member thanked the speakers and noted that the developer had not elected to speak at the meeting. He confirmed that the site was complex due to the topography of the land and agreed with the suggestion to engage a specialist to review the land stability and flood risk drainage reports. He stated the design of the scheme was good with the gardens of new houses placed back to back with the gardens of existing properties. He confirmed that the Section 106 agreement had been already agreed and that the scheme provided 2 bed dwellings which were in demand.

The Solicitor to the Council confirmed that the developer will have to provide a scheme to alleviate any concerns with land stability and flooding and the Council can engage specialists if necessary to review technical reports.

Members commented on the location of the affordable housing, the grouping of the units rather than pepper-potting throughout the development, the risk of speeding through the development, access to the development, the removal of protected trees and the fines incurred for unauthorised work on them.

The Chairman noted the comments relating to the spread of the affordable housing on the site. He confirmed that the Council's policy was for a maximum of 10 units in a group and that there are three plots between the groups. He highlighted that registered landlords prefer to keep the housing grouped together as it is easier for management and maintenance. The Committee were advised that any issues in relation to speeding will be a matter for the Police, and the access and egress to the site had already been approved. The Solicitor to the Council confirmed that fines for unauthorised work on protected trees are dealt with by the court and the maximum fine is £20k per tree.

A Member asked whether the stepping arrangement of the pedestrian access could be ramped or if a channel could be incorporated to allow easier access for cyclists.

The Chairman noted that the legal requirement is only to provide pedestrian access, and advised the officers will pass the Member's comment onto the developer. He informed the Committee that the developer removed unprotected trees to obtain the sightlines for the access road and it was deemed acceptable as they would be planting replacement trees.

A Member expressed concern over the lack of sustainable energy in the development and asked why solar energy was not included in the design even though they were recommended by the Sustainability Officer.

The Chairman stated sustainability includes other matters such as insulation and the use of grey water, and that most developers' designs concentrate on the thermal efficiencies of the dwellings. He noted that the Council could not condition the installation of solar panels.

The Senior Planning Officer confirmed that renewable solar not been included in the design but some houses have been orientated so they could benefit from solar power if panels were added at a later stage by an occupant. She noted that all dwellings will have external cycle storage and an external socket to provide a power charging point for an electric vehicle.

In response to a Member's query the Chairman advised that the external socket would be single phase as a fast charge socket for each dwelling would be cost prohibitive.

The Vice-Chairman queried the boundary screening for neighbouring properties on the south-eastern corner with Savil Road. The Senior Planning Officer advised that the relationship and orientation of the dwellings to the neighbouring properties is acceptable, and there is a landscaping condition as part of the outline scheme where additional planting/further details of planting in this location could be requested to enhance the boundary. She noted that dense trees could cause light issues for neighbouring houses and would be unlikely to be considered appropriate.

A Member commented that the Committee must approve the application before the developer can work out how to resolve the flooding issues. He confirmed that flooding issues in other areas have improved when drainage works have been incorporated into new developments in the local area.

As there were no further questions the Chairman took the Committee to the recommendations and 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.

### **6. DM/19/2974 - LAND SOUTH OF HAZEL CLOSE, CRAWLEY DOWN, WEST SUSSEX, RH10 4BB**

Steve King, Planning Application Team Leader introduced the report for 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. He highlighted the Agenda Update Sheet detailing the drainage officer's comments which advised that the Drainage Engineer was satisfied with the proposed means of drainage and additional background information relating to the signed Section 106 agreement.

The Team Leader confirmed that outline permission had been granted by the Secretary of State (SoS) and the means of access was also approved. The developer is seeking consent for the reserved matters of appearance, landscape and scale on a green field site which has significant falls in levels within the site. He noted that the development is for 60 dwellings including 18 affordable units. He showed Members a slide showing the adjacent areas of ancient woodland around the site and noted that the 15m buffer zone extended into the gardens of established properties to the north. He confirmed that the dwellings would have a traditional design approach, and the buildings would be grouped with regard to the building materials used to give the scheme some cohesion. The Team Leader highlighted that the principle of the development had been established as planning had been granted. He noted that there was a minor conflict with the Neighbourhood Plan in respect of the housing mix but in the officer's view this was not a reason to refuse the reserved matters application. The Team Leader advised that in officers view the housing mix was appropriate and that when read as whole the scheme complied with the development plan.

Steve Brown, agent for Taylor Wimpy noted the detailed scheme which takes a sensitive approach to landscaping and ecology. The scheme follows a collaborative approach with officers, residents and the statutory consultees. He noted the benefits of the scheme, an ecology led and sustainable development using a fabric first efficiency approach, the mix dwelling types and sizes with 80% being smaller homes, and the Section 106 agreement of approximately £1m to the local infrastructure.

Councillor Gibson, Ward Member for Crawley Down suggested that the proposed footpath within the 15ms ancient woodland buffer zone alongside Burleigh Wood conflicts with best practice as set out in the Mid Sussex Design Supplementary Planning Document. He requested that this is removed. He noted that a wildlife corridor ran across the middle of the site and asked that the Committee impose a condition requiring the lighting to be low level bollards providing 3200K yellow light. The Ward Member highlighted surveys in 2014 and 2019 which established a local need for 2 bed properties and the Crawley Down Neighbourhood Plan sets separate targets for the housing mix of market and affordable homes. He advised that this application conflicted with this policy and the housing mix in the outline application approved by the Secretary of State did not have this conflict. He suggested that the number of two bed market properties should be increased to 12.

The Chairman asked the Team Leader to respond to the issues raised by the Ward Member.

The Officer confirmed that the 15m buffer zone on the west would extend from the edge of woodland to the edge of development site and that the plans showed a mown grass path within the 15m buffer zone. He noted that the path would be fenced off on the western side to prevent access to the woodland. The Committee were informed that the neighbouring site to the southwest was designed so a linking path could be constructed if the site the subject of this planning application was brought forward for development. The officer highlighted that the plots on the adjacent site had been sold with no proposed link to this development. The officer stated that he had been advised that there could be legal issues if a link pedestrian link was provided now because the developers of the neighbouring site had sold the properties without a link being in place. As such the neighbouring developers were not prepared to provide a pedestrian link to this site. The Planning Applications Team Leader advised that the SoS was happy with the previous scheme even if no link was provided.

The Officer advised that condition 6 by the SOS related to wildlife matters and set out a number of criteria of details to be provided, including a lighting plan with dark light route for bats. This would form a separate application once the reserved matters have been approved. He highlighted that the report details the housing mix on pages 61 and 62, and it is in accordance with the Development Plan. The Committee were reminded that they must consider the Development Plan and Neighbourhood Plan as a whole, and the application does not have to comply with each policy in each document. He confirmed that overall there is a good mix of dwellings sizes and overall it is in compliance with the Development Plan.

Tom Clark, Solicitor to the Council noted that even though there is a shortfall on smaller market houses and the development included some 4 bed houses, there is a good mix of dwellings in the entire development.

A Member expressed concern that the sustainability officer had made no comment in the report and that policy DP 39, the design of houses, should be considered.

The Team Leader reminded the Committee that the principle of the development had been established. He noted that page 55 detailed the fabric first approach adopted by the developers, which make the dwellings energy efficient rather than using bolt-ons like solar panels. He highlighted the Government's recent consultation on changes to building regulations which looked to move to an approach of using building regulations as method of getting more sustainable houses built in the future.

The Chairman noted that the developers have used a sustainable approach which is spread throughout the report.

The Officer advised that the scheme approved by the SoS predates the District plan and the applicant's sustainability approach is fabric first.

A Member welcomed the collaborative approach of the applicant in working with the Parish Council and noted that only one letter of objection had been received. He highlighted that the Section 106 funds had been agreed. He expressed concern with the water drainage but noted that it has been signed off by the drainage officer, so he supports the application.



Members queried whether the green pathway within the 15m buffer is strictly required, expressed concern over lighting levels around the woodland in relation to the ecology and the movement of wildlife along the corridor. They asked whether a condition could be added for low level bollard lights to be included.

The Team Leader advised that the request will be noted, and if it is appropriate the officers will consult with the applicant when the details come in. He confirmed that the mown path is important as it allows access along the side of the site, and no ecological objection had been received.

A Member noted the wildlife that had been observed at the site visit and enquired whether the fence would impede the movement of the deer.

The Chairman noted that the height of the fence would not interfere with the movement of the deer and they would find other routes away from the public

As there were no further questions the Chairman took the Committee to the recommendations and the Committee agreed, one Member abstained.

### **RESOLVED**

That planning permission be granted subject to the conditions contained in Appendix A and amendments contained in the Agenda Update Sheet.

### **7. 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

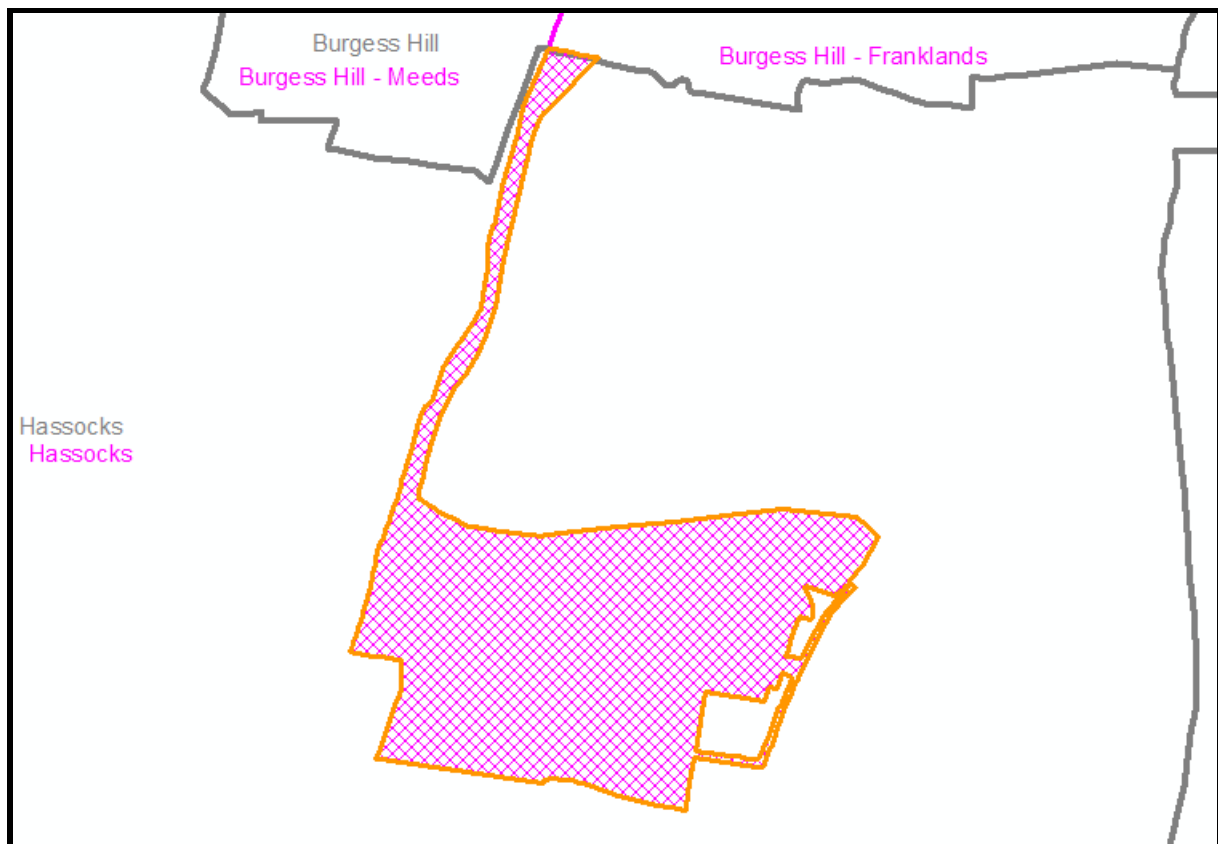
District Wide Committee

**17 DEC 2019**

RECOMMENDED FOR PERMISSION

## Hassocks

**DM/18/4979**



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### **LAND NORTH OF CLAYTON MILLS OCKLEY LANE HASSOCKS WEST SUSSEX**

**OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR UP TO 500 RESIDENTIAL DWELLINGS AND LAND FOR A TWO-FORM ENTRY PRIMARY SCHOOL AND COMMUNITY BUILDING, LAND FOR A BRIDLEWAY LINK BETWEEN HASSOCKS AND BURGESS HILL, ASSOCIATED INFRASTRUCTURE INCLUDING INFORMAL OPEN SPACE, HARD AND SOFT LANDSCAPING, SUSTAINABLE DRAINAGE FEATURES AND A NEW SITE ACCESS ONTO OCKLEY LANE, AND PROVISION OF IMPROVED PEDESTRIAN ACCESS ACROSS THE RAILWAY LINE. (FURTHER ADDITIONAL INFORMATION**

**RECEIVED ON THE 8TH AUGUST 2019 IN RESPECT OF ADDENDUMS TO THE ENVIRONMENT STATEMENT AND HERITAGE ASSESSMENT ALONG WITH REVISIONS TO HIGHWAY ARRANGEMENTS.)  
MR ROBERT PHILLIPS**

POLICY: Areas of Special Control for Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / New Street Works Order / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / Archaeological Notification Area (WSSC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 30th August 2019

WARD MEMBERS: Cllr Sue Hatton / Cllr Benedict Dempsey / Cllr Alexander Sparasci /

CASE OFFICER: Stephen Ashdown

**PURPOSE OF REPORT**

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

**EXECUTIVE SUMMARY**

Outline planning permission is being sought for the erection of up to 500 dwellings, land for a two form-entry primary school, land for a community building and associated infrastructure (including formal play facilities and informal open space). The application includes the details of the proposed new site access onto Ockley Lane, with all other matters (layout, appearance, scale and landscaping) reserved for future consideration as part of any Reserved Matters process.

The site is allocated for development within the Mid Sussex District Plan (policy DP11 refers) and the application seeks to secure an outline planning permission in accordance with the terms of this policy, and other relevant policies contained within the Development Plan as a whole. It should be noted that the draft Hassocks Neighbourhood Plan is currently at examination and as such the weight that can be afforded to it is limited.

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

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

In terms of the principle, the site is located within the built-up area as defined by the Mid Sussex District Plan, with the boundary being formally extended upon the adoption of the District Plan in March 2018. As such the principle of the development is acceptable under the provisions of Policy DP6 of the Mid Sussex District Plan which states that development will be permitted within towns and villages with defined built-up area boundaries.

In this case the site is one of the strategic allocations in the District Plan. Policy DP11 is the relevant Policy in the District Plan which allocates the site. This supports in principle a strategic mixed-use development and accordingly allocates the land to the north of Clayton Mills, subject to meeting a number of criteria.

As highlighted within this report, the proposal will have a number of benefits that need to be taken into consideration.

The proposal will provide up to 500 new homes. 30 per cent of these will be affordable which equates to 150 dwellings. The proposal will also provide a financial contribution to provide 5 permanent gypsy and traveller pitches on an alternative site.

The proposal will make provision for the site of a new primary school which will include Special Educational Needs and Disability and Early Years provision, along with a financial contribution towards its construction. A financial contribution to additional secondary and sixth form provision in the district is also being provided.

The proposal provides a site for a community building and a contribution towards its construction. In addition, the scheme will provide for a number of open spaces in addition to two equipped areas of play. Provision for a community building on site, along with a contribution towards its construction is also proposed.

Public right of way improvements are proposed between the site and Hassocks, along with a new bridleway to provide an entirely off-road link Burgess Hill (with existing routes then providing onward links to the railway station and town centre).

A number of off-site highways infrastructure improvement works are proposed that will include junction improvements, a new bus stop, traffic calming/improvement schemes, pedestrian and cycle access improvements and provision and provision of additional cycle parking at Hassocks train station.

The proposals provide for a greenspace buffer to the northern boundary of the site, in accordance with policy DP11, which is secured through the parameter plan. This will provide a strong defensible boundary to site and protect against the coalescence

and retain the separate identifies of Hassocks and Burgess Hill.

The applicants have committed to part funding the improvements to the Woodside Level Crossing with the provision of a pedestrian tunnel to replace the existing stepped arrangement. The Council are currently considering, separately, a submission from Network Rail for the tunnel.

In terms of measures to improve levels of sustainability, the submissions indicate that the 'fabric first' approach will be adopted to reducing emissions and the provision of electric vehicle charging points form part of the proposed travel plan measures. Conditions are proposed to secure the travel plan and the submission of other associated details through the reserved matters submission.

The committee report for this proposed development has, however, identified a number of adverse effects that need to be taken into consideration and weighed against the benefits.

As identified within the heritage assessment of the report, the proposal will cause less than substantial harm to nearby heritage assets (both designated and non-designated) and great weight needs to be given to this. The test set out at paragraph 196 of the NPPF is that this harm (less than substantial) should be weighed against the public benefits of the development. In this particular case there are clear, substantial, demonstrable and compelling public benefits outlined in this report which are considered to outweigh the less than substantial harm to the settings of the heritage assets identified. Historic England has not raised an objection to the application on heritage grounds.

It is inevitable that the proposal will have adverse landscape effects during the demolition and construction phase. These will, however, be temporary in nature and mitigated for as best as possible through the use of conditions. In time, the establishment of the landscape mitigation, will reduce the perception of the proposed development and allow it to assimilate into the wider landscape.

The proposal will result in some harm to the residential amenities of neighbouring residents, which is inevitable with a development of this size and nature, in a location such as this. The illustrative master plan identifies green space buffers between new and existing properties, which will be secured through the parameter plans, which will ensure that acceptable separation can be maintained. It is not considered that these impacts are likely to give rise to significant harm, particularly as careful consideration can be given to proposed relationships through the reserved matters process.

The loss of access to a potential mineral resource can be classed as an adverse effect. However, it is considered that these particular adverse effects should only be given limited weight given that the site is allocated for development. WSCC, as the planning authority in relation to minerals, has not raised an objection to the application.

The proposal has the potential to impact upon the Air Quality Management Area at Stonepound Crossroads, as well as air quality in general. The submissions show that

there will be a negligible increase in the NO2 of particulate matter, but concentrations will be below the relevant objectives at all receptor locations. Having regard to mitigation measures that will be secured, it is not considered that there will be any significant effects and your Environmental Protection Officer has not raised an objection to the application.

To implement the proposal only two trees are required to be removed, while sections of hedgerows will be removed both within the site and along Ockley Lane to facilitate the development and its associated access. None of the hedgerows have been identified as important and appropriate landscaping can be secured to mitigate the impacts. In terms of general biodiversity matters, there will be some impact on protected species, however, appropriate mitigation can be secured and no objection has been raised by either the Council's ecology consultant or Natural England.

The proposal has been found to be acceptable in regard to a number of other planning issues where there will be a neutral impact such as highway safety, the effects on statutorily protected land including the South Downs National Park where views of the site would be seen in the context of Hassocks, water resources and the Ashdown Forest.

In terms of benefits, the Environmental Statement references the provision of affordable housing and the increase in provision of primary school places in Hassocks, while working towards satisfying policy DP11 of the DP which is an integral part of the delivery of the overall housing numbers for the District Plan.

The residual effects, as set out in the Environmental Statement, arising from the proposed development are those effects that remain following the implementation of identified mitigation measures. It is recognised that the proposed development will lead to a small number of changes in the local environment, both adverse and beneficial, that are a consequence of a development of this nature, in this location, that would have been envisaged when the site was allocated for development as such changes would be unavoidable in relation to the altered setting and change of use of the site.

Whilst it is acknowledged that some significant adverse effects will be experienced during the site preparation and construction phase, these impacts will be temporary in nature and controlled by on-site best practice measures in line with a Construction and Environmental Management Plan (CEMP).

Mitigation measures, as outlined within the Environmental Statement, have been secured through the conditions as set out in Appendix A and through the legal agreement where appropriate. With such measures secured, the conclusions of the Environmental Statement are considered by Officers to be reasonable and accurate.

Officers consider that the benefits of this development, as highlighted within this report, significantly outweigh the adverse impacts that will in any event be mitigated for as far as possible.

The proposal would provide significant economic benefits from the provision of construction jobs and an increased population likely to spend in the community. The

development would also generate a New Homes Bonus. As such it is felt that the economic objective of sustainable development as defined in the NPPF would be met by the scheme.

The provision of up to 500 dwellings on this sustainable site will make an important contribution to the district's housing supply. The development will also provide key infrastructure that will benefit future residents and existing residents of Hassocks. It is therefore considered that the development meets the social and environmental objectives of sustainable development as defined in the NPPF.

In light of this the application is considered to constitute sustainable development and complies with the Mid Sussex District Plan when read as a whole. The application is therefore in accordance with the Development Plan, and there are no other material planning considerations that reasonably indicate an alternative conclusion should be reached.

The application is in accordance with the site wide allocation Policy DP11 with the exception of the provision of a contribution towards public transport improvements. Given other sustainable transport improvements being offered, particularly a new bridleway link to Burgess Hill, it is considered that the lack of provision on this matter is acceptable in planning terms in this instance.

The application also complies with Policies DP4, DP6, DP11, DP12, DP13, DP17, DP18, DP20, DP21, DP22, DP23, DP24, DP25, DP26, DP27, DP28, DP29, DP30, DP31, DP33, DP34, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, the NPPF, the Listed Building and Conservation Area (LBCA) Act 1990 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The application is therefore recommended for approval, subject to the conditions listed in Appendix A and to the completion of a satisfactory S106 Legal Agreement.

## **Recommendation**

### Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure affordable housing, primary school land, community building land, open space, financial contributions and highway works and the suggested conditions in Appendix A.

### Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the primary school land, necessary infrastructure payments and affordable housing by 17th March 2020 then the application should be refused at the discretion of Divisional Leader for Planning and Economy for the following reason:

The proposal fails to provide the required infrastructure contributions and primary school land necessary to serve the development and the required affordable



housing. The proposal therefore conflicts with policies DP20 and DP31 of the District Plan.

## **SUMMARY OF REPRESENTATIONS**

A total 325 letters of representations have been received (in relation to the original proposals and the scheme as amended) raising the following objections/issues;

### Highways

- Roads already congested
- Lack of footpath links
- Lack of parking in village centre
- Increased danger at railway crossing
- Highway works include land in private ownership, this includes footpaths and a bus stop
- How will vehicles be prevented from accessing footpath 5K
- Transport assessment is inaccurate
- Planned junction to Ockley Lane unsafe
- Traffic will affect many junctions across the village
- This part of Ockley Lane is an accident hotspot
- Wrong to allow increase use of footpath 11 while vehicles still use it
- Access to Woodside Grange should be provided through development
- Vehicles speed along Ockley lane
- Increase of traffic on Lodge Lane
- No impact on vehicle movements and parking in Burgess Hill
- Site not sustainably located
- Width of Ockley Lane is barely sufficient for two cars
- Straightening the road will increase speed
- Ockley Lane not suitable for construction traffic
- Lack of footpath to Ockley Lane
- Opportunity to provide an access road directly to the A273, via a tunnel
- Independent Road Safety Audit highlights a number of serious issues highways matters that need to be addressed
- Developer has not done enough to ensure Road Safety in Ockley Lane
- Dangerous for school children
- Not enough parking at the station for commuters
- New junction does not comply with WSCC standards.
- Emergency access would require a permanently locked gate at the junction of the path and Ockley Lane
- Properties have right of accesses across footpath which has not been taken into account

### Amenity

- Lack of details on boundary fencing
- 30m separation to properties in Mackie Avenue not sufficient

- 10m green buffer should be outside the gardens of the new properties
- Noise pollution
- Loss of outlook and overlooking of properties in Mackie Avenue and Ockley Lane
- Detrimental impact on the character and appearance of the area
- LVIA does not provide full assessment of view from SDNP
- Increase in noise and disturbance
- Impact on views from Batchelors Farm
- Impact on views not properly assessed or visualisations submitted
- 500 dwellings represents an overdevelopment of the site
- Speed limit along Ockley lane should be reduced
- Position of school will affect the enjoyment of rear gardens
- Development will destroy a beautiful green field
- Increase air pollution

### Heritage

- Heritage assessment does not include consideration of non-designated assets
- Substantial harm will be caused to designated and non-designated assets and the hamlet of Ockley
- 'Great Weight' needs to be attached to harm to designated assets
- Consider that the former farm cottages on the west side of Ockley lane are non-designated assets that need to be considered in a wider assessment
- Historic England's is narrowly construed to Ockley Manor itself
- Where the level of harm is substantial, there is no provision within the NPPF to offset it with public benefit
- A wide protective barrier should be provided to rear of Ockley Cottages
- Insufficient buffer provided to protect heritage assets

### Ecology

- Light pollution on South Down National Park
- Lack of buffer zone will impact on wildlife corridor
- Any hedgerows lost should be replanted
- Heritage hedgerows will be lost
- Nightingale birds would be directly affected
- Site is of ecological importance and home to a variety of plants, birds and animals

### Infrastructure

- Schools over subscribed
- Doctors surgeries over subscribed
- Train services being reduced
- Lack of infrastructure to serve residents
- School needs to be delivered early
- How will ensure the delivery of the school
- Impact on water pressure

- School is provided in the wrong location on the site, it should be located in the south western corner where accessibility is better
- Schools proximity to access will encourage car use
- Better alternative sites within the development are available for the school within the application site

### General Matters

- Hassock merging with Burgess Hill
- Loss of strategic gap
- Brownfield sites should be developed first
- Increase flood risk
- Smaller development should be proposed
- Green space to south needs to be protected
- New residents should contribute to the upkeep of the area to the south (Clayton Mills)
- There is a natural spring on the site
- No G & T provision is being made on site and it has not been demonstrated that a suitable, available and achievable alternative site is available. Lack of consultation/communication with local residents
- Plans produced are inaccurate and miss-leading
- Detailed design must achieve higher level of energy efficiency
- Increase in crime
- Sewage treatment plant on private land will be affected by highways works
- Developer should build the community centre
- Amount of three storey buildings not appropriate for this site
- Proposals do not meet the requirements of NP policy 5 on low carbon matters
- Fabric first approach to energy efficiency not sufficient to meet policy requirements
- Development out of scale with the village
- Developer has failed to disclose critical land ownership information

A letter of representation has been received from the owner of Ockley Manor stating (in summary), that there are several matters of the application that he considers provide grounds for Judicial Review if the application is recommended for approval by officers and thereafter approved by the planning committee. The two main strands that will create the grounds for challenge are;

#### 1. Heritage

Detailed heritage reports have been provided and comments from your own conservation officer criticise certain aspects of the scheme for unnecessary harm it will cause. Action is potentially available to applicant to reduce the harm to heritage assets.

#### 2. School location, access road junction proposed location and type, road safety for children being driven to school. Examples of the unsuitability of the proposals are;

- a) Analysis of traffic movements to and from the proposed development, particularly in relation to school traffic. Trips have been modelled as average peak hour travel in order to justify the design. The position and type of junction will lead to serious safety risks for young children being driven to school.
- b) No alternative means of school drop-off/arrivals/parking arrangements have been considered within the application or by officers. Arrangements are in common use/proposed elsewhere to ameliorate the effects of high concentrations of school related traffic at drop-off times.
- c) Proposed emergency access is a permanent right of way for two properties and the development therefore is unable to provide an access that can be maintained in a permanent accessible state, i.e. by means of locked barrier or similar.

The applicant can take steps to design a safer junction, school location, secondary emergency point and to consider alternative means to minimise road traffic risks to young children and the Council should require this. Should the Council proceed to determine the application in its current form than a Pre-Action Protocol letter will be issued.

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

### **MSDC Conservation Officer**

Considers that the level of harm to the setting of heritage and non-designated heritage assets would be less than substantial in terms of the NPPF such that the criteria set out in paragraph 196 of that document would apply.

### **MSDC Urban Designer**

No Objection. Comments are observations on the illustrative layout.

### **MSDC Housing Officer**

No Objection subject to securing appropriate affordable housing with S106 Legal Agreement.

### **MSDC Community Leisure Officer**

No objection subject to securing appropriate financial contributions towards community building provision and off-site formal sport provision with S106 Legal Agreement. On-site play areas to be secure via condition.

### **MSDC Drainage Officer**

No objection subject to conditions.

**MSDC Environmental Protection Officer**

No objections subject to conditions.

**MSDC Contaminated Land Officer**

No objection subject to conditions.

**MSDC Tree and Landscape Officer**

No objections subject to condition.

**MSDC Ecology Consultant**

No objections subject to conditions.

**MSDC Visual Landscape Consultant**

No objections. Successful mitigation dependent upon full and early implementation of the green infrastructure plan.

**MSDC Archaeology Consultant**

No objection subject to condition.

**WSCC Highways**

No objection subject to conditions.

**WSCC Public Rights of Way**

No objection.

**WSCC Education**

WSCC welcome the provision of a site for a school at land North of Clayton Mills, as an available and deliverable opportunity for a new school which can be provided within the specified time scale, to meet immediate needs and future needs as the population of Hassocks increases.

**WSCC Local Lead Flood Authority**

No objections.

**WSCC Infrastructure**

No objection subject to securing school site and financial contributions through S106 Legal Agreement.

## **West Sussex Minerals & Waste Planning Authority**

No objection.

## **Historic England**

No objection.

## **Natural England**

No objection.

## **Southdowns National Park Authority**

No objection.

## **ESCC Highways**

No objections subject to conditions.

## **Horsham and Mid Sussex CCG**

No objection. Request a financial contribution to be secured through the S106 Agreement.

## **Sussex Police Design**

No objection.

## **Sussex Police Infrastructure**

No objection. Request a financial contribution to be secured through the S106 Agreement.

## **Southern Water**

No objection subject to condition.

## **HASSOCK PARISH COUNCIL**

Comments: In addition to the comments previously submitted by Hassocks Parish Council on this application, (dated the 4th July 2019 and 22nd January 2019), the Council would like to add the following:

### **ACCESS**

Despite repeated concerns being raised by both the residents of Hawthorn Cottage on Ockley Lane and Hassocks Parish Council over the safety of the access to Hawthorn Cottage, this matter remains unresolved. In fact, it appears that there is a persistent refusal by the developer, WSCC and MSDC to recognise the limitations

and safety issues surrounding the proposed access, which is understood to be only 6m from Hawthorn Cottage's, access - not the 8m that the developer's incorrect plans show, and not the 15m defined by WSCC standards. The developer has blatantly misinterpreted land ownership and boundaries, despite frequent representation from the owners of Hawthorn Cottage. Therefore Hassocks Parish Council repeats the comments made on 4 July 2019 and urges MSDC to rectify this situation by ensuring safe access for the residents of Hawthorn Cottage. A solution for safe access would be for the developer to be required to provide a new access from Hawthorn Cottage onto the access road for the housing site (hence removing the Hawthorn Cottage existing direct access onto Ockley Lane). It is understood that agreement could be reached with the Hawthorne Cottage owner in this regard. WSCC is duty bound to ensure that safe access is provided and Hassocks Parish Council is not satisfied that the adjacent entry/exit points on Ockley Lane are the safest option. The Council would draw attention to the letter submitted by Mr Hayhurst of Hawthorn Cottage to MSDC Planning dated 5 July 2019.

## SCHOOL AND COMMUNITY BUILDING

As previously stated, HPC strongly welcomes the provision of land for a school site, however it considers that the location as proposed is not in the best location to serve the community and is not acceptable to HPC. The village would be better served by locating a school as close to the south west corner of the development site. This would make best use of the existing and proposed pedestrian accesses and would substantially reduce the traffic burden created by school traffic. As the UK Government has declared a Climate Emergency we are duty-bound to minimise unnecessary journeys that add to climate heating. By requiring physically able school-children to walk to school, it will also keep them fitter. Furthermore locating the school in the south west/southern boundary would also serve to protect the Heritage assets of Ockley Manor by providing a greater area of open space as an outlook.

## HERITAGE ASSETS

HPC has significant concerns over the apparent lack of regard given to the impact of the proposed development to the heritage assets of Ockley Hamlet, particularly in the light of Ockley Manor Farm Cottages being very recently listed as designated heritage assets. It appears that the developer has carried out a very limited heritage assessment, which has not been revised since the initial report. Under section 16, Conserving and enhancing the historic environment, of the National Planning Policy Framework para 189 states that 'local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance...' and it is considered that this has not been applied by the developer to Ockley Hamlet. The Council would therefore urge that full consideration is given to the points raised by Mr Peter Rayner in his response dated 30 July 2019.

## GREENSPACE BUFFER

HPC had understood that a 10m greenspace buffer was to be provided along the southern boundary to protect the visual amenities at the back of the properties along

Mackie Avenue. The proposed buffer would be similar to that provided for the Clayton Mills development which has worked well and protected the visual amenity of existing and new properties. In some more recent drawings of this proposed development, the buffer appears to be incorporated into the back gardens of the proposed new dwellings, rather than a distinctive separate zone. Therefore HPC would request that MSDC ensures the greenspace buffer to the south of Mackie Avenue properties remains a 10m zone independent of all properties.

#### Comments dated the 4th July 2019

Further to the comments already submitted by Hassocks Parish Council on 22 January 2019 regarding this application, the Council would like to add the following. Hassocks Parish Council recommends refusal on the following additional grounds (each of which is capable of mitigation, as indicated, which would then remove HPC's objections regarding these points):

1. Land Ownership. It appears that this continues to be an unresolved matter and that a lack of clarity remains over the rights of the developer to encroach onto two pieces of land: (1) for access to the development - where the developer continues to misrepresent correct title deeds in the plans it has submitted to MSDC, and (2) the sliver of land on the eastern side of Ockley Lane that is (7th June) proposed to be used for highways alterations. It is crucial that these matters are addressed and all necessary landowner permissions have been obtained prior to any progression or approval of the plans.

It is also understood that the plans for highways alterations and ditch removal on the land along the eastern side of Ockley Lane will result in building over (and consequent destruction of) a private sewage works. There is a risk that this will not only affect the sewage treatment site, but will also disrupt the ditch and stream into which the treated sewage water is discharged. There appears to be no evidence that any notice has been served on the landowners that this work is proposed to be carried out. MSDC would need to ensure that the land in question is available to the developer and that the replacement of the sewage works is agreed prior to any grant of planning consent. Additionally that Southern Water is agreeable to the works.

2. Access. Access to Hawthorn Cottage on Ockley Lane does not comply with the WSCC local rules for access onto major and minor roads, and therefore it is in conflict with NPPF paragraphs 108 and 109. The Council would urge MSDC to rectify this situation by ensuring safe access for the residents of Hawthorn Cottage. A solution for safe access would be for the developer to be required to provide a new access from Hawthorn Cottage onto the access road for the housing site (hence removing the existing direct access onto Ockley Lane). We understand that agreement could be reached with the Hawthorne Cottage owner in this regard. WSCC is duty bound to ensure that safe access is provided and Hassocks Parish Council is not satisfied that the adjacent entry/exit points on Ockley Lane are the safest option.
3. East-West Bridleway. The Parish Council supports the proposals put forward in the planning application for upgrading the current public footpath 11K to Public



Bridleway status and its extension north to join the Burgess Hill bridleway network.

Additionally, HPC requests that MSDC ensures (e.g. by a condition) that the request by WSCC PROW team for the upgrading of footpath 5K to bridleway status is also acknowledged and delivered by the developer. This would enhance the local cycle network by providing links to Ockley lane and to London Road.

4. Woodside Grange. Hassocks Parish Council requests that appropriate access is provided to Woodside Grange to enable the PROW 11K to be traffic free.
5. Renewable Technology. Despite it being considered by the developer that renewable technology is compatible with this site, Hassocks Parish Council believes that current application is not compliant with Policy 5, Enabling Zero Carbon, of the Regulation 15 Submission Hassocks Neighbourhood Plan. Hassocks Parish Council is of the opinion that it is a false economy for developers only to build to the current 2013 Building Regulations, when they could easily deliver better quality homes that will contribute responsibly to avoiding global warming and will save homeowners far more in reduced heating costs, than meeting the Passivhaus heating standard of 15 kWh/m<sup>2</sup>/annum will cost the developer to deliver.
6. Allotments. HPC would like to request that there is some land allocation on the development site for the use of allotments for the Parish, at an appropriate rate for the number of new homes proposed.

#### Comments dated 22nd January 2019

Hassocks Parish Council RECOMMENDS REFUSAL for the following reasons:

1. Pedestrian Access. The provision of improved pedestrian access across the railway line has been separated from the application, yet it is integral to the access to this site. Further information and clarity is therefore required as part of this application with a commitment to deliver this pedestrian access before the new homes may be occupied.
2. Vehicle Access. It is considered that the proposed access of a T junction to the new development is inadequate. Safety does not appear to have been considered nor addressed, and the traffic modelling used is deemed as inaccurate by HPC. Hassocks Parish Council would therefore request that the junction is redesigned and that the width restriction in Ockley Lane is taken into account. Traffic calming measures are also required. It is considered by HPC that the vehicle access is likely to need redesign to resolve the encroachment onto private land that the present proposed design entails (see below).
3. Land Ownership. Assurances are sought over land ownership for both the access to the development and the location of a bus shelter. MSDC should refer to Land Registry official records. The Council understands that there is currently an unresolved dispute on both of these matters.

4. Road Infrastructure throughout the village. The additional traffic flows to and from the 500 houses will place a significant additional burden and safety concerns on existing junctions and roads in the village, in particular on:
  - The junction of the B2112 with Lodge Lane/Ockley Lane, both in terms of the width and capacity of the road currently and sight-lines around the double bend south of Ockley Manor. The junction of the B2112 with Brighton Road
  - The junction of Grand Avenue with Keymer Road

It is considered that the existing transport assessments provided are inaccurate and do not realistically reflect the current situation, or the future impact of increased traffic around the village. This therefore requires further additional traffic management studies and significant financial contributions to address these burdens. WSCC is responsible for highways and traffic management, and has currently approved the proposed traffic management studies.

HPC therefore requests that WSCC revisits the existing traffic assessments in the light of concerns raised by both Parish and District Councillors who are familiar with the locality first hand. A new comprehensive traffic management study is required by WSCC to provide detailed analysis of areas which will be impacted by the increased traffic, and a clear strategy of mitigating this impact. This will enable WSCC to provide the developer with a comprehensive report of the level of financial contribution required to support the implementation of the highways infrastructure required as a direct result of the development.

5. Speed restrictions. The emerging Regulation 14 Draft Hassocks Neighbourhood Plan supports the introduction of 20mph zones (Chap 8 Transport 8.21). It is therefore requested that the proposed 30mph speed restriction for roads within the proposed new development is reduced to 20mph.
6. School and Community Building. HPC strongly welcomes the provision of land for a school site; however it considers that the location as proposed is not optimal. The village would be better served by locating a school as close to the south west corner of the development site. This would make best use to the existing pedestrian access and would substantially reduce the traffic burden created by school traffic. It is also considered that the Community Building should be placed close to the school in this preferred location. It is of concern that there appears to be no, or very little, parking provision for the proposed Community Building. The HPC Planning Committee request that sufficient car parking must be provided for any buildings of this nature.
7. Informal Open Space and Landscaping. The illustrative layout provided does not provide a comprehensive assessment of the anticipated landscape and visual effects associated with the proposal. Therefore this is not an adequate basis for HPC to draw conclusions and make judgements as to the landscape and visual impacts and effects of the proposals. Furthermore, in Technical Appendix E: Landscape and Visual, point 6.8 refers to the site as 'peri urban', inferring an urban influence on the character and appearance of the landscape. The development is to be part of a village therefore an aspiration to achieve an 'urban feel' is not welcomed by HPC.

8. Scale Parameter Plan. HPC is concerned to see from the Scale Parameter Plan that the proposal is for a significant level of properties to be up to three storeys. It is recommended that this should be reduced and replaced with more two storey properties of a smaller size, both to render this edge of settlement site less 'urban', and to better match supply with demand.

## General Comments

In addition to the above reasons for recommending refusal, Hassocks Parish Council would like to make the following comments:

- i. Hassocks Parish Council very much welcomes the addition of a bridle/cycleway extending from Hassocks to Burgess Hill and would like to seek assurances that this will extend the entire length of the route between the two localities.
- ii. With regard to drainage, the developers are requested to take account of the private sewage outlets from the houses on Ockley Lane backing onto the proposed development site; and (as a separate matter) to ensure that the water flow from the raised railway embankment onto the western area of the development is addressed.
- iii. It is understood that the development will be built to an adoptable standard, and therefore HPC would wish to recommend that WSCC proceeds to adopt the roads.
- iv. It is recommended that the historic view across the eastern area of Hassocks from the trains on entering the station is respected and maintained through site design and landscaping, and that the rich green heritage of the development site is preserved.

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## INTRODUCTION

Outline planning permission is being sought for the erection of up to 500 dwellings, land for a two-entry primary school, land for a community building and associated infrastructure (including formal play facilities and informal open space). The application includes the details of the proposed new site access onto Ockley Lane, with all other matters (layout, appearance, scale and landscaping) reserved for future consideration as part of any Reserved Matters process.

The site is allocated for development within the Mid Sussex District Plan (policy DP11 refers) and the application seeks to secure an outline planning permission in accordance with the terms of this policy, and other relevant policies contained within the Development Plan as a whole.

## RELEVANT PLANNING HISTORY

The site was allocated for development through the District Plan review process, where the site was identified as one of three strategic allocations. The final report on

the examination was published by the Inspector on the 12th March 2018 and in respect of his overall conclusions on the Council's approach on where the allocations were appropriate he concluded that:

*'The strategic allocations are well chosen, relate well to the settlement hierarchy and represent a sustainable approach to the allocation of major growth at the strategic level'.*

The Inspector found that policy DP11 (then reference DP9B) was sound.

In order to set the context for the application, it is considered relevant, and important, to set out the main findings from the Inspectors report in respect of the examination into the above policy. It should be noted that in making his findings, the amount of the information available to him was not as extensive or as detailed as that contained within this application, and as such, the comments should be regarded as a high level overview of the main issues relevant at the examination stage of the Development Plan system.

In respect of Hassocks as allocation for development the Inspector stated the Inspector states (paragraph 81)

*'Hassocks is a relatively large village with a range of shops, social facilities, a bus service and a railway station with regular services to Burgess Hill, Haywards Heath, Brighton , London and beyond. It is a very sustainable location for new development of the scale proposed, including both housing and other committed schemes. It is possible to walk or cycle to the centre of the village from the site'.*

The Inspector considered the sites general value in respect of its location outside the built up area of Hassocks and in relation to its positioning in relation the South Down National Park. On the former he noted (paragraph 82) that:

*'the allocation would occupy fields of no special landscape value on the northern side of the village',*

Furthermore while it was not considered that the development of the site would materially affect access to the countryside, give the proximity of the National Park and the fact that Hassocks is 'surrounded' by countryside. In terms of the National Park he stated (paragraph 83)

*'the site can be seen from the crest of the South Downs scarp, which is in the South Downs National Park, but it would be on the opposite side of Hassocks from the Downs so its impact on views would be slight and it would have virtually no effect on the National Park itself'.*

On the matter of coalescence, the Inspector (paragraph 84) stated:

*'the site cannot be seen from Burgess Hill and vice-versa owing to a well-treed rise, but travelling down the hill from Burgess the built edge of Hassocks would be encountered sooner, and from the South Downs scarp the allocation would be seen to reduce slightly the gap between the two settlements. The allocation would*

*therefore bring about a perceived reduction in the gap, but the effect would be small and enough open land would remain to avoid coalescence'.*

In relation to the impact on adjacent Grade II\* listed Ockley Manor and its outbuildings that are located on the opposite of Ockley Lane the Inspector (paragraph 85) did not consider that the wider countryside makes an important contribution to the sites setting. However, he recognised that it would not be appropriate to locate housing close to the manor house, as its frontage and outbuildings should be seen in an open setting, and open land should be visible from within the house.

Furthermore, the Inspector concluded (paragraph 86) *'that the open part of the eastern part of the allocation site falls within its setting, but not the wider site or the broader landscape. The site is considerably larger than needed to accommodate 500 dwellings and there would be enough space to accommodate a substantial undeveloped area in front of the manor to preserve its setting'.*

The Inspector concluded that even if the harm to the setting of the heritage assets were 'less than substantial', the very significant public benefits would outweigh the harm.

On traffic impact, the Inspector stated (paragraph 87):

*'the County Council supports the consultants' conclusion on the overall traffic associated with the development could be handled without unmanageable stress by the existing network subject to some remedial interventions to mitigate congestion and delay and to control traffic flow increases on the A273 through Hassocks'.*

Furthermore he stated:

*there is a committed improvement to Stonepound Crossroads which would help to alleviate congestion at that junction and mitigate additional impacts on the Air Quality Management Area, and taking this and other measures into account the cumulative impact on the junction of all development including the allocation is not severe'.*

The Inspector overall concluded that the criteria attached to the policy (now known as DP11) related well to the site circumstances and development requirements and that it would *'play a valuable part in ensuring a robust plan with a rolling 5 year housing land supply'.*

## **SITE AND SURROUNDINGS**

The site covers approximately 30ha and is located on the northern edge of the village between Ockley Lane and the Brighton mainline railway. It consists of two large arable fields and several smaller fields and is bisected by a public right of way (5K) that links Ockley Lane in the east and London Road to the west, via the Woodside level crossing. A further, interconnecting public right of way (11K) links the site to the Clayton Mills development to the south.

To the north of the site arable land continues, while to the south the site abuts the rear of properties within Mackie Avenue. In addition, the western end of the southern boundary of the site lies adjacent to the area of public open space associated with the residential development of Clayton Mills to the south.

To the west of the site is a detached residential property known as Woodside Grange, which is accessed from Woodland Road, via Clayton Mills to the south. To the east, are the rear of a number of residential properties that front onto the Ockley Lane. On the eastern side of Ockley Lane lies Ockley Manor, which a Grade II\* listed building, which sits within a group of buildings that are all Grade II listed.

The site is not located within any national designated area, although the South Downs National Park wraps round Hassocks to the south and east, with the boundary being approximately 135m east of the site at its closet point.

## **APPLICATION DETAILS**

The application is in outline form with all matters reserved apart from access. This means matters relating to layout, appearance, scale and landscaping will be dealt at a later date under a separate process, should this application be permitted. As such the matters for consideration are the principle of development for the scheme contained in this application and the location and form of the proposed access.

In line with the provisions of Policy DP11, the application seeks consent for the following matters;

- Development of the site for up to 500 dwellings
- Land for a two form entry primary school and a community building
- A new vehicular access onto Ockley Lane
- Provision of a bridleway link between Hassocks and Burgess Hill
- Provision of improved pedestrian access across the railway line
- Land use parameter plan, which identifies the green space buffers
- Building height parameter plan

The application is supported by a number of illustrative drawings, including a masterplan that seeks to demonstrate that the proposed level of development can be accommodated on the site in an acceptable way. Furthermore the submission is supported by a number of technical reports covering various aspects of the proposal, including an Environmental Statement.

In regard to the proposed housing, the exact mix of the housing will be determined at the reserved matters stage, however, the application does make provision for 30 per cent affordable housing, which would equate to 150 dwellings if the scheme delivers the maximum 500 being applied for. The submitted parameter plan identifies the areas to be given over to residential development, with proposed buildings height being shown on a separate plan. The heights would range from 2 storey residential (up to 10m) to 3 storey residential (up to 13m), with the school and community building having a maximum height of 15m.

In terms of access, it is proposed that the development will be served by a single access point to Ockley Lane which will be laid out as a priority T-junction. A secondary, emergency, access is being proposed to the south of the proposed new access, at the point that the existing public right of way (5K) meets Ockley Lane. The application includes of a 3m wide bridleway link to Burgess Hill that will connect into the existing public rights of way (5K) that bisects the site. The proposed bridleway runs north of the site (along the eastern side of the railway) and will link into a public right of way (60) to the south of Burgess Hill. The linkage to this footpath is subject to a separate application that is reported elsewhere on this agenda, where it is proposed that the path will be upgraded to a bridleway.

It is proposed that 2.2ha of land will be provided to allow for the construction of a two form entry primary school, a 50 place early years facility and a special support centre of children with special education needs and disability. The submitted parameter plans identify that this land will be located on the eastern side of the site closest to Ockley Lane. Adjacent to the school site is the provision of 0.1ha of land for the construction of community building.

In total the submitted parameter plans show approximately 9.8ha of public open space being provided within the site that could provide for a range of formal (equipped play) and informal recreation areas and natural greenspaces.

The applicants have committed to improvements to the Woodside railway crossing and are working with Network Rail to replace the existing facility with a tunnel solution.

The accompanying Environmental Statement (ES) considers the potential of development to cause significant environmental effects and the topics included within the document has been agreed through a formal scoping process as required through Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

- DP4 - Housing
- DP6 - Settlement Hierarchy
- DP11 - Strategic Allocation to the North of Clayton Mills, Hassocks
- DP12 - Protection and Enhancement of Countryside
- DP13 - Preventing Coalescence
- DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP18 - Setting of the South Downs National Park
- DP20 - Securing infrastructure
- DP21 - Transport
- DP22 - Rights of Way and other Recreational Routes
- DP23 - Communication Infrastructure
- DP24 - Leisure and Cultural Facilities and Activities
- DP25 - Community Facilities and Services

DP26 - Character and Design  
DP27 - Dwelling Space Standards  
DP28 - Accessibility  
DP29 - Noise, Air and Light Pollution  
DP30 - Housing Mix  
DP31 - Affordable Housing  
DP33 - Gypsies, Travellers and Travelling Showpeople  
DP34 - Listed Buildings and Other Heritage Assets  
DP37 - Trees, Woodland and Hedgerows  
DP38 - Biodiversity  
DP39 - Sustainable Design and Construction  
DP41 - Flood Risk and Drainage  
DP42 - Water Infrastructure & the Water Environment

### **West Sussex Joint Minerals Local Plan (2018)**

The West Sussex Joint Mineral Local Plan was adopted in July 2014. The relevant policy is considered to be consistent with the NPPF 2019 and should be afforded full weight. The relevant Policy is:

M9 - Safeguarding Minerals

### **Hassocks Neighbourhood Plan**

The Neighbourhood Plan is currently at examination and the Examiners report is still awaited and the policies may be subject to change. The weight that can be afforded to the plan is therefore limited.

Policy 1 - Local Gap  
Policy 2 - Local Green Spaces  
Policy 3 - Green Infrastructure  
Policy 4 - Managing Surface Water  
Policy 5 - Enabling Zero Carbon  
Policy 6 - Development Proposals Affecting the South Downs National Park  
Policy 8 - Air Quality Management  
Policy 10 - Protection of Open Space  
Policy 11 - Outdoor Playing Space  
Policy 13 - Education Provision  
Policy 16 - Land to the north of Clayton Mills and Mackie Avenue  
Policy 17 - Affordable Housing

### **Other Material Considerations and Relevant Legislation**

#### **National Planning Policy Framework (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 role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a



supply of housing and creating a high quality environment with accessible local service; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing'.

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

Paragraph 38 of the NPPF states that Local Planning Authorities should approach decisions on the proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permissions 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 (NPPG)**

#### **SPD Development Infrastructure and Contributions (2018)**

#### **SPD Affordable Housing (2018)**

#### **South Downs Partnership Management Plan 2014-2019 (2013)**

#### **South Downs Local Plan 2014-2033 (2019)**

Technical Housing Standards

Listed Building and Conservation Area (LBCA) Act 1990

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **ASSESSMENT**

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

- Principle of Development
- Visual Landscape
- South Downs National Park
- Coalescence
- Design

- Heritage
- Leisure and Open Space/Play
- Community Facilities
- Housing
- Affordable Housing
- Standard of Accommodation
- Accessibility
- Neighbour Amenity
- Transport, Highways and Movement Air Quality
- Noise Pollution
- Lighting Pollution
- Trees
- Ecology & Biodiversity
- Ashdown Forest
- Water Resources, Flood Risk & Drainage
- Infrastructure
- Contaminated Land
- Minerals
- Sustainability
- Socio-Economics
- Other Issues
- Planning Balance and Conclusion

### **Principle of Development**

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

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

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

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

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

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

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).

The site is located within the built up area as defined by the DP, with the boundary being formally extended upon the adoption of the DP in March 2018. As such the starting point is Policy DP6 (Settlement Hierarchy) of the District Plan. Policy DP6 states in part that;

*'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to character and function of the settlement.'*

In this case the site is also part of a strategic allocation in the DP.

Policy DP11 is the relevant policy in the DP which allocates the site. This states;

*Strategic development, as shown on the inset map, is allocated to the north of Clayton Mills, Hassocks for:*

- *Approximately 500 new homes;*
- *A new primary school;*
- *Provision of permanent pitches for settled Gypsies and Travellers to contribute, towards the additional total identified need within the District commensurable with the overall scale of residential development proposed by the strategic development; or the provision of an equivalent financial contribution towards the off-site provision of pitches towards the additional total identified need within the District (or part thereof if some on-site provision is made) commensurate with the overall scale of residential development proposed by the strategic development. The financial contribution towards off-site provision will only be acceptable if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale unless alternative requirements are confirmed within any Traveller Sites Allocations Development Plan Document or such other evidence base as is available at the time;*

*In addition to conforming to other relevant policies in the District Plan, strategic mixed-use development in this location will:*

- *Provide a suitable and safe access to the site from Ockley Lane and appropriate mitigation to support the development with regards to the Local and Strategic Road Network;*
- *Provide appropriate mitigation to reduce the visual impact of the development on the landscape and to ensure, in particular, that development respects the South Downs National Park and its setting;*

- *Incorporate a greenspace buffer on the northern boundary. This will form a strong defensible boundary to prevent coalescence with Burgess Hill and retain the separate identity and amenity of the two settlements. Land within this buffer will be transferred, with the Parish's agreement, to the Parish Council;*
- *Incorporate a suitable buffer to protect the setting of Ockley Manor (Grade II\*), Ockley Manor Barn (Grade II) and Dovecote (Grade II), which lie to the east of the site;*
- *Incorporate a greenspace buffer on the southern boundary to protect the amenity of existing residential properties on Mackie Avenue which back on to the site;*
- *Identify and respond to environmental and ecological constraints and deliver opportunities to enhance green infrastructure and local biodiversity;*
- *Identify and respond to issues relating to air quality in relation to the site's proximity to the Stonepound Crossroads Air Quality Management Area (AQMA). The scheme must demonstrate that it will not cause unacceptable levels of air pollution and is consistent with the Stonepound Crossroads Air Quality Action Plan;*
- *Make provision for charging electric vehicles by installing a dedicated electrical socket suitable for charging electric vehicles at each residential unit (either internally such as within a garage, or externally at an allocated parking space) and making parking areas 'charger ready' by making it possible to install a dedicated electric vehicle charging device (such as fast chargers) at a later date;*
- *Make a financial contribution to secure improved public transport provision to Hassocks and Burgess Hill;*
- *Provide safe pedestrian/cycling routes within the development and to connect with existing residential areas, the services within Hassocks village centre, Hassocks railway station, and enhance the existing cycle route to Burgess Hill;*
- *Assess the implications of the development on pedestrian and cycle railway crossings and ensure that there is an agreed approach towards ensuring the provision of safe crossings;*
- *Make provision for new formal play facilities and informal open space on the site;*
- *Provide financial contributions to improve the existing open space, including improvements to the footpath, to the south of the site;*
- *Provide a range of housing including affordable housing, in accordance with Policy DP31: Affordable Housing and housing for older people;*
- *Wherever viable, incorporate on-site 'community energy systems', such as Combined Heat and Power, ground-source heat pumps or other appropriate low carbon technologies, to meet energy needs and create a sustainable*

*development. The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measures to demonstrate high levels of sustainability;*

- *Provide infrastructure, as set out in the Council's Infrastructure Delivery Plan and identified in technical assessments, implemented before or alongside development to an agreed programme of delivery; and*
- *Provide surface water drainage, based on sustainable drainage principles in accordance with DP41: Flood Risk and Drainage'.*

By way of the above policy allocation, the principle of development on the site is established and the compliance of the proposed development with these requirements is discussed in the relevant sections of the remainder of the report.

At this point, it is also relevant to highlight policy DP4 that states;

*'The District's OAN is 14,892 dwellings over the Plan period. Provision is also made of 1,498 dwellings to ensure unmet need is addressed in the Northern West Sussex Housing Market Area. There is a minimum District housing requirement of 16,390 dwellings between 2014 - 2031. The Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31, subject to there being no further harm to the integrity of European Habitat Sites in Ashdown Forest.'*

Policy DP4 identifies that development at land north of Clayton Mills, Hassocks as providing 500 residential units towards the DP minimum requirement of 16,390 residential units.

It should be noted policy 16 of the Neighbourhood Plan supports development on this site where it accords with policy DP11 of the Mid Sussex District Plan and is developed in line with the vision and strategic objectives of the Neighbourhood Plan. The policy goes on to set a number of criteria that broadly reflect those within policy DP11 of DP.

### **Visual Landscape**

Policy DP12 of the DP seeks to protect the intrinsic character and beauty of the countryside and only developments *'that maintain, or where possible enhances, the quality of the rural and landscape quality of the District.'*

Policy DP11, which relates specifically to this site, requires development to *'provide appropriate mitigation to reduce the visual impact of the development on the landscape, in particular, that development respects the South Downs National Park and its setting'*. Furthermore the policy requires the provision of a greenspace buffer to the northern boundary, in addition to one on the southern boundary. A suitable buffer to protect the listed heritage assets to the east of site is also required by the policy.

Moreover, paragraph 170 of the NPPF states that the planning decisions should be contribute to and enhance the natural beauty and local environment by, inter alia, *'protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.'*

The application is supported by the Landscape and Visual Impact Assessment (LVIA) and chapter 8 of the ES also deals with this matter. Addendums to both of these documents were submitted during the course of the application and subject to further consultation.

Having regard to the baseline characteristics of the landscape within which the site sits, there are a number of landscape character studies that have been undertaken. A brief summary of these are set out below;

The site falls within Natural England's National Character Area (NCA) 121: Low Weald. It is predominantly agricultural in nature, supporting mainly pastoral farming owing to heavy clay soils, with horticulture and some arable on lighter soils in the east, and has many densely wooded areas with a high proportion of ancient woodland.

The Mid Sussex Landscape Character Assessment provides a sub-regional landscape character assessment. The site and study area fall within Area 3 - Hurstpierpoint Scarp Footslopes, which is characterised as follows:

- Undulating Lower Greensand low sandstone ridges and gentle Gault Clay vales drained by the River Adur
- Concentration of ancient woodland lying on the heavier soils of the Gault Clay
- Views dominated by the steep downland scarp
- Arable and pastoral rural landscape, secluded in places, a mosaic of small and larger fields, woodlands, shaws and hedgerows with hedgerow trees
- Includes the extensive designated landscape of Danny Estate
- Modest network of country lands and underhill lanes beneath the scarp
- Biodiversity in woodland, ponds and stream valleys
- Characteristic spring-line villages and dispersed farmsteads, some historic
- Expanded ridge line villages with suburban development at Hurstpierpoint and Hassocks
- Cross-crossed by roads, many of them busy, including the A23 Trunk Road
- London to Brighton railway line crossed the area
- Varied traditional rural buildings built with diverse materials including, flint, Timber framing, Horsham Stone roofing and varieties of local brick and tile Hanging.

The Mid Sussex Landscape Capacity Study (prepared by Hankinson Duckett Associates for MSDC in 2007) assesses the physical and environmental constraints on development in the district, with a view to identifying the capacity of the landscape to accommodate future development. Within the study, local landscape character areas were identified. The site falls within area 66 - Hurstpierpoint Low Weald, which has the following characteristics:

- Mainly small medium size fields interspersed with larger fields

- Includes large areas of recreation including golf course and Hurstpierpoint College playing fields
- Varying period and blocks or varying boundary loss
- Open views of South Downs, only minor views of settlements to the south set below South Downs
- Low amount of woodland
- Generally set in low land running E-W between minor finger of high ground to the north and beginning of South Downs foothills to the south.

The submitted LVIA provides an assessment of the baseline landscape character and the visual context of the site and the surrounding area and suggests that the context of the site is influenced by urban interventions including the presence of the road and railway. Overall the LVIA considers the sensitivity of the landscape character of both the site itself and the surrounding study area to be medium. All of the representative viewpoints within the LVIA have been assessed as being of high sensitivity to change.

The Council's landscape consultant has reviewed the submitted documents and their comments can be found in full in the appendices to this report. It is considered that the LVIA generally provides an accurate assessment of the baseline landscape character and visual context of the site however they consider that the suggested influences from the urban interventions '*underestimates the rural character and sensitivity of the site surrounding area*'. In order to address the rural influences of the site and its surroundings the Council's landscape consultant has stated;

*'The proposed development would need to provide a strong and enhanced infrastructure framework to ensure that it can be successfully integrated into the local landscape. This should incorporate tree and woodland planting across the site area.'*

They go on to state;

*'The LVIA does recommend that the landscape masterplan and boundary planting is implemented in advance of each phase of the development. This will be important to ensure that the proposed planting can be established as early as possible to provide a setting for all phases as they are implemented. It is recommended that the developer is required to provide the green infrastructure buffers to the boundaries of the site at the earliest stages of the development. It is also recommended that the key recreational spaces are established along the proposed bridleway to Burgess Hill.'*

In concluding, they state;

*'It is recommended that as a strategic housing allocation the development of this site can be supported. The successful mitigation of the development will depend on the full and early implementation of the green infrastructure masterplan. The management of the landscape areas and associated trees would need to be secured into the long term.'*

It is noted that the Council's landscape consultant considers that the buffer to the north boundary of the site should be 30m deep, rather than the 25m depicted on the submitted drawings. The entire northern boundary of the site will be turned over to

green infrastructure with large area, deep areas, provided in both the north eastern and western corners. The provision of 25m buffer (at its narrowest point) across the middle part of the sites' boundary is considered sufficient to provide the necessary space shown on the green infrastructure plan to mitigate the impacts of the development. Within Policy DP11 the depth of the greenspace buffer to the north is not defined, and having regard to the proposals overall the provision in this regard is considered acceptable.

Conditions are suggested that will secure the necessary landscape details, a landscape management plan and the appropriate implementation of the green infrastructure plan.

The development of a site of this scale in this location will always have an impact on the landscape character of the area and its surroundings, and this was acknowledged through the allocation process. However, having regard to the above it is considered that the proposals do provide sufficient mitigation to ensure that the development can be assimilated, long term, into the landscape.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Developments included in the cumulative assessment, would be insufficient to alter the landscape character or visual effects baseline. The introduction of the Land to the rear of Friars Oak, whilst increasing the perceived development, would be insufficient to alter the magnitude of change, which will remain at small and not give rise to a significant landscape of visual effect.

Chapter 8 of the ES (2018) concluded that during the construction phase the proposed development, temporary landscape and visual effects may arise from activities including the establishing works, site compound, construction vehicles, use of cranes and construction lighting. These effects range from medium to substantial magnitude resulting in a moderate landscape effect and substantial visual effect. It is concluded on the completion of the development the completion of the substantial landscaped area will not be uncharacteristic to the local landscape, giving rise to a moderate effect on landscape character, which is not significant. Visual effects from receptors in close proximity to the site, or within, will be comparable to those already in the local landscape however, there will be a substantial adverse effect on users of the footpath on the site, residents of Mackie Avenue and Ockley Lane and the listed building on Ockley Lane.

As set out in the ES Addendum (June 2019) the predicted effects of the proposed development in light of the proposed changes to the scheme and in respect of the effects during and post construction, do not alter the conclusions of the 2018 ES that remain valid.

A number of third party representations make reference to the harm to the character of the area as a result of the location and size of the proposed development. These



concerns have been addressed through the analysis set out above which demonstrates why the proposal is acceptable with regard to these matters.

In light of the above assessment, the application accords with policies DP11 and DP12 of the Mid Sussex District Plan.

### **South Downs National Park**

Policy DP18 of the DP states;

*'Development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, and in particular should not adversely affect the transitional open green spaces between the site and the boundary of the South Down National Park, and the views, outlook and aspect, into and out of the National Park by virtue of its location, scale, form or design.'*

*Development should be consistent with National Park purposes and must not significantly harm the National Park or its setting. Assessment of such development proposals will also have regard to the South Downs Partnership Management Plan and emerging National Park Local Plan and other adopted planning documents and strategies.'*

Site specific policy DP11 states, inter alia;

*'In addition to conforming to other relevant policies in the District Plan, strategic mixed-use development in this location will ...*

- *Provide appropriate mitigation to reduce the visual impact of the development on the landscape and to ensure, in particular, that development respects the South Downs National Park and its setting.'*

The South Downs Partnership Management Plan sets out a number of aims including;

- *'Policy 1: Conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures.*
- *Policy 3: Protect and enhance tranquillity and dark night skies.'*

Paragraph 172 of the NPPF states;

*'Great weight should be given to conserving and enhancing landscape and scenic beauty of National Parks..., which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important in these areas, and should be given great weight in National Parks and the Broads.'*

Policy 16 of the NP supports development that does not detract, or cause detriment to, the special qualities and tranquillity of the South Downs National Park.

The proposed development lies approximately 135m from the closest point of the boundary of the National Park, which is to the southeast of the site. From the south, the National Park boundary is approximately 1.5km away, with the elevated Wolstonbury Hill and Clayton Windmills (both public vantage points within the National Park) over 2.5km from the site. The submitted ES (and ES Addendum) and the LVIA (and LVIA Addendum) consider the impact of the proposal on the National Park and its setting, with additional viewpoints within the National Park, included in the later assessments as result of the initial consultation response from the South Downs National Park Authority .

The information submitted in support of the application identifies that the site will be visible in long distance views to and from the National Park, including the foreground views from Batchelors Farm Nature Reserve and on the northern side of existing built form of Hassocks from the elevated viewpoints within the National Park. The ES Addendum (June 2019) sets out from Clayton Windmills and Wolstonbury Hill the change in the wider landscape would be small, with the effect of the proposed development being assessed as being moderate and not significant from these two locations. The assessment undertaken has been informed by the proposed nature of development that is set out on the parameter plans (which includes building heights and the identification of green infrastructure areas) and suitable conditions are suggested to control matters associated with the proposed screen planting and use of materials. Within this context, the proposal would therefore not harm the setting or tranquillity of the National Park.

The South Downs National Park Authority has not raised any objection to the application but have encourages a sensitive approach to lighting to protect the International Dark Sky Reserve and biodiversity sensitivities of the site. Lighting considerations should be given to both the construction and occupation phases of the development. The National Park Authority have considered the lighting report submitted with the application and would prefer that the colour temperature of the lights (on all adopted roads) is reduced to 3000K or less (from the indicated 5700K), as it will reduce light scatter and be less harmful to wildlife. Given that the development is on the opposite side of Hassocks to the National Park and International Dark Sky Reserve, it is not considered likely that the lighting from this site will impact on dark skies over and above existing lighting within the developed area of Hassocks. Nevertheless, it is considered appropriate to suggest a condition within Appendix A to control the details of external lighting, with a separate one relating to any floodlighting on the school site, as it is recognised that this later light source has the potential to be generally intrusive.

The South Downs National Park Authority also commented that consideration should be given to the creation of links between the development and the National Park and they support the safe connection for bridleway users between Footpath 5K(which runs through the development site and is to be upgraded and Bridleway 6K (Mill Lane). While the development is proposing significant improvements to pedestrian links through the site and to the north (linking Hassocks to Burgess Hill), linkages to Bridleway 6K fall outside the application site and the control of the applicant and

therefore are not deliverable as part of this application. While linkages directly to the National Park cannot be achieved, the development will be significantly improving accessibility in the wider area.

The South Downs National Park Authority support a condition to secure a Construction Environmental Management Plan, which include arrangements for traffic movements, as they wish to construction vehicles using rural lanes within the National Park. Such a plan would be sort in any event in order to ensure that the general impacts associated with a construction period of development is mitigated as much as possible. A suitably worded condition is suggested in Appendix A.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by the addendums) considered the Friars Oak development in a cumulative context. The development would not result in cumulative impacts on the South Downs National Park with these developments, over and above those already considered above.

No significant environmental effects would result from the proposal however, mitigation will be secured via planning conditions relating to landscaping, materials and lighting. In forming this conclusion regard has been given to the ES and ES Addendum, submitted with the application, which are considered to contain information, as well as evidence held by the Council, representations and the consultation responses from the South Downs National Park Authority, who have not raised an objection to the proposal.

As such, the proposal accords with policy DP11 and DP18 of the Mid Sussex District Plan and paragraph 172 of the NPPF. Furthermore it would not conflict with the aims of the South Downs Partnership Management Plan.

## **Coalescence**

Policy DP13 of the DP states that:

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

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

Site specific policy DP11 states inter alia, that the development will *'incorporate a greenspace buffer on the northern boundary. This will form a strong defensible*

*boundary to prevent coalescence with Burgess Hill and retain the separate identity and amenity of the two settlements.'*

Policy 16 of the NP supports proposals that do not extend into the Local Gap and provides a defensible boundary to prevent coalescence with Burgess Hill.

The site will form an extension to the north of Hassocks. The closest settlement to the site is Burgess Hill, where the built up area boundary lies approximately 1km to the north. The issue was considered as part of the sites allocation with the DP where he stated in paragraph 84:

*'the site cannot be seen from Burgess Hill and vice-versa owing to a well-treed rise, but travelling down the hill from Burgess the built edge of Hassocks would be encountered sooner, and from the South Downs scarp the allocation would be seen to reduce slightly the gap between the two settlements. The allocation would therefore bring about a perceived reduction in the gap, but the effect would be small and enough open land would remain to avoid coalescence.'*

The extension to the settlement has already been accepted in principle through the adoption of the DP and while there would be a slight reduction in the perceived gap between Hassocks and Burgess Hill, a significant swath of countryside would be retained between settlements, protecting their identities. The proposal includes a minimum greenspace buffer of 25m along the northern boundary of the site; the exact details of the landscape treatment are to be secured via a condition, is considered sufficient to meet the policy requirements of DP11.

It has been suggested within the representations, that Ockley is a hamlet and that the proposed development will result in the coalescence of it with Hassocks, thus resulting in the loss of its individual identity. Policy DP6 of DP deals with settlement hierarchy and categorises the settlements within the District, as identified through the preparation of evidence associated with the DP process. Of particular relevance is Category 5, where hamlets are identified, however, it should be noted that Ockley is not one of the five named. Furthermore, the draft Hassocks Neighbourhood Plan, which includes the referred area within its boundary, also does not identify it as an individual settlement/hamlet. It is reasonable to therefore conclude that for the purposes of considering the issue of coalescence, Ockley is not considered to be an individual hamlet but instead the outer edge of Hassocks.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as addended) considered the Friars oak development in a cumulative context. The development would not result in cumulative coalescence impacts with these developments, over and above those already considered above. There are no other developments that are considered to result in in-combination coalescence impacts.

No significant environment effects would result from the proposal and the proposed greenspace buffer (mitigation required by policy) is shown on the submitted parameter plans and details are to be secured by condition. Informing this conclusion regard has been given to the ES and the ES Addendums submitted with the application which are considered to contain adequate information, as well as evidence held by the Council and representations.

As such, the proposal would lead to unacceptable coalescence and accord with policies DP11 and DP13 of the Mid Sussex District Plan.

## **Design/Layout**

Policy DP26 in the District Plan states;

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

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

Paragraph 124 of the NPPF states that *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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.'*

Paragraph 117 of the NPPF states in part *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*

Paragraph 122 of the NPPF states *'Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.'*

In this case, it is only the principle of the development and the means of access that are to be determined at the outline stage. The plans that have been submitted are illustrative and seek to demonstrate that this quantum of development can be accommodated on the site. The illustrative layout that the applicants have submitted is therefore simply a possible way that this development could be accommodated on site, although it should be noted that the land use parcels are fixed by the parameter plan. If this outline application is approved, a subsequent reserved matters application will need to be submitted to determine the remaining details of the appearance, landscaping, layout and scale of the dwellings. It is at this point that the merits of the layout that will be put forward in the reserved matters application will be determined.

A number of parameter plans have been submitted with the application that will broadly set the terms of development that any reserved matter submission will need to comply with. These also provide the parameters against which the proposed development has been assessed within the ES.

The land use parameter plan sets out the general disposition of land uses across the site, identifying green infrastructure along the northern and southern boundaries, as well a large open space to the eastern side of the site. Furthermore, the plans show the buffer areas set-a-side to mitigate the impact on the heritage asset to the east of Ockley Lane, as well as properties to the south in Mackie Avenue. The plan shows areas for residential development, as well as the location for the school and community building, again at the eastern side of the site.

The scale (building height) parameter plan shows the general disposition of the proposed scale of the residential development across the site, with up to two storey dwellings (max ridge height of 10m) located to sensitive edges of the site, including the eastern side, and up to three storey development (maximum ridge height of 13m)

located within the centre and western side of the site. The plan also shows that the proposed school/community building(s) will be up to 2 storey (in height with a maximum ridge height of 15m).

The final parameter plan relates to access and shows the primary vehicular access point to Ockley Lane, as well as the emergency access further to the south, which is also footpath 5K. The plan shows the route of the existing footpath across the site (5K), which will be upgraded to the bridleway, as well as the new proposed route to north, that will provide a linkage to Burgess Hill.

Whilst the layout plans within the site are illustrative, they are important to demonstrate that this amount of development could be accommodated on the site in a manner that complies with the design policies identified above. In light of this, the Council's Urban Designer has been consulted on the proposals and his comments are summarised at the start of the report and set out in full in the appendices.

*'The layout is well organised around a series of perimeter blocks with building frontages that address/face the streets and spaces including the existing public rights of way, retained hedgerows, and existing and proposed open spaces. This arrangement also provides a front-on relationship with the site boundaries except along parts of the southern boundary where the proposed houses have sensibly been organised to back-on to the existing back gardens in houses on Mackie Avenue.'*

*'The open spaces are well positioned; they provide the organised focus for the layout breaking up the development areas, and soften the development along the rural edge on the northern boundary. The main open space, to known as Ockley Park, also provides a buffer on the eastern boundary that reduces the inter-visibility between the listed Ockley Manor and proposed housing.'*

The Urban Designer supports the principle of greater building heights/scale along the spine road and the open spaces, including the provision of three storey buildings fronting the open space to the south of the site (provided by the Clayton Mills development), as it would provide some natural surveillance that is currently missing.

Comments within the representations, including those of the Parish Council have raised objections to the nature of the proposed land uses across the site, in particular the location of the school and the first block of residential development immediately to the south. These concerns are raised in relation to sustainability, community cohesion and improved heritage asset mitigation. The comments of the Local Education Authority are set out in full in the appendices to this report but on the matter of the location of the school they have stated the following;

*'The identification and selection of a site for a primary school in Hassocks has been protracted over a number of years. WSCC welcome the provision of a school site at land North of Clayton Mills, as an available and deliverable opportunity for a new school which can be provided within the specified time scale, to meet immediate needs and future needs as the population of Hassocks increases. The site identified to the east of the scheme closer to Ockley Lane allows the school to be built as early in the development of the housing as possible and helps to ensure there are*

*sufficient places available in the area to meet children's needs. The site to the west of the site, nearer the railway, would add a significant delay to the school delivery programme possibly of several years and for this reason is not supported.'*

In relation to the positioning of the residential block, it does provide an important urban design function by providing enclosure to the proposed large open space and a presence along the spine road. It is important to consider whether the matters that are before the Council are acceptable and in relation to the general disposition of land uses shown on the parameter plan there are no overriding objections from any statutory consultee in relation to the form of development shown. In such circumstances, the disposition of land uses shown within the application are acceptable.

It is noted that concerns have been raised concerning the level of three storey provision across the site, as shown on the 'scale' parameter plan. The concerns relates to the appropriateness of this approach on this edge of settlement site. Officers are satisfied that the approach adopted, where two storey dwellings are placed at the sensitive edges, will enable the provision of a balanced development form across the site. It will be for the reserved matter submissions to demonstrate that the final design and layout proposed is acceptable in respect of its impact on the character and appearance of the wider area.

A condition is recommended in Appendix A requiring reserved matters applications to be broadly in accordance with the submitted parameter plans.

Policy DP23 of the District Plan seeks to encourage the incorporation of digital infrastructure in major new housing developments. As this is an outline application where the design and layout of the scheme has not been determined, there is no reason why such infrastructure cannot be incorporated into the final design. A planning condition would be appropriate to secure the provision of such infrastructure.

The proposal is considered to be in accordance with policies DP11, DP23 and DP26 of the Mid Sussex Local Plan and paragraph 127 of the NPPF.

## **Heritage Assets**

The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions): *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

Case law has stated that *"As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in **sections 66 and 72 of the Listed Buildings Act** do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach*



*such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."*

*The Courts further stated on this point "This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrefutable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."*

Policy DP34 of the District Plan states in relation to Listed Buildings:

*'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:*

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal; ...*
- Special regard is given to protecting the setting of a listed building;"*

Policy DP34 of the District Plan states in relation to other heritage assets:

*'The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.*

*The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.*

*Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance."*

*Policy DP11 requires a 'suitable buffer to protect the setting of Ockley Manor (Grade II\*), Ockley Manor Barn (Grade II) and Dovecote (Grade II), which lie to the east of the site.'*

Section 16 of the NPPF is particularly relevant in this instance and paragraph 190 states;

*'Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal of heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*

*'192. In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

*193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, Grade I and II\* listed buildings, Grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*

*195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

*196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

*197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

In relation to non-designated heritage assets, the NPPF in paragraph 197 states;

*'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and significance of the heritage asset.'*

Policy 16 of the NP supports proposals that protect the setting of nearby heritage asset.

In considering the impact on heritage assets, that being listed and non-designated heritage assets, Officers have considered all the relevant information that has been submitted in support of the application by the applicant, the consultation responses of Historic England, and expert reports and letters of representations submitted by third parties, particularly from/on behalf of the owner of Ockley Manor. All this information has been considered by your Conservation Officer and her full comments are set out in the appendices to this report.

Furthermore, it should be noted that during the course of determination the application has been subject to amendments impacting on heritage assets, namely amended highway plans that result will the translocation of a section of hedgerow to Ockley Lane. In addition, Ockley Manor Cottages was listed by Historic England by correspondence dated the 25th July 2019.

The section below considers your Conservation Officers position with regard to the designated and non-designated heritage assets.

### Designated Heritage Assets

There are number of listed heritage assets around the vicinity of the site, grouped together around Ockley Manor, which is located to the eastern side of Ockley Lane, approximately 160m from the south eastern corner of the application site. The designated assets are identified by your Conservation Officer as follows;

- Ockley Manor - Grade II\*; located to the east of Ockley Lane and set back from it in generous grounds.
- Ockley Manor Dovecote - Grade II; located to the south west of the Manor within its grounds and adjacent to Ockley Lane.

- Ockley Manor Barn - Grade II; located to the north west of the Manor.
- Ockley Manor Cottages - Grade II; located within the former farmstead to Ockley Manor, to the north of the house.

In considering the impact on the proposals on the above assets your Conservation Officer has considered them not only individually, but collectively as well as it is considered that they have group value in built heritage terms. The assessment undertaken by your Officer has been done in accordance with the guidance set out in Historic England's *Historic Environment Good Practice Advice in Planning Note 3 'The Setting of Heritage Assets'*.

### Ockley Manor

Ockley Manor is Grade II\* listed house set in extensive grounds to the east of Ockley Lane. The house, which is listed as dating from the early 18th century, in fact contains fabric that suggests a 17th century origin. Further detailed commentary from your Conservation Officer is made as follows;

*'Despite its name, it seems that the house was never in fact a manor, but originated as and remained for many years the farmhouse for Ockley Farm, before the house and farmlands were separated by sale in the late 19th century. From this date the house has functioned primarily as a country residence. The changing fortunes of the farm and its tenants or owners, and later its changing role, have been reflected in alterations and extensions to the building over time. The special interest of the building is therefore considered to lie partly in its character as a good example of a predominantly early 18th century farmhouse of some pretension, with earlier origins and with later alterations, associated with and illustrating the fluctuating fortunes of farming throughout the period, as well as a later change in function.'*

*Throughout its lifespan, the house has existed in a close relationship with its rural setting, this relationship being at first the functional relationship of a farmhouse with its associated farmlands, and latterly that of a country residence with its rural setting and prospects (the enjoyment of which by the occupants of the house is demonstrated by the alterations to the house's Dovecote, discussed below). The surviving rural setting of the house is therefore considered to make a strong positive contribution to the manner in which the special interest of the house is appreciated.'*

It is identified that the proposed development would have a fundamental impact on the current setting of Ockley Manor by means of the following;

- *'Impact of built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the blocks to the south east corner of the site and to the rear of Barn Cottage.*
- *The impact of the proposal on the character of the retained open space/parkland within the site.*
- *The impact of development of this scale on the currently rural broader setting to the west of Ockley Manor, including views from the house and its immediate setting.*

- *The impact of the proposed development on the character of the principle approaches to the Manor along Ockley Lane and along the PRoW approaching the Manor through the site from the west.'*

The harmful effect identified by your Conservation Officer on this part of the setting of Ockley Manor is categorised, in NPPF terms, as less than substantial and as such paragraph 196 of the NPPF is relevant.

The Conservation Officer has considered potential mitigation, which could include moving the development further away from the setting, enhanced natural screening along the edges of the proposed built form and ensuring the character of the retained open spaces resembles as close as possible the existing rural landscape. It is noted that a development of this scale, in this location, is likely to cause harm to setting of the asset and special interest and any amount of mitigation is unlikely to entirely remove this negative impact.

### Ockley Manor Dovecote

Ockley Manor Dovecot is a brick built building located to the south west of the Manor at the edge of the gardens to the house, adjacent to Ockley Lane. It is Grade II listed and the description suggests that it dates from the 18th century, although it is noted in the report produced on behalf of the owner of Ockley Manor that it dates from the 17th century. The building has been subject to 20th century alteration, with large windows inserted to create a summerhouse.

In considering this building your Conservation Officer has stated;

*'The positioning of the building adjacent to Ockley Lane is likely to have been deliberate, as a visually prominent demonstration of the wealth and status of the owner of the Manor (or farm as it then was), although it would also have served a practical purpose, as doves provided a precious source of meat for the residents of the farm during the winter months. In its more recent reincarnation as a summer house, the introduction of windows to the west elevation seems intended to take advantage of the rural views over the fields to the opposite side of Ockley Lane. In both phases of its existence, as a functioning building within the farmstead of Ockley, and as a summer house, the building has enjoyed a close relationship with its rural setting. The surviving fields to the west of Ockley Lane therefore make a significant positive contribution to the setting of the listed building and the manner in which its special interest is appreciated.'*

It is identified that the proposed development would have a fundamental impact on the current setting of Ockley Manor Dovecote by means of the following;

- *'The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the block to the south east corner of the site.*
- *The impact of the proposal on the character of the retained open space/parkland.*
- *The impact of development of this scale on the currently rural broader setting to the west of Ockley Lane, including views from the Dovecote and its immediate setting.*

- *The impact of the proposed development on the character of the principal approaches to the Dovecote along Ockley Lane and along the PROW approaching the Manor through the site from the west, which arrives at Ockley Lane directly opposite the Dovecote.'*

The harmful effect identified by your Conservation Officer to the rural character of the western part of the setting of Dovecot is categorised as less than substantial. As before, paragraph 196 of the NPPF is relevant.

The Conservation Officer has considered potential mitigation and as with Ockley Manor this could include moving the development further away from the setting, enhanced natural screening along the edges of the proposed built form and ensuring the character of the retained open spaces resembles as close as possible the existing rural landscape. Again the fundamental impact of development should be noted and the unlikely ability to mitigate the removal of the harm.

### Ockley Manor Barn

Ockley Manor Barn is a Grade II listed timber framed former barn that is now converted from residential use. The listing description refers to the building as dating from the 18th century, but again the report submitted on behalf of the owner of Ockley Manor suggests that the building dates from the 17th century. It is considered that its special interest lie in its character as a good example of a surviving vernacular barn of the period.

In considering this building your Conservation Officer has stated;

*'The Barn is situated to the north west of the manor house, at the southern end of the farmstead. It faces onto the gardens to the front of the house, but views from its immediate setting to the west are of the open fields to the west of Ockley Lane including the development site. This rural element of the Barn's setting is considered to make a strong positive contribution to the manner in which its special interest is appreciated.'*

It is identified that the proposed development would have a fundamental impact on the current setting of Ockley Manor Barn by means of the following;

- *'The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the block to the rear of Barn Cottage.*
- *The impact of the proposal on the character of the retained open space/parkland within the site.*
- *The impact of development of this scale on the currently rural broader setting to the west of Ockley Lane, including views from the Barn and its immediate setting.*
- *The impact of the proposed development on the character of the principal approaches to the Barn along Ockley Lane and along the PROW approaching the Manor through the site from the west.*

The harmful effect identified by your Conservation Office to the rural character of the western part of the wider setting of the barn is categorised as less than substantial. As before, paragraph 196 of the NPPF is relevant.

The Conservation Officer has considered potential mitigation and as with the previous buildings this could include moving the development further away from the setting, enhanced natural screening along the edges of the proposed built form and ensuring the character of the retained open spaces resembles as close as possible the existing rural landscape. Again the fundamental impact of development should be noted and the unlikely ability to mitigate the removal of the harm.

### Ockley Manor Cottages

Ockley Manor Cottages have recently been Grade II listed. They are located at the northern end of the Ockley Manor farmstead and were constructed between 1818 and 1845 as a semi-detached pair to house farm workers. The listing description states that the cottages have special architectural interest for reason of their striking use of traditional materials, symmetrical arrangement and good survival of interior joinery, and special historic interest in the way that they illustrate modest farm workers cottages of the 19th century and the way that these were occupied.

In considering this building your Conservation Officer has stated;

*'From the north facing frontages of the cottages there are open views across the farmland to the north, which also take in Ockley Lane to the west and the cottages and fields beyond. This rural setting is considered to make a strong positive contribution to the manner in which the special interest of the building as former farmworkers cottages is appreciated.'*

It is identified that the proposed development would have a fundamental impact on the current setting of Ockley Manor Cottages by means of the following;

- *'The impact on the hedge line to the east of Ockley Lane which it is proposed to reposition.*
- *The impact of the proposed built development to the north east corner of the site including housing and the proposed new school, which is likely to be visible between and beyond the cottages to the western side of Ockley Lane.*
- *The impact of the changed character of the retained open land to the north east corner of the site (school playing fields and community orchard).*
- *The impact on the character of the approach to Ockley Manor Cottages from the north along Ockley Lane. Ockley Manor Cottages are prominent in views looking south along Ockley Lane which would also take in the proposed development site to the west of the road.'*

The harmful impacts identified by your Conservation Office will detract from the existing rural character of those parts of the setting of the Cottages, which in turn detracts from the contribution this setting makes to the special interest of the building and how it is appreciated. This harm is categorised as less than substantial. As before, paragraph 196 of the NPPF is relevant.

The Conservation Officer has considered potential mitigation and as with the previous buildings this could include moving the development further away from the setting, enhanced natural screening along the edges of the proposed built form and ensuring the character of the retained open spaces resembles as close as possible

the existing rural landscape. Furthermore, the realignment of the hedgerow to Ockley Lane to facilitate highway works should be reconsidered as the retention of hedgerows will assist in maintaining the existing rural landscape. Again the fundamental impact of development should be noted and the unlikely ability to mitigate the removal of the harm.

#### Non-Designated Heritage Asset

There are a number of buildings within Ockley Farmstead that your Conservation Officer to considered as non-designated heritage assets, which are of interest in their own right but also make a strong positive contribution to the settings of the designated heritage assets. The non-designated assets are identified as follows;

- Converted buildings around the former farm courtyard known as The Old Malthouse, The Barn, The Old Dairy and the Old Granary.
- A timber framed cart shed and 19th century barn located to the south east of the farmstead group.

In identifying the above non-designated assets the Conservation Officer has stated;

*'These buildings are all situated to the north of the Manor House, within the historic farmstead. They are all former agricultural buildings of one type or another, the special interest of which lies partly in their illustrative value as part of the historic farmstead. As such, their currently rural setting makes a strong positive to the manner in which their special interests are appreciated.'*

With regards to the impacts of the proposed development on the above assets, and potential mitigation measures, these are considered to be similar to those identified for Ockley Manor Cottages, which they are in close proximity too.

#### Group Value

Having considered individually the designated and non-designated assets above, it follows that consideration should be given to the impact of the development on their value as a cohesive group. The recent listing decision in respect of Ockley Manor Cottages identifies that the group, forming part of the former farmstead of Ockley, have a high level of group value. This group value adds to and enhances their individual special interests.

In considering this group of building your Conservation Officer has stated;

*'The report prepared by Maggie Henderson (on behalf of the owner of Ockley Manor) identifies the early origins and long history of the Ockley farmstead. Both this report and the Heritage Statement submitted by the applicant demonstrate that the farmstead and house have existed for centuries in a rural landscape which has supported their development and evolution. Although this landscape has itself undergone some changes, both of ownership and in physical appearance such as field layouts, it remains clearly rural, and supports an understanding of the origins, nature and special interest of the assets at Ockley Manor.'*



Furthermore she has stated;

*'The rural nature of the landscape to the west of the group of assets at Ockley Manor, as part of their wider setting, must be considered to make a strong positive contribution to the manner in which their special interest is appreciated. Development on the site will have a fundamental impact on the character of that part of the setting, which will detract from the special interests and group value of the assets for reasons of:*

- *The impact of the proposed built development on the character of the site.*
- *The impact of the changed character of the retained open land within the site.*
- *The impact on the hedgerow to the north of the Ockley farmstead.*
- *The impact on the approaches to the group along Ockley Lane and the PROW.'*

The harmful impacts identified by your Conservation Officer will detract from part of the setting, which will detract from the special interests and group of the assets and this harm. In NPPF terms, can be categorised as less than substantial. It should be noted that the less than substantial harm attributed to the group value contributes to the harm identified to the assets individual special interest.

In considering potential mitigation, those previously identified for the assets individually are still relevant, as is the caveat that the fundamental impact of development should be noted and the unlikely ability to mitigate the removal of the harm.

#### Assessment of heritage assets (designated and non-designated)

It is acknowledged by Officers that there are aspects of above assessment by your Conservation Officer that are conflict with the views expressed within the submissions by the applicant and also by third parties. A detailed commentary of this can be found in the Conservation Officers full comments in the appendices to this report; however the following points are considered relevant to highlight at this point.

It is considered that the applicants' assessment underplays the contribution that the surviving rural setting makes to an understanding of development through time of the group of assets around Ockley Manor. Furthermore, it is not considered that the cessation of the functional connection between the barn and the surrounding fields (and its conversion to residential) reduces the contribution that the (development) site makes to the understanding of the special interest of the building. It is noted that the overall conclusions on the four designated assets (Ockley Manor Cottages was considered by the applicant under a heritage statement addendum) are similarly categorised as less than substantial, although there is disagreement on the impact on the barn being comparative less (within the less than substantial range).

In respect of the assessment submitted on behalf of the owner of Ockley Manor, the conclusions identify that the proposed development would substantially harm the significance of the heritage assets, both designated and non-designated, altering their setting and character that is both harmful and permanent. It considers that harm cannot be outweighed by the public benefits. Furthermore, the work introduces the

concept of a 'hamlet' of Ockley that includes the cottages to the west of Ockley Lane, to the north of Ockley Manor.

The Council's Conservation Officer highlights that the term 'hamlet' is not a one that has specific significance in the context of heritage policy or guidance. While there is an identifiable group of buildings, both designated and non-designated, centred on Ockley Manor (as identified with the Officers assessment), the identified 'hamlet' includes properties on western side of the Ockley Lane that are not considered, by your Officers, to constitute non-designated heritage assets. In considering the impact of the proposed development in heritage terms, officers are of the view that only those assets (formed of designated and non-designate assets) within the grouping around Ockley Manor on the eastern side of Ockley Lane, are appropriate in the context of this proposal.

The comments of the Historic England have been sought, and again their comments are available in full in appendices to this report, as Ockley Manor is Grade II\* listed building. They conclude that there will be some harm to the setting of this asset as a result of the development and that this can be categorised as less than substantial harm. They note *'that generally development is stepped back from this sensitive edge (eastern boundary), but query if this could perhaps further by moving the proposed block south of primary school to elsewhere within the site'*. This potential mitigation is echoed both within your Conservation Officer comments and also within a number of the presentations, some of whom also seek to relocate the school away from the eastern part of the site. It should be noted that other potential mitigation relating to enhanced natural screening along sensitive edges, appropriate landscaping of retained open spaces, retention of hedgerows and the treatment of PRow approaches is suggested. However, as stated by your Conservation Officer, it is unlikely that any amount of mitigation will remove the harm to the special interest of the assets, which is also recognised by Historic England's comments.

Notwithstanding the level of harm (substantial) identified within the report submitted on behalf of the owner of Ockley Manor, it is your Officers view, having regard to the assessment of the Council's Conservation Officer and the position of Historic England, that the level of harm to the identified heritage assets can be categorised as less than substantial.

While the removal of proposed development from the eastern side of the site to further increase the separation from the identified heritage assets would provide some additional mitigation, it would not remove the identified harm and the assessments provided by your Conservation Officer and Historic England are not predicated on this being achieved.

Mitigation relating to enhanced vegetation screening, the landscape form of the retained open space and the treatment of PRow approaches can be secured with suitable conditions. The retention of development blocks on the eastern side of the site will enable a more balanced layout to be achieved (to the betterment of the overall design quality of the scheme), and with the mitigation that can be secured, it is considered that the harm to the identified heritage assets, as identified in the above assessment, would still be within the less than substantial category.

It is important to note that it will be necessary for this issue to be assessed again at the reserved matters stage when the proposed layout for the scheme is determined. It is your officer's view that at the outline stage sufficient information has been submitted for a reasoned conclusion to be drawn that the scheme will cause less than substantial harm to the setting of the heritage assets.

In accordance with paragraph 193 of the NPPF 'great weight' needs to be given to the less than substantial harm identified and in order to ensure that this is undertaken than the mitigation measures above should be secured. Officers consider that mitigation measures should be secured under this application, by condition, rather than being left to assessment under reserved matters. This will ensure that 'great weight' is afforded to the less than substantial harm identified at the outline planning stage. Such conditions are suggested within Appendix A, and with the securing of these mitigation measures it can clearly be demonstrated that 'great weight' is given to the less than substantial harm identified.

Having regard to paragraph 196 of the NPPF, It is considered that the significant public benefits of the scheme (provision of new housing (including affordable housing) and the provision of land for a school on a site that has been allocated for such development in the DP, economic benefits including construction jobs, additional spending in the locality and new homes bonus) do outweigh the less than substantial harm to the setting of the heritage assets outlined above. The harm should nonetheless be given considerable importance and weight in accordance with the relevant provisions of the 1990 Act.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by the addendums) considered the Friars Oak development in a cumulative context. Each of these schemes has been considered acceptable in relation to the impact on any heritage asset, where appropriate in relation to any of the given schemes. The development would not result in cumulative heritage asset impacts with these developments, over and above those already considered above. There are no other developments that are considered to result in in-combination heritage impacts.

Chapter 6 of the 2018 ES concluded that during the construction phase the development would result in a moderate adverse, significant effect on Ockley Manor, the dovecote and barn. The post construction assessment concludes that the proposed development will result in a change of medium magnitude on the listed buildings, resulting in moderate adverse, significant effects on Ockley Manor and the dovecote and a slight adverse, not significant effect on the barn.

Within the June 2019 ES addendum the predicted effects of the proposed development in light of the proposed scheme changes do alter the conclusions presented in the 2018 ES remain unchanged.

In relation to the August 2019 ES Addendum the predicted effects of the proposed development in light of the listing of Ockley Cottages, it concludes that the construction phase would have a moderate adverse significant effect on Ockley Manor, Dovecote, Barn and farm cottages. Post-construction it concludes that the development will result in a change of medium magnitude to the listed buildings. This will result in a moderate adverse significant effect on Ockley Manor and the Dovecote, a slight effect (not significant) on the Barn and slight-moderate adverse effect (not significant) on Ockley Manor Cottages.

Significant environment effects would result from the proposal. In forming this conclusion, regard has been given to the ES submitted with the application, which is considered to contain adequate information, as well as evidence held by the Council and representatives.

In light of the above analysis on heritage assets and securing appropriate mitigation, and subject to the balancing exercise in the conclusion section regarding the identified less than substantial harm, the development accords with policies DP11 and DP34 of the Mid Sussex District Plan, the NPPF and the Listed Building and Conservation Area (LBCA) Act 1990.

### **Archaeology and Historic Landscape**

Policy DP34 states, inter alia;

*'The Council will seek to conserve heritage assets in manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.'*

Paragraph 189 of the NPPF states, inter alia;

*'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'*

The application has been supported by a desk-based study of the area and geographical survey (detecting and mapping subsurface features). The result of the geophysical survey of the site did not show any likely significant archaeological features, however, the potential for buried archaeology to be present remains.

The Council's archaeological consultant has highlighted that the application covers an Archaeological Notification Area (DWS8608 - possible Bronze Age to Romano-British Occupation, Hassocks), which is flagged red and considered as being archaeologically very sensitive. While the undertaking of the geophysical survey prior to determination was welcomed, the Council's consultant requested that results be submitted. The applicants submitted the requested information.

## Historic Landscape

The landscape within the site is identified within West Sussex Historic Environment Record as 'informal fieldscapes' of post-medieval or later date, with fields that had been part of formal enclosure but were large by the 19th century. The supporting information sets out that that *'much of the site's historic landscape character has already been lost through the amalgamation of fields during the 19th century. The remaining hedgerows that are shown on the earlier 19th century maps are considered to be of low importance, while the rest of the site's historic landscape character is of negligible importance.'*

The proposed development will lead to the loss of the fields on site and a number of hedgerows and while layout and landscaping are reserved matters, the indicative information submitted suggests that retained older hedgerows will be located in open space or along the edges of the site.

The long term management and maintenance of all open space will be secured through the Legal Agreement.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by the addendums) considered the Friars Oak development in a cumulative context. Each of these schemes has been considered acceptable in relation to the impact on archaeology (including historic landscapes). The development would not result in cumulative archaeological impacts with these developments, over and above those already considered above. There are no other developments that are considered to result in in-combination heritage impacts.

The Councils Archaeological consultant has assessed the information and considers that no significant effects would result from the proposal, subject to the conditions outline above. In forming this conclusion, regard has been given to the ES, and ES Addendum, submitted with application, which is considered to contain adequate information, as well as evidence held by the Council and representation.

Chapter 5 of the 2018 ES concludes that during the construction phase the degree of change on sub-surface archaeological remains would be large, leading to a moderate to substantial, significant adverse effect. In respect of historic landscape it concludes that the loss of the negligibly important fields and later hedgerows will be a negligible effect that will not be significant. Post-construction effects on both archaeological resource and historic landscape would have occurred during construction, so no additional significant effects are predicted.

Within the June 2019 ES addendum the predicted effects of the proposed development in light of the proposed scheme changes do alter the conclusions presented in the 2018 ES remain unchanged.

Having regard to the above, and with the securing of appropriate mitigation, the development accords with policy DP34 of the Mid Sussex Local Plan and the NPPF.

### **Leisure and Open Space/Play**

Policy DP24 of the DP states;

*'Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported.'*

*'The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential development, where appropriate in scale and impact, including land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document.'*

Site specific policy DP11 states that the development should *'make provision for new formal play facilities and informal open space on the site'* and *'provide financial contributions to improve the existing open space, including improvements to the footpath, to the south of the site.'*

Policy 16 of the NP seeks to protect open space to the south of the allocation site.

It should be noted that Appendix 2 of the Development Infrastructure and Contributions SPD sets out requirements for outdoor playing space, including LEAPs and NEAPs.

The submitted proposal makes provision for both public open space and equipped play areas within the development site. The submitted land use parameter plan shows areas of open space/green infrastructure areas to the northern, eastern and western parts of the site, including a large open space, entitled 'park' on the submitted illustrative masterplan at the eastern end of the site. This 'park' area is shown to include an equipped play area and the location of potentially four other locations across the site to serve the proposed population of the development.

The applicants have considered enhancements to the open space to the south, which is neither within the application site nor the applicants' control, but is a policy requirement as noted above. The policy requires a financial contribution in relation to these matters and this matter will be addressed further in the infrastructure section of this report.

The representations raise a number of issues regarding this open space including its future protection from development, future management contributions from new residents and the need for deficiencies to be addressed. It is evident within the emerging NP that the area in question is provided by a level of protection by policies 2 (Local Green Space) and 10 (Protection of Open Space) and as noted above, the land is not within the application (or the control of the applicants) and it is the not responsibility of this application to make good existing deficiencies, nor is there a

requirement for future residents towards its on-going maintenance, which in any event would sit outside the planning process. There is a policy requirement to make a contribution towards improvements of this open space, to mitigate impacts, and this will be addressed in a later section of the report.

Your Community Leisure Officer has considered the proposal in respect of these matters and has not raised an objection. Details relating to the exact location of equipped play areas will be a consideration of any subsequent reserved matter submission relating to layout, while the form and future management of such areas can be secured via a suitably worded condition, as set in Appendix A to this report.

The represent from Sports England is noted and with regard to the details relating to the provision of any playing pitches associated with the school, it is considered that such matters will be for the school provider to address at the appropriate time through the submission of the reserved matters application for this aspect of the development. It is not considered that the suggested conditions are required at this stage of the planning process.

Having regard to the above it is considered that the proposals complies with policies DP11 and DP24 of the Mid Sussex Local Plan in respect of these matters.

### **Community Facilities**

While there is no requirement within the site specific policy (DP11) for the provision of a community facility within the proposed development, the applicants are proposing 0.1ha of land for such a facility to be provided, should there be the demand for one. The provision of land, is in addition to the normal financial contribution for community building provision as required by the Council's SPD.

Policy DP25 of the DP states that *'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.'*

The provision of the land and financial contribution will be secured within the S106 Legal Agreement and while officers are hopeful that a community facility in some form will be delivered on site, it is unlikely that this will occur in the short term, as the Council will need to identify a potential end user, design and build such a facility.

The comments of the Community Leisure Officer are noted with the regard to the general lack of facilities across rural areas, however, it needs to be remembered that should the Council have wished to secure the delivery of an on-site facility by the developer, then this should have been included within the site allocation policy. The proposals as it stand allow the potential for an on-site facility to be provided, if there is demand.

Having regard to the above, the proposal accords with policy DP25 of the Mid Sussex District Plan in respect of this matter.

## Housing

Policy DP4 of the DP sets out that;

*'There is a minimum District housing requirement of 16,390 dwellings between 2014 - 2031.'*

Policy DP11 states that the Land North of Clayton Mills, Hassocks is allocated for;

- *'Approximately 500 new homes*
- *Provision of permanent pitches for settled Gypsies and Travellers to contribute, towards the additional total identified need within the District commensurate with the overall scale of residential development proposed by the strategic development; or the provision of an equivalent financial contribution towards the off-site provision of pitches towards the additional total identified need within the District (or part thereof if some on-site provision is made) commensurate with the overall scale of residential development proposed by the strategic development. The financial contribution towards off-site provision will only be acceptable if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale unless alternative requirements are confirmed within any Traveller Sites Allocations Development Plan Document or such other evidence base as is available at the time;'*

Policy DP30 of the DP states inter alia:

*'To support sustainable communities, housing development will:*

- *Provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- *Meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- *On strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time: or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurate with the overall scale of residential development proposed by the strategic; and serviced plots for self-build homes where a need for such accommodation is identified.'*

Policy DP33 of the DP States;

*To ensure that a sufficient amount of permanent culturally suitable housing for settled Gypsies, Traveller and Travelling Showpeople is delivered to meet identified needs within an appropriate timescale, the Council makes provision for....the*



*allocation of pitches within the strategic allocation of Clayton Mills, Hassocks; or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale (Policy DP11: Strategic Allocation to the North of Clayton Mills, Hassocks refers.'*

Policy 16 of the NP seeks to ensure that the development provides a suitable mix of dwelling types and sizes to current and future needs.

### Housing Delivery

The proposal will deliver up to 500 dwellings, which would meet the requirement of policy DP11 of the DP for number of residents of units for Land North of Clayton Mills, Hassocks. The information submitted with the application indicates that the site can be delivered in the early part of the Plan period and this would make a significant contribution to the overall housing requirement for the District.

This is a benefit that weighs in favour of the proposal as it supports the Council in delivering the requirement in policies DP4 and DP11.

### Housing Mix

The strategic Housing Market Assessment (2012) sets out the following recommendation for market housing;

- 35-45% of housing on urban extensions should have at least three bedrooms

There are no recommendations for smaller one and two bedroom units.

In the supporting information submitted with the application the applicant has indicated the following mix could be delivered on the site;

Unit Type	Number of units	Percentage
1 bedroom apartment	38	8%
2 bedroom apartment	55	11%
2 bedroom house	142	28%
3 bedroom house	174	35%
4 bedroom house	91	18%
Total	500	100%

The final mix of private residential units will be a matter for the reserved matters submission but there is sufficient information submitted at this stage to reach the conclusion that the site can achieve a suitable mix to accord with policy.

In relation to the affordable housing the following mix has been agreed with your Housing Officer and will be secured through the S106 Legal Agreement;

- 27% 1 bed 2p flats/maisonettes/coach houses (inc 2 x fully accessible wheelchair flats with direct access to private outdoor space)

- 3% 1 bed 2p bungalows (built to meet the requirements contained in Part M4(2) 1(a) AND (b) and (2) (a) and (b) for accessible and adaptable dwellings as contained in Category 2 - Accessible and Adaptable Dwellings of Schedule 1 of the Building Regulations 2010)
- 28% 2 bed 4p flats/maisonettes/coach houses ( inc 2 x fully accessible wheelchair flats with direct access to private outdoor space)
- 2% 2 bed 4p bungalows (built to meet the requirements contained in Part M4(2) 1(a) AND (b) and (2) (a) and (b) for accessible and adaptable dwellings as contained in Category 2 - Accessible and Adaptable Dwellings of Schedule 1 of the Building Regulations 2010)
- 27% 2 bed 4p houses (inc 1 x fully accessible wheelchair house)
- 9% 3 bed 5p houses (inc 1 x fully accessible wheelchair house)
- 2% 3 bed 6p houses
- 2% 4 bed 6p houses

The mix's outlined above contribute to meeting the housing need, as set out in the Strategic Housing Market Assessment and the Affordable Housing Needs Model Update. The proposal is therefore considered to be in accordance with policy DP30 of the Mid Sussex Local Plan.

#### Gypsy and Traveller Provision

As set out above, policy DP11 makes provision for the development to contribute, either on-site or via contribution (in certain circumstances) towards the District wide provision of permanent pitches for settled Gypsies and Travellers to help meet the additional total identified need, as evidenced by the Mid Sussex Gypsy and Traveller Accommodation Assessment. The level to be provided by the site will be commensurate with the overall scale of the residential development proposed by this strategic development.

The development of this site generates the need for five Gypsy and Traveller pitches which is commensurate with the development of 500 dwellings proposed with this strategic scheme.

A representation has been received which objects to the proposals on the basis that the site is not making on-site provision and this would *"result in pressure to approve unsuitable site in other locations"*. Furthermore the representation states that it *"has not been demonstrated that a "suitable, available and achievable site (or sites)" which can be made operational within an appropriate timescale is available to enable it to be appropriate to accept a financial contribution as set out in policy DP33"*.

The applicants have considered the policy requirements in respect to this issue and set out the following position;

*'During the early stages of the scheme's evolution, the design team considered the inclusion of this provision on-site, but formed the view that it was not feasible on the basis that the site is not large enough to successfully accommodate the pitches, alongside 500 homes, a new school and the associated open space. This conclusion was reached on the basis of the site constraints, which include the railway line, flood plain, existing houses and single vehicle access point. As GSL (Gleeson Strategic Land) does not control another suitable site in the district, it is proposed to offer a financial contribution towards an alternative off-site facility in accordance with policy.'*

It has already been established, through the granting of planning permission on Freeks Farm (part of the Northern Arc strategic allocation, Burgess Hill), that the principle of off-site provision is acceptable (a financial contribution toward 3 pitches was secured through a S106 Legal Agreement). It is accepted that there are constraints associated with this site and officers agree with the applicant's assessment. In addition to those set out by the applicant above, there are a number of site constraints specific to this site that include the impact on heritage assets and the need to provide appropriate buffer areas in order to mitigate the impact on their settings, which are also requirements of the site allocation (DP11 refers). Such buffers are required to ensure that any development accords with the legal obligations of Section 66 of the Listed Building and Conservation Area Act 1990.

Officers are satisfied that there are other suitable, available and achievable sites within the District, which could be delivered within an appropriate timescale and, as such, an off-site contribution, which will be secured via a S106 Legal Agreement, is an appropriate mechanism to deal to with the development requirements with regard to this issue.

In light of the above, it is considered that the application is in accordance with policies DP11, DP30 and DP33 of the Mid Sussex District Plan.

## **Affordable Housing**

Policy DP31 of the DP deals with affordable housing and states;

The Council will seek:

- 1. 'the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m<sup>2</sup>;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 - 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and*
- 5. free serviced land for the affordable housing.*

*All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.*

*Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.*

*The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs.'*

The Councils' adopted SPD on affordable housing is also of relevance.

It is proposed that the development will provide for 30% affordable housing, which would equate to up to 150 dwellings (in the event that the site is built out to 500 dwellings), on the basis of a tenure split of 75% rented and 25% shared ownership. The proposed mix has previously been set above.

The comments of the Housing Officer are summarised at the start of the report and are set out in full in the appendices.

The scheme would provide a policy compliant level of affordable housing. The final details of the affordable dwellings would be submitted and determined at a subsequent reserved matters application.

In light of the above it is considered that the proposal complies with policy DP31 and that the provision of affordable housing should be afforded significant positive weight in the determination of this application.

### **Standard of Accommodation**

Policy DP27 of the District Plan states:

*"Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:*

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

*All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met."*

It is considered that the standard of accommodation, in respect of the minimum size of dwellings as required by the above policy can be met at reserved matters stage when the layout, scale and appearance of the dwellings will be assessed. It will be for the applicant to demonstrate, through their submissions, detailed compliance with this policy but there is no evidence to indicate at this stage that a full policy compliant scheme cannot be delivered.

## **Accessibility**

Policy DP28 of the District Plan states:

*'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.*

*This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.*

*With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.'*

In relation to accessible and adaptable dwellings, the Policy goes on to state:

*'Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2), with the following exceptions:*

- 1) Where new dwellings are created by a change of use;*
- 2) Where the scheme is for flatted residential buildings of fewer than 10 dwellings;*
- 3) Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;*
- 4) Where a scheme is being proposed which is specifically intended for the needs of particular.'*

With regard to wheelchair use dwellings the Policy states:

*'Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.*

*The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services."*

It is considered that the acceptability of accessibility and the aims of Policy DP28 of the DP can be met at the reserved matters stage when the layout and scale are assessed. The requirement for M4(2) and M4(3) dwellings will be secured via a suitably worded condition.

## **Neighbour Amenity**

Policy DP26 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 ... 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, an noise, air and light pollution.'*

Site specific policy DP11 requires the development to *'incorporate a green space buffer on the southern boundary to protect the amenity of existing residential properties on Mackie Avenue which back on to the site.'*

Policy 16 of the NP seeks to protect the amenity of existing residents that border the site.

Paragraph 127 of the NPPF requires development to inter alia *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'*

Policy 16 of the NP supported proposals for development on the site that, inter alia *'protect the amenity of existing residential properties.'*

The proposed development adjoins existing properties to the east, fronting Ockley Lane, and the south, fronting Mackie Avenue. While the exact form of development is not yet known the Council need to be satisfied at this stage that an acceptable scheme can be achieved without causing significant harm to existing residential amenities. The issue will need to be reconsidered at any reserved matter stage when the layout and scale of the proposal are known and the exact relationship with existing properties can be assessed.

In respect of the properties to Ockley Lane, Barn Cottage is a single residence that has private garden areas to the north and west (of the property) and is located to the south of the proposed access point. The proposed land use parameter plan shows that a residential parcel is to be located to the west of the property beyond an identified green infrastructure area that will be turned over for landscaping. The scale parameter plan identifies that this area of development will consist of two storey buildings (maximum 10m ridge). The distance between this area of development and rear boundary of Barn Cottage is approximately 40m. Having regard to the form of development proposed and the distances involved officers are content that a form of development can be achieved that will not result in significant harm to the amenities of this property by means of loss of privacy, overlooking or loss of light.

While development of some form will be visible, this does not make it unacceptable. The proposed new access and associated road (to serve the development) will result in additional noise and disturbance associated with a development of size, it again is not considered that significant harm to the amenities of the occupiers by means of noise and disturbance will occur.

To the north of the proposed access is Hawthorne Cottage and as with Barn Cottage to the south, the use of the access will result in additional noise and disturbance but again it is not considered that significant harm to the amenities of the occupiers will occur. The land use parameter plan shows that the area rear to the west of this property will be given over to provide the school and it is likely (based upon the illustrative masterplan) that area immediately behind this property will be a playing field. While a school will generate some level of noise and disturbance, it is not unusual to have such a use adjacent to residential properties and it is not considered that likely significant harm would be caused to the amenities of this property. Further to north are 1-4 Ockley Cottages, which are formed of two sets of semi-detached properties as with Hawthorn Cottage that will back onto the proposed school site and have regard to the assessment above, it is not considered that likely significant harm would be caused to the amenities of these properties.

Turning to the south, a number of properties fronting Mackie Avenue back onto the proposed development. These properties have rear gardens of approximately 25m in depth. In accordance with the requirements of policy DP11 the land use parameter plan shows that a green buffer will be provided along the southern boundary of the site to the rear of properties in Mackie Avenue. This buffer area will be 10m deep. The parameter plan also notes that any proposed property will be a minimum of 30m from the southern boundary of the site. The submitted information shows that the buildings in this area will be two storeys in height.

It is recognised that a number of representations have raised concerns over the form that the 10m buffer takes, as it is suggested within the applicants submissions that the buffer could be incorporated into the rear gardens of the proposed new dwellings. The representations are seeking a 10m buffer area that sits separately from the garden areas, similar to that which was provided on the nearby Clayton Mills development. This is to ensure that the proposed planting is not removed by future occupiers, therefore undermining the purpose of the buffer in the first instance. The issue of what form the buffer takes is one that will be addressed at any reserved matter stage, when the layout of this part of the site is known. The land use parameter plan secures a 10m buffer and this is sufficient to meet the requirements of Policy DP11 at this stage and any planning permission granted would not tie any future reserved matter submission to providing the buffer as suggested by the applicants in their current supporting information.

Having regard to the above, officers are content that an acceptable form of development can be achieved that will not cause likely significant harm to the residential amenities of existing occupiers in Mackie Avenue by means of loss of privacy, overlooking, loss of light or by noise and disturbance.

It is acknowledged that there will be some degree of disruption during construction work but this would not merit a refusal of the application. The building works will in

any event be mitigated as much as possible through the use of various construction conditions such as working hours restrictions and the Construction Environmental Management Plan.

The proposal is therefore considered to accord with policy DP26 of the Mid Sussex District Plan and paragraph 127 of the NPPF.

### **Transport, Highways and Movement (access, highway capacity, PRow, Railway crossing)**

Policy DP21 of the District Plan states:

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*



- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

Policy DP22 states:

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

*Access to the countryside will be encouraged by:*

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

Site specific policy DP11 states, inter alia, that development will;

- *'provide a suitable and safe access to the site from Ockley Lane and appropriate mitigation to support the development with regards to the Local and Strategic Road Network;*
- *Provide safe pedestrian/cycling routes within the development and to connect with existing residential areas, the services within Hassocks village centre, Hassocks railway station, and enhance the existing cycle route to Burgess Hill'.*

Policy 16 of the NP seeks to protect existing PRoW's and their open aspect through suitable landscaping and provide and enhance links from Hassocks to Burgess Hill.

Paragraph 108 of the NPPF states that;

*'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that;*

- a) Appropriate opportunities to promote sustainable transport models can be- or have been - taken up, given the type of development and its location;*
- b) Safe and suitable access to the site can be achieved for all users; and*
- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree'.*

Furthermore, paragraph 109 states that *'development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.*

West Sussex County Council (WSSCC) in their capacity as the Local Highways Authority (LHA) has had extensive discussions on the merits of this proposal and further information was originally requested. The applicant's response to this request was submitted in June 2019, with further information in August 2019, and as noted previously in this report the additional information has been the subject to re-advertisements. WSSCC have formulated their response following a review of the highways related information including the Transport Assessment Addendums (TAA) submitted in June 2019 and August 2019 and other third party representations.

### Access Arrangements

Access to the site will be provided onto Ockley Lane via a simple priority junction, which will be 6.1 metres wide with an 8 metre kerb radii. As a result of amendments made during the course of the application, the positioning of the access has moved approximately 8m south of its original intended position and the proposed arrangements include the realignment of the Ockley Lane carriageway by approximately 2m to the east. As a result of the proposed realignment, an approximate 175 metre section of hedge and ditch to the east side of the Ockley Lane will need to be relocated/re-provided. The access, as set out, allows for the 2.4m x 120m visibility splays to be contained within the existing Ockley Lane carriageway meaning that apart from the removal of the section of hedge on the western side of the lane to provide the access, there will not be a requirement to cut back the hedge further on this side of the lane.

As part of the access arrangements the applicants are proposing the creation of a short section of footpath on the eastern side of Ockley Lane from the site access south, until the existing bus stop on the western side of the lane, immediately south of Barn Cottage. Provision of a dropped kerb crossing and tactile paving will aid pedestrians crossing the lane and a new stop (and potential shelter) will be located on the eastern side of the lane just to the south of the proposed site access.

The proposed access arrangements have been the subject of the Stage One Road Safety Audit by the applicants and it should be noted that a third party has also

instructed their own Safety Audit that has been submitted to the Council, which has been drawn to the attention of the LHA and the applicants.

The proposed arrangements have been carefully considered by the LHA who state, in response to the June 2019 amendments;

*'In summary, the revised junction layout retains the same form as previously accepted by WSCC. The revised scheme offers a betterment to that previously shown particularly in terms of removing the need for continuous on-going maintenance of the visibility splay to the north. There is a drawback in terms of the inability to achieve a continuous footway link on Ockley Lane from where the existing footway ends to the development. It is recognised that other more direct routes towards destinations in Hassocks are available with it expected that the route onto Ockley Lane via the development junction will effectively serve the southbound bus stop. No objection would continue to be raised towards the proposed development access arrangements'.*

Further to the above, and in light of the additional amendments made via the August 2019 submissions, the LHA have confirmed that *"the majority of changes are relatively minor and have no particular highway consequences ... the changes are considered acceptable"*.

Through the representations, a number of issues have been raised concerning the proposed access arrangement, and associated highways infrastructure, relating to both the physical works and potential highway safety issues.

In relation to the physical works, a number of representations have raised concerns over landownership issues and the fact that highway works are on land within private ownership. The applicant has confirmed that they control all the land within the red line of the application site and while other highway works are shown outside the red line boundary, they do fall within the designated highway and these works can be delivered via a S278 Agreement with the LHA. It should be noted that a highway is a legal right over the land and does not convey freehold ownership. A significant proportion of highway land (generally) is not owned by highway authorities. Issues of land ownership are not matters that are material to the determination of the planning and it is for the applicant to ensure that they have the legal right to deliver any permission that may be granted.

It is recognised that the owners of Hawthorn Cottage, which is located to the north of the proposed access, have raised a number of concerns that include matters associated to the accuracy of the submitted plans and the fact that the LHA do not appear to be applying their own standards with regard to the distances between junctions. The applicants are content that the submitted drawings accurately reflect the proposed scheme and its relationship with adjacent properties and features and while there is clearly a difference in opinion between these two parties on this matter, the application falls to be determined upon the basis of the drawings that have been submitted. Officers do not consider that there is any clear and obvious inaccuracy and ultimately the onus is always upon the applicant to deliver the proposal on the basis of any drawings that may be approved, otherwise a new permission based upon alternative drawings may be required. The LHA have not raised an objection to

the design of the junction or its relationship with the vehicular access to Hawthorn Cottage.

While the access arrangements have been the subject to Stage One Road Safety Audit independently commissioned by the applicants, an alternative audit has also been submitted to the Council commissioned by the owners of Hawthorn Cottage. The later audit raises a number of issues (including the possibility of rear shunts and queuing on Ockley Lane), which the applicants Road Safety Audit designer has responded too in the submission of a further technical note. The designer's response sets out that no action is required to address the comments/problems identified in the alternative audit and this had been agreed by the overseeing organisation, WSCC.

In addition to the Road Safety Audit, a road traffic survey of Ockley Lane has been submitted by third parties that sets out that traffic flows along Ockley Lane will be higher than those used within the TA, based upon a one day survey in September 2019. The report sets out a number of assumptions concerning the operational safety of the junction in light of the survey work. The applicants have responded to the concerns raised within their further highway technical note referred to above and while they raise concerns over the quality of the information, they have used the submitted survey work in a further operational assessment work of the junction using the recognised industry software. The commentary of the results is set out below;

*'3.1.14 This shows that during the morning peak hour there remains an average queue of 1 or less vehicle and average delays of some 5 seconds per vehicle on Ockley Lane southbound / turning right into the development.*

*3.1.15 As such, the proposed form of junction (simple priority junction) will not lead to queues on Ockley Lane southbound with the right turn movement into the site. In conjunction with the 120m forward visibility on the approach to the proposed site access junction, there is unlikely to be a risk of rear end shunts as asserted in the Road Traffic Survey. Further with negligible queues and a delay of 6 seconds for southbound vehicles drivers are unlikely to feel pressurised to accept gaps in opposing traffic and as such this unlikely to lead a risk of right turn collisions as suggested in the RSA.*

*3.1.16 The proposed form of junction (simple priority junction) accessing the site from Ockley Lane is therefore acceptable and no changes are needed to address this matter.'*

The representation letter from the owner of the Ockley Manor outlines that the proposed emergency access point is a right of way for two properties and as such is not available in a permanently maintained accessible state, i.e. by means of a locked barrier or similar. The terms of any private right of way along the proposed emergency access point is for the applicant to resolve and a suitably worded condition is proposed to secure it details, which include the location of any required bollards, along with future maintenance arrangements. In the event that the applicant is unable to provide satisfactory details to discharge the condition then the development would not be able to proceed until such time as this matter has been resolved.

It is acknowledged that concerns have been raised regarding the safety of children being driven to school in relation to the proposed junction arrangements. While such concerns highlight issues with the proposed modelling used to assess the operation of the proposed junction, the LHA have not raised an objection. Furthermore, it should be highlighted that not all children attending the school will arrive by car and the improvements to the surrounding PRow's will encourage alternative means of travel. WSCC, as the education authority, have highlighted in their response to the application, which can be found in full in appendix B, that the scheme (for the school which will be subject to a reserved matters submission) will have to demonstrate safe routes to school for children and parents within a school travel plan, and a condition to secure an appropriate travel plan is suggested in appendix A.

While there it is acknowledged that third parties have genuine concerns over highway safety issues associated with the proposed junction, the applicants have addressed the points raised and, more importantly, the LHA have not raised an objection to the proposal and there are no grounds to justify the refusal of the application in respect of this issue.

### Highway Network

The submitted Transport Assessment (TA) details the anticipated vehicular trip generation from the development and where this will impact upon the local highway network. The vehicle trip generation for the proposed uses within the development is based upon TRICS, which is an accepted means of estimating vehicular traffic from new developments. The LHA have considered the parameters that have been applied in estimating the trip generation from the proposed development and they consider that it is robust. It should be noted that separate figures have been provided in respect of the residential and primary school uses, with the residential figures adjusted to take into account those pupils that will reside in the development and will not therefore need to travel off-site. The primary school figures assume that all trips would be new to the network.

The TA uses the following trips in its assessment;

	AM Peak			PM Peak		
	Arrivals	Departures	2 way	Arrivals	Departures	2 way
500 units	55*	191	246	189	106	295
Primary School	104	69	173	0	11	11
Total	159	260	419	189	117	306

The TA includes various scenarios to determine conditions in a base year (2017) and also in future years (2022 and 2031), with and without the development. This also takes into account appropriate traffic growth rates and assigns movements to routes, based upon likely destinations, derived from Census Journey to Work data. The LHA are content that the TA satisfactorily considers the impact of the development.

As part of the application process, the LHA requested additional modelling work, which was submitted as part of the June 2019 addendum. This included inter-peak

modelling to cover school collection to ensure that development junction works acceptably at this time.

The LHA have considered the impact of the proposals on a series of junctions within the local highway network and have made the following comments;

#### Site Access junction

The site access has been accepted as working well with theoretical capacity in both the AM and PM peak network hours. The additional modelling shows the junction would operate well within capacity with minim delays to traffic entering or exiting.

#### Ockley Lane/Grand Avenue priority junction

Following concerns being raised regarding a proposed flaring of the junction (thereby allowing two vehicles exiting the junction to queue side by side), the junction was remodelled without it and it is anticipated that it will operate within theoretical capacity with the proposed development.

#### Keymer Road/Lodge Lane priority junction

This junction is modelled to operate within capacity in all scenarios.

#### Keymer Road/Ockley Lane priority junction

Original flaring and an improvement scheme were removed from the assessment following concerns about potential adverse impacts on non-motorised users, amongst other things.

The results of the revised modelling shows increasing delays in the PM peak, although the junction would continue to work within capacity with minimum queuing. In the AM peak, the proposed development would result in junction operating over capacity with resultant increases to queues and delays. There is potential for traffic to avoid this junction by using alternative routes, which in itself could have capacity implications.

The LHA have considered the possible consequences and whilst the possibility of traffic re-routing cannot be ruled out, it is considered that due to existing issues on alternative routes this is unlikely. The only other consequence is traffic queuing back and blocking other junctions, which in this case would be Church Mead. There are no other pre-existing safety issues at this junction that an increase in traffic would worsen. It is not considered that the development would result in any severe or unacceptable safety impacts.

#### Lodge Lane/New Road crossroads

No capacity issues have been identified with existing junction and it is accepted that this would continue to operate within capacity with the development. Additional modelling has been provided on the basis of an indicative improvement scheme that is based upon works that may be implemented by the LHA separately to the planning

application, and shows that it would continue to operate within capacity with the potential revisions.

Given the increase in traffic as a result of the development, the LHA considers that a developer contribution towards the future improvement of this junction should be secured.

#### London Road/Keymer Road/Brighton Road/Hurst Road (Stonepound Crossroads)

All arms except that of Brighton Road (south) are forecast to exceed capacity in the future year accounting for committed schemes. This will occur regardless of the implementation of improvements secured by an existing planning permission on an alternative site.

It is apparent that queue lengths and delays on all arms would marginally increase, by 36 movements in the AM peak and 15 in PM peak. The LHA are satisfied that the development would not significantly or unacceptably increase queues and delays at this junction.

#### Keymer Road/Folders Lane mini-roundabout

A mitigation scheme has been put forward that concentrates improvements to arm that is most affected by the increase in vehicular traffic (namely southbound Keymer Road arm). The proposed widening works are shown to be achieved through the conversion of the existing grass verge to carriageway construction. It is proposed that the scheme should be secured in the S106 Legal Agreement.

Having regard to the proposed mitigation works, the impact of the development on this junction is considered acceptable.

#### Keymer Road/Station Road/Junction Road/Silverdale Road roundabout

All arms are forecast to operate within capacity except for the Station Road arm in the PM peak. The development does take this over capacity, but the increase in queues and delays are not considered to be significant and would not result in a severe impact.

#### Station Road/Church Road/mill Road mini-roundabout

This junction will still operate within capacity following the development. While queues will increase slightly (by 2 vehicles in the AM and 3 in the PM), this is not considered to be severe.

#### Station Road/Civic Way/Queen Elizabeth Avenue/MSDC Car Park roundabout

This junction is forecast to operate within capacity in all scenarios.

In summary, the above analysis of the forecast impact of the development on the relevant junctions indicates that in the majority of cases they will operate within capacity. Where it has been identified that capacity will be exceeded, and increases in

queues and delays are anticipated, the LHA do not consider that these constitute a severe impact in the context of policy DP21 of the DP and paragraph 109 of the NPPF.

### Public Rights of Way

The proposal includes the improvements to several public rights of way that either cross the site or provide linkages to Hassocks itself. In addition, the applicants are proposing the creation of new route the north that will link Hassocks, via the development site, to Burgess Hill.

The specific improvements proposed by the applicant to existing routes include;

- Upgrade of footpath 11K to bridleway to permit cycle use
- Upgrading of footpath 5K (where it crosses the application site) to a bridleway
- Surface, drainage, lighting and signage improvements to footpath 11K,
- Improved cycleway crossing of Oak Tree Drive,
- Improvements to northern end of Woodland Road including shared surface
- Provide a crossing point on Mackie Avenue to Farnham Avenue
- Provide a footway on Farnham Avenue connecting with the existing provision
- Provide a crossing point on the southern section of Farnham Avenue
- Provide a crossing point on Manor Avenue, to the wets of the junction with Farnham Avenue
- Provide tactile paving at the junction with Bromley Close
- Provision of tactile paving at a number of key junctions between the site and Hassocks

It is understood that the above works are all sited within the existing highway boundary and would require specific technical consents from the LHA. In terms of upgrading of footpaths 5K and 11K to bridleways, this would be subject to the a separate process with WSCC Public Rights of Way team and require the consent of the land owner. It is considered that the above measures can be secured within a S106 Legal Agreement.

In addition to improving existing routes, the applicants are proposing the creation of new route to the north, which would link Hassocks with Burgess Hill (via existing PRow's). The proposed bridleway would run north from the application site, parallel with the railway, on land within the control of the applicant. A separate application, reference DM/18/4980, reported elsewhere on this agenda, provides for the northern part of this proposed route (on land owned by Burgess Hill Parish Council) that would link the route to existing rights of way that would enable the onward connection to Burgess Hill.

The route would be entirely off-road and provide a more attractive alternative to the use of Ockley Lane itself, particularly to the less experienced cyclist. The bridleway will need to be delivered as one continuous route at an appropriate time and a suitable mechanism can be secured with the S106 Legal Agreement to ensure its provision.



No objections have been raised by the LHA of WSCC PROW team with regard to the applicants' proposals in respect of the above matters.

### Railway Crossing

Policy DP11 of DP states, inter alia, that development in this location will *assess the implications of the development on pedestrian and cycle railway crossings and ensure that there is an agreed approach towards ensuring the provision of safe crossings*'.

The issue of the provision of an alternative crossing has been considered at length as part of planning process in relation to a site on the western side of the railway, known as 'Friars Oak'. That site is subject to two separate outline planning permissions, the first issued by the Council under a notice dated the 16th October 2019, and the second issued by The Planning Inspectorate via a letter dated the 1st November 2019, following an appeal against an earlier refusal. While both permissions require the developer of that site to provide, construct and make available to the public prior to the commencement of substantive site works an appropriate alternative crossing, the wording of the Council's condition specifically requires the provision of a pedestrian tunnel under the railway line.

The applicant (along with Rydon Homes Ltd) entered into a Basic Services Agreement with Network Rail to assess two options to enable the Woodside Pedestrian level crossing to be closed. These options involved a footbridge and a tunnel. The process concluded that both options were feasible and the applicant has provided your officers with confirmation that they will contribute towards the provision of the tunnel option. The tunnel would be delivered through a process outside of this application. . It should be noted that the Council have received an application from Network Rail for prior approval, under part 18 of the General Permitted Development Order 2015, of a new pedestrian subway, access stairs and ramps to replace the existing level crossing and stairs at Woodside level crossing.

Having regard to the wording of policy DP11, officers are satisfied that the applicants, with their work with Network Rail, have an agreed approach towards ensuring the provision of safe crossings across the railway and a suitably worded condition is proposed that will require the provision of the tunnel option by an appropriate trigger point in the development.

### Other Matters

The applicants are proposing to increase the provision of cycle parking at Hassocks train station. A possible plan has been provided and shows that the stands could be provided within the existing highway boundary. The measures will be secured through the S106 Legal Agreement.

It has been recognised that there are local concerns regarding existing vehicle speeds and further measures are proposed to further reinforce the speed limit. These measures include the provision of a gateway feature in to Hassocks, to the north of the proposed junction, and vehicle activated signs of Ockley Lane. These measures will be secured through the S106 Legal Agreement.

One of the requirements of the DP11 is for the development to make a financial contribution towards improving public transport provision, however, the applicant has not proposed a contribution in this instance. On this issue the LHA have stated;

*"In principle, it is considered that there is limited merit in seeking contributions unless these are capable of securing a permanent service improvement; a contribution that provides only a short term improvement would be of limited benefit. Any such contribution should also be agreed directly with the bus operator given that they will operate the service rather than WSCC.*

*On light of the other sustainable transport improvements being offered (the new bridleway in particular), this is considered to offset the non-provision of any passenger transport contribution. The final decision on the non-compliance with this aspect of the site allocation policy is more a matter for the Local Planning Authority".*

Officers agree with LHA that there is little merit in securing short term benefit in public transport links if they cannot be sustained over the long term and in this instance the applicants are proposing significant improvements to the promote alternative modes of transport through the creation of the new bridleway. Nevertheless, the fact that a contribution towards public transport improvements is not proposed does mean that there is a minor conflict with policy on this specific issue and this will need to be considered in the overall planning balance.

A draft residential travel plan has been submitted with the application and while the LHA consider it to be mainly acceptable, there are matters that need to be amended and this can be secured though a suitably worded condition. The LHA have advised that a separate travel plan for the school will be required and this can be secured by a suitably worded condition that is suggested in appendix A. It should be noted that parking arrangements, associated with the proposed school, will be the subject of reserved matters applications and such issues are not for determination as part of this outline application.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by the addendums) considered the Friars Oak development in a cumulative context. Furthermore the applicants have confirmed that the traffic and transport elements of the ES have been specifically reviewed in light of the of the Transport Assessment - Sensitivity Test for Friars Oak (ref ITB11335-107B), and it is confirmed that the conclusions remain valid.

Chapter 11 of the 2018 Environmental Statement concluded the proposed development would have a negligible effect in terms of severance, pedestrian delay, pedestrian amenity, fear/intimidation and accidents and safety during site clearance and construction phase:

The 2018 ES concluded that the once complete and operational the proposed development will have the following effects;

- Severance - negligible
- Driver delay - slight adverse effect
- Pedestrian amenity - negligible
- Pedestrian delay - negligible
- Fear and intimidation - negligible
- Accidents and safety - negligible

Following mitigation the 2018 ES concluded that there will be no significant residual effects.

As set out in the ES Addendum (June 2019) the changes to the traffic model have resulted in some changes to the pattern of traffic flows on the highway network, but the assessment included in the ES addendum has demonstrated that the changes are not significant, and the significance of the effects of the proposed development are unchanged from the 2018 ES. As such the significance of the impacts of the proposed development and conclusions presented in the 2018 ES remain unchanged. It should be noted that the ES addendum (August 2019) does not alter Chapter 11.

Having regard to the mitigation measures that will be secured through the suggested conditions, it is not considered that the development would not result in any significant environmental effects. In forming this conclusion regard has been given to the ES and ES Addendums, submitted with the application, which are considered to contain information, as well as evidence held by the Council and representations.

It is evident from the above assessment, save for provision of a contribution towards public transport improvements that the application therefore complies with policies DP11, DP21 and DP22 of the District Plan and NPPF.

## **Air Quality**

The Stonepound crossroads lies approximately 1.3km south west of the site was designated an Air Quality Management Area (AQMA) with Defra in March 2012 due to the levels of nitrogen dioxide (NO<sub>2</sub>) being above the target. The boundary of the AQMA has been defined on the basis of the areas which are, or are likely to exceed the air quality objectives for nitrogen dioxide and where there is "relevant exposure", that is places where people live close to the road. The Air Quality Management Area at Stonepound Crossroads includes parts of Keymer Road, Brighton Road, London Road and Hurst Road. Eight properties are affected within the Designated Area, 1-6 Overcourt and The Coach House, Keymer Road, and Shouldarry, Brighton Road Hassocks.

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

In locations where particular pollutants are found to be above National Air Quality Objective levels, which are based on expert advice concerning health effects relating to AQ, the local authority must declare an Air Quality Management Area (AQMA) and formulate an Air Quality Action Plan which specifies the steps to be taken to move towards the air quality objectives. The only AQMA in Mid Sussex district is at Stonepound Crossroads. The pollutant of concern is NO<sub>2</sub> which tends to be related to traffic fumes. Exceedances are due to the topography and volume of road traffic.

In relation to air pollution policy DP29 in the District Plan states:

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

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

*The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'*

Policy DP11, which allocates the site for development, states in relation to this issue that development will;

- *identify and respond to issues relating to air quality in relation to the site's proximity to the Stone pound Crossroads Air Quality Management Area (AQMA). The scheme must demonstrate that it will not cause unacceptable levels of air pollution and is consistent with the Stonepound Crossroads Air Quality Action Plan;*
- *Make provision for charging electric vehicles by installing a desiccated electrical socket suitable for charging electric vehicles at each residential unit (either internally such as within a garage, or externally at an allocated parking space) and making parking areas 'charge ready' by making it possible to install a dedicated electric charging device (such as fast chargers) at a later date;'*

Policy DP26 of the DP states that development will not cause significant harm to the amenities of existing nearby residents and future residents of new dwellings, including taking account of impact on noise, air and light pollution.

Para 181 of the NPPF states that *'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as*

*through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'*

An air quality assessment has been submitted to support the ES/application and uses air quality monitoring data from the Council and predicts pollutant levels (using computer modelling) at ten sensitive receptor locations, including properties at Stonepound Crossroads, Keymer Road, Station Road, London Road and Ockley Lane. The modelling looks at air quality in future years, with 2023 (during construction) and the 2027 (post completion of the development) used to consider the impact of the proposals.

The submitted evidence shows that in the modelled future years scenarios the proposed development will result in negligible increases in NO<sub>2</sub> or particulate matter, but concentrations will be well below the relevant objectives for all of the receptor locations. This conclusion is accepted by the Councils Environmental Health Officer.

In relation to the long term operation of the development, the proposed development will put in place a travel plan to minimise traffic generation and encourage sustainable development and will also provide electric charging points for each property to encourage the take up of electric cars. The Sussex Air Quality Partnership has published air quality emissions mitigation guidance for Sussex which provides a procedure for calculating a financial contribution towards pollution mitigation for development, as required by the Council's air quality action plan. The applicants have committed to such a process and given that the development is outline form, your EHO Officer is content that a condition requiring such a mitigation scheme based upon the costs current when the reserved matters application is submitted. Suitable conditions are suggested in Appendix A to cover these matters.

In relation to the implementation of the development, air quality is likely to be affected with a risk of dust during construction. The EHO has recommended that mitigation and monitoring should be required and this can be secured as part of the Construction Management Plan.

Your Environment Protection Officer has not raised an object to the application as proposed.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by addendums) considered the Friars Oak development in a cumulative context.

In relation to cumulative effects, each individual construction site is assessed in relation to air quality as part of the planning decision. If necessary, each site will have to adopt controls to prevent significant transfer of airborne pollutants beyond their site boundaries and monitoring to confirm the effectiveness of these measures. Therefore, cumulative effects would be managed by each of the contractors to avoid the occurrence of significant cumulative effects.

Having regard to the mitigation measures that will be secured through the suggested conditions, it is not considered that the development would not result in any significant environmental effects. In forming this conclusion regard has been given to the ES and ES Addendum, submitted with the application, which are considered to contain information, as well as evidence held by the Council and representations.

Chapter 4 of the 2018 ES concludes that once completed the development would result in a negligible increase in NO<sub>2</sub> at all the receptor locations, although concentrations would be well below the relevant objections. No significant residual effects are predicted. The 2019 ES Addendum does not alter the conclusions of the original ES.

In light of the above the above conclusions it is reasonable to conclude that the proposal will not have a significant impact on air quality.

The proposal is considered to accord with policies DP11, DP26 and DP29 of the Mid Sussex Local Plan and paragraphs 171 and 181 of the NPPF in relation to air quality.

## **Noise & Vibration**

Policy DP29 of the DP states;

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

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

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

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

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

Policy DP26 of the DP states that development will not cause significant harm to residential amenities of existing nearby residents and future residents of new dwellings, including taking account of impact on noise, air and light pollution.

Paragraph 170 of the NPPF states *'Planning policies and decisions should contribute to and enhance the natural and local environment by ... preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of ... noise pollution.'*

Paragraph 180 of the NPPF states, *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should;*

*a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.'*

The application is supported by a noise assessment which ascertains the existing noise levels at the application site and identifies potential sensitive receptors. The noise from construction activities and post-construction noise is assessed. In respect of the later focus is placed upon traffic and school noise. In addition to the above, a railway noise assessment has also been submitted to consider the impact of the adjacent Brighton mainline of the proposed development. The assessments have been considered by your Environmental Health Officer.

The assessment identifies sensitive receptors, likely to be sensitive to changes in noise, as gardens to the north of Mackie avenue, gardens to the north of Elm Tree Close/Chestnut Drive, Woodside Grange and Hawthorn Cottage. The assessment identifies that road traffic and the railway are the two main sources of noise at the application site and at the receptors.

During the construction phase of development, it is likely that noise from construction activities will be noticeable at the sensitive receptors. This is not unexpected as construction, by its very nature, will result in noticeable noise at various stages, to various individuals, throughout the build.

It is therefore sensible to put the onus on the developers to consider proactive measures to minimise complaints, design their timetable with best practicable means in place, meet with residents and have complaint handling systems in place in order to minimise disruption. It is therefore recommended that a Construction Environmental Management Plan (CEMP) is required.

With regard to noise issues post-construction in respect of the proposed new dwellings, the assessment identifies that any potential harm would be low or negligible and the it will be for the submission at the reserved matters stage to demonstrate that the design achieves recommended levels in noise sensitive rooms and external spaces.

In relation to the impact on existing residential properties, the assessment does not identify that the change in noise levels associated with traffic noise would be negligible. It is recognised that the proposed primary school has the potential to generate noise and although the final layout is not known, it assumes that likely school building will be set away from the properties fronting Ockley Lane, resulting in the playing fields being nearer to these properties. It is set out that any change in noise levels would be negligible.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by the addendums) considered the Friars Oak development in a cumulative context. Each of these schemes have been considered acceptable in relation to noise. The development would not result in cumulative noise impacts with these developments, over and above those already considered above. There are no other development, over and above these already consider above. There are no other developments that are considered to result in in in-combination noise impacts.

The Councils Environmental Health Officer has assessed the information and considers that no significant effects would result from the proposal, subject to the conditions outline above. In forming this conclusion, regard has been given to the ES submitted with application, which is considered to contain adequate information, as well as evidence held by the Council and representations.

Chapter 10 of the 2018 ES concluded that that during the construction phase, no significant effects are predicted from noise and that following completion of the proposed development no significant effects are identified. As set out in the ES Addendum (June 2019) the predicted effects of the proposed development in light of the proposed scheme changes and respect of the effects during construction and operation, do not later the conclusion of these of the 2018 ES that remain valid.

In light of the above conclusions it is reasonable to conclude that the proposal will not have a significant impact on amenities of existing and future residents in respect of noise pollution and appropriate conditions, including those relating to construction will ensure this.

The proposal is considered to accord with policies DP26 and DP29 of the Mid Sussex District Plan and paragraphs 170 and 181 in relation to noise.

## **Lighting**

Policy DP26 of the DP states that development will not cause significant harm to residential amenities of existing nearby residents and future residents of new dwellings, including taking account of impact on noise, air and light pollution.



Policy DP29 of the DP states in part;

*'The environment ... will be protected from acceptable levels of light ... pollution by only permitting development where;*

- The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fitting;*
- The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes.*

*The degree of the impact of light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in close to specially designated areas and sites.'*

Paragraph 180 of the NPPF states, inter alia;

*'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should;*

*c) Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'*

The site lies within the built up area of Hassocks and is bordered to the south by artificial lighting sources associated with the existing village. As such, it is considered to have a low to medium darkness. It is recognised that the boundary to South Downs National Park is located in relatively close proximity to the south eastern boundary (135m), which is a designated International Dark Sky reserve and there is a policy that operates within the park. The Dark Skies technical note dated the April 2018 shows that the area within the National Park to east of the site is classified in a 'transitional zone', which falls between dark zones and urban areas. Having regard for to all of this it is not considered that the site is an intrinsically dark landscape.

A street lighting assessment has been submitted with the application that sets out that it is the intention to provide 6m high columns to all adoptable roads throughout the site, spaced to avoid excessive glare. Low level bollard lighting is to be provided to parking areas between houses.

The comments of the South Downs Park Authority are noted with regard to their preferred lighting arrangements, in line with their published technical note, and given that this is an outline application, it is considered that details relating to the final design of lighting scheme, including the nature of the luminance, can be secured via an appropriate planning condition.

Furthermore, it is also noted that the light pollution is also a potential issue during the construction phase. Construction schedule activities should predominately be restricted to daylight hours that would limit the amount of lighting required but it is

nevertheless considered appropriate to secure details of lighting associated to the construction process as part of the Construction Environmental Management Plan condition.

Subject to the above conditions, officers are satisfied that the proposal is acceptable in relation to proposed light pollution in relation to amenity, including residential amenity, and the setting of the South Downs National Park.

The proposal accords with policies DP26 and DP29 of the Mid Sussex District Plan and paragraph 180 of the NPPF in relation to light pollution.

### **Trees and Landscaping**

Policy DP37 of the DP states, in part;

*'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. 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 be permitted.*

*Proposals for new trees, woodland and hedgerows should be of a suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose. Trees, woodland and hedgerows will be protected and enhanced by ensuring development:*

- *Incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme;*
- *Prevents damage to root systems and takes account of expected future growth; and*
- *Where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *Has appropriate protection measures throughout the development process; and*
- *Takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *Does not sever ecological corridors created by these assets...'*

The application has been supported by a tree survey, an arboricultural impact assessment and method statement, all of which have been considered by your Tree and Landscape Officer.

The tree survey identifies 128 individual trees, 23 groups of trees and 9 hedgerows within the application. None of the trees present on site are covered by a Tree Preservation Order (TPO), although several offsite trees along the southern boundary are and TPO's HA/01/TPO/06 and HA/02/TPO/05 refer. These TPO trees are not affected by the proposed development.

In order to facilitate the development only two trees are needed to be removed, T50 and T104, both of which have been categorised as U, due to their poor health, and should be removed in any event. In addition to the two trees, several sections of hedgerow within the site will need to be removed. In addition, in order to facilitate the proposed highways design of the access, a significant section of hedgerow is proposed to be removed on the eastern side of Ockley Lane. None of the hedgerows identified have been classified in the supporting documentation as 'important hedgerows' as defined by the Hedgerows Regulations 1997.

The Tree and Landscape Officer has noted that the submitted documents all of the trees have been identified in accordance with BS 5837 and the root protection areas of each have been calculated and displayed on the plans provided. Protection measures for retained trees have been detailed within the submitted documentation and your Tree and Landscape Officer has not raised an objection to the application. Further consideration will need to be given to the detailed landscape/planting plan, through the assessment of the reserved matters application(s).

The application therefore accords with policy DP37 of the Mid Sussex Local Plan.

## **Water Environment**

Policy DP41 of the District Plan states:

*'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.*

*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.*

*Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.*

*For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.*

*SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.*

*The preferred hierarchy of managing surface water drainage from any development is:*

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

*Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'*

Policy DP42 of the District Plan states:

*'New development proposals must be in accordance with the objectives of the Water Framework Directive, and accord with the findings of the Gatwick Sub Region Water Cycle Study with respect to water quality, water supply and wastewater treatment and consequently the optional requirement under Building Regulations - Part G applies to all new residential development in the district. Development must meet the following water consumption standards:*

- Residential units should meet a water consumption standard of 110 litres per person per day (including external water use);*
- Non-residential buildings should meet the equivalent of a 'Good' standard, as a minimum, with regard to the BREEAM water consumption targets for the development type.*

*Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;*

- that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and*
- that there is adequate water supply to serve the development.*

*Planning conditions will be used to secure necessary infrastructure provision. Development should connect to a public sewage treatment works. If this is not feasible, proposals should be supported by sufficient information to understand the potential implications for the water environment.*

*The development or expansion of water supply or sewerage/sewage treatment facilities will normally be permitted, either where needed to serve existing or proposed new development, or in the interests of long term water supply and waste water management, provided that the need for such facilities outweighs any adverse land use or environmental impacts and that any such adverse impact is minimised.'*

Site specific policy DP11 states, inter alia, that the development of the site will *'provide surface water drainage, based on sustainable drainage principles in accordance with DP41: Flood Risk and Drainage.'*

Policy 4 of the emerging NP deals with managing surface water and sets out that development should seek to reduce existing run-off and incorporate sustainable drainage techniques.

The applicant has provided various documents in support of their scheme in relation to this issue including a Flood Risk Assessment (FRA) and a chapter within the ES.

### Flood Risk

The site is located within flood zone 1 and is deemed to be a low fluvial flood risk. The submitted information highlights two watercourses, one to the western boundary and one through the centre of site, while a third that crosses the north east corner has not been detailed. The FRA has looked at possible flood sources including water courses, surface water, ground water and sewer and drains.

The information has been considered by the Council's Drainage Officer who has stated the following;

*'The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.'*

The Local Lead Flood Authority (WSCC) has also not raised an objection to the proposal and their full comments can be found in Appendix B of this report.

### Drainage

At this outline planning stage, information has been submitted to demonstrate the site can adequately drained to enable the principle of development to be accepted. The submitted approach involves a storm water storage system that will discharge at a single point to the watercourse along the north-west boundary of the site at the greenfield run off rate.

The Council's Drainage Officer has made the following comments, inter alia;

*'The submitted approach is to have a method of a large attenuation system at the low spot of the site. The submitted plans show the proposed drainage system does appear to meet with some of the aims set by good SuDS design, such as run-off quantity and some biodiversity. However, I am not sure that the suggested proposal, as it stands, delivers much in terms of amenity. The proposed main attenuation pond is set on the edge of the development instead of being more integral to the design, which we would consider a missed opportunity. At present, it is difficult to fully assess the SuDS value as there is no clear detail regarding how the various catchments will manage surface water at source and then transfer surface water across the site. The use of swales is suggested, but this is only for the interception and control of overland surface water flows, and not for the main system serving the site ...*

*It is proposed for a single point of discharge to the watercourse along the north-west boundary of the site. 105.5 ls-1 could be a significant amount of energy being released at a single point. We would therefore expect to see means of dissipating some of this energy - possibly through multiple points of discharge, works to the watercourse to make it more resilient, or the use of swales etc. to spread the flow prior to final discharge.'*

In order to support any reserved matter submission, the Drainage Officer has highlighted a number of matters that will require more detailed information to be submitted and the applicants' attention will be drawn to these via a suitable informative. This is in addition to a condition relating the detailed design of the final drainage scheme.

In respect of foul drainage, the development will look towards the requisition of a new foul water sewer to serve the proposed development. Southern Water indicate that 'network reinforcement' is required and it is stated that any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the developer will need to work together in order to review if the delivery their network reinforcement aligns with the proposed occupation of the development. Southern Water therefore requests a condition on occupation to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available.

To summarise, no objections have been raised by Southern Water subject to their requirements being secured by appropriate conditions.

### Water Quality

Regarding water quality and the impact of the development on existing water infrastructure, the Council's Drainage team has assessed the ES and the FRA.

No objections are raised on this issue and it is stated that at this outline planning application stage the applicant has provided sufficient information and details to satisfy the Flood Risk & Drainage Team that the development can be achieved. Given that the watercourses that run through or adjacent to the site, there is always the potential for some water pollution as part of the normal construction process, in order to mitigate against this the Council will expect appropriate mitigation to be included within the CEMP, that will be secured via a condition suggested in Appendix A.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by the addendums)

considered the Friars Oak development in a cumulative context. Each of these schemes has been considered acceptable in relation to flood risk and drainage matters. The development would not result in cumulative flood risk and drainage impacts with these developments, over and above those already considered above. There are no other developments that are considered to result in in-combination flood risk and drainage impacts.

In forming this conclusion, regard has been given to the Environmental Statement submitted with the application, which is considered to contain adequate information, as well as evidence held by the Council and representations, including those consultees referenced above who have not raised any objections to the scheme.

Chapter 12 of the 2018 ES concludes that the construction period the potential impacts on water quality (without mitigation) range from slight to moderate adverse. These effects are considered to be temporary, reversible with time and not significant. In relation to flood risk, the implications for receiving water bodies (without mitigation) is considered to be slight adverse and not significant, while unmitigated effects on residents and properties is assessed as moderate adverse and significant. Following mitigation, the residual effects of the proposal conclude that there will be no significant effects on the water environment.

The ES Addendum (June 2019) the predicted effects of the proposed development in light of the proposed scheme changes will not result in flood risk implications and the conclusions of the original ES remain unaltered.

In light of the above conclusions, and with the securing of appropriate mitigation that includes a CEMP and the details of the final drainage scheme (that follows SuDS principles) and its future management, through appropriate worded conditions, it is reasonable to conclude that the proposal will not have a significant impact on the water environment in respect of either water quality or flood risks.

Having regard to the above the development accords with policies DP11, DP41 and DP42 of the Mid Sussex Local Plan, policy 4 of the emerging Hassocks Neighbourhood Plan and the NPPF

### **Natural Heritage (Ecology and Biodiversity)**

Policy DP11 states that development on this site will, inter alia;

*'identify and respond to environmental and ecological constraints and deliver opportunities to enhance green infrastructure and local biodiversity.'*

Policy DP38 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.'*

NPPF states in part at paragraph 170 that, inter alia:

*'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; ...*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; ... '*



Paragraph 175 is also relevant to the determination of planning applications with this stating, inter alia, that:

*'When determining planning applications, local planning authorities should apply the following principles:*

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

In support of the application, the applicant has submitted various ecological surveys that form the basis of the consideration for the relevant chapter within the ES and ES Addendum.

These submissions have been subject to consultation with the Council's Ecological Advisor and the Natural England.

### Habitats

The majority of the site has been identified as neutral semi-improved grassland and while the grassland habitat has a good range of species, they are frequently cut for hay, therefore reducing the wildlife value. Furthermore, it is identified that the habitat is widespread and common and therefore considered to be of site level importance. There are two arable fields on the western part of the site. These are monocultures and are considered to be common and widespread and of negligible ecological value.

A small spring is located on the site, which feeds a shallow that runs northwards along the central hedgerow. This wet habitat, which provides a wildlife corridor and feeds into other watercourses in the surrounding area, is considered to be of local importance.

The submitted information identifies that fourteen hedgerows have been assessed to determine whether any are 'important' or 'species rich' under the Hedgerow

Regulations (1997). Four of the hedgerows are classed as species rich, with a further one classed as important. The hedgerows are considered to be of local importance.

### Protected Species

#### *Badgers*

No badger sett has been recorded on the site or within 30m of the boundary of the main area of the application site. No other evidence of badgers was found on the site. Badgers are considered to be of low nature conservation value and were not considered further.

#### *Great Crested Newts*

In relation to Great Crested Newts, while no ponds are on the site, the submitted evidence identified seven ponds and springs within 500m of the application boundary. While two of the ponds could not be assessed (as on private land), only one pond, to the south of Oak Tree Drive was positive for Great Crested Newts. Having regard to the distance and the intervening land uses between the pond and the application site it is not considered realistic for movement between the two and were not considered further.

#### *Bats*

Although no bat roosts were identified at the time of the survey, there are a number of mature trees along the application site boundaries with features that could support roosting bats. The on-site habitat provides potential foraging opportunities for bats and provides connectivity to the wider area. The bat activity surveys show that the site is used by several different species of bat. The majority of calls were from common species and the low suitability of most of the on-site habitats means that bat foraging is classified as of site level importance.

#### *Reptiles*

With respect to reptiles the survey recorded a total of four adult slow worms, one common lizard and one adult grass snake. The reptiles were found along the western, northern and southern boundaries of the site. While the records indicate that the site supports a 'low population', as the site supports three species it is considered to be a key reptile site and of interest at a local level.

#### *Dormice*

Survey work has only identified one adult dormouse on the site, found in a nest tube on the western boundary of the site, although evidence of a food cache at a later visit was also found. Given the connectivity of the linear hedgerow/woodland features it must be assumed that dormice are present in all suitable habitats on site. Dormice are considered to be of local importance.

## Birds

Yellowhammers and skylarks were observed on the site during the ecological appraisal visit in 2017, with linnets observed in hedgerows during visits in 2016. All three are Red List species, meaning that they are of high conservation concern. Birds are therefore considered to be of local importance.

It should be noted that representations have highlighted that nightingales have been seen on the site.

The Council's ecology advisor has not raised an objection to the proposals and made the following comment;

*'In my opinion, then, subject to the following conditions a reserved matters application should be capable of avoiding, adequately mitigating or, as a last resort, compensating for significant impacts on biodiversity conservation and as such would be compatible with district plan and NPPF biodiversity policies.'*

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by the addendums) considered the Friars Oak development in a cumulative context. Each of these schemes has been considered acceptable in relation to natural heritage matters. The development would not result in cumulative natural heritage impacts with these developments, over and above those already considered above. There are no other developments that are considered to result in in-combination natural heritage.

In forming this conclusion, regard has been given to the Environmental Statement submitted with the application, which is considered to contain adequate information, as well as evidence held by the Council and representations.

Chapter 9 of the 2018 ES concludes that during the construction period the potential effects on habitats within the site would be slight adverse, which is not significant. In respect of protected species, there would be a slight adverse effect, which is not significant in the context of ES. In relation to post-construction effects on badgers and birds it is considered to be negligible, while it concludes that there will be a slight adverse effect on dormice, which is not significant. Bat activity on the application site was limited to the hedgerows and trees. Bat species are nocturnal and light sensitive, and increase in light levels around these features could impact on how bats use the application site.

Although the assessment demonstrates that no significant effects are predicted on the natural heritage during the construction phase, it is important to note that the presence of some of the fauna species means various legislative obligations apply. The presence of dormice in the woodland edge on the west of the site and connectivity of the hedgerows and woodland on the site means that a protected

species licence will need to be obtained from Natural England prior to commencing construction works. In line with good practice a CEMP will be used to minimise the effects of construction activities. An ecological enhancement plan and a landscape management plan will be secured through appropriately worded conditions as suggested in appendix A.

No significant effects were concluded pre-mitigation and the mitigation / enhancement measures proposed does not alter this finding. Although the enhancement measures set out above will offer a slight positive effect to a number of key species, these benefits will not be significant in an EIA context.

The ES Addendum (June 2019) the predicted effects of the proposed development in light of the proposed scheme changes will not result in natural heritage additional implications, over and above those already considered and the conclusions of the original ES remain unaltered.

Having regard to the above the development accords with policies DP11 and DP38 of the Mid Sussex Local Plan and the NPPF

### **Ashdown Forest**

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

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

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

#### Recreational disturbance

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

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

(SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

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

### Atmospheric pollution

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

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

### Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the types of development identified which includes this proposed development.

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

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

Having regard to the above, it is considered to accord with policy DP17 of the Mid Sussex District Plan and would not conflict with the Conservation of Habitats and Species Regulations 2017 (as amended).

### **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

Site specific policy DP11 sets, inter alia, that the development will make provision for the following infrastructure;

- *'A new primary school*
- *Gypsy and Traveller provision*
- *A financial contribution to secure improved public transport provision to Hassocks and Burgess Hill*
- *Provision for northern buffer to be transferred to the Parish Council.*
- *Provision of electric charging points*
- *Enhance cycle route to Burgess Hill*
- *Provision of formal play facilities and informal open space on the site*
- *Financial contribution to improve the existing open space to the south of the site*
- *Affordable housing*
- *Infrastructure as required in IDP and identified in technical assessments'*

Policy DP23 of the District Plan states:

*'The Council will encourage the incorporation of digital infrastructure including fibre to premises, in major new housing, employment and retail development.'*

The policy goes on to state, *'The expansion of the electronic communication network to the towns and rural areas of the District will be supported.'*

When considering proposals for new telecommunication equipment the following criteria will be taken into account:

- *The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area. On buildings, apparatus and associated structures should be located and designed in order to seek to minimise impact to the external appearance of the host building;*
- *New telecommunication equipment should not have an unacceptable effect on sensitive areas, including areas of ecological interest, areas of landscape importance, Areas of Outstanding Natural Beauty, the South Downs National Park, archaeological sites, conservation areas or buildings of architectural or historic interest and should be sensitively designed and sited to avoid damage to the local landscape character;*
- *Preference will be for use to be made of existing sites rather than the provision of new sites.*

*When considering applications for telecommunications development, regard will be given to the operational requirements of telecommunications networks and the technical limitations of the technology.'*

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

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

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

and:

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

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

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

Having regard to the above policies, the impacts of the proposed development and the consultation responses received, the following matters is proposed to be secured via a S106 Legal Agreement;

#### West Sussex County Council Provisions

- Transfer of land for a 2FE Primary School, to include early years and SEND places
- Financial contribution towards cost of providing the school (The proposed development generates the need for 0.5FE school)
- Financial contribution towards increasing capacity at Downsland Community School
- Financial contribution towards development of services as Hassocks Library
- A contribution of £7,300 to enable the investigation and reduction of the existing derestricted speed limit on Ockley Lane, if deemed compliant with current policy
- A scheme of improvements at Keymer Road/Folders Lane mini-roundabout
- Contribution to WSCC proposed works at New Road/Lodge Lane crossroads
- Delivery of a continuous bridleway northwards to Burgess Hill, incorporating those works within DM/18/4980, and the details shown on drawings numbered ITB11335-GA-021, ITB11335-GA-022, ITB11335-GA-023, ITB11335-GA-024 and ITB11335-GA-025
- Public rights of way improvements as shown on drawing numbered ITB11335-GA-014 to footpath 11k, to include conversion to a bridleway (subject to land owner's permission)

- Walking improvements along routes from the development into Hassocks as identified in Pedestrian and Cycle Audit as shown on drawings numbered ITB11335-GA-033 and ITB11335-GA-054
- Additional cycle parking in the vicinity of Hassocks Railway Station as shown on drawing numbered ITB11335-GA-049 or a contribution in lieu of the cost of the works to provide cycle parking or other such cycle improvements in the vicinity of the development
- Provision or contribution towards two vehicle activated signs on Ockley Lane at locations to be agreed to reinforce the existing 30mph speed limit

#### Mid Sussex District Council Provisions

- 30% affordable housing to include a tenure split of 25% shared ownership and 75% rented in accordance with policy DP31 of the DP
- Formal sport; A financial contribution calculated in accordance with the Development and Infrastructure SPD towards additional junior football pitch provision in Hassocks Parish.
- Community building; Transfer of 0.1ha of land for a community building and a financial contribution calculated in accordance with the Development and Infrastructure SPD towards construction of the facility.
- Gypsy and Traveller Accommodation: a contribution is required for the provision of offsite permanent pitches for settled Gypsy and Traveller Accommodation to accord with policy DP11 of the DP. A Gypsy and Traveller contribution is required in this case given; site is not is not large enough to successfully accommodate the pitches, alongside 500 homes, a new school and the associated open space. This conclusion was reached on the basis of the detailed assessment site constraints, which include the railway line, flood plain, existing houses and single vehicle access point. Furthermore, the need to provide appropriate buffer areas in order to mitigate the impact on the setting of adjacent heritage assets, which is also a requirement of the site allocation (DP11 refers). Such buffers are required to ensure that any development accords with the legal obligations of Section 66 of the Listed Building and Conservation Area Act 1990. A sum of £750,000 is to be secured.
- Healthcare contribution of £326,289. This is a pro rata contribution based on the total number of units on a pro rate basis towards healthcare capital infrastructure improvements for Hassocks.
- Sussex Police have requested the sum of £86,175 towards specified policing infrastructure.

The Legal Agreement will include a covenant, by the owner, that they will make a financial contribution towards improvements to the open space to the south by means of a payment direct to the owners of that open space. While the contribution is a policy requirement of DP11, it is not considered that it does not meet all the



required legal tests, in particular criterion a) of paragraph 56 of the NPPF as set out at the top of this section, for it to be secured within an S106 Legal Agreement. While the applicant is willing to make a contribution, given the position as set out, members are advised not to give this contribution any weight in the planning balancing exercise undertaken in the determination of the application.

It should be noted that having regard to the provision of works that the development will be delivered by the development, or part funded by it, that it is not considered appropriate that a separate contribution towards Local Community Infrastructure is appropriate.

In relation to the digital infrastructure, as required by policy DP23 of DP, full details of how this will be provided will be secured via condition and a suitable wording is set out in Appendix A.

The concerns raised in the third party representations about the effects of the development on local infrastructure are acknowledged. It is accepted that the additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

Subject to the signing of S106 Legal Agreement, the proposal would accord with policies DP11, DP20 and DP23 of the Mid Sussex District Plan, the SPDs, Regulation 122, and guidance in the NPPF

## **Minerals**

Policy M9 of the West Sussex Joint Minerals Local Plan states:

*"Soft sand (including potential silica sand), sharp sand and gravel, brick-making clay, building stone resources and chalk reserves are safeguarded against sterilisation. Proposals for non-mineral development within the Minerals Safeguarded Areas (as shown on maps in Appendix E) will not be permitted unless:*

- (i) Mineral sterilisation will not occur; or*
- (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or*
- (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible."*

The site includes areas identified as both brick clay and building stone Mineral Safeguarding Areas.

The application has been considered by the WSCC as the Minerals and Waste Planning Authority, where they have stated;

*'Sterilisation of the mineral resource will occur as a result of the change of use of the land. This is evident as the proposed development would occupy an undeveloped site outside of any built up area boundary that resides within the Weald (Brick) Clay Resource Mineral Safeguarding Area.*

*While the applicant has not confirmed whether the extraction of the mineral is appropriate, environmentally feasible, or practicable; the proposed development area is allocated as a strategic site designated for non-mineral development as identified within the Mid Sussex District Plan (2014-2031), Policy DP11.*

*Therefore, in accordance with Policy M9 (iii), it will be for the determining authority to establish whether there is an 'overriding' need for the development, sufficient to outweigh safeguarding of the mineral. On balance, provided a need for housing in this location can be adequately demonstrated, in this case the County Planning Authority would offer no objection to the proposals.'*

It is acknowledged that the redevelopment of this site would result in the sterilisation of both brick clay and building stone on the site itself. However, the site occupies only a very small proportion of the Minerals Safeguarding Area and it is not considered appropriate and practicable to extract the mineral prior to the development taking place, having regards to Policies DP4 and DP11 of the District Plan. Furthermore, the overriding need for the development given the need for housing during the plan period and the ability to demonstrate appropriate provision of brick clay and sandstone, is considered to outweigh the safeguarding of the mineral. As such, the proposal is considered to be in accordance with Policy M9 of the West Sussex Joint Minerals Local Plan.

### **Contaminated Land**

Paragraph 170 of the NPPF states, inter alia, that decisions should,

*'contribute to and enhance the natural and local environment by...*

*d) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*

*e) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'*

Paragraph 178 of the NPPF states that decisions should,

*'ensure that:*

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

In support of the application, a desk study and preliminary site investigation has been submitted and considered by your Contaminated Land Officer who has stated;

*'The preliminary site investigation has not identified any levels of contamination on site that would present a risk to human health.*

*However, given the limited scope of the investigation, the size of the proposals and the sensitivity of the proposed uses, they have recommended that further testing be undertaken before construction take place in order to help identify any potential hot spots.*

*Given that the possibility of hot spots will never be ruled out completely by a ground investigation, it is also recommended that a discovery strategy should also be attached, so that in the event that contamination not already identified prior to construction, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.'*

In raising no objection, your officers raises a number of points that can addressed through appropriately worded conditions. Such conditions are set out in appendix A to this report that secures the additional information to address the matters raised.

Having regard to the above, with the securing of the suggested conditions, it is not considered that the proposed development would give rise to contaminated land issues and thus accords with the relevant paragraphs of the NPPF in this regard.

## **Sustainability**

Policy DP39 of the District Plan states:

*'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:*

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*

- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

Site specific policy DP11 states, inter alia;

*'development in this location will: ...*

- *Make provision for charging electric vehicles by installing a dedicated electrical socket suitable for charging electric vehicles at each residential unit (either internally such as within a garaged, or externally at an allocated parking space) and making parking areas 'charger ready' by making it possible to install a dedicated electric vehicle charging device (such as fast charges) at a later date;*
- *Wherever viable incorporate on-site 'community energy systems' , such as combined heat and power, ground-source heat pumps or other appropriate low carbon technologies, to meet energy needs and create a sustainable development. The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measures to demonstrate high levels of sustainability.'*

Policy 5 of the emerging NP requires all new residential development to demonstrate that a net maximum heat energy requirement (the objective standard set out in the policy is similar to that of a Passivhaus). Furthermore, the policy supports proposals that make provision for charging electric vehicles. Policy 16 of the NP seeks to maximise opportunities to facilitate and provide increased use of non-carbon fuelled vehicles.

Paragraph 150 of the NPPF seeks to ensure new development helps, *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* Paragraphs 153 expects new development to, *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The application is supported by an energy statement that considers the various options available to the development to reduce its carbon emissions. The statement sets out that the development will adopt a 'fabric first' approach to reducing emissions by including the following measures;

- Energy efficient building fabric and insulation to all heat loss floors, walls and roofs
- Use of high-efficiency double glazed windows throughout properties
- New dwellings will achieve good air tightness results to limit loss

- New dwellings will incorporate efficient building services including high-efficiency heating systems
- Low-energy lighting throughout the building

The applicants' submissions state;

*'These combined measures will be sufficient to exceed the target reduction in CO2 emissions for the scheme, therefore avoiding the need to incorporate any renewable or low carbon energy technologies.'*

It should be noted that the energy statement sets out that Solar Thermal, Solar PV and Aerothermal (air source heat pumps) are feasible for the development, while wind, geothermal (ground source heat pumps) and biomass are not considered to be feasible for a development of this size in this location.

In relation to electric vehicle charging, then the applicant submissions, including the Travel Plan, take into account the need to provide such facilities, and while it will be for any future reserved matter to address, it is considered that a suitably worded condition can secure the details as part of any future submissions.

Subject to appropriate conditions to secure relevant details at reserved matters stage, the proposal would not result in significant environmental effects in relation to sustainability and is considered to be in accordance with Policies DP11 and DP39 of the Mid Sussex District Plan and paragraphs 150 and 153 of the NPPF.

### **Community and Social effects**

Chapter 7 of the 2018 ES considers the potential post construction community and social effects of the proposed development. It identifies (in summary) the effects as follows;

- In terms of the population of the ward of Hassocks, including its demographic, it is considered a small to medium change is predicted, which will result in a slight to moderate significant effect.
- While the increase in housing associated with the development is not considered to be significant, it would give rise to a moderate significant beneficial effect in terms of affordable housing provision in the village.
- Businesses in the local centre are considered to be of medium sensitivity to the small change in population predicted. This is concludes as resulting in a slight beneficial effect, which is not significant.
- Infant and junior school provision is considered to be of high sensitivity to population change, whilst secondary school provision is of low to medium sensitivity. The proposed development will provide land for a 2-form entry primary school which will be a large increase in available primary school places in the village, which will be a very substantial, significant beneficial effect.

- Secondary school aged children from the development will be able to be accommodated by the planned increase in places available at Downlands Community School. However, this would not leave any space capacity at the school and so a moderate, significant adverse effect on secondary school provision was concluded.
- In relation to health provision, doctors' services in the area are considered to be high sensitivity to population changes. The additional population generated by the proposed development will result in a moderate, significant adverse effect on doctor provision.
- The proposed development includes public open space, play areas and a community hub, therefore only a small increase in demand for off-site community facilities is predicted. Given the medium to high sensitivity of community facilities, this will be a slight to moderate, significant adverse effect.
- The proposed development will retain the existing footpath through the site (considered to be of low sensitivity), whilst providing land for a bridleway link to Burgess Hill and a working with Network Rail to provide an improvement of the rail crossing. This will result in a slight beneficial effect, which is not significant.

In concluding on the matters it is stated;

*'It is anticipated that financial contributions will be made via a legal agreement attached to the planning consent to community facilities and services, including secondary schools, healthcare, formal recreation provision and libraries. This will ensure that there will be no significant adverse effects on these facilities and services as a result of the proposed development. Implementation of the mitigation will be monitored through the council's existing planning obligations monitoring system.'*

The ES Addendums (June 2019 and August 2019) considered that the conclusions in chapter 7 of the 2018 ES remain unchanged.

Officers agree with the conclusions of the ES on these matters.

## **Planning Balance and Conclusion**

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

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

In terms of the principle, the site is located within the built-up area as defined by the Mid Sussex District Plan, with the boundary being formally extended upon the adoption of the District Plan in March 2018. As such the principle of the development is acceptable under the provisions of Policy DP6 of the Mid Sussex District Plan which states that development will be permitted within towns and villages with defined built-up area boundaries.

In this case the site is one of the strategic allocations in the District Plan. Policy DP11 is the relevant Policy in the District Plan which allocates the site. This supports in principle a strategic mixed-use development and accordingly allocates the land to the north of Clayton Mills, subject to meeting a number of criteria.

As highlighted within this report, the proposal will have a number of benefits that need to be taken into consideration.

The proposal will provide up to 500 new homes. 30 per cent of these will be affordable which equates to 150 dwellings. The proposal will also provide a financial contribution to provide 5 permanent gypsy and traveller pitches on an alternative site.

The proposal will make provision for the site of a new primary school which will include Special Educational Needs and Disability and Early Years provision, along with a financial contribution towards its construction. A financial contribution to additional secondary and sixth form provision in the district is also being provided.

The proposal provides a site for a community building and a contribution towards its construction. In addition, the scheme will provide for a number of open spaces in addition to two equipped areas of play. Provision for a community building on site, along with a contribution towards its construction is also proposed.

Public right of way improvements are proposed between the site and Hassocks, along with a new bridleway to provide an entirely off-road link Burgess Hill (with existing routes then providing onward links to the railway station and town centre).

A number of off-site highways infrastructure improvement works are proposed that will include junction improvements, a new bus stop, traffic calming/improvement schemes, pedestrian and cycle access improvements and provision and provision of additional cycle parking at Hassocks train station.

The proposals provide for a greenspace buffer to the northern boundary of the site, in accordance with policy DP11, which is secured through the parameter plan. This will provide a strong defensible boundary to site and protect against the coalescence and retain the separate identifies of Hassocks and Burgess Hill.

The applicants have committed to part funding the improvements to the Woodside Level Crossing with the provision of a pedestrian tunnel to replace the existing stepped arrangement. The Council are currently considering, separately, a submission from Network Rail for the tunnel.

In terms of measures to improve levels of sustainability, the submissions indicate that the 'fabric first' approach will be adopted to reducing emissions and the provision of electric vehicle charging points form part of the proposed travel plan measures. Conditions are proposed to secure the travel plan and the submission of other associated details through the reserved matters submission.

The committee report for this proposed development has, however, identified a number of adverse effects that need to be taken into consideration and weighed against the benefits.

As identified within the heritage assessment of the report, the proposal will cause less than substantial harm to nearby heritage assets (both designated and non-designated) and great weight needs to be given to this. The test set out at paragraph 196 of the NPPF is that this harm (less than substantial) should be weighed against the public benefits of the development. In this particular case there are clear, substantial, demonstrable and compelling public benefits outlined in this report which are considered to outweigh the less than substantial harm to the settings of the heritage assets identified. Historic England has not raised an objection to the application on heritage grounds.

It is inevitable that the proposal will have adverse landscape effects during the demolition and construction phase. These will, however, be temporary in nature and mitigated for as best as possible through the use of conditions. In time, the establishment of the landscape mitigation, will reduce the perception of the proposed development and allow it to assimilate into the wider landscape.

The proposal will result in some harm to the residential amenities of neighbouring residents, which is inevitable with a development of this size and nature, in a location such as this. The illustrative master plan identifies green space buffers between new and existing properties, which will be secured through the parameter plans, which will ensure that acceptable separation can be maintained. It is not considered that these impacts are likely to give rise to significant harm, particularly as careful consideration can be given to proposed relationships through the reserved matters process.

The loss of access to a potential mineral resource can be classed as an adverse effect. However, it is considered that these particular adverse effects should only be given limited weight given that the site is allocated for development. WSCC, as the planning authority in relation to minerals, has not raised an objection to the application.

The proposal has the potential to impact upon the Air Quality Management Area at Stonepound Crossroads, as well as air quality in general. The submissions show that there will be a negligible increase in the NO<sub>2</sub> of particulate matter, but concentrations will be below the relevant objectives at all receptor locations. Having regard to mitigation measures that will be secured, it is not considered that there will be any significant effects and your Environmental Protection Officer has not raised an objection to the application.



To implement the proposal only two trees are required to be removed, while sections of hedgerows will be removed both within the site and along Ockley Lane to facilitate the development and its associated access. None of the hedgerows have been identified as important and appropriate landscaping can be secured to mitigate the impacts. In terms of general biodiversity matters, there will be some impact on protected species, however, appropriate mitigation can be secured and no objection has been raised by either the Council's ecology consultant or Natural England.

The proposal has been found to be acceptable in regard to a number of other planning issues where there will be a neutral impact such as highway safety, the effects on statutorily protected land including the South Downs National Park where views of the site would be seen in the context of Hassocks, water resources and the Ashdown Forest.

In terms of benefits, the Environmental Statement references the provision of affordable housing and the increase in provision of primary school places in Hassocks, while working towards satisfying policy DP11 of the DP which is an integral part of the delivery of the overall housing numbers for the District Plan.

The residual effects, as set out in the Environmental Statement, arising from the proposed development are those effects that remain following the implementation of identified mitigation measures. It is recognised that the proposed development will lead to a small number of changes in the local environment, both adverse and beneficial, that are a consequence of a development of this nature, in this location, that would have been envisaged when the site was allocated for development as such changes would be unavoidable in relation to the altered setting and change of use of the site.

Whilst it is acknowledged that some significant adverse effects will be experienced during the site preparation and construction phase, these impacts will be temporary in nature and controlled by on-site best practice measures in line with a Construction and Environmental Management Plan (CEMP).

Mitigation measures, as outlined within the Environmental Statement, have been secured through the conditions as set out in Appendix A and through the legal agreement where appropriate. With such measures secured, the conclusions of the Environmental Statement are considered by Officers to be reasonable and accurate.

Officers consider that the benefits of this development, as highlighted within this report, significantly outweigh the adverse impacts that will in any event be mitigated for as far as possible.

The proposal would provide significant economic benefits from the provision of construction jobs and an increased population likely to spend in the community. The development would also generate a New Homes Bonus. As such it is felt that the economic objective of sustainable development as defined in the NPPF would be met by the scheme.

The provision of up to 500 dwellings on this sustainable site will make an important contribution to the district's housing supply. The development will also provide key

infrastructure that will benefit future residents and existing residents of Hassocks. It is therefore considered that the development meets the social and environmental objectives of sustainable development as defined in the NPPF.

In light of this the application is considered to constitute sustainable development and complies with the Mid Sussex District Plan when read as a whole. The application is therefore in accordance with the Development Plan, and there are no other material planning considerations that reasonably indicate an alternative conclusion should be reached.

The application is in accordance with the site wide allocation Policy DP11 with the exception of the provision of a contribution towards public transport improvements. Given other sustainable transport improvements being offered, particularly a new bridleway link to Burgess Hill, it is considered that the lack of provision on this matter is acceptable in planning terms in this instance.

The application also complies with Policies DP4, DP6, DP11, DP12, DP13, DP17, DP18, DP20, DP21, DP22, DP23, DP24, DP25, DP26, DP27, DP28, DP29, DP30, DP31, DP33, DP34, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, the NPPF, the Listed Building and Conservation Area (LBCA) Act 1990 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The application is therefore recommended for approval, subject to the conditions listed in Appendix A and to the completion of a satisfactory S106 Legal Agreement.

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#### **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

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

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

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

3. The submission of the reserved matters shall be broadly in accordance with the following parameter plans;

Land use parameter plan, 1209.04B  
Scale parameter plan, 1209.05B  
Access parameter plan, 1209.06B

Reason: For the avoidance of doubt and in the interests of proper planning and to accord with policies DP11, DP21, DP26, DP37 and DP38 DP37 of the District Plan 2014 - 2031.

4. Prior to or in parallel with the submission of the first reserved matters application(s) a site-wide phasing plan shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with this plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail and to accord with Policies DP11 and DP26 of the District Plan 2014-2031.

5. No development shall take place until the applicant, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: To protect the archaeological interest of the site and to accord with Policy DP34 of the Mid Sussex District Plan 2014 -2031 and the NPPF.

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

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

Reason: In the interests of highway safety and the amenities of the area and to accord with policies DP11, DP21 and DP26 of Mid Sussex District Plan 2014 - 2031.

7. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall address control of noise and vibration from construction work, including the compacting of ground (in line with section 7.2 of the submitted Environmental Statement Technical appendix G: Noise, Dec 2018); dust control measures (in line with section 7.4 of the submitted Environmental Statement Technical appendix B; Air Quality, Dec 2018); policy for burning on site, and site contact details in case of complaints. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of nearby occupiers and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: To ensure that the proposal is satisfactorily drained and to accord with policy DP41 of the Mid Sussex District Plan 2014 - 2031 and the NPPF.

9. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

10. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls, roofs and fenestration of the proposed building(s) have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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 DP11 and DP26 of the Mid Sussex District Plan 2014 - 2031.

11. Construction shall not commence until there has been submitted to and approved in writing by the Local Planning Authority:

a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice;

and, unless otherwise agreed in writing by the local planning authority,

b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 170 of the National Planning Policy Framework.

12. Prior to the commencement of construction of any dwelling or building, including the construction of foundations, a detail Landscape Management Plan (LMP) shall be

submitted to and approved in writing with the Local Planning Authority. The LMP shall include all areas (excluding private residential gardens) of open space and buffer areas and the development shall only be implemented and managed thereafter, with the approved details.

Reason: To protect the character and amenity of the area and to accord with policies DP11 and DP26 of the District Plan 2014 - 2031.

13. The reserved matters application(s) shall be supported by an updated ecological impact assessment covering the detailed planning proposals, including lighting proposals and supported by updated ecological survey information where necessary to accord with good practice and a full construction environmental management plan (CEMP) setting out protection and mitigation measures and habitat enhancement and management proposals, which may be integrated with landscape planting and management proposals.

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

14. A Sustainability Statement shall be submitted in support of any reserved matter application(s) setting out the measures that will be included within the development to support sustainable design and construction. The development shall only be implemented in accordance with the approved details.

Reason: In the interest of sustainability and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.

15. The reserved matters application(s) shall be supported by an updated heritage assessment having regard to the specific design mitigation measures proposed within the detailed planning proposals, including the provision of a buffer to the eastern part of the site and appropriate landscape planting to mitigate the effects of the development on the setting of the nearby heritage assets. The development will only be implemented in accordance with the approved mitigation measures.

Reason: To mitigate the impact of the proposals on the setting of nearby heritage assets and to accord with Policy DP34 of the Mid Sussex District Plan and NPPF.

16. The applicant shall submit an emissions mitigation calculation, in accordance with the Air Quality & Emissions Mitigation Guidance for Sussex which is current at the time of the reserved matters application, the purpose of which is to assess the emissions relating to the development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment.

The emissions mitigation assessment must use the most up to date emission factors. A Mitigation Scheme, based upon the preferred measures set out in table 7.6 in Technical appendix B of the 2018 Environmental Statement, to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

Reason: To ensure air quality and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

17. Construction on any dwelling hereby approved work shall not begin until a detailed Acoustic Design Statement (as per ProPG guidance) and a scheme for protecting the residential units from external road and rail noise have been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB L<sub>Amax</sub> when measured in bedrooms internally between 23:00 and 07:00 hours, post construction. The applicant shall also submit details demonstrating that the design of the development will achieve an acceptable balance between thermal and acoustic comfort. An appropriate design should reduce the reliance on openable windows for the control of overheating on facades subject to higher noise levels. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period unless otherwise agreed in writing. All works which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of future residents with regard to external noise and to accord with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

18. Prior to the commencement of construction of any dwelling or building, including the construction of foundations, details of the external lighting scheme shall be submitted to and approved in writing with the Local Planning Authority. The development will only be implemented in accordance with the approved details.

Reason: To protect the character and appearance of the area and to accord with policies DP11, DP18, DP26 and DP38 of the Mid Sussex District Plan 2014 - 2031.

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

Monday - Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

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

20. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (11)b that any remediation scheme required and approved under the provisions of condition (11)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (12b) .

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 170 of the National Planning Policy Framework.

21. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 170 of the National Planning Policy Framework.

22. No part of the development shall be first occupied until visibility splays of 2.4 metres by 120 metres have been provided at the proposed site vehicular access onto Ockley Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to accord with Policies DP11 and DP21 of the Mid Sussex District Plan 2014 - 2031.

23. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access Arrangement from Ockley Lane, numbered ITB11335-GA-032 Rev G.

Reason: In the interests of road safety and to accord with policies DP11 and DP26 of the Mid Sussex District Plan 2014 - 2031.

24. Upon the first occupation, the Applicant shall implement the measures incorporated within the approved travel plan (referenced MG/RS/ITB11335-102B R, dated 3rd June 2019, specified within the approved document.

Reason: To encourage and promote sustainable transport and to accord with policies DP11 and DP21 of the Mid Sussex District Plan 2014 - 2031.

25. Prior to the first use of the primary school, the use of any external ventilation, refrigeration, heating or air conditioning plant or machinery, details shall be submitted, and approved in writing by the Local Planning Authority, demonstrating that the plant or machinery noise rating level shall be at least 5dB below the existing background noise level at the nearest residential façade between 07:00 and 23:00 hrs on any day, and below 30dB LAeq(8hr) at all other times. All measurements shall be defined and derived in accordance with BS4142: 2014.

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

26. No dwelling shall be occupied until details of the play areas and open space areas to be provided within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted information shall include the details of the layout, equipment, landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory provision of play space and equipment and to ensure that the play area/s are provided and retained within the development for use by the public and to accord with policy DP24 of the Mid Sussex District Plan 2014-2031.

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

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

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

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

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

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

30. All existing trees and hedgerows on the site shall be retained unless specifically approved for removal at the reserved matters stage. All trees and hedges to be retained shall be protected during construction by means of protective fencing, in accordance with the details specified in the submitted Arboricultural Implications Assessment (include reference ). Within the areas thus fenced, there shall be no excavation, trenching, alterations to ground levels, or storage of materials at any time during the construction period. For a period of five years after the removal of



the protective fencing, any tree or hedge which is cut down, uprooted, destroyed, or become seriously damaged or defective, shall be replaced at the same location by another of a size and species to be approved by the local planning authority in writing, within the next available planting season.

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

31. Prior to the occupation of the 250th dwelling work to construct and complete the provision of a pedestrian tunnel under the railway line by Network Rail shall be undertaken and no further dwellings shall be occupied until such time as the completed tunnel is made available for public use, unless an alternative programme is agreed in writing with the Local Planning Authority.

Reason: In order to provide a safe crossing over the railway line to comply with Policies DP11 and DP21 of the Mid Sussex District Plan.

32. Before the first and any subsequent occupation of the primary school, the operator shall implement a School Travel Plan which has been submitted to and received the prior written approval of the Local Planning Authority. The occupier shall implement all the measures included in the approved Travel Plan in accordance with a time scale contained within the approved plan.

Reason: To reduce the need for private car travel, in accordance with Policy DP21 of the District Plan 2014 - 2031.

33. Prior to the occupation of the 250th dwelling at the site the bridleway link between the development and Burgess Hill, including the section consented under planning permission DM/18/4980, shall be fully implemented and available for use.

Reason: In order to provide a safe pedestrian and cycle route in accordance with Policies DP11 and DP21 of the Mid Sussex District Plan.

34. No floodlighting shall be installed within the site for the primary school without the written approval of the Local Planning Authority.

Reason: To protect the setting of the South Downs National Park and to accord with Policy DP18 of the Mid Sussex District Plan 2014 - 2031.

35. Prior to the commencement of the development, or as part of any reserved matter application(s), details of the emergency access shall be submitted to and approved in writing with the Local Planning Authority. The details shall include surfacing, means of preventing non-emergency traffic, future maintenance arrangements and a programme for its delivery. The scheme shall only be implemented in accordance with approved details.

Reason: To ensure satisfactory emergency access arrangements and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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

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

## INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
3. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
4. The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.
5. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

## Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Block Plan	1209.02	-	11.12.2018
Location Plan	1209.05	-	11.12.2018
Site Plan	1209.03	-	11.12.2018
Site Plan	1209.04	-	11.12.2018
Location Plan	1209.01	-	11.12.2018
Block Plan	1209.102	-	11.12.2018
Site Plan	ITB11335-GA-006	-	11.12.2018
Lighting Layout/Light Pollution	04	-	11.12.2018
Lighting Layout/Light Pollution	03	-	11.12.2018
Lighting Layout/Light Pollution	02	-	11.12.2018
Lighting Layout/Light Pollution	01	-	11.12.2018
Landscaping Details	GLEE21138-12	A	11.12.2018
Site Plan	1209.06	-	11.12.2018
Tree Survey	GLEE21138-01_1 of 7	A	11.12.2018
Tree Survey	GLEE21138-01_2 of 7	A	11.12.2018
Tree Survey	GLEE21138-01_3 of 7	A	11.12.2018
Tree Survey	GLEE21138-01_4 of 7	A	11.12.2018
Tree Survey	GLEE21138-01_5 of 7	A	11.12.2018
Tree Survey	GLEE21138-01_6 of 7	A	11.12.2018
Tree Survey	GLEE21138-01_7 of 7	A	11.12.2018
Tree Survey	GLEE21138-03_1 of 9	A	11.12.2018
Tree Survey	GLEE21138-03_2 of 9	A	11.12.2018
Tree Survey	GLEE21138-03_3 of 9	A	11.12.2018
Tree Survey	GLEE21138-03_4 of 9	A	11.12.2018
Tree Survey	GLEE21138-03_5 of 9	A	11.12.2018
Transport Assessment/Travel Plan	GLEE21138-03_6 of 9	A	11.12.2018
Transport Assessment/Travel Plan	GLEE21138-03_7 of 9	A	11.12.2018
Transport Assessment/Travel Plan	GLEE21138-03_8 of 9	A	11.12.2018
Transport Assessment/Travel Plan	GLEE21138-03_9 of 9	A	11.12.2018

## APPENDIX B – CONSULTATIONS

### Parish Consultation

Hassocks Parish Council RECOMMENDS REFUSAL for the following reasons:

1. Pedestrian Access. The provision of improved pedestrian access across the railway line has been separated from the application, yet it is integral to the access to this site. Further information and clarity is therefore required as part of this application with a commitment to deliver this pedestrian access before the new homes may be occupied.
2. Vehicle Access. It is considered that the proposed access of a T junction to the new development is inadequate. Safety does not appear to have been considered nor addressed, and the traffic modelling used is deemed as inaccurate by HPC. Hassocks Parish Council would therefore request that the junction is redesigned and that the width restriction in Ockley Lane is taken into account. Traffic calming measures are also required. It is considered by HPC that the vehicle access is likely to need redesign to resolve the encroachment onto private land that the present proposed design entails (see below).

3. Land Ownership. Assurances are sought over land ownership for both the access to the development and the location of a bus shelter. MSDC should refer to Land Registry official records. The Council understands that there is currently an unresolved dispute on both of these matters.
4. Road Infrastructure throughout the village. The additional traffic flows to and from the 500 houses will place a significant additional burden and safety concerns on existing junctions and roads in the village, in particular on:
  - The junction of the B2112 with Lodge Lane
  - Ockley Lane, both in terms of the width and capacity of the road currently and sight-lines around the double bend south of Ockley Manor
  - The junction of the B2112 with Brighton Road
  - The junction of Grand Avenue with Keymer Road

It is considered that the existing transport assessments provided are inaccurate and do not realistically reflect the current situation, or the future impact of increased traffic around the village. This therefore requires further additional traffic management studies and significant financial contributions to address these burdens. WSCC is responsible for highways and traffic management, and has currently approved the proposed traffic management studies.

HPC therefore requests that WSCC revisits the existing traffic assessments in the light of concerns raised by both Parish and District Councillors who are familiar with the locality first hand. A new comprehensive traffic management study is required by WSCC to provide detailed analysis of areas which will be impacted by the increased traffic, and a clear strategy of mitigating this impact. This will enable WSCC to provide the developer with a comprehensive report of the level of financial contribution required to support the implementation of the highways infrastructure required as a direct result of the development.

5. Speed restrictions. The emerging Regulation 14 Draft Hassocks Neighbourhood Plan supports the introduction of 20mph zones (Chap 8 Transport 8.21). It is therefore requested that the proposed 30mph speed restriction for roads within the proposed new development is reduced to 20mph.
6. School and Community Building. HPC strongly welcomes the provision of land for a school site, however it considers that the location as proposed is not optimal. The village would be better served by locating a school as close to the south west corner of the development site. This would make best use to the existing pedestrian access and would substantially reduce the traffic burden created by school traffic. It is also considered that the Community Building should be placed close to the school in this preferred location. It is of concern that there appears to be no, or very little, parking provision for the proposed Community Building. The HPC Planning Committee request that sufficient car parking must be provided for any buildings of this nature.
7. Informal Open Space and Landscaping. The illustrative layout provided does not provide a comprehensive assessment of the anticipated landscape and visual effects associated with the proposal. Therefore this is not an adequate basis for HPC to draw conclusions and make judgements as to the landscape and visual impacts and effects of the proposals. Furthermore, in Technical Appendix E: Landscape and Visual, point 6.8 refers to the site as 'peri urban', inferring an urban influence on the character and appearance of the landscape. The development is to be part of a village therefore an aspiration to achieve an 'urban feel' is not welcomed by HPC.

8. Scale Parameter Plan. HPC is concerned to see from the Scale Parameter Plan that the proposal is for a significant level of properties to be up to three storeys. It is recommended that this should be reduced and replaced with more two storey properties of a smaller size, both to render this edge of settlement site less 'urban', and to better match supply with demand.

#### General Comments

In addition to the above reasons for recommending refusal, Hassocks Parish Council would like to make the following comments.

- i. Hassocks Parish Council very much welcomes the addition of a bridle/cycleway extending from Hassocks to Burgess Hill and would like to seek assurances that this will extend the entire length of the route between the two localities.
- ii. With regard to drainage, the developers are requested to take account of the private sewage outlets from the houses on Ockley Lane backing onto the proposed development site; and (as a separate matter) to ensure that the water flow from the raised railway embankment onto the western area of the development is addressed.
- iii. It is understood that the development will be built to an adoptable standard, and therefore HPC would wish to recommend that WSCC proceeds to adopt the roads.
- iv. It is recommended that the historic view across the eastern area of Hassocks from the trains on entering the station is respected and maintained through site design and landscaping, and that the rich green heritage of the development site is preserved.

#### Parish Consultation

In addition to the comments previously submitted by Hassocks Parish Council on this application, the Council would like to add the following:

##### ACCESS.

Despite repeated concerns being raised by both the residents of Hawthorn Cottage on Ockley Lane and Hassocks Parish Council over the safety of the access to Hawthorn Cottage, this matter remains unresolved. In fact, it appears that there is a persistent refusal by the developer, WSCC and MSDC to recognise the limitations and safety issues surrounding the proposed access, which is understood to be only 6m from Hawthorn Cottage's access ' not the 8m that the developer's incorrect plans show, and not the 15m defined by WSCC standards. The developer has blatantly misinterpreted land ownership and boundaries, despite frequent representation from the owners of Hawthorn Cottage. Therefore Hassocks Parish Council repeats the comments made on 4 July 2019 and urges MSDC to rectify this situation by ensuring safe access for the residents of Hawthorn Cottage. A solution for safe access would be for the developer to be required to provide a new access from Hawthorn Cottage onto the access road for the housing site (hence removing the Hawthorn Cottage existing direct access onto Ockley Lane). It is understood that agreement could be reached with the Hawthorne Cottage owner in this regard. WSCC is duty bound to ensure that safe access is provided and Hassocks Parish Council is not satisfied that the adjacent entry/exit points on Ockley Lane are the safest option. The Council would draw attention to the letter submitted by Mr Hayhurst of Hawthorn Cottage to MSDC Planning dated 5 July 2019.

##### SCHOOL AND COMMUNITY BUILDING.

As previously stated, HPC strongly welcomes the provision of land for a school site, however it considers that the location as proposed is not in the best location to serve the community and is not acceptable to HPC. The village would be better served by locating a school as close to the south west corner of the development site. This would make best use of the existing and proposed pedestrian accesses and would substantially reduce the traffic burden created by school traffic. As the UK Government has declared a Climate Emergency we are

duty-bound to minimise unnecessary journeys that add to climate heating. By requiring physically able school-children to walk to school, it will also keep them fitter. Furthermore locating the school in the south west/southern boundary would also serve to protect the Heritage assets of Ockley Manor by providing a greater area of open space as an outlook.

#### HERITAGE ASSETS.

HPC has significant concerns over the apparent lack of regard given to the impact of the proposed development to the heritage assets of Ockley Hamlet, particularly in the light of Ockley Manor Farm Cottages being very recently listed as designated heritage assets. It appears that the developer has carried out a very limited heritage assessment, which has not been revised since the initial report. Under section 16, Conserving and enhancing the historic environment, of the National Planning Policy Framework para 189 states that 'local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance' and it is considered that this has not been applied by the developer to Ockley Hamlet. The Council would therefore urge that full consideration is given to the points raised by Mr Peter Rayner in his response dated 30 July 2019.

#### GREENSPACE BUFFER.

HPC had understood that a 10m greenspace buffer was to be provided along the southern boundary to protect the visual amenities at the back of the properties along Mackie Avenue. The proposed buffer would be similar to that provided for the Clayton Mills development which has worked well and protected the visual amenity of existing and new properties. In some more recent drawings of this proposed development, the buffer appears to be incorporated into the back gardens of the proposed new dwellings, rather than a distinctive separate zone. Therefore HPC would request that MSDC ensures the greenspace buffer to the south of Mackie Avenue properties remains a 10m zone independent of all properties.

#### Parish Consultation

Further to the comments already submitted by Hassocks Parish Council on 22 January 2019 regarding this application, the Council would like to add the following. Hassocks Parish Council recommends refusal on the following additional grounds (each of which is capable of mitigation, as indicated, which would then remove HPC's objections regarding these points):

1. Land Ownership. It appears that this continues to be an unresolved matter and that a lack of clarity remains over the rights of the developer to encroach onto two pieces of land: (1) for access to the development ' where the developer continues to misrepresent correct title deeds in the plans it has submitted to MSDC, and (2) the sliver of land on the eastern side of Ockley Lane that is (7th June) proposed to be used for highways alterations. It is crucial that these matters are addressed and all necessary landowner permissions have been obtained prior to any progression or approval of the plans.

It is also understood that the plans for highways alterations and ditch removal on the land along the eastern side of Ockley Lane will result in building over (and consequent destruction of) a private sewage works. There is a risk that this will not only affect the sewage treatment site, but will also disrupt the ditch and stream into which the treated sewage water is discharged. There appears to be no evidence that any notice has been served on the landowners that this work is proposed to be carried out. MSDC would need to ensure that the land in question is available to the developer and that the replacement of the sewage works is agreed prior to any grant of planning consent. Additionally that Southern Water are agreeable to the works.

2. Access. Access to Hawthorn Cottage on Ockley Lane does not comply with the WSCC local rules for access onto major and minor roads, and therefore it is in conflict with NPPF paragraphs 108 and 109. The Council would urge MSDC to rectify this situation by ensuring safe access for the residents of Hawthorn Cottage. A solution for safe access would be for the developer to be required to provide a new access from Hawthorn Cottage onto the access road for the housing site (hence removing the existing direct access onto Ockley Lane). We understand that agreement could be reached with the Hawthorne Cottage owner in this regard. WSCC is duty bound to ensure that safe access is provided and Hassocks Parish Council is not satisfied that the adjacent entry/exit points on Ockley Lane are the safest option.
3. East-West Bridleway. The Parish Council supports the proposals put forward in the planning application for upgrading the current public footpath 11K to Public Bridleway status and its extension North to join the Burgess Hill bridleway network.

Additionally, HPC requests that MSDC ensures (e.g. by a condition) that the request by WSCC PROW team for the upgrading of footpath 5K to bridleway status is also acknowledged and delivered by the developer. This would enhance the local cycle network by providing links to Ockley lane and to London Road.

4. Woodside Grange. Hassocks Parish Council requests that appropriate access is provided to Woodside Grange to enable the PROW 11K to be traffic free.
5. Renewable Technology. Despite it being considered by the developer that renewable technology is compatible with this site, Hassocks Parish Council believes that current application is not compliant with Policy 5, Enabling Zero Carbon, of the Regulation 15 Submission Hassocks Neighbourhood Plan. Hassocks Parish Council is of the opinion that it is a false economy for developers only to build to the current 2013 Building Regulations, when they could easily deliver better quality homes that will contribute responsibly to avoiding global warming and will save homeowners far more in reduced heating costs, than meeting the Passivhaus heating standard of 15 kWh/m<sup>2</sup>/annum will cost the developer to deliver.
6. Allotments. HPC would like to request that there is some land allocation on the development site for the use of allotments for the Parish, at an appropriate rate for the number of new homes proposed.

### **MSDC Conservation Officer**

The comments on the additional information received, specifically the addendum to the heritage statement and the revised highways arrangements. Please read these in conjunction with my earlier comments.

The submitted addendum Heritage Statement addresses the inclusion of Ockley Manor Farm Cottages on the statutory list at Grade II on 25th July 2019. These cottages were listed at time of my previous comments and I have nothing to add in terms of my own assessment of the impact of the proposal on their setting and special interest.

- It is noted that the submitted Addendum Statement now addresses the impact on Ockley Manor Farm Cottages (excluded from consideration in the previous Statement) and concludes that the proposed development will cause less than substantial harm to their setting, and the contribution that this makes to the manner in which the special interest of the building is appreciated.

- I have no further comments on the Addendum Statement in terms of the impact of the proposed development on the group of heritage assets at Ockley Manor and would refer to you to my previous comments in this respect.

The proposed revised highways arrangements including the impact on the hedgerow to the east of Ockley Lane were addressed in my previous comments. In summary I consider that the proposal to relocate the hedgerow contributes to the harm caused to the setting of the group of heritage assets at Ockley Manor and should ideally be reconsidered.

### Earlier comments

#### The application site and affected heritage assets

The application site is an area of open fields and hedgerows to the west of Ockley Lane and to the north of Mackie Avenue, Hassocks. A PROW runs east-west through the site meeting Ockley Lane opposite Ockley Manor.

There are a number of designated and non-designated heritage assets in the vicinity of the site, grouped around Ockley Manor, which is located to the east side of Ockley Lane opposite the south eastern corner of the site. These assets comprise:

- Ockley Manor, Grade II\* listed, located to the east of Ockley Lane and set back from it in generous grounds.
- Ockley Manor dovecote, located to the south west of the Manor within its grounds and adjacent to Ockley Lane, Grade II listed.
- Ockley Manor Barn, located to the north west of the Manor and Grade II listed.
- Ockley Manor Cottages, recently listed Grade II and located within the former farmstead to Ockley Manor, to the north of the house.
- Further buildings within the former farmstead which are not included on the statutory list but would be regarded as non-designated heritage assets, including the converted buildings around the former farm courtyard known as The Old Malthouse, The Barn, The Old Dairy and the Old Granary, and two further buildings located to the south east of the farmstead group, a timber framed cart shed and a 19th century barn.

These buildings are considered to have both individual and group value in built heritage terms. These comments will consider each asset in turn and then collectively, in terms of their special significance, including group value, and the contribution that settings and views make to that significance, and the effects of the proposed development on each asset's significance and the ability to appreciate it. Ways in which harm can be avoided or minimised will also be explored as appropriate. This is in accordance with the guidance set out in Historic England's Historic Environment Good Practice Advice in Planning Note 3 'The Setting of Heritage Assets.'

#### Ockley Manor

Ockley Manor is a Grade II\* listed house set in extensive grounds to the east of Ockley Lane. The house, which is listed as dating from the early 18th century, in fact contains earlier fabric suggesting a 17th century origin. The origins and development of the house are outlined in a survey and report prepared by Maggie Henderson of HB Archaeology and Conservation Ltd on behalf of the owner of Ockley Manor, discussed in more detail below.

Despite its name, it seems that the house was never in fact a manor, but originated as and remained for many years the farmhouse for Ockley Farm, before the house and farmlands were separated by sale in the late 19th century. From this date the house has functioned



primarily as a country residence. The changing fortunes of the farm and its tenants or owners, and later its changing role, have been reflected in alterations and extensions to the building over time. The special interest of the building is therefore considered to lie partly in its character as a good example of a predominantly early 18th century farmhouse of some pretension, with earlier origins and with later alterations, associated with and illustrating the fluctuating fortunes of farming throughout the period, as well as a later change in function.

Throughout its lifespan, the house has existed in a close relationship with its rural setting, this relationship being at first the functional relationship of a farmhouse with its associated farmlands, and latterly that of a country residence with its rural setting and prospects (the enjoyment of which by the occupants of the house is demonstrated by the alterations to the house's Dovecote, discussed below). The surviving rural setting of the house is therefore considered to make a strong positive contribution to the manner in which the special interest of the house is appreciated.

The proposed development site lies to the west and north west of Ockley Manor to the opposite side of Ockley Lane. Although set at a small remove from the western side of the Lane (two fields adjacent to the Lane being retained in the ownership of the Manor and not forming part of the current proposed site), development on the site would have a fundamental impact on the currently rural character of this part of the setting of Ockley Manor for reasons of:

- The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the blocks to the south east corner of the site and to the rear of Barn Cottage.
- The impact of the proposal on the character of the retained open space/parkland within the site.
- The impact of development of this scale on the currently rural broader setting to the west of Ockley Manor, including views from the house and its immediate setting.
- The impact of the proposed development on the character of the principal approaches to the Manor along Ockley Lane and along the PROW approaching the Manor through the site from the west.

In my opinion this will have a harmful effect on this part of the setting of the Manor and the way in which this contributes to an appreciation of the special interest of the listed building as set out above. In terms of the NPPF, I would categorise this harm as less than substantial, such that the criteria set out in paragraph 196 of that document would apply.

In terms of potential mitigation, this could take the form of setting the development further away from the asset, introducing enhanced natural screening along the edges of the built development, and ensuring that the character of the retained open spaces is as close as possible to the existing rural landscape. Retention of characteristic features such as hedgerows will also assist in this, as will a careful consideration of how the proposal will affect the approaches to the Manor including the PROW which runs through the site. It should be noted however that any amount of mitigation is unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the asset and to its special interest.

### Ockley Manor Dovecote

Ockley Manor Dovecote is a brick built building located to the south west of the Manor at the edge of the gardens to the house, adjacent to Ockley Lane. It is Grade II listed. It is suggested in the list description to date from the 18th century, but Maggie Henderson's

report suggests a 17th century origin. The building was altered in the early 20th century with the insertion of large windows to create a summer house.

The positioning of the building adjacent to Ockley Lane is likely to have been deliberate, as a visually prominent demonstration of the wealth and status of the owner of the Manor (or farm as it then was), although it would also have served a practical purpose, as doves provided a precious source of meat for the residents of the farm during the winter months. In its more recent reincarnation as a summer house, the introduction of windows to the west elevation seems intended to take advantage of the rural views over the fields to the opposite side of Ockley Lane. In both phases of its existence, as a functioning building within the farmstead of Ockley, and as a summer house, the building has enjoyed a close relationship with its rural setting. The surviving fields to the west of Ockley Lane therefore make a significant positive contribution to the setting of the listed building and the manner in which its special interest is appreciated.

The proposed development will impact on the character of the setting of the dovecote for reasons of:

- The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the block to the south east corner of the site.
- The impact of the proposal on the character of the retained open space/parkland.
- The impact of development of this scale on the currently rural broader setting to the west of Ockley Lane, including views from the Dovecote and its immediate setting.
- The impact of the proposed development on the character of the principal approaches to the Dovecote along Ockley Lane and along the PROW approaching the Manor through the site from the west, which arrives at Ockley Lane directly opposite the Dovecote.

The proposed development will have a fundamental impact on the rural character of the western part of the setting of the Dovecote. This will detract from the manner in which the special interest of the Dovecote as a former functional part of the historic farmstead of Ockley and later as a summerhouse to the Manor house is appreciated. I would categorise this harm as less than substantial in terms of the NPPF.

As above for Ockley Manor, potential mitigation could take the form of setting the development further away from the asset, introducing enhanced natural screening along the edges of the built development, and ensuring that the character of the retained open spaces is as close as possible to the existing rural landscape. Retention of characteristic features such as hedgerows will also assist in this, as will careful consideration of the treatment of the approaches to the asset along Ockley Lane and the PROW. It should be noted however that any amount of mitigation is unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the Dovecote.

### Ockley Manor Barn

Ockley Manor Barn is a Grade II listed timber framed former barn, now converted for residential use. The list description refers to the building as dating from the 18th century, but the assessment of the origin and development of the manor and farmstead given by Maggie Henderson suggests a 17th century origin for the building. Its special interest is considered to lie in its character as a good example of a surviving vernacular barn of the period.

The Barn is situated to the north west of the manor house, at the southern end of the farmstead. It faces onto the gardens to the front of the house, but views from its immediate setting to the west are of the open fields to the west of Ockley Lane including the

development site. This rural element of the Barn's setting is considered to make a strong positive contribution to the manner in which its special interest is appreciated.

The proposed development will impact on the character of the setting of the barn for reasons of:

- The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the block to the rear of Barn Cottage.
- The impact of the proposal on the character of the retained open space/parkland within the site.
- The impact of development of this scale on the currently rural broader setting to the west of Ockley Lane, including views from the Barn and its immediate setting.
- The impact of the proposed development on the character of the principal approaches to the Barn along Ockley Lane and along the PROW approaching the Manor through the site from the west.

The proposed development will have a fundamental impact on the rural character of the western part of the wider setting of the Barn. This will detract from the manner in which the special interest of the Barn as a former agricultural building and part of the historic farmstead of Ockley is appreciated. I would categorise this harm as less than substantial in terms of the NPPF.

As above for Ockley Manor and the Dovecote, potential mitigation could take the form of setting the development further away from the asset, introducing enhanced natural screening along the edges of the built development and ensuring that the character of the retained open spaces is as close as possible to the existing rural landscape. Retention of characteristic features such as hedgerows will also assist in this, as will careful consideration of the approaches to the Barn along Ockley Lane and the PROW running through the site. It should be noted however that any amount of mitigation is unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the asset.

### Ockley Manor Cottages

Ockley Manor Cottages have been recently listed Grade II. They are situated at the northern end of the Ockley Manor farmstead and were constructed between 1818 and 1845 as a semi-detached pair to house farmworkers. The list description states that the cottages have special architectural interest for reason of their striking use of traditional materials, symmetrical arrangement and good survival of interior joinery, and special historic interest in the way that they illustrate modest farm workers cottages of the 19th century and the way that these were occupied. The buildings are also identified as having group value with the Ockley Manor, Barn and Dovecote.

From the north facing frontages of the cottages there are open views across the farmland to the north, which also take in Ockley Lane to the west and the cottages and fields beyond. This rural setting is considered to make a strong positive contribution to the manner in which the special interest of the building as former farmworkers cottages is appreciated.

Development on the site will have an impact on the character of the setting of the cottages for reasons of:

- The impact on the hedge line to the east of Ockley Lane which it is proposed to reposition.

- The impact of the proposed built development to the north east corner of the site including housing and the proposed new school, which is likely to be visible between and beyond the cottages to the western side of Ockley Lane.
- The impact of the changed character of the retained open land to the north east corner of the site (school playing fields and community orchard).
- The impact on the character of the approach to Ockley Manor Cottages from the north along Ockley Lane. Ockley Manor Cottages are prominent in views looking south along Ockley Lane which would also take in the proposed development site to the west of the road.

These impacts are likely to detract from the existing rural character of these parts of the setting of the Cottages which will in turn detract from the contribution that this setting makes to the special interest of the listed building, as identified above, and how this is appreciated. I would consider that the level of harm would be less than substantial in terms of the NPPF such that the criteria set out in paragraph 196 of that document would apply.

In terms of mitigation, this could take the form of could take the form of setting the development further away from the asset, introducing enhanced natural screening along the edges of the built development and ensuring that the character of the retained open spaces is as close as possible to the existing rural landscape. Retention of characteristic features such as hedgerows will also assist in this, as will careful consideration of the approach to the Cottages along Ockley Lane and in particular the proposal to realign the hedgerow to the north of the cottages, the necessity for which should perhaps be reconsidered. It should be noted however that any amount of mitigation is unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the asset.

#### Non designated heritage assets

Ockley farmstead contains a number of other buildings which while not listed or curtilage listed would be regarded as non-designated heritage assets, of interest in their own right but also making a strong positive contribution to the settings of the designated heritage assets mentioned above. These buildings, which have been identified above, are all situated to the north of the Manor house, within the historic farmstead. They are all former agricultural buildings of one type or another, the special interest of which lies partly in their illustrative value as parts of the historic farmstead. As such, their currently rural setting makes a strong positive contribution to the manner in which their special interests are appreciated.

The impacts of the proposed development on these non-designated heritage assets will be similar to those identified in respect of Ockley Manor Cottages, to which they are in close proximity. Potential mitigation measures would also be similar.

#### Group Value

The designated and non-designated heritage assets forming part of the former farmstead of Ockley have a high level of group value, which is identified in the recent listing decision in respect of Ockley Manor Cottages. This group value adds to and enhances their individual special interests. It is therefore appropriate to consider the impact of the proposed development on the assets at Ockley Manor as a cohesive grouping, in addition to the impacts on each asset individually.

The report prepared by Maggie Henderson identifies the early origins and long history of the Ockley farmstead. Both this report and the Heritage Statement submitted by the applicant demonstrate that the farmstead and house have existed for centuries in a rural landscape which has supported their development and evolution. Although this landscape has itself

undergone some changes, both of ownership and in physical appearance such as field layouts, it remains clearly rural, and supports an understanding of the origins, nature and special interest of the assets at Ockley Manor.

The rural nature of the landscape to the west of the group of assets at Ockley Manor, as part of their wider setting, must be considered to make a strong positive contribution to the manner in which their special interest is appreciated. Development on the site will have a fundamental impact on the character of that part of the setting, which will detract from the special interests and group value of the assets for reasons of:

- The impact of the proposed built development on the character of the site.
- The impact of the changed character of the retained open land within the site.
- The impact on the hedgerow to the north of the Ockley farmstead.
- The impact on the approaches to the group along Ockley Lane and the PROW.

Potential mitigation, as for the assets individually considered above, could take the form of setting the development further away from the group, introducing enhanced natural screening along the edges of the built development and ensuring that the character of the retained open spaces is as close as possible to the existing rural landscape. Retention of characteristic landscape features such as hedgerows will also assist in this, as will careful consideration of the approaches to the group along Ockley Lane and in particular the proposal to realign the hedgerow to the north of the farmstead, the necessity for which should perhaps be reconsidered. It should be noted however that any amount of mitigation is unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the asset grouping.

#### Comments on the application submission

As part of the application submission a Heritage Statement prepared by Turley Heritage has been received.

- The Statement is too narrow in its identification of the affected heritage assets, in that it does not identify or consider the non-designated heritage assets forming part of the former farmstead of Ockley Manor Farm.
- The Statement includes a discussion of the origins and development of the landholding around Ockley Manor although this does not agree in every respect with the conclusions drawn by Maggie Henderson in her report (discussed below), particularly in respect of the association of the cottages to the west of Ockley Lane with the Manor.
- In its assessment of the special historic interest of the Ockley Manor group, the Statement comments at 3.45 that 'The historic interest of the listed buildings has been eroded by changes in the ownership/more recent fragmentation of the historic estate/cessation of a functional link to former manorial lands, which adversely impact on an understanding of its historic function/operation as a manor house as the focus of an estate.'

While it is accepted that the change in ownership of the farmlands formerly associated with Ockley Manor in the late 19th century must be a consideration, it is not considered that undue weight should be attached to this in terms of the contribution that the surviving rural setting of the house makes to its special interest, given the long period over which the house and lands did enjoy a functional and economic relationship, and the evolving nature of the house as polite country dwelling to which the rural setting remained important for aesthetic and visual reasons (as evidenced by the alterations to the dovecote in the early 20th century, discussed above). It should also be remembered that the non-designated heritage assets and the recently listed Ockley Manor Cottages, all within the farmstead to

the north of the house, remained in agricultural use for some time after the ownership of the land was split, as the farmstead was sold on with the land rather than with the house.

- The Statement continues along similar lines at 3.56, the conclusion in being that Ockley Manor should be considered as a 'substantial residential property located in attractive domestic grounds', and as such the broader rural setting should be considered to 'make a significantly reduced contribution to the special interest of the listed buildings.' Again, this underplays the contribution that the surviving rural setting makes to an understanding of development through time of the group of assets around Ockley Manor, including in its later role as a country house.
- The Statement acknowledges at 3.61 that 'The ability to appreciate the listed buildings as cohesive group from within a rural context that historically formed part of the estate associated with Ockley Manor contributes positively to the special interest of the listed buildings...In those terms the general openness and rural character of the Site makes a positive contribution to the particular special interest of Ockley Manor and the dovecote.'
- However the Statement argues at 3.63 and 3.64 that as the functional connection between the listed barn and the surrounding fields has ceased, and the barn has been converted to residential use, the barn 'is now principally experienced as part of an attractive domestic context.' The Statement concludes that this reduces the contribution that the site makes to the understanding of the special interest of the building. However, in my opinion the nature and former function of the building as a barn is a central aspect of its special interest and as such a continuing appreciation of the building in a rural context should not be underplayed, even if the nature of the immediate setting of the barn and its current use may have changed. I do not therefore agree that the 'the relative positive contribution of the site to the significance of the barn as an element of setting is comparatively less when compared to the special interest of the Ockley Manor and dovecote.'
- Under the Heritage Impact Assessment contained within the Statement, section 4.27 considers measures to minimise and mitigate impact on the heritage significance of the listed building group. However, although the Statement refers to the retention/creation of a buffer of open space between the Ockley Manor group and the proposed built form to the west, it does not address the necessity for measures to minimise the impact of the proposed housing located to the north of this open space, to the west of Barn Cottage, on views from Ockley Manor, barn and dovecote and their immediate settings. The Assessment submitted by HB Archaeology on behalf of the owner of Ockley Manor demonstrates at 10.5.7 and Figure 20 that development in this position is likely to be prominent in views looking west from the Manor.
- The Statement does not refer in the proposed mitigation measure to the need for screening along the eastern edges of the development to the west of Ockley Manor to minimise the impact of new housing in this location on views from the house and associated buildings. Screening should also be provided on all edges of the development adjacent to the retained/created open spaces referred to above as a 'buffer' zone, for the same reason.
- The Statement does not consider the need for mitigation in terms of the impact of the development on the settings of and approach to the non-designated and recently designated heritage assets forming part of the former farmstead. This should be an important consideration. In particular the impact of the proposed school, the access road into the site, and the relocation of the hedge opposite, should be carefully considered.

- Whilst I would agree with the conclusion at 4.44 that the proposed development will result in less than substantial harm to the designated assets at Ockley Manor, the dovecote and barn, I do not agree that the impact on the barn will be comparatively less, for the reasons given above.
- The Statement does not consider the impact on the non-designated heritage assets within the farmstead, including the now statutorily listed Ockley Manor Cottages.

### Third Party Representations

#### In response to points raised by Mr Rayner of Ockley Manor in his letter of (letter received prior to the designation of Ockley Manor Farm Cottages as a Grade II listed building):

- Although I consider that the houses to the west of Ockley Lane make a small positive contribution to the setting of the group of statutorily listed buildings at Ockley Manor, I do not agree that they are of sufficient interest to be regarded as non-designated heritage assets in their own right. I have considered this in more detail in the short report on 1-4 Ockley Manor Cottages prepared in June of last year in response to earlier correspondence from Mr Rayner. I attach that report again here. Although we have now received the further information from HB Archaeology and Conservation referred to in the last paragraph of this report, the more detailed understanding of the history of the cottages and their historic relationship with Ockley Manor (which relates largely to occupancy rather than shared ownership) that this affords does not alter my opinion as to their merit in heritage terms.
- The principle heritage interest is focussed on Ockley Manor and the buildings forming the immediate grouping around it, including the listed barn and dovecote and the newly listed cottages to the north, as well as the remainder of the buildings forming the former farmstead to the east of Ockley Lane, some of which I would consider merit recognition as non-designated heritage assets. In terms of the impact of the proposed development on Ockley Manor and its setting, including the associated designated and non-designated heritage assets, these assets are in close proximity to each other and therefore have a similar physical relationship to the development site. However the varying nature of the special interest of each of these designated and non-designated assets will subtly alter the contribution that the development site makes to their setting and therefore the impact of the development on that special interest.
- Mr Rayner and his adviser Maggie Henderson introduce the concept of a 'hamlet' of Ockley, to include the cottages situated to the west of Ockley Lane north of Ockley Manor. 'Hamlet' is not a term which has a specific significance in the context of heritage policy or guidance. Although I would agree that there are centred on Ockley Manor a group of buildings (including designated and non-designated heritage assets) which have a shared history and interlinking special interests, I would not agree that the entirety of the grouping which is identified in their submissions as a the 'hamlet' of Ockley has special interest in heritage terms. I would not, for example, include the cottages to east side of Ockley Lane which for reasons previously given I would not regard as non-designated heritage assets. In considering the impact of the proposed development in heritage terms I therefore consider it only useful to consider the impact on the designated and non-designated heritage assets forming a grouping around Ockley Manor to the east of Ockley Lane, rather than a broader 'hamlet' of Ockley including development to the west of the lane.
- The submissions from Mr Rayner and Maggie Henderson suggest that the proposal will cause substantial harm to the hamlet of Ockley. As above, I do not consider that the term

hamlet is meaningful in this context, however considering the impact of the proposal on the individual designated and non-designated heritage assets within the grouping around Ockley Manor I would consider that for the reasons given above the impact of the proposal will be of varying degrees of less than substantial harm.

- Mr Rayner suggests that in relation to the purported substantial harm 'there is no provision within the NPPF to offset harm with public benefits'. Notwithstanding that I would not agree that the proposal will cause substantial harm, this is not correct-paragraph 195 of the NPPF states that where a proposed development would lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits which outweigh that harm or loss, or a number of other criteria would apply which would not be relevant to development within the setting of an asset.
- As above, I agree with comments given by Maggie Henderson that the Heritage Statement submitted by the applicant does take too narrow a view of the extent and nature of the setting of Ockley Manor (although as above I do not agree with the weight given to the concept of the 'hamlet' of Ockley).

Comments on HB Archaeology and Conservation Ltd.'s Assessment of the Origins, Development and Significance of Ockley Hamlet and the Proposed Development on Land to the West of Ockley Lane, commissioned and submitted by Mr Rayner (prepared prior to the designation of Ockley Manor Farm Cottages as a Grade II listed building):

- Maggie Henderson gives a useful and informative analysis of the development of Ockley Manor and its farmstead.
- This indicates that the date of the listed buildings at Ockley Manor, the barn to the north west, and the dovecote, may all be earlier in origin than suggested in the list description.
- The report demonstrates that the ownership of Ockley Manor and Ockley Manor Farm was separated in 1882. From this point the development of Ockley Manor and the listed dovecot (which was converted in the early 20th century to a garden room or summer house) is that of a country house and its ancillary buildings rather than a farmhouse.
- Therefore although the land around Ockley Manor apparently remained in agricultural use until very recently, the direct functional relationship between Ockley Manor and its dovecot and the surrounding agricultural lands ceased more than a century ago. This does not entirely or even perhaps significantly negate the contribution that the surviving rural landscape around the Manor makes to the setting of the house and dovecote, which were built and subsequently modified on the profits of farming, and for many years did enjoy a direct functional relationship with the surrounding land, however arguably it must have some impact on the manner in which that contribution is assessed.
- This consideration does not apply in the same way to the listed barn, listed cottages at Ockley Manor Farm Cottages, and other non-designated heritage assets within the farmyard grouping to the north of the house, which appear to have remained in farm/agricultural use until more recently.
- The consideration of historic change of ownership and function of the listed house and dovecote must impact the extent to which the emphasis placed by the report on 'the origin and evolution of the property as a farm and the retained agricultural setting of the landscape within which the property remains situated' and the contribution that this makes to the group of heritage assets at Ockley.



- The report states that 'It is very clear that the potential impact of the proposed development on the significance of Ockley should place great weight on the contribution made by setting to the character and significance of the heritage assets. It has been demonstrated that the current setting of the manor house remains a clearly identifiable agricultural landscape with at its core, a linear hamlet and manor house group, the former the result of the successes of the latter.' I would agree that great weight must be placed on the potential harm caused by the development to the settings and special interest of the affected heritage assets (as required by the NPPF), and that the current setting of the manor house and the assets around it remains a clearly identifiable historic landscape. Again, though, I do not agree with the emphasis placed on the wider 'hamlet' of Ockley as an asset in its own right.
- I would agree that the subdivision of ownership of the farm and manor house in the late 19th century does not necessarily negate or substantively reduce the contribution that the currently rural setting makes to the house and dovecote, for the reasons discussed above.
- The report identifies a number of buildings which it suggests should be considered as non-designated heritage assets. These include the granary, forming part of the farm courtyard to the north of Ockley Manor Barn which Maggie Henderson has identified as having a possible 17th century origin, in common with the listed manor house and barn, as well as the 19th century barn, early cowshed and semi-detached cottages at Ockley Manor Cottages, all within the former farmstead of Ockley located to the north of the house and the east of Ockley Lane. As above, I would not disagree with the assessment that these buildings merit consideration as NDHAs (with the exception of Ockley Manor Cottages which have been subsequently added to the Statutory List at Grade II).
- The report includes an Impact Assessment, considering the potential impact of the proposed development on the significance of the designated assets at Ockley, taking into account their setting.
- I would agree that the enduring agricultural character of the landscape surrounding Ockley Manor makes a positive contribution to the setting of the assets grouped around the house.
- I would also agree that the change of ownership that took place in the late 19th century does not negate the contribution that the surrounding fields make to the setting of the house and dovecote, although it must be a consideration.
- I do not disagree with the assessment given at 10.5.5 and following paragraphs of the visual impact of the proposal on the setting and views from the assets at and grouped around Ockley Manor resulting from the location and siting of the development, or the impact on the manner in which these assets will be experienced, although again I would not place emphasis on the 'hamlet' of Ockley as an asset in its own right.
- I would also be broadly in agreement with the assessment of the nature of the impacts arising from the form and appearance of the development and its wider effects given at 10.6 and 10.7
- However, in relation to the conclusions drawn at 11.0 I do not agree that the harm arising to the significance of the heritage assets can be regarded as substantial, in the terms set out by the NPPF, for the reasons given above.

### Comments on the letter received from Strutt and Parker on behalf of Mr Rayner dated 30th July 2019.

A letter has been received from Strutt and Parker on behalf of Mr Rayner, owner of Ockley Manor, commenting on the application submission and on masterplanning issues including the siting of the proposed new primary school. This letter suggests that for various reasons, including the impact of the development on the setting of the heritage assets at Ockley Manor, the proposed school should be resited to the southern end of the development, with associated alterations to the disposition of the new housing blocks. The proposed rearrangement of the site would create a greater area of open space or (in the case of the school site) relatively open space in the areas of the site to the west and north west of Ockley Manor.

Whilst I cannot comment on the other merits or implications of this proposal, in heritage terms the greater the area of open space/buffer which is located between the heritage assets at Ockley Manor and the built up edge of the proposed new development, the lesser the impact on the setting of the assets and views from them is likely to be. The proposal therefore has merit in heritage terms.

#### **Urban Designer**

This is an outline scheme, in which appearance, design, landscaping and scale are reserved matters. These observations are therefore initial comments on the illustrative proposals.

#### Overall Assessment of Layout

The illustrative masterplan generally follows the arrangement agreed at pre-application stage, and is supported. In particular the layout is organised around a series of perimeter blocks with building frontages that address/face the streets and spaces including the existing public rights of way, retained hedgerows, and existing and proposed open spaces. This arrangement also provides a front-on relationship with the site boundaries except along parts of the southern boundary where the proposed houses have sensibly been organised to back-on to existing back gardens in the houses on Mackie Avenue.

The open spaces are well positioned: they provide the organising focus for the layout breaking up the development areas, and soften the development along the rural edge on the northern boundary. The main open space, to be known as "Ockley Park", also provides a buffer on the eastern boundary that reduces the inter-visibility between the listed Ockley Manor and the proposed housing.

The green spur to the north of "Ockley Park" provides a visual link between the central open space and the main east-west spine road, the primary school, and community centre. The latter also ensure there is a mix of uses which is reinforced by their prominence around a square adjacent to the main spine road.

I support the inclusion of rear court parking areas, although these would work better with Flats over Garages (FOG's) providing more direct natural surveillance of the parking while screening it from the street. Even with the rear courts, the parking risks being too dominant within the street in some area, and further measures to reduce this need to be taken.

The attenuation ponds will need to naturally integrate with the landscape as positive features; therefore careful design is needed to avoid them looking engineered.

Beyond the variety of proposed open spaces, the DAS could do more to demonstrate how diversity will be achieved across the site. The density / building heights drawings are a bit

confusing as they do not correlate. However the principle of greater height / scale along the spine road and around the smaller open space is supported. I also think the buildings on the west side of the main open space would provide better enclosure if they were 3 rather than 2 storeys; they should not impact adversely on Ockley Manor at this height providing there is sufficient soft landscaping along the eastern site boundary.

The proposed 3 storey building frontage facing Clayton Mills Park is supported as it should help to define the north side of the space (particularly if the bunding is reduced / removed) and provide some natural surveillance that is currently missing. The proposal to improve the physical quality of the open space by legal agreement (that will hopefully involve the comprehensive re-landscaping) is also supported.

### Response to Further Drawings

The applicant has provided additional information that address some of my previous issues. The smaller open space on the west side of the site is now designated accordingly (although it is a shame the DAS does not describe or give a name to the space, as it does for the other o/s). The plots are now all numbered demonstrating that 500 dwellings can be accommodated in this layout approach.

The larger scale vignette plan is welcomed in principle as it shows how the layout might work in detail in one area. Unfortunately this raises an issue regarding the parking as it incorporates more front threshold parking than shown on the masterplan drawing that weakens building enclosure and risks generating a hard-edged car dominated environment; a further concern is that the disparity between the drawings may be echoed in the other areas when they are subject to more detailed design. Front threshold parking could be reduced if shared surface treatment is adopted (as suggested in the masterplan drawing) as the avoidance of additional footways should generate more space to accommodate the parking at the side of dwellings as shown on the masterplan drawings.

### **MSDC Housing Officer**

Housing's comments on the re-consultation of the above application remain as per Nicola Creswell's email to you dated 1st February 2019 (copied below for ease of reference) with the addition of the following points on accessible dwellings (the proposal is silent) and clustering (the proposal suggests affordable housing clusters of no more than 15):

- Accessibility - DP28 of the District Plan (page 78-79) states:

'Developments of 5 or more dwellings will be expected to make provision for 20% of the dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2) ....'

The Affordable Housing SPD (2.46, 2.47 and 2.48) further states:

2.46. All development will be required to meet and maintain high standards of accessibility so all users can use them safely and easily. Account should also be taken of policy DP28 of the District Plan which requires a reasonable proportion of affordable homes, generally 4% to be provided as wheelchair user dwellings, dependant on the suitability of the site and the need at the time.

2.47. In such cases a wheelchair user dwelling means a dwelling which meets the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) for wheelchair accessible dwellings as contained in Category 3 - wheelchair user dwellings of Schedule 1 of the Building Regulations 2010 as amended.

2.48. In order to properly accommodate these requirements developers will need to allow additional space when designing wheelchair user dwellings, over and above that which is required by Nationally Described Space Standards. This should be approximately 20% of the Gross Internal Area in the case of flats and 30% of the Gross Internal Area in the case of houses, as set out in Figure 5 - Occupancy and minimum floor area requirement.

- Affordable Housing Clusters - 2.43. of the Affordable Housing SPD - Adopted July 2018 specifies:

2.43. Affordable housing provided on-site must be designed to a high standard and fully integrated into the overall scheme layout, in clusters of no more than ten dwellings (unless in high density flatted schemes where clusters of more than 10 units may be allowed - see clause 2.49) rather than concentrated in one location. Consideration of the grouping of affordable housing in the overall scheme will include how the provision relates to other phases of the same development including where there is a degree of separation provided by roads, open space or landscape feature; and the grouping of affordable housing in nearby previously developed schemes.

Housing response to consultation dated 1st February 2019:

"The applicant is proposing a development of up to 500 residential dwellings on this large strategic site. In order to comply with Policy DP31 of the District Plan, 30% of the units must be provided as affordable housing (150 dwellings) with a tenure split of 75% rented and 25% shared ownership tenure. The affordable housing provision should meet a wide range of housing needs and should allow for the following mix to be delivered:

27% 1 bed 2p flats/maisonettes/coach houses (inc 2 x fully accessible wheelchair flats with direct access to private outdoor space)

3% 1 bed 2p bungalows (built to meet the requirements contained in Part M4(2) 1(a) AND (b) and (2) (a) and (b) for accessible and adaptable dwellings as contained in Category 2 - Accessible and Adaptable Dwellings of Schedule 1 of the Building Regulations 2010)

28% 2 bed 4p flats/maisonettes/coach houses (inc 2 x fully accessible wheelchair flats with direct access to private outdoor space)

2% 2 bed 4p bungalows (built to meet the requirements contained in Part M4(2) 1(a) AND (b) and (2) (a) and (b) for accessible and adaptable dwellings as contained in Category 2 - Accessible and Adaptable Dwellings of Schedule 1 of the Building Regulations 2010)

27% 2 bed 4p houses (inc 1 x fully accessible wheelchair house)

9% 3 bed 5p houses (inc 1 x fully accessible wheelchair house)

2% 3 bed 6p houses

2% 4 bed 6p houses

The developer must adopt a tenure blind approach to design and materials so that the affordable dwellings are not easily distinguishable from the market homes. This applies to the parking provision provided as well as the dwellings themselves. Clusters of affordable housing must be of no more than 10 units with each cluster distinctly separate from the others through the use of market dwellings. This will contribute to a good level of social integration and community cohesion."

## **MSDC Community Leisure Officer**

That is disappointing because there are a limited number of community facilities in Hassocks and the new (draft) Community Buildings Strategy identifies a need for additional facilities in the rural areas. This is a major development which would benefit from community facilities on site to create a meeting place and venue for activities. (Please note that the planning officer clarified that the applicant was not proposing the provision of a community building, the offer was only land).

How much land are they proposing to transfer to the Council for the construction of a community building and where is it? The masterplan and DAS still refer to the provision of a community building? Based on 30% affordable and average occupancy the financial contribution due would be £351,390.

### Earlier comments dated 8th January 2019

Thank you for the opportunity to comment on the plans for the development of 500 residential dwellings on Land North Of Clayton Mills, Mackie Avenue, Hassocks on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

#### **CHILDRENS PLAYING SPACE**

The developer has indicated that they intend to provide an enhanced LEAP and fitness trail on site and full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition. They have also suggested four LAPs but these are not required as they only offer limited play value.

#### **FORMAL SPORT**

In the case of this development, a financial contribution of £612,680 is required toward the development of additional junior football pitch provision in Hassocks Parish. Potential sites for Artificial Turf and grass pitches will be identified in the Council's emerging Playing Pitch Strategy (the existing strategy has already identified a shortfall in provision- IDP Ref HA/51).

#### **COMMUNITY BUILDINGS**

The developer has indicated that they intend to provide a community building on site and full details regarding the design, specification and on-going maintenance will need to be agreed by condition to ensure it meets local needs.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit with 30% affordable (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

## **MSDC Drainage Officer**

Recommendation: No objection subject to Condition and details under Reserved Matters

### **Summary**

In principle it has been shown that the development can be adequately drained. There are suggestions of SuDS methods to achieve this, but as this is Outline there is limited detail to

show this more comprehensively. Therefore, at reserved matters stage, we will require the developer to show the proposed layout with an incorporated SuDS scheme that follows best practice as set by the CIRIA SuDS Manual C753.

The submitted approach is to have a method of a large attenuation system at the low spot of the site. The submitted plans show the proposed drainage system does appear to meet with some of the aims set by good SuDS design, such as run-off quantity and some biodiversity. However, I am not sure that the suggested proposal, as it stands, delivers much in terms of amenity. The proposed main attenuation pond is set on the edge of the development instead of being more integral to the design, which we would consider a missed opportunity. At present, it is difficult to fully assess the SuDS value as there is no clear detail regarding how the various catchments will manage surface water at source and then transfer surface water across the site. The use of swales is suggested, but this is only for the interception and control of overland surface water flows, and not for the main system serving the site.

Therefore, under Reserved Matters, we will require the following further detailed information to support this proposed Outline application:

- A more detailed design plan of the proposed drainage system serving the whole site. This should indicate the position and use of all SuDS systems, including swales, permeable surfaces/structures, ponds, wetlands, etc. And supporting calculations.
- Details of the specific overland surface water capture system as indicated for catchment R2 in Appendix 6.
- Details of how the energy from a single 105.5 ls-1 point of discharge will be managed so as not to have an adverse effect upon the receiving watercourse.

#### Overall Assessment

1. 30.0Ha total greenfield site, with 17.3Ha developed area: North of Mackie Avenue, West of Ockley Lane. Topographic plans indicate site falls generally from south-east to north-west.

2. FRA has looked at possible flood sources that could affect the site:

a. Watercourses.

The western boundary watercourse and the central watercourse have been acknowledged. The third watercourse (which crosses the north-east corner of the site) has not been detailed in the FRA.

b. Surface water.

This has been assessed, and informs of low to medium flood risks associated with the site in the form of possible surface water flood flows. This would be supported by the topographical survey and would appear to be surface water self-generated within the site.

However, we have a concern with the low risk up to 1:1000 year surface water flooding scenario associated with the north-east watercourse.

The surface water flood maps indicate possible water flowing across the site from the water. If this water were not intercepted and directed away from the development, it could drain to any proposed attenuation system and reduce its designed capacity.

The development proposes to address this with the use of swales along the northern boundary to direct flows. There are no further details for this.

c. Groundwater.

This has been assessed, and informs of a local groundwater emergence in the form of a spring that issues to the central watercourse. Groundwater across the site was found to vary between 1.9m to 2.9m bgl.

d. Sewers and Drains.

This has been assessed to be low risk. There does appear to be a possible septic tank discharge point on site, and this is suspected to be serving the property west of the site.

3. Following the hierarchy of surface water disposal, percolation has been examined. The ground conditions were found to have poor percolation in the regain of  $3.4 \times 10^{-8} \text{ ms}^{-1}$ . This is as expected with underlying clay soils in this area. Therefore the use of soakaways has been found to be not appropriate. The proposed drainage strategy therefore looks towards SuDS methods for the control and management of surface water. Therefore, attenuation is suggested as a suitable means of disposing surface water. The proposed drainage strategy looks to attenuate surface water with a controlled discharge of  $105.5 \text{ ls}^{-1}$ , which is the equivalent QBAR greenfield rate for the developed area. This would be for all rainfall events up to the 1 in 100 year event plus climate change allowance.

The following table is extracted from the FRA:

Return Period	1	Qbar (Proposed)	30	100
GRFOR Is (17.3ha developed area)	90	105.5	238.7	335.6

Whilst the proposal is to limit the rate of surface water discharge to the Qbar, and this provides a significant betterment between the 1:2.3 and the 1:100, we would like to see effort made towards limiting closer to the 1:1, if possible, to better match the Non Statutory Technical Standards for SuDS.

4. It is proposed for a single point of discharge to the watercourse along the north-west boundary of the site.  $105.5 \text{ ls}^{-1}$  could be a significant amount of energy being released at a single point. We would therefore expect to see means of dissipating some of this energy - possibly through multiple points of discharge, works to the watercourse to make it more resilient, or the use of swales etc. to spread the flow prior to final discharge
5. Any proposed works to any watercourse will require Ordinary Watercourse Consent. Applications for this can be made following this link:

<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/#apply>

Moving forward, this proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change. Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the

pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

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

The proposed development drainage will need to:

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

#### Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

#### Surface Water Drainage Proposals

It is proposed that the development will attenuate surface water with controlled discharge to the existing watercourse. Qbar is proposed, but we would like the development to consider improving this towards the 1 in 1 if possible.

#### Foul Water Drainage Proposals

It is proposed that the development will look towards the requisition of a new foul water sewer to serve the proposed development. Goddards Green Sewage Treatment Works has sufficient capacity to accept the waste from the proposed development.

#### **MSDC Environmental Protection Officer**

The application is for outline planning permission for up to 500 residential units, a school and community building. The development has the potential, during the construction phase, to affect the amenity of local residents by way of noise and dust. The new units may be affected by noise from the road and railway on either side of the site.

#### Noise

This has been assessed in Environmental Statement Chapter 10 Noise, Technical Appendix G: Noise and Railway Noise Risk Assessment.



Section 6.3.3 contains plots which show the indicative noise exposure of the site and indicate where the final detailed form of any development will need to be accompanied by a detailed acoustic design statement (ADS) to achieve the guideline levels of noise internally and externally in amenity areas.

Section 6.4.6 advises that when the proposed development is in its design phase it should be subject to a ProPG Stage 2: Element 2 assessment - seeking to achieve recommended noise levels inside noise sensitive rooms in the new residential development, as a part of a detailed acoustic design statement (ADS) setting out how the numbers and levels of individual noise events are to be controlled with sensitive bedrooms.

Table 6.3 shows that the site is likely to be acceptable from a noise perspective provided that a good acoustic design process is followed and is demonstrated in an ADS which confirms how the adverse impacts of noise will be mitigated and minimised in the finished development.

Acoustically critical issues such as site layout, building heights, etc. may be left for agreement at a later stage, by the ultimate developer. Moreover, any changes in acoustically critical issues following grant of outline consent should be fully assessed in an ADS for the final scheme.

Section 6.8.7 outlines the key elements appropriate for a site such as this where the initial risk assessment suggests 'low' or 'negligible':

- Opportunities to mitigate the noise source within the site
- Maximise separation
- Noise barriers - screening opportunities
- Site layout - protecting residential units
- Site layout - protecting external amenity space
- Non-sensitive elements as screens
- Building layout to self-screen sensitive rooms
- Building treatment to screen openings
- Window location & size on affected facades
- Ventilation - natural, from quiet facade

Section 7.1.6 states that when this proposed development is in its design phase it should be subject to a ProPG Stage 2 full assessment which seeks to achieve recommended noise levels inside noise sensitive rooms and external amenity spaces, in the new residential development. This will form a part of a detailed acoustic design statement (ADS) setting out how noise events are to be controlled in these spaces.

Section 7.1.7 The outcome of this assessment is sufficient to give the local planning authority confidence that it may grant outline consent in the knowledge that a housing developer is able to bring forward a detailed scheme including detailed noise mitigation measures to render noise levels to a satisfactory level for the intended use.

Environmental Protection accepts that a well-designed scheme can achieve satisfactory internal noise levels and have recommended a soundproofing condition accordingly.

#### Air Quality - Environmental Statement Chapter 4

With regard to the traffic modelling, this has been accepted by WSCC Highways, including the forecast impact upon traffic flow at the Stonepound Crossroads: WSCC are satisfied that

the development would not significantly or unacceptably increase queues and delays at this junction.

As discussed in chapter 11, a travel plan will be put in place for the proposed development to minimise traffic generation and encourage sustainable travel. In addition, in accordance with the requirements of policy DP11 of the adopted local plan, electric vehicle charging points will be provided for each dwelling to encourage the uptake and use of electric vehicles and reduce local emissions.

The Sussex Air Quality Partnership has published air quality and emissions mitigation guidance for Sussex. This provides a procedure for calculating financial contributions towards pollution mitigation for developments, as required by action 17 of the council's air quality action plan. The proposed development will provide the required contribution towards measures to minimise emissions.

The AQ assessment has completed the calculation using damage cost figures it claims are interim (Section 7.3.8) as further Defra figures are "imminent". As this is an outline application it seems reasonable to condition a mitigation scheme based on the costs which will be current when the reserved matters application is submitted.

#### Dust - Construction

4.34 A range of measures to reduce dust generation during construction will be put in place through the CEMP (table 4.8).

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

#### Conditions:

- Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents.

- Construction Environmental Management Plan (CEMP): No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall address control of noise and vibration from construction work, including the compacting of ground (in line with section 7.2 of the submitted Environmental Statement Technical appendix G: Noise, Dec 2018); dust control measures (in line with section 7.4 of the submitted Environmental Statement Technical appendix B; Air Quality, Dec 2018); policy for burning on site, and site contact details in case of complaints. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of nearby occupiers

- Soundproofing - Construction work shall not begin until a detailed Acoustic Design Statement (as per ProPG guidance) and a scheme for protecting the residential units from external road and rail noise have been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB L<sub>Amax</sub> when measured in bedrooms internally between 23:00 and 07:00 hours, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure thermal comfort of the occupants with the windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period unless otherwise agreed in writing. All works which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of future residents with regard to external noise.

- Plant & Machinery (Operational): Prior to use of any external ventilation, refrigeration, heating or air conditioning plant or machinery, details shall be submitted, and approved in writing by the Local Planning Authority, demonstrating that the plant or machinery noise rating level shall be at least 5dB below the existing background noise level at the nearest residential façade between 07:00 and 23:00 hrs on any day, and below 30dB LAeq(8hr) at all other times. All measurements shall be defined and derived in accordance with BS4142: 2014.
- Air Quality - The applicant shall submit an emissions mitigation calculation, in accordance with the Air Quality & Emissions Mitigation Guidance for Sussex which is current at the time of the reserved matters application, the purpose of which is to assess the emissions relating to the development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment.

The emissions mitigation assessment must use the most up to date emission factors. A Mitigation Scheme to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

Reason: In line with MSDC Policy DP29: Noise, Air and Light Pollution

### **MSDC Contaminated Land Officer**

This application looks to build 500 residential dwelling, and provide land for primary school, on land historically used for Agriculture.

As part of the application an Environmental Impact Assessment by Terence O'Rourke Ltd has been submitted. A desk study and preliminary site investigation has also been undertaken by Southern Testing (ref: J13373), dated December 2017.

The preliminary site investigation has not identified any levels of contamination on site that would present a risk to human health.

However, given the limited scope of the investigation, the size of the proposals and the sensitivity of the proposed uses, they have recommended that further testing be undertaken before construction take place in order to help identify any potential hot spots.

Given that the possibility of hot spots will never be ruled out completely by a ground investigation, it is also recommended that a discovery strategy should also be attached, so that in the event that contamination not already identified prior to construction, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions

- 1) Construction shall not commence until there has been submitted to and approved in writing by the Local Planning Authority:
  1. A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice;  
  
and, unless otherwise agreed in writing by the local planning authority,
  2. a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- 2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (1)b that any remediation scheme required and approved under the provisions of condition (1)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
  - a) built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress;
  - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (1) c."
- 3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

## **MSDC Tree and Landscape Officer**

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

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

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

The site currently has no trees subject to TPO. However, one TPO group (HA/01/TPO/06) & one tree subject to TPO (HA/01/TPO/06) are situated on the southern boundary of the site.

Two trees (T50-Ash & T104-Ash) are to be removed to facilitate the development. These trees have been graded 'U' due to poor condition and would be removed regardless of the development

Hedgerows that divide the site will be partially removed to facilitate the development and gain access throughout the site. All the hedgerows on site should be retained where possible.

I would suggest that the maintenance and aftercare of all newly planted trees is conditioned to insure that the trees establish well and grow to maturity. Detail of: position, size, planting, feeding, support and aftercare are required. All of this information should be submitted within a full landscape plan. Species selection for newly planted trees on site should reflect the surrounding trees.

Protection measures for retained trees have been detailed within the submitted report, including: Construction Exclusion Zones using suitable fencing/signage and examples of temporary/permanent ground protection.

Good working practices while excavating within the RPA of retained trees (sympathetic treatment of disturbed roots etc.) should be fully addressed within the AMS report.

Any excavations (including all surfacing/CCS) that encroach into the RPA of retained trees should be undertaken under professional arboricultural supervision.

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

## **MSDC Ecology Consultant**

In my opinion, then, subject to the following conditions a reserved matters application should be capable of avoiding, adequately mitigating or, as a last resort, compensating for significant impacts on biodiversity conservation and as such would be compatible with district plan and NPPF biodiversity policies:

The reserved matters application shall be supported by an updated ecological impact assessment covering the detailed planning proposals, including lighting proposals and supported by updated ecological survey information where necessary to accord with good practice and a full construction environmental management plan (CEMP) setting out protection and mitigation measures and habitat enhancement and management proposals, which may be integrated with landscape planting and management proposals.

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

### **MSDC Visual Landscape Consultant**

The following comments reiterate and expand upon points made previously in response to the additional information submitted.

1. The site is allocated in the Mid Sussex Local Plan (Adopted March 2018) under Policy DP11. This policy does require landscape and design mitigation measures in order for the development to have an acceptable impact on landscape character and views. These include:
  - a) Appropriate mitigation to reduce the visual impact of the development and in particular the setting of the South Downs National Park (SDNP).
  - b) A greenspace buffer on the northern boundary to prevent coalescence with Burgess Hill.
  - c) A greenspace buffer to residential properties on the southern boundary to preserve the amenity of properties in Mackie Avenue.
  - d) A landscape buffer to the group of listed buildings at Ockley Manor.
  - e) Deliver opportunities to enhance green infrastructure across the site.
2. The Landscape and Visual Impact Assessment (LVIA) prepared to support the application generally provides an accurate assessment of the baseline landscape character and visual context of the site and surrounding area. This LVIA suggests that the context of the site is influenced by urban interventions including the presence of the road and railway. This assessment rather underestimates the rural character and sensitivity of the site and surrounding area. Ockley Lane is rural in character, despite the scattered development strung along the section adjacent to the site. It is acknowledged that the railway is elevated on a high embankment, however it is heavily wooded so that trains and other railway infrastructure are not prominent in the landscape.
3. The LVIA does identify that the site is open with long views across from local areas including Ockley Lane, public rights of way and local residents. There are also views across the area from trains approaching Hassocks station. These are glimpsed views but they are rural and expansive in character.
4. The proposed development would need to provide a strong and enhanced green infrastructure framework to ensure that that it can be successfully integrated into the local landscape. This should incorporate extensive tree and woodland planting across the site area.
5. The LVIA only provides one viewpoint from the scarp slope of the South Downs National Park at Jack and Jill Windmill. This does not fully assess the potential impacts from the SDNP as there are other views at varying angles which would reveal more of the development from Wolstonbury Hill and the downs above Underhill Lane. A fuller assessment from the SDNP would help to ensure that a robust mitigation strategy can be developed. This would not only be delivered by the green infrastructure strategy, but through other measures such as consideration of roof materials and building heights. The use of green roofs could be considered, particularly for larger buildings.
6. The LVIA does recommend that the landscape masterplan and boundary planting is implemented in advance of each phase of the development. This will be important to ensure that the proposed planting can be established as early as possible to provide a

setting for all phases as they are implemented. It is recommended that the developer is required to provide the green infrastructure buffers to the boundaries of the site at the earliest stages of the development. It is also recommended that the key recreational spaces are established along with the proposed bridleway to Burgess Hill.

7. The Green Infrastructure masterplan will provide an enhanced landscape structure and needs to be implemented in full in order to mitigate the development. It is noted that the masterplan has been developed in consultation with the local community and adapted to their responses. There are some key elements which would need to be addressed in the detailed design stages to ensure successful integration and mitigation of the development.
8. These are outlined below:
  - a) The landscape buffer on the north side of the development needs to be a minimum of 30m wide north to south. The illustrative masterplan dated 24.5.19 indicates an area of only 25m in width and this is considered to be inadequate.
  - b) The buffer planting on the boundary with Mackie Avenue is labelled as being 10m deep, but on the plan this only measures at 8m maximum. It is recommended that this should be 10m deep as a minimum to allow space for ultimately large trees and understorey planting.
  - c) The proposed landscape buffer on the south west side of the development adjacent to the existing open space is barely 5 metres deep. This would not allow space for significant tree planting within this buffer which would also be required to mitigate the impact of the development in long views from the downs. It is recommended that the developer is required to plant at least a 10m wide belt of trees on the boundary of the site. This could be delivered in part within the existing open space which it is noted will be enhanced.
  - d) Native tree species should be used for the boundary planting and should provide a locally characteristic mix of species of, predominantly, oak and an understorey of shrubs. This should include evergreens (holly and yew) to provide an effective visual barrier and to be in character with the local area.
  - e) The avenue trees should be selected to provide a range of tree species in relation to the street hierarchy. Larger species such as oaks and limes can be used for the main avenues with smaller street trees such as rowans and maples in the side streets.
  - f) Trees need to be located in public spaces or streets and shared areas such as parking courts. It is noted that the revised masterplan has trees within gardens as a contribution to the GI of the site. Trees planted in private gardens would not be secured in the long term as residents may remove or lop them and therefore should not be relied upon for mitigation.
  - g) The spring which arises in the proposed open space to the north of Mackie Avenue provides an opportunity as a natural feature which could be incorporated into the design for this space. The spring would appear to be accommodated in a green corridor running through the site from north to south. However, it is not clear how the stream will be dealt with at the southern end where it appears to run through a children's play area. It is recommended that this feature is not culverted, but is designed into the open space as a natural spring and as a ford across the public right of way.
  - h) A long term landscape and ecological management plan (LEMP) should be provided for the green infrastructure to ensure the successful establishment and ongoing maintenance of all landscaped areas and features. This should include the proposed enhancement to the existing open space on the Clayton Mills estate.
9. The loss of a long section of hedgerow to the access arrangements and realignment of Ockley Lane would be regrettable. It is unlikely that this hedge would successfully

translocate and it would need to be replanted from scratch. The proposed species list is acceptable but could include more variety of species to maximise the habitat potential. For example *Viburnum opulus* (guelder rose) and *Rosa canina* (dog rose).

10. The access plans suggest that wild flowers could be considered on the verges, in order to reinforce sense of place and maximise habitat value. It is recommended that the verges are sown with wildflowers and managed as meadow.
11. It is suggested that a gateway feature could be provided at the entrance to the extended 30 mph zone on Ockley Lane. This should be of a design which would enhance local distinctiveness and not detract from the rural character of the lane. The plastic picket fence type of gateway commonly found at village entrances should be avoided.
12. It is recommended that as a strategic housing allocation the development of this site can be supported. The successful mitigation of the development will depend on the full and early implementation of the green infrastructure masterplan. The management of the landscape areas and associated trees would need to be secured into the long term.

#### Earlier Comments dated 3rd January 2019

##### Summary Recommendation

The proposal could comply with NPPF Section 15 policies for conserving and enhancing the natural environment.

This is with particular reference to Paragraph 170 which requires planning policies and decisions to contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

##### Reason for Recommendation

1. The NPPF Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 170 states that:

*'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils(in a manner commensurate with their statutory status or identified quality in the development plan).*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*



- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

2. The NPPF Section 12, Paragraph 130 requires that:

*'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents'.*

3. The site is allocated in the Mid Sussex Local Plan (Adopted March 2018) under Policy DP11. This policy does require landscape and design mitigation measures in order for the development to have an acceptable impact on landscape character and views. These include:

- a) Appropriate mitigation to reduce the visual impact of the development and in particular the setting of the South Downs National Park (SDNP).
- b) A greenspace buffer on the northern boundary to prevent coalescence with Burgess Hill.
- c) A greenspace buffer to residential properties on the southern boundary to preserve the amenity of properties in Mackie Avenue.
- d) A landscape buffer to the group of listed buildings at Ockley Manor.
- e) Deliver opportunities to enhance green infrastructure across the site.

4. The Landscape and Visual Impact Assessment (LVIA) prepared to support the application generally provides an accurate assessment of the baseline landscape character and visual context of the site and surrounding area. This LVIA suggests that the context of the site is influenced by urban interventions including the presence of the road and railway. This assessment rather underestimates the rural character and sensitivity of the site and surrounding area. Ockley Lane is rural in character, despite the scattered development strung along the section adjacent to the site.

It is acknowledged that the railway is elevated on a high embankment, however it is heavily wooded so that trains and other railway infrastructure are not prominent in the landscape.

- 5. The LVIA does identify that the site is open with long views across from local areas including Ockley Lane, public rights of way and local residents. There are also views across the area from trains approaching Hassocks station. These are glimpsed views but they are rural and expansive in character.
- 6. The proposed development would need to provide a strong and enhanced green infrastructure framework to ensure that that it can be successfully integrated into the local landscape. This should incorporate extensive tree and woodland planting across the site area.
- 7. The LVIA only provides one viewpoint from the scarp slope of the South Downs National Park at Jack and Jill Windmill. This does not fully assess the potential impacts from the SDNP as there are other views at varying angles which would reveal more of the

development from Wolstonbury Hill and the downs above Underhill Lane. A fuller assessment from the SDNP would help to ensure that a robust mitigation strategy can be developed. This would not only be delivered by the green infrastructure strategy but through other measures such as consideration of roof materials and building heights. The use of green roofs could be considered, particularly for larger buildings.

8. The LVIA does recommend that the landscape masterplan and boundary planting is implemented in advance of each phase of the development. This will be important to ensure that the proposed planting can be established as early as possible to provide a setting for all phases as they are implemented. It is recommended that the developer is required to provide the green infrastructure buffers to the boundaries of the site at the earliest stages of the development. It is also recommended that the key recreational spaces are established along with the proposed bridleway to Burgess Hill.
9. The Green Infrastructure masterplan will provide an enhanced landscape structure and needs to be implemented in full in order to mitigate the development. It is noted that the masterplan has been developed in consultation with the local community and adapted to their responses. There are some key elements which would need to be addressed in the detailed design stages to ensure successful integration and mitigation of the development. These are outlined below:
  - a) The landscape buffer on the north side of the development is a minimum of 30m wide north to south.
  - b) Native tree species are used for the boundary planting and should provide a locally characteristic mix of species of predominantly oak and an understorey of trees and shrubs. This should include evergreens (holly and yew) to provide an effective visual barrier and to be in character with the local area.
  - c) The avenue trees should be selected to provide a range of tree species in relation to the street hierarchy. Larger species such as oaks and limes can be used for the main avenues with smaller street trees such as rowans and maples in the side streets.
  - d) Trees need to be located in public spaces or streets and shared areas such as parking courts. Trees planted in private gardens would not be secured in the long term as residents may remove or lop them.
  - e) The spring which arises in the proposed open space to the north of Mackie Avenue provides an opportunity as a natural feature which could be incorporated into the design for this space as an open channel and enhanced habitat.
  - f) A long term management plan is provided for the green infrastructure to ensure the successful establishment and ongoing maintenance of all landscaped areas and features.
10. It is recommended that as a strategic housing allocation the development of this site can be supported. The successful mitigation of the development will depend on the full and early implementation of the green infrastructure masterplan. The management of the landscape areas and associated trees would need to be secured into the long term.

### **MSDC Archaeology Consultant**

I have reviewed the additional information submitted, following the comments of my colleague Joanna Taylor, dated 04/01/2019, which requested further information in order to make an informed judgement regarding the archaeological impact of the application.

The key additional information identified was:

- HER distribution plan - now included, which provides the necessary context for the data/archaeological discussion

- Historic Map Regression - not provided, but some historic cartographic sources included in the Design and Access statement.
- Aerial Photographs & (if available) LiDAR data - still not provided. Ideally this information would be included at this stage, to assess the archaeological impact and to inform future archaeological strategy.
- Proposed development plan - not integrated but available through other planning submissions. The impact of the differing areas of the proposals will need to be fully understood prior to devising the future archaeological strategy.
- A plan of archaeological structures and features found during excavations conducted to the south, shown relevant to the planning application - this has now been included as Appendix 4 of the Desk Based Assessment. The plan shows that a continuation of features of multiple dates, and notably the results of this work suggest an associated high status Roman site, can reasonably be expected within the vicinity.
- A plan of the geophysical survey - The Geophysical survey report by Sumo Survey has been reproduced within Appendix 3. The survey achieved good coverage of the site, although unfortunately area 4 to the south west of the site, with possibly the highest archaeological potential could not be surveyed. No specific responses were interpreted as being of archaeological interest. It is unclear whether this is a result of a genuine lack of sub-surface features, the unsuitability of the technique, or a result of prior site impacts.

Given the high potential for previously unknown heritage assets to be present on the site, that the site is of a significant size, and that the proposed development will lead to the destruction of any archaeological assets that may be present, in line with the National Planning Policy Framework and policy DP34 of the Mid Sussex Local Plan, I recommend further archaeological work is required. In the first instance, the archaeological work should comprise an archaeological evaluation trial trenching exercise within those areas of the site where groundworks proposed as part of the development have the potential to impact on archaeological assets. This may include areas proposed for sports pitches, play areas, landscaping, parking, and access, as well as the areas proposed for residential development. It should be noted that the area of the existing water spring to the south, may contain below ground remains which are particularly sensitive to any form of change, and therefore detailed archaeological evaluation will need to take place prior to the confirmation of any proposals here.

The evaluation will aim to establish rapidly what archaeological assets are and may be present, and the results of the evaluation will enable decisions to be made regarding suitable mitigation measures to be developed. I will need to agree a specification for the evaluation before the trenching can begin. Given that the Historic Map Regression exercise remains outstanding, this information should be included within any specification for the evaluation, in order to properly inform a trenching strategy.

Whilst I do not consider there is a need for this information to be available in advance of any decision on this Outline application, I would recommend that the results of this appropriately scaled field evaluation are available to inform any detailed reserved matters application(s) to follow. This will provide for the opportunity to influence the design and logistics of the development and accommodate any Archaeological Assets worthy of preservation in situ that may be revealed within the detailed development proposal and/or allow for the implementation of suitable mitigation measures appropriate to the archaeological significance of the Assets that may be present.

Subject to these measures, I do not have any objections to the proposed development, however to ensure the required archaeological work is secured satisfactorily, the following condition is appropriate and I would recommend that it be attached to any outline planning permission that may be granted:

"No development shall take place until the applicant, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority."

Further comments in relation to Historic Hedgerows:

Cartographic research undertaken as part of the Assessment has identified a number of historic hedgerows adjacent to and within the site. I am pleased to note that the proposals submitted, generally aims to minimize impact on pre 19th century hedgerows, and I would expect this consideration to be continued in any subsequent iterations of the proposed designs. In the event of granting permission, the planning authority should also consider the use of S.106 agreements and/or article 4 directions to be applied as appropriate, to secure the protection of the historic boundary and ancient woodland during the development, and their long-term preservation and management following the completion of any works and the occupation of the site in the future.

Please note these comments relate to archaeological remains only, and the views of the relevant Conservation Officer should be sought regarding above ground heritage considerations.

#### Earlier comments

Recommend Predetermination Archaeological Assessment - Further Information Required

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

The National Planning Policy Framework (Revised 2018 - Section 16) places the conservation of archaeological interest as a material consideration in the planning process.

Paragraph 189 of the NPPF says that: 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.' This information should be supplied to inform the planning decision.

The planning application covers an area of c.28ha and largely encompasses Archaeological Notification Area (ANA) - 'DWS8608 - Possible Bronze Age to Romano-British Occupation, Hassocks'. The ANA is flagged 'Red' and is considered by West Sussex County Council as being very archaeologically sensitive. An Environmental Statement was submitted in support of the planning application (Gleeson Strategic Land 2018) and includes a chapter considering the archaeological impact of the proposed development (Chapter 5 - Archaeology) and an associated appendix (Technical Appendix C). The Environmental Statement itself details the following:

Paragraph 5.16 'The HER records a number of findspots in the study area that indicate human activity from the prehistoric period... (and) the most interesting prehistoric finds were made immediately south of the site during archaeological evaluations ahead of the recent residential development in the area. These included Bronze Age roundhouses defined by post-holes and gullies and associated middle Bronze Age pottery (HERs 8232 and 8233).'

Paragraph 5.17 'Clear evidence for Roman structures was also recorded in the same area (HERs 8234 and 8235). A field system, enclosure and two structures were recorded,

including the footprint of a 26 m by 15 m building and a smaller structure, tentatively interpreted as a shrine. Associated finds suggested activity throughout the Roman period and of high status, with a structure with underfloor heating thought likely to lie nearby. These remains are all at least 100 m south of the application site. Most of the trial trenches opened closest to the application site were blank, although some re-cut field boundary ditches were identified, suggesting an agricultural landscape in this area.'

The high archaeological potential of land comprising the planning application is evident and it is pleasing to note that a geophysical survey of the site has been undertaken at the predetermination stage. It is noted however that the geophysical survey report has not been included within Environmental Statement Technical Appendix C and as a consequence further informed judgement of the results and their implications cannot be made. Likewise, Technical Appendix C does not include the following figures, all of which are expected to allow informed recommendations to be made:

- HER distribution plan
- Historic Map Regression
- Aerial Photographs & (if available) LiDAR data
- Proposed development plan
- A plan of archaeological structures and features found during excavations conducted to the south, shown relevant to the planning application
- A plan of the geophysical survey

As such, further information to reach an informed judgment of the impact the planning application can be anticipated to have on heritage assets of archaeological interest is required. It is therefore recommended that the geophysical survey report is added to Technical Appendix C and the figures listed above are included within Technical Appendix C. With this as a consideration, it is recommended that a decision on the planning application should not be taken without this supplementary information being provided and further informed recommendations being made by our office.

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

This response relates solely to archaeological issues.

### **WSCC Highways**

WSCC Highways have previously provided comments on highways and transport matters. These are dated the 3rd July 2019 and 10th January 2019.

Changes are shown to the proposed works in and around the vehicular access. These changes are shown on drawing number ITB11335-GA-032 revision I and summarised on page 6 of the second Transport Assessment Addendum dated 7th August 2019. The majority of the changes are relatively minor and have no particular highway consequences. One of the alterations is to reduce the proposed footway on the east side of Ockley Lane from 1.5 metres from 2 metres in width. It is also proposed to further narrow the proposed footway on the east side of Ockley Lane to accommodate an existing septic tank. The changes result in a footway width of 1 metre being provided over a distance of approximately 9 metres. Given this footway will be primarily used by those accessing the bus stops, it is expected that this would be very lightly used. The proposed changes are considered acceptable.

A revised mitigation scheme is also presented for the Keymer Road/Folders Lane mini-roundabout. Previously the mitigation has shown works on all arms of roundabout. Given the limited availability of highway land, the submitted design has included design elements that are substandard and in principle unacceptable to WSCC. The applicant has therefore revisited the scheme and investigated whether improvements can be accommodated on that arm that is most affected by the increase in vehicular traffic (namely the southbound Keymer Road arm). The revised improvement is shown in appendix B of the second TAA. In summary, the mitigation involves the lengthening of the flare on the southbound Keymer Road arm. The widening works are achieved through the conversion of the existing grass verge to carriageway construction; all of the works are within the existing highway. This scheme as shown on drawing number ITB11335-GA-055 revision B should be incorporated into the s106 Heads of Terms. Further discussion would be required in terms of the trigger points for the undertaking of these works.

Whilst these works have been discussed and agreed with WSCC, the appendix that includes the modelling outputs (appendix B) appears to be missing from the public planning file however. In summary, the proposed revisions are acceptable. No objection would continue to be raised to this proposal.

#### Comments from 3rd July 2019

West Sussex County Council acting in its role as Local Highway Authority, has previously issued formal comments on this planning application. A number of matters were raised that required additional comment by the developers transport consultant. A Transport Assessment Addendum has been prepared that covers all previously raised matters.

#### Revised Access Arrangement

Although no issues were raised by WSCC regarding the principle or detail of the proposed development access onto Ockley Lane, the design has been revised. The junction still takes the form of a simple priority junction onto Ockley Lane, however the location has been moved southwards. This has increased the separation distance between the development and Hawthorn Cottage accesses. The revised design results in the need for the slight realignment of Ockley Lane in the vicinity of the junction to ensure suitable visibility splays can be achieved.

As part of the revised junction design, the existing hedgerow on the eastern side of Ockley Lane is to be set back. Previously, it was proposed to cut back the existing hedgerow to provide the required visibility splays and forward visibility. This arrangement would though have required the hedgerow to be continually cut back by WSCC. This would be unduly problematic in the summer months. The as proposed arrangement would remove any such issues.

A further consequence of the revised design and realignment of Ockley Lane is the inability to now provide a continuous footway on the western side of the carriageway as originally shown. The revised scheme does provide crossings points and a new length of footway on the eastern side of Ockley Lane. The development will therefore achieve a route from the site towards Hassocks albeit there will be a requirement to cross and then re-cross Ockley Lane. It should be noted that other routes from the development towards Hassocks are proposed (using the existing public rights of way through the Clayton Mills development (this is to be changed in status to a bridleway and the route improved as part of the proposed development)) as well as onto Ockley Lane (using footpath 5k (which is also to be upgraded in status to a bridleway)). The route requiring the crossing and re-crossing of Ockley Lane may effectively only be used to access the southbound bus stop, and as such is expected to be lightly used.

All of the revised access works are understood to be within land controlled by the applicant or land forming part of the public highway. The consent of WSCC will be required ahead of any of the highway works being undertaken. It should also be noted that WSCC will not adopt or maintain the proposed bus shelters. If these are to be provided, the applicant should ensure that a mechanism is in place to cover the on-going maintenance of these.

The revised junction and associated works have been the subject of a Stage One Road Safety Audit. This identifies several problems all of which have been addressed by the designer through revisions to the scheme layout.

In summary, the revised junction layout retains the same form as previously accepted by WSCC. The revised scheme offers a betterment to that previously shown particularly in terms of removing the need for continuous on-going maintenance of the visibility splay to the north. There is a drawback in terms of the inability to achieve a continuous footway link on Ockley Lane from where the existing footway ends to the development. It is recognised that other more direct routes towards destination in Hassocks are available with it expected that the route onto Ockley Lane via the development junction will effectively serve the southbound bus stop. No objection would continue to be raised towards the proposed development access arrangements.

#### Amended Modelling

Several matters were raised in connection with the traffic modelling included in the originally submitted transport assessment.

#### *Site Access Junction*

The site access junction has been accepted as working well within theoretical capacity in the AM and PM network peak hours. Inter-peak modelling was also requested to cover school collection to ensure the junction works acceptably at this time as well. The additional modelling shows the junction would operate well within capacity with minimal delays to traffic entering or exiting.

#### *Ockley Lane/Grand Avenue priority junction*

The junction was originally modelled as being flared, thereby allowing two vehicles exiting the junction to queue side by side. The inclusion of flaring would enhance the capacity of the junction. A further improvement scheme was also proposed as part of the development to increase the length of the flare. This would have had the undesirable consequence of increasing the width of carriageway to be crossed by pedestrians.

WSCC disagreed with the use of flaring on the junction, with the wide junction layout considered to be more a consequence of the large kerb radii as opposed to intentional flaring. It was also noted that despite the wide nature of the junction, exiting vehicles did not queue side by side. The junction has therefore been modelled without a flare.

Based on the revised modelling, it is still apparent that this junction would operate well within theoretical capacity with the proposed development. The previously proposed improvement has been withdrawn.

#### *Keymer Road/Ockely Lane priority junction*

Similar to the Ockley Lane/Grand Avenue junction, this junction was also modelled as having a flare. An improvement scheme was also identified to increase the width of the exit and the length of the flare. Again the operation of the layout and operation of this junction was not

considered reflective of the model. It was requested that the flare be removed. It was also requested that the improvement scheme be withdrawn due to the potential adverse impact this would have for non-motorised road users and the detriment that would result from the realignment on visibility at the Church Mead junction.

The results of the revised modelling shows increasing delays in the PM peak although the junction would continue to work within capacity with minimal queueing. In the AM, the proposed development would result in the junction operating over capacity with resultant increases to queues and delays. It should be recognised that the traffic model becomes increasingly unstable once theoretical capacity has been exceeded and as such the forecast results may not be reflective of actual conditions. Nevertheless, the model still clearly indicates a potential capacity issue.

In terms of the acceptability of the capacity issue, the test within the National Planning Policy Framework is whether the developer would result in unacceptable safety or severe highway issues. The forecast delays (163 seconds per vehicle) and queues (28 vehicles) at the worst performing time are acknowledged as being significant. Such issues will though occur over a very short part of the day when traffic flows on the network as a whole are higher. At all other times the junction is expected to operate within minimal queues and delays.

There is the potential for traffic to use alternate routes to avoid this junction (for example exiting onto Keymer Road via Grand Avenue). The main destinations for traffic using the Ockley Lane/Keymer Road junction are thought to be to the south with Lodge Lane and New Road presenting the most direct routes. If traffic were to re-route and use Grand Avenue, the expectation is that this traffic would then continue westwards through the Stonepound Crossroads. In light of the forecast traffic issues at the Stonepound Crossroads (delays here are longer than those forecast at the Ockley Lane/Keymer Road junction), the potential for further delays along Keymer Road itself, and this being a longer route, it is considered unlikely that any substantial number of vehicles would redirect.

In conclusion, the potential for increased delays and queues at this junction are acknowledged. The possible consequences of these increased capacity issues have been considered. Whilst the possibility of traffic re-routing and exacerbating capacity issues elsewhere cannot be ruled out in its entirety but due to existing issues considered unlikely. The only other consequence is traffic queuing back and blocking other junctions. In this instance, only Church Mead would be blocked. There are otherwise no recorded pre-existing safety issues at the Ockley Lane/Keymer Road junction that the increase in traffic would worsen. It's not considered that the development would result in any severe or unacceptable safety impacts.

#### *Lodge Lane/New Road crossroads*

No capacity issues have been previously identified with the existing junction and it is accepted that this would continue to operate within capacity with the development. Additional modelling has been presented based on an indicative improvement scheme. This proposes to simplify the Lodge Lane northern arms by closing the eastern branch. Right turning lanes are also proposed for turning traffic. This is based on potential works that may (subject to feasibility) be implemented by WSCC separately to the current planning application. Whilst any future scheme will be subject to further design consideration, the potential revised junction arrangement is still indicated to work within capacity. Given the increase in traffic that will result, it is still recommended that the development contributes towards the future WSCC improvement as shown on the indicative arrangement. Any such contribution would need to be proportionate to the impact of the development and the potential cost of the improvement works.



### *Keymer Road/Folders Lane mini-roundabout*

Discussions are on-going between the applicant's transport consultant and WSCC regarding the design of the proposed mitigation scheme. An update will be provided once these discussions have concluded.

### Accessibility Improvements

A number of minor footway/walking improvements were shown in the original TA. In addition to these, further improvements are identified. These improvements are proposed to the walking route from Ockley Lane using the existing pedestrian only footpath onto Farnham Avenue and Manor Avenue.

All of the improvements are now shown on drawings ITB11335-GA-033 and ITB11335-GA-054, included in appendix H of the TAA. These are all understood to be sited within the existing highway, and so as such will require the permission of WSCC to implement. It is recommended that these works are included in the s106 agreement. A trigger point will need to be agreed by which time these works should be completed.

In light of local concerns with existing vehicle speeds, additional measures are proposed to further reinforce the existing speed limit. These measures include the provision of a gateway feature into Hassock to the immediate north of the proposed development junction and vehicle activated signs on Ockley Lane. The gateway feature will form part of the highways works agreement required to construct the new junction with details agreed as part of that.

The vehicle activated signs are to be located within and reinforce the existing 30mph speed limit. The TAA implies that these will be covered by way of a contribution although the preference would be more that these are provided by the applicant as part of their highways works agreement.

A contribution was previously proposed to enable increased cycle parking at Hassocks train station. As the contribution related to works outside of the public highway, it was questioned whether it was appropriate for WSCC to take this. A revised plan has been submitted showing the potential location for additional cycle parking within the highway near to the station. The provision of the additional stands would overcome the issue with taking a contribution for works outside of the highway. For the purposes of securing the works, it is recommended that these are included in the s106 agreement. An either or obligation should be included; either the works as shown on drawing number ITB11335-GA-049 or a contribution made in lieu to allow other similar cycle parking to be installed elsewhere in the vicinity of Hassocks railway station.

### Other Matters

Although covered through the construction management plan, in light of existing constraints (the width restriction on Ockley Lane (albeit this will allow for access), the air quality management area at Stonepound Crossroads and road widths through Ditchling), routing for construction traffic will need to be suitably agreed prior to development commencing. Any CMP will need to account for the early delivery of the school site and the possibility of the school being occupied whilst the residential development continues to be built out.

### Summary

Other than the on-gong discussions regarding the form of mitigation at the Keymer Road/Folders Lane mini-roundabout and the need to agree the trigger points for the various

s106 highway works, all other matters are considered to be resolved. Suggested conditions and s106 heads of terms for highway matters are set out below.

### Conditions

#### Construction Management Plan

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

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

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

#### Visibility

No part of the development shall be first occupied until visibility splays of 2.4 metres by 120 metres have been provided at the proposed site vehicular access onto Ockley Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

#### Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access Arrangement from Ockley Lane, numbered ITB11335-GA-032 Rev G.

Reason: In the interests of road safety.

#### Travel Plan

Upon the first occupation, the Applicant shall implement the measures incorporated within the approved travel plan (referenced MG/RS/ITB11335-102B R, dated 3rd June 2019). The Applicant shall thereafter monitor, report, and subsequently revise the travel plan as specified within the approved document. Reason: To encourage and promote sustainable transport.

#### Informatives

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

The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and

to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

#### Works within the Highway - Implementation Team

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

#### S106 Heads of Terms

- A contribution of £7,300 to enable the investigation and reduction of the existing derestricted speed limit on Ockley Lane if deemed compliant with current policy.
- A scheme of improvements at Keymer Road/Folders Lane mini-roundabout (TBC)
- Contribution to WSCC led works at New Road/Lodge Lane crossroads (TBC)
- Delivery of a continuous bridleway northwards to Burgess Hill, incorporating those works within DM/18/4980, and the details shown on drawings numbered ITB11335-GA-021, ITB11335-GA-022, ITB11335-GA-023, ITB11335-GA-024 and ITB11335-GA-025.
- Public rights of way improvements as shown on drawing numbered ITB11335-GA-014 to footpath 11k, to include conversion to a bridleway (subject to land owner's permission).
- Walking improvements along routes from the development into Hassocks as identified in Pedestrian and Cycle Audit as shown on drawings numbered ITB11335-GA-033 and ITB11335-GA-054.
- Additional cycle parking in the vicinity of Hassocks Railway Station as shown on drawing numbered ITB11335-GA-049 or a contribution in lieu of the cost of the works to provide cycle parking or other such cycle improvements in the vicinity of the development.
- Provision or contribution towards two vehicle activated signs on Ockley Lane at locations to be agreed to reinforce the existing 30mph speed limit.

#### Comments dated 10th January 2019

##### Summary

1. The application is supported by way of a Transport Assessment (TA), Travel Plan, and Stage One Road Safety Audit (RSA). The scope of the TA and the vehicular access onto Ockley Lane has been discussed with WSCC in its role as Local Highway Authority prior to this application being submitted.

##### Context

2. The land forming part of this application is acknowledged to be allocated within the adopted Mid Sussex Local Plan for a residential development of approximately 500 homes and a new primary school. The general principle of development on this site is therefore taken as accepted. The application put forward still needs to demonstrate compliance with all relevant policies. The site specific policy within the MSLP (policy DP11) includes the following highways and transport requirements,
  - Provide a suitable and safe access to the site from Ockley Lane and appropriate mitigation to support the development with regards to the Local and Strategic Road Network.
  - Identify and response to issues relating to air quality in relation to the site's proximity to the Stonepound Crossroads Air Quality Management Area (AQMA).
  - Make provision for charging electric vehicles.

- Make a financial contribution to secure improved public transport provision to Hassocks and Burgess Hill.
  - Provide safe pedestrian/cycling routes within the development to connect with existing residential areas, the services within Hassocks village centre, Hassocks railway station, and enhance the existing cycle route to Burgess Hill.
  - Assess the implication of the development on pedestrian and cycle railway crossings and ensure that there is an agreed approach towards ensuring the provision of safe crossings.
3. Whilst the majority of the above points will be considered by WSCC, for a number of them West Sussex are not the appropriate lead authority. With respects to the second point, although the air quality issue relates to emissions from traffic, the District Council's Environmental Health team are appropriate authority. For the fourth, as most bus services within West Sussex are now run on a commercial basis, should contributions be offered towards any improvements, these would need to be agreed with the respective operator. For the final point, Network Rail is responsible for the existing Woodside level crossing and will review any impacts resulting from the increased use of this.

#### Access Arrangements

4. Vehicular access is proposed at a single point onto Ockley Lane. Further accesses are proposed onto Ockley Lane via footpath 5k, into Hassocks via footpath 11k, and heading northwards using a proposed new bridleway. With the exception of the access onto Ockley Lane using footpath 5k, those routes using footpath 11k and the new bridleway are intended for non-motorised road users only; access onto Ockley Lane via footpath 5k is primarily for NMUs but also to provide emergency access. The principle of the proposed access arrangements are considered appropriate.
5. With regards to the Ockley Lane vehicular access, this is proposed as a simple priority junction. The junction is to be 6.1 metre wide with 8 metre kerb radii. Given the type of vehicles to use the junction, this geometry is adequate. Visibility splays of 2.4 by 120 metres are proposed. These are demonstrated as sufficient based on the recorded 85th percentile vehicle speeds (as opposed to using the posted 60mph speed limit) and the braking and perception times taken from the Design Manual for Roads and Bridges.
6. Forward visibility for southbound vehicles (to observe a stationary vehicle waiting to turn right into the site) is also indicated as adequate to the recorded vehicle speeds. The forward visibility splay is within the adopted public highway but will require the extensive and continuous on-going cutting back of an existing hedgerow.
7. The existing access serving Hawthorn Cottage is retained. This private access serving a single dwelling is located to the immediate north of the proposed access serving the development. This arrangement whilst not ideal is considered unlikely to result in any conflicts given how lightly trafficked the private access will be.
8. The access arrangements onto Ockley Lane have been the subject of a Stage One Road Safety Audit. This has raised three problems (forward visibility, relocation of obstructions within the visibility splay, and lack of provision for pedestrians to southbound bus stop). No problems have been raised in regards of the form of access onto Ockley Lane or for that matter the presence of the private access to the north. All of the problems have been satisfactorily addressed by the Designer.
9. Based on the information submitted and viewed against current design guidance, safe and suitable access has been demonstrated.

10. As a further comment and as noted above, the access design is based on the recorded vehicle speeds within the existing 60mph speed limit. The applicant is offering to fund the extension of the 30mph northwards on Ockley Lane. The potential indicative extent of this is shown on drawing ITB11335-GA-006 revision J with the final extent determined as part of the process associated with changing the speed limit. It should be noted that the development is in no way reliant on the potential speed limit change, which itself is subject to a statutory legal consultation process not to mention first having to meet the WSCC Speed Limit Policy. However the presence of the development and new junction may serve to reduce speeds and thereby enable a lower speed limit to be promoted. It's recommended that the TRO contribution is secured within the s106.

#### Highway Capacity

11. The TA details the anticipated vehicular trip generation arising from the development and where this will impact upon the local highway network. The scope of this assessment follows current best practice as included within the National Planning Policy Guidance.
12. Vehicle trip generation for the uses within the development has been based upon TRICS. TRICS is a large database containing traffic surveys of other completed developments. The database can be refined so as to use only those completed development comparable to that proposed. The use of TRICS is an accepted means of estimating vehicular traffic arising from new developments. TRICS has already been used and accepted for a number of permitted developments in the local area.
13. For the residential uses, the TRICS assessment assumes a 100% private market all house development. The selection parameters applied (particularly the population within 1 and 5 miles) aren't perhaps truly reflective of the development location. However the proposed trip rate (of 6.9 vehicle movements per dwelling per day) is considered to be high. Considering also that the development will include an element of affordable dwellings and apartments (it is recognised that private market units generate more movements than affordable or flatted units), the trip generation used within the assessment is robust.
14. For the primary school, a separate technical note is provided. This sets out in detail the methodology to determine trip generation and distribution for the proposed school. For the purposes of the TN, this assumes that all trips would be new to the network. Clearly this would be the case for trips generated by the new development. However it would also provide an alternate destination for education based trips from existing properties. The new school may therefore result in a redistribution of trips. These trips would already be on network but heading to other schools in the local area. The new school would simply result in further trips in the immediate vicinity.
15. An adjustment has also been made to the residential vehicular trip rate to account for those pupils that will reside in the development and will not therefore need to travel off-site. This amounts to a relatively reduction of 35 two way trips in the AM peak. No reduction is made to the PM peak given that school related trips occur away from this time. Accounting for this and other assumptions, the methodology applied is considered reasonable.

The following trips have been used in the assessment:

	AM Peak			PM Peak		
	Arrivals	Departures	2 way	Arrivals	Departures	2 way
500 units	55*	191*	246*	189	106	295
Primary School	104	69	173	0	11	11
Total	159	260	419	189	117	306

\*adjusted to account for internalised trips to the primary school

16. The capacity assessments have been undertaken in various scenarios to determine conditions in a base year (2017) and to determine conditions in a future year (2022 and 2031) without and with development. The future year assessments include all those consented developments in the study area. These developments are listed in table 9.1 within the TA.
17. An appropriate traffic growth rate has also been applied to the base year surveys using TEMPRO. This uses data from the National Trip End Model to determine future traffic growth. Adjustments have been made to the traffic growth rates to ensure that consented development already included as part of the background growth is not double counted with this being factored in separately. The applied growth rates are included in appendix R although these don't include details of housing or employment growth upon which the rates are based. These details would be requested.
18. Two future year assessments are included; 2022 when the development is anticipated to be completed and 2031 to reflect the end of the Local Plan period given that this is an allocated site. In both scenarios the development is anticipated to reflect the fully occupied and completed development. In reality, the development is unlikely to be fully completed by 2022 as it does not yet benefit from outline planning permission, will require a further reserved matters submission, as well as requiring enabling works and the discharging of conditions ahead of development commencing. This is further reinforced by the fact the submitted Travel Plan includes monitoring for a period of up to nine years beyond the first dwelling being occupied. The development should however be completed by 2031.
19. A more appropriate future year other than 2022 could be requested. However even in a future year, the impact of the development would remain the same. The only aspect that would change is the background traffic growth. As this includes a number of consented dwellings (1,489 in total of which a number have been built), these are also unlikely to be realised in full before 2022. Effectively the 2022 future year includes inflated traffic growth that is more reflective of a later year. The National Planning Policy Framework is also quite clear in requiring development only to ensure that its impacts are not unacceptable in safety terms or severe in any other respects. The NPPF allows for little weight to be given to the impact of background traffic growth, although for those consented developments these will separately have been required to undertake proportionate reviews of their own impacts and implement mitigation where necessary. Even with the 2022 future year, the TA satisfactorily considers the impact of the development.
20. In order to determine the likely destinations of trips and then to assign movements to routes, Census Journey to Work data has been applied. This uses data from the existing Hassocks area as a proxy for those that will reside in the new development. This

approach is not considered unreasonable and has been applied for TAs for other comparable developments.

21. As destinations and routes have been determined, it is then possible to identify those links and junctions that will be affected by the increase in vehicle movements, and where necessary formal capacity assessments are required. As a guide, formal assessments would be required for those junctions where the development will result in 30 or more vehicle movements.
22. Applying the above, the following junctions have been assessed with the development impact summarised alongside,
23. Ockley Lane/Developer priority junction - this is forecast to work within capacity in all modelled scenarios.
24. Ockley Lane/Grand Avenue priority junction - the junction is modelled as having a flare (meaning that vehicles can queue side by side on the minor road arm. The modelled length of this is though one vehicle, which in reality is the case as the junction widens where this meets Ockley Lane. This is though more a consequence of the large kerb radii rather than an intention flaring. In practice, it's considered unlikely that vehicles exiting onto Grand Avenue would queue side by side as flows on both the minor and major arms are not such that these would cause significant difficult for vehicles exiting onto Ockley Lane. The junction should perhaps have been modelled without the flare. Even so, this junction is forecast to work within capacity in all modelled scenarios. Changing the model to remove the flare is unlikely to make any particular difference to this conclusion.
25. Keymer Road/Ockley Lane priority junction - Similar to the above, this junction is also modelled as having a flare. Again, the junction should perhaps have been modelled without the flare as even with the widening, vehicles were not observed to queue side by side. The 2022 with all development is also forecasting queuing in both flares of 4 vehicles. This clearly exceeds the available flare length. The modelling therefore isn't necessarily reflective of the possible operation of the actual junction. This should be revised and modelled without the flare.
26. Notwithstanding the above comments, based on the modelling presented, the proposed improvement (to increase the flare) would seem unnecessary as the increased queues and delays are not considered severe. The improvement would also setback further the give way lines at the Church Mead junction, where visibility is already limited. This has the potential to worsen visibility to the north onto Ockley Lane. The increased flare would also increase the width of carriageway that pedestrians would have to cross. The improvement may therefore increase capacity but would have other undesirable impacts for other road users. The junction should be remodelled and the proposed improvement withdrawn.
27. Keymer Road/Lodge Lane priority junction - this is forecast to work within capacity in all modelled scenarios.
28. Lodge Lane/New Road crossroads - this is forecast to work within capacity in all modelled scenarios. An improvement scheme is though offered. This is more in terms of safety rather than improving capacity. As there are a number of recorded personal injury accidents at this junction, separate to the current application, works are being considered by WSCC to undertake a scheme of improvements. This is presently under development. It is though recommended that the proposed development contributes financially towards the WSCC scheme rather than implementing any physical works.

29. Keymer Road/Grand Avenue priority junction - this is forecast to work within capacity in all modelled scenarios. Despite this, an improvement scheme is proposed to flare the Grand Avenue arm. This will increase capacity, but will increase the crossing width for pedestrians. Given that this junction is within the village centre with high flows of pedestrians, such an improvement is not desirable particularly if there is no significant capacity impact. This improvement scheme should be withdrawn.
30. London Road/Keymer Road/Brighton Road/Hurst Road (Stonepound Crossroads) signalised crossroads- all arms but that of Brighton Road (south) are forecast to exceed capacity in the future year accounting for committed developments. This situation will occur regardless of the implementation of the improvement secured as part of the land west of London Road application (DM/17/4307).
31. As required by the NPPF, the impact of the development is viewed against the existing situation. Based on the modelling, it's apparent that the queue lengths and delays on all arms would marginally increase with the development expected to result in an increase of 36 movements across all arms in the AM peak and 15 in the PM. This marginal impact is the result of development traffic using other more direct routes to reach their destination. For example, most southbound traffic will use Lodge Lane and New Road.
32. WSCC are satisfied that the development would not significantly or unacceptably increase queues and delays at this junction.
33. Keymer Road/Folders Lane mini-roundabout - the modelling outputs included in appendix V indicate that this mini-roundabout has been modelled as a standard roundabout. The reasoning for this is not stated within the submitted TA. This would need to be clarified as modelling this in a different form would affect the outputs not to mention requiring specific geometrical inputs to be used. In saying this, the model may well have been calibrated using surveyed queues. This would still need to be clarified. Nevertheless, there is still the expectation that the mini-roundabout would operate over capacity.
34. Notwithstanding the above, reviewing the junction modelled as a standard roundabout, whilst the development increases delays in the AM peak, all arms continue to operate within capacity. In the PM peak, the performance of the Keymer Road (north) arm deteriorates although this is over capacity without accounting for the proposed development. Delays and queues significantly worsen with the development, although it is recognised that the once the theoretical capacity is exceeded, the model becomes increasingly unstable with the forecast results not necessarily reflecting reality.
35. An improvement scheme is proposed. This will retain a mini-roundabout but will make all arms two lanes rather than single lane as they are at present. The principle of the works is acceptable. The works have though neither been the subject of a design audit (identifying all relevant standards used in the design) or Stage One Road Safety Audit. If the scheme is to be taken forward as part of the development, it would be a requirement for both these supporting documents to be provided prior to the application being determined.
36. Keymer Road/Station Road/Junction Road/Silverdale Road roundabout - with the exception of the Station Road arm in the PM peak, all other arms are forecast to operate over capacity. Viewing the Station Road arm, the development does take this over capacity. As noted above, the modelling becomes increasingly unstable. The increase in queues and delays on the Station Road arm are not especially significant and are not considered to be severe.



37. Station Road/Church Road/Mill Road mini-roundabout - although the Mill Road arm is approaching capacity in both the AM and PM peaks, this is still forecast to operate within capacity. Queues with the development increase slightly with the development (by 2 vehicles in the AM and 3 in the PM). These impacts are not considered to be severe.
38. Station Road/Civic Way/Queen Elizabeth Avenue/MSDC Car Park roundabout - this junction is forecast to operate within capacity in all scenarios.
39. In summary, for significant majority of junctions it's accepted that the development would not result in any severe capacity related issues. It is recommended that the Keymer Road/Ockley Lane priority junction is modelled without the inclusion of a flare. A design audit and Stage One RSA are requested for the proposed improvement to Keymer Road/Folders Lane mini-roundabout.

#### Accessibility by Sustainable Modes

40. Consideration is given to access by walking, cycling, and passenger transport.
41. From the centre of the site, it is apparent that all of Hassocks village centre, including the railway station is within a reasonable walking distance, which is considered to be 1.6 km or 1 mile). For trips of this distance, walking accounts for 80% of all trips (as taken from the National Transport Survey).
42. The TA also reviews most of the potential walking routes towards the village centre (it doesn't identify or consider the pedestrian only footpath leading from Ockley Lane to Mackie Avenue however, which provides a much shorter route to using Ockley Lane and Grand Avenue). From this a scheme of pedestrian improvements incorporating tactile paving at various junctions is proposed. This should be secured as a scheme of works by planning condition. The applicant is requested to provide a plan showing the locations of the proposed tactile paving for inclusion in the condition.
43. Comments are made within the TA regarding the potential use of the Woodside level crossing. This crosses over the London to Brighton mainline and is the responsibility of Network Rail. The TA considers the existing and potential future use of this. It is noteworthy that alternate at grade routes are available to the existing crossing (a steep stepped crossing with unlit and unbound surfacing on both side). A potential improvement scheme is also referred to that is currently under discussion. Appropriate provision for the delivery of the crossing improvement should be included in the s106 agreement once a final decision has been made between the applicant and Network Rail.
44. For cycling, a greater distance is applied. It is common practice to apply a 5 km distance although the CIHT Planning for Cycling (2015) identifies that 80% of cycle based trips are less than 5 miles, which equates to 8 km. It is though acknowledged that some cyclists will exceed these distances for any journey purpose.
45. The likely destinations for the majority of cyclists will be Hassocks or Burgess Hill. Journeys into Hassocks could be made via Ockley Lane via Grand Avenue or Keymer Road. This would be on-carriageway with there being no facilities available or proposed. In light of the nature of the routes, these would not be unattractive to cyclists.
46. The other available route is via Woodlands Avenue using an upgraded footpath through the development to the immediate south. Details of this potential upgrade are shown on drawing ITB11335-GA-014 (appendix J of the TA). These works include the upgrading (both physical and in terms of status (to become a bridleway)) of footpath 11k. Without this becoming a bridleway, cyclists could not legally use the footpath without first having

to dismount until they reach Woodland Avenue. The upgrading process is dependent on the landowner granting permission with this noted as being outside the red edging of the current application. Confirmation would be sought as to whether the applicant has had any discussion or gained any in principle agreement to enable this upgrade. The WSCC Rights of Way team should be formally consulted on this matter.

47. To the north to Burgess Hill, the most direct existing route is on carriageway via Ockley Lane. This has a 60mph, is unlit and rural in nature. The use of this would appeal only to the more experienced cyclist. As part of the development, a new bridleway is proposed towards Burgess Hill. This runs parallel to the London to Brighton mainline. Whilst this route will be unlit and consist of a crushed stone type surface, it will be entirely off-road and therefore offer a more attractive route, particularly for less experienced cyclists. The WSCC Rights of Way team should be consulted to provide formal advice on the process associated with the creation of this new bridleway.
48. The bridleway itself is split across two planning applications (the other being DM/18/4980). The bridleway will have to be delivered as one continuous route at an appropriate time. Some mechanism for this will have to be included either in the planning conditions or within the s106 agreement.
49. There are a limited number of bus services in the immediate vicinity. There is at least currently an hourly service to and from Burgess Hill, and Hassocks railway station is within reasonable walking distance.
50. Improvements are proposed to nearby passenger transport infrastructure, including the provision of a southbound stop on Ockley Lane, and improvements to the existing northbound stop. This is a new stop although that on the northbound carriageway currently provides for north and south bound services.
51. The applicant should note also that WSCC do not adopt new bus shelters. If this is to be provided, this would be adopted either by the Parish or District Council. An agreement should be reached with either of these two to ensure there is a commitment to on-going maintenance if a shelter is provided.
52. A contribution is also proposed towards increasing cycle parking provision at Hassocks railway station. None of the land within the vicinity of the station forms part of the public highway hence the provision of additional parking adjacent to the station is more a matter for discussion with the station operator rather than any contributions being taken by WSCC.
53. One of the requirements within the site allocation policy wording within the MSDC Local Plan is for this development to provide a financial contribution towards improved passenger transport services. No contributions appear proposed in these respects. In principle, it is considered that there is limited merit to seeking contributions unless these are capable of securing a permanent service improvement; a contribution that provides only a short term improvement would be of limited benefit. Any such contribution should also be agreed directly with the bus operator given that they will operate the service rather than WSCC.
54. In light of the other sustainable transport improvements being offered (the new bridleway in particular), this is considered to offset the non-provision of any passenger transport contribution. The final decision on the non-compliance with this aspect of the site allocation policy is more a matter for the Local Planning Authority.

55. A travel plan is also included. This covers only the proposed residential units. A separate TP for the school will be required. This will need to be developed by the future occupier and prior to the school being first occupied. For the residential TP, this for the most part is acceptable. It is though recommended that the monitoring is revisited, particularly in reference to the commencement of the TRICS monitoring. The TP advises that these will commence three months following first occupation. It is though recommended that the TRICS monitoring does not commence until a more meaningful number of units have been occupied (for example 100 units). Up until the commencement of TRICS, informal monitoring should still take place to advise of the implementation of the TP.

#### Internal Layout

56. Details of the internal layout at this stage under consideration or being sought to be agreed; the approval of the layout (including parking) will be for consideration as part of the Reserved Matters (RM). Broad design principles are included in the Design and Access Statement. For the most part these are appropriate. The only aspect that is unnecessary is for a shared foot/cycle way along the Main Street. The traffic flows within the development and design speeds will be such that cycling on the carriageway should not be perceived to be unsafe. Current best practice within LTN 1/12 recommends that cyclists are provided for within the carriageway rather than having a shared use route. The detailed design should reflect this and not include shared routes.

57. Car parking should be provided against the relevant standards in place of the RM application.

#### Conclusions

58. It is accepted that the site is allocated for residential development within the adopted Mid Sussex Local Plan. The principle of development is therefore accepted. In considering the TA submitted with the application, this for the most part acceptably reviews the impacts of the development. There are several matters that would need to be addressed regarding the modelling as well as confirmation being required over certain aspects of the sustainable access strategy.

### **WSCC Education**

Education response regarding the location of the primary school site as master-planned.

One of the statutory duties of a local education authority, in this case West Sussex County Council (WSCC), is to ensure that there are sufficient school places, Early Years and Special Educational Needs facilities, for all its children and young people.

In particular, demand for primary school places has increased in the Hassocks locality and is likely to continue to do so with a large number of housing developments being proposed and constructed in the short and medium term.

To address this, there are proposals for a new primary school, with a pre-school facility and a centre for Special Education Needs and Disabilities (SEND provision) as part of the wider development of Land N of Clayton Mills to the North of Hassocks. This forms part of the County wide strategy to provide sufficient school places in the right areas to cater for increasing demand in as timely a manner as possible as set out in the Planning School Places document 2019.

<https://www.westsussex.gov.uk/about-the-council/policies-and-reports/school-policy-and-reports/planning-school-places/>

A new school to serve Hassocks will prevent children from the village having to attend schools in Burgess Hill, Albourne, Ditchling and further afield.

Initial feasibility and viability work suggests the site is suitable for a two form entry primary school (offering up to 420 places) with Early Years and SEND facilities and WSCC will request that any site issues are addressed by the developer as will the District Council or Planning Inspector in the form of planning conditions (see attached Appendix 1 Site Suitability Checklist). The scheme will also have to demonstrate safe routes to school for children and parents outlined in a school travel plan.

The identification and selection of a site for a primary school in Hassocks has been protracted over a number of years. WSCC welcome the provision of a school site at land North of Clayton Mills, as an available and deliverable opportunity for a new school which can be provided within the specified time scale, to meet immediate needs and future needs as the population of Hassocks increases. The site identified to the east of the scheme closer to Ockley Lane allows the school to be built as early in the development of the housing as possible and helps to ensure there are sufficient places available in the area to meet children's needs. The site to the west of the site, nearer the railway, would add a significant delay to the school delivery programme possibly of several years and for this reason is not supported.

Discussions about the delivery of the school are ongoing with the developer and Highways department of WSCC and will be encapsulated in an s106 agreement should the development gain further planning consent. This will confirm a timeframe for the school which will in part depend on any build out programme of the houses and also pupil forecasts prepared twice yearly for WSCC by independent demographers. The school is likely to be a free school or academy given the current legislative framework for new schools.

### **WSCC Public Rights of Way**

West Sussex County Council's (WSCC) Public Rights of Way (PROW) Service welcomes the proposals put forward in the above planning application for improvements to the local PROW network, namely the dedication of 'Public Bridleway' status along the current route of public footpaths 5K and 11k. This will provide a multi user connection between Ockley Lane, the proposed development and the village of Hassocks.

WSCC PROW also welcomes the addition of the new route northwards towards Burgess Hill; this is an aspiration of the West Sussex Walking and Cycling Strategy. It is recommended this also carries public bridleway status (rather than 'cycleway') to be consistent with the surrounding PROW network.

In the event any new PROW is to be created or an existing PROW is proposed to be altered in status, given the surface of the path will thereafter be maintained by WSCC PROW then the future status, surfacing and provision of structures (such as bollards) must be agreed in advance with WSCC PROW. The proposed surfacing materials of crushed stone and short sections of tarmac, also the provision of 3m width with 0.5m margins and the installation of bollards, are acceptable in principle subject to final approval of WSCC PROW.

It is noted that not all of the proposed routes fall within the development site and/ or connect with PROW of similar status or other public highways. The applicant must be required to seek the agreement from all the relevant landowners to upgrade all the routes needed so that there is a legal continuation of the higher status connecting into the PROW and Highways networks. This includes sections of footpaths 11K and 60BH. The upgrade of footpath 60BH will require improvements to the surface to be consistent with those proposed

in the development site; it is noted this is to be the subject of a separate planning application.

These ambitions can be realised through the legal dedication of Public Bridleway status using section 25 of the Highways Act 1980. Further advice for the process of this legal dedication can be sought through WSCC PROW.

It is reasonable to believe that foot and cycle access, possibly equestrian access too, connecting the developments east and west of the railway will benefit future residents and the wider community. NPPF para 98 states "Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails." This application, when considered with the adjacent Friars Oak site (DM/15/0626) and the existing bridleway network west of the A273, also the shared cycleway footway alongside the A273, is THE opportunity to provide suitable infrastructure for future local benefit. It is not certain how the applicant has arrived at its belief there will be 'negligible demand' for trips between the two sites (DAS, page 65) - with 500 homes and a school planned at this site and 130 homes planned at Friars Oak, and existing residents each side of the railway, considerable demand can be reasonably expected. There is the potential to use an existing tunnel within the railway embankment and the applicant of the Friars Oak site is discussing an overbridge on footpath 5K; the former may be a cost effective and safer alternative to the latter. MSDC should require both site applicants to work together to provide a suitable route. WSCC PROW can be contacted to provide advice on request.

Additionally, the value of providing a safe connection for bridleway users between footpath 5K (to be up-graded to bridleway) and existing bridleway 6K should be considered. Bridleway 6K is a link to Ditchling, where it is reasonable for future residents to want to visit, with onward connection to other bridleways and the popular Ditchling Common Country Park. NPPF para 111 states "There is also requirement for the assessment of movement impacts - including vehicular, pedestrians, cyclists and other non-motorised users". MSDC should require the applicant to develop, with WSCC Highways, measures to enhance bridleway users' safety; and then to deliver same.

WSCC will require details of the landscaping that will be carried out to facilitate the 'Emergency Access Point' to be provided at the entrance to footpath 5K (future bridleway) on Ockley Lane. There is no objection to this in principle; however, WSCC PROW must be satisfied the design provides suitably for future bridleway users.

In addition to the specifics above, the applicant must also note the general conditions below:-

- Any alteration to, or replacement of, the existing boundary with any PROW or the erection of new fence lines, must be done in consultation with WSCC PROW to ensure the legal width of the PROWs are maintained and there is no unlawful encroachment. Should planning consent be approved by the Local Planning Authority this would not confer consent for such fencing of any PROW, which would require a separate application to WSCC PROW.
- No structure, for example gates or stiles, may be erected on the PROWs without the prior consent of WSCC PROW. Should planning consent be approved by the Local Planning Authority this would not confer consent for such a structure, which would require a separate application to WSCC PROW.

- Access along any PROW by contractor's vehicles, deliveries or plant is only lawful if the applicant can prove they have a vehicular right of access. Parking on PROW's is considered an obstruction and is not permitted.
- The surface of any PROW must not be altered in any way without the prior consent of WSCC PROW. Should planning consent be approved by the Local Planning Authority this would not confer consent altering the surface of the PROWs, which would require a separate application to WSCC PROW.
- If any PROW's surface is considered damaged as a result of the development then the applicant will be required to make good the surface to a standard satisfactory to WSCC PROW.
- Should any building works, demolition or construction encroach upon any PROW then a Temporary Path Closure Order may be required, for which an application must be made to WSCC PROW. Should planning consent be approved by the Local Planning Authority this would not confer consent for such a closure, which would require a separate application to WSCC PROW.

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

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

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

### **Flood Risk Summary**

Modelled surface water flood risk	Moderate risk
<p>Comments: Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding although there are locations across the site is shown to be at higher risk.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p>	

Modelled ground water flood risk susceptibility	Low risk
<p>Comments: The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.</p> <p>Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	

Records of any flooding of the site?	No
<p>Comments: We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

Ordinary watercourses nearby?	Yes
<p>Comments: Current Ordnance Survey mapping shows an ordinary watercourses running across the site.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may also exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting an ordinary watercourse will require ordinary watercourse consent.</p>	

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

The FRA for this application proposes that sustainable drainage techniques (swales and ponds/detention basin with a restricted discharge to the local watercourse) would be used to control the surface water from this development to Greenfield run-off rates. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

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

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

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

## **WSCC Infrastructure**

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

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

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

The advice is as follows:

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

1.1 The Director for Children and Young People's Services advises that it appears that at present primary/secondary/further secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested.

### **1.2 Early Years, Primary and Special Educational Needs and Disability (SEND) contribution**

The contribution sought by the County Council would be based on: the housing allocation at Clayton Mills providing a 1FE primary school and the provision of early years places, as set out in the Mid Sussex Infrastructure Delivery Plan 2016.

We will require land conforming to BB103 standards for the provision of a 2FE Primary School to serve Hassocks, to include early years and SEND places, plus a financial contribution (to be determined) towards the cost of providing the new school and facilities.

### **1.3 Secondary Financial Contribution**

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

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the School



Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

DfE figure (Secondary) x ACP = Secondary Education Contribution where:

Note: x = multiplied by.

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

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

Using the latest published occupancy rates from the census statistics published by the Office for National Statistics to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 5 year groups for secondary (years 7 to 11).

DfE Figure = Department for Education (DfE) Secondary/Further Secondary school building costs per pupil place) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2018/2019 is £27,000 - Secondary, updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.4 The contributions generated by this proposal shall be spent on infrastructure improvements at Downlands Community School.

## 2. Library Infrastructure Contribution

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

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

### 2.2 Financial Contribution

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

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

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

Note: x = multiplied by.

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

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

L = Extra library space in sqm. per 1,000 population x the library cost multiplier (which currently for the financial year 2018/2019 are [30/35 sq.m] and £5,252 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on the development of services at Hassocks Library.

#### General points

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

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

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

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

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

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

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

### **West Sussex Minerals & Waste Planning Authority**

West Sussex Joint Minerals Local Plan (July 2018)

The site is within the area identified as a Brick Clay Resource safeguarding area. Policy M9 of the JMLP notes that proposals for non-mineral development within these areas will not be permitted unless:

- (i) "Mineral sterilisation will not occur; or
- (ii) It is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or
- (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible."

Sterilisation of the mineral resource will occur as a result of the change of use of the land. This is evident as the proposed development would occupy an undeveloped site outside of any built up area boundary that resides within the Weald (Brick) Clay Resource Mineral Safeguarding Area.

While the applicant has not confirmed whether the extraction of the mineral is appropriate, environmentally feasible, or practicable; the proposed development area is allocated as a strategic site designated for non-mineral development as identified within the Mid Sussex District Plan (2014-2031), Policy DP11.

Therefore, in accordance with Policy M9 (iii), it will be for the determining authority to establish whether there is an 'overriding' need for the development, sufficient to outweigh safeguarding of the mineral. On balance, provided a need for housing in this location can be adequately demonstrated, in this case the County Planning Authority would offer no objection to the proposals.

Should additional information regarding the mineral resource be required in order to determine the application, the applicant's attention is drawn to the Guidance available at this link.

West Sussex Waste Local Plan (April 2014)

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23).

### **Historic England**

Thank you for your letter of 9 August 2019 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

## Comments dated 1st February 2019

On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

### Historic England Advice

The grade II\* listed Ockley Manor is one of three listed buildings forming a discrete group within a rural landscape to the northeast of Hassocks. The Manor in combination with the grade II listed barn to the northwest and Dovecot to the southwest has strong group value. The rural setting in which the listed buildings are located contributes to the buildings significance and aids the understanding of the site as an 18th century manorial complex.

The current proposal is for outline planning permission for the development of 500 dwellings, a primary school, community building and associated infrastructure. The proposal lies within land identified in the Mid Sussex District Plan 2014-2031 under DP11: Strategic Allocation to the north of Clayton Mills, Hassocks.

The allocation abuts the listed group at Ockley Manor to its western edge and is therefore within the complexes setting. The principle of the type and amount of development within this allocation makes some change to the setting of the Manor unavoidable and therefore anticipates some level of harm. To minimise potential harm the District Plan advises that any planning application brought forward at this site should incorporate a suitable buffer to protect the setting of Ockley Manor, Ockley Manor barn and Dovecot.

This application will result in extensive areas of new development in close proximity to the listed building group. In our view the setting of the complex of listed buildings will change with some existing open countryside views lost, which will visually and audibly alter the setting of the Manor. We agree with the conclusion reached in the Environmental Statement that development would have a permanent and long-term effect.

We note that the application includes a significant amount of green space to its eastern boundary. We agree that this helps maintain some sense of openness in views to and from the listed buildings. We support the overall approach in views to landscaping with the introduction of tree belts and understorey planting to act as mitigation in screening the development from the listed buildings. Additionally we support the proposal of lower height dwellings to the eastern boundary. We note that generally development is stepped back from this sensitive edge, but query is this could perhaps go further by moving the proposed block south of the primary school to elsewhere within the site. We note that this is an outline planning application and we think that if your Council is minded to approve permission you should ensure that you have means to control the detailed design needed so as to avoid or minimise harm through changes to the setting of the listed buildings. This could be as part of reserved matter or if appropriate by planning condition.

In our view, whilst there is some harm in the loss of rural setting to the listed group, we think this is less than substantial harm. NPPF paragraph 196 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals including, where appropriate, securing its optimum viable use.

Heritage assets are an irreplaceable resource and the approach set out in the NPPF (para 190) requires local planning authorities to take account of the particular significance of any heritage asset that may be affected by a proposal (including by development affecting its setting) to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. When considering the impact of a proposal the local planning

authority should give great weight to the assets' conservation and the more important the asset the greater the weight should be (NPPF para 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification (NPPF para 194).

Recommendation: Historic England has no objection to the application on heritage grounds.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Additionally section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning application in accordance with the development unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If there are material changes to the proposals, or you would like further advice please contact us.

## **Natural England**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

#### **NO OBJECTION IN PRINCIPLE**

Based on the plans submitted, Natural England considers that the proposed development is unlikely to have significant adverse impacts on protected landscapes and has no objection to the principle of this development.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

#### **Protected Landscapes - South Downs National Park**

Based on the plans submitted, Natural England has no objection to the principle of the proposed development. We do not consider that the proposed development is likely to compromise the purposes of designation or special qualities of the National Park.

Whilst we have no in principle objection to this application, the proposed development is within 200m from the western boundary of The South Downs National Park (SDNP). and within 1.5km from the southern boundary.

The proposed development should therefore conserve and enhance the SDNP and its setting, as guided by paragraph 172 of the National Planning Policy Framework and policy DP18 of the Mid Sussex Local plan.

The provided LVIA confirms that the proposed development is visible from within the SDNP however only viewpoint 12 indicates the impact of the development on long distance views out from the SDNP, there may be additional viewpoints from which the development could further impact long distance views.

As such we strongly advise that a more in depth LVIA is produced, at subsequent detailed planning stages, which includes a greater number of long distance viewpoints from within the SDNP. A more in-depth LVIA should be used to inform details of the site layout, building design and landscape screening.

We also advise a wireframe or other such visual representation is provided for key viewpoints within the SDNP to provide a representation that is indicative of the proposed development within the landscape. Such a visual representation can also be used to further inform details of the proposal to ensure measures are undertaken to better integrate the development into the existing landscape, such as how best to use green infrastructure to break up the development.

We also note that the South Downs National Park Authority has provided detailed responses to this proposal. Given their considerable local knowledge of the SDNP Natural England would recommend great weight is given to their comments regarding this designated landscape.

Other advice

#### Soils and Land Quality

Although we consider that this proposal falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, Natural England draws your Authority's attention to the following land quality and soil considerations:

1. Based on the information provided with the planning application, it appears that the proposed development comprises approximately 30 ha of agricultural land, including land classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).
2. Government policy is set out in paragraph 170 and 171 of the National Planning Policy Framework which states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

*And*

Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework<sup>1</sup>; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

3. Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. Further guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks) and we recommend that this is followed.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

#### Annex A - Additional advice

Natural England offers the following additional advice:

##### *Landscape*

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

##### *Best and most versatile agricultural land and soils*

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance. Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

##### *Protected Species*

Natural England has produced standing advice<sup>2</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local

sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)<sup>3</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Ancient woodland, ancient and veteran trees You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

#### *Environmental enhancement*

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).



### *Access and Recreation*

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

### *Rights of Way, Access land, Coastal access and National Trails*

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

### *Biodiversity duty*

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

## **Southdowns National Park Authority**

The National Park's comments on the development are as follows:

We wish to maintain the comments submitted on 10th April 2019, and to make an additional comment following the submission of further details in June.

The additional details include the realignment of Ockley Lane, which would result in the removal of a section of hedgerow. The reprovision of this hedgerow would be important to secure both in terms of landscape and wildlife connectivity and, where translocation is not possible or fails, we would encourage any replacement hedgerow planting to be an enhanced species mix (to be agreed by your landscape or ecology consultants), given the limited number of species that are stated to be present in the existing hedgerow and the benefits of an enhanced mix in particular for dormice.

### Comments dated the 10th April 2019

The National Park's comments on the development are as follows:

The National Park boundary lies approximately 135m to the south east of the site at the closet point. From the south, the National Park boundary is approximately 1.5 kilometres away, with the elevated Wolstonbury Hill and Clayton Windmills (both public vantage points within the National Park) over 2.5 kilometres from the site.

The Environmental Act 1995 sets out the two statutory purposes for National Parks in England and Wales;

1. Conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
2. Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public.

## Policy

The site is allocated in strategic Policy DP11 of the adopted Mid Sussex Local Plan 2014-2031 for a mixed use including approximately 500 homes, a new primary school and provision of permanent pitches for settled gypsies and travellers. As such, the principle of development is established, although it should be noted that the policy includes the requirement "that development respects the South Downs National Park and its setting". In addition to this, policy DP18 of the Mid Sussex Local Plan states that development should be consistent with National Park purposes and must not significantly harm the national Park or its setting and should not adversely affect (amongst other things) the views, outlook and aspect into and out of the National Park.

### Visual impact and impact on the setting of the South Downs National Park

The LVIA confirms that the site would be visible in long distance views to and from the National Park. For example, the application site would be located in the foreground of views towards the distinctive whaleback ridges of the Downs from Batchelors Farm Nature Reserve (LVIA viewpoint 8). The site would also be visible from Clayton Windmills within the National Park (LVIA viewpoint 12) in which the development would be seen as a northwards of the existing built form at Hassocks.

Given the visibility of the site in views to and from the National Park, it is important that these inform the detailed design of the development at the reserved matters stage. The SDNPA agree with the comments of the ESCC Landscape Officer at paragraph 7 of her comments, and would advise that a fuller assessment from the SDNP is used to inform the development moving forward in order to ensure that the development suitably meets responds to the South Downs National Park and its setting in terms of matters such as site layout, building heights, materials, landscaping, lighting etc. This should include assessment of the impact of the development from other elevated public vantage points within the National Park such as Wolstonbury Hill and the elevated land in the National Park to the east of the site (e.g. the public right of way between Oldland Mill and Broadhill).

Given that the National Park boundary lies approximately 135m to the south east of the site at the closest point, it is important that careful considerations is given to an appropriate landscape buffer along the eastern edges of the site; such a buffer should be of sufficient depth so as to provide a natural and effective transition from the built environment across to the nearby National Park. The buffer should also provide biodiversity enhancements to compliment types and species of trees and vegetation within the National Park together with opportunities for ecology and wildlife corridors to and from the National Park.

The SDNPA note that a scale parameter plan (drawing 1209.05) has been submitted at this outline stage showing proposed building height zones. Given the comments above, it is not clear at this stage whether the proposed arrangement has been suitably informed by view to/from the National Park and further work may be required to inform this. The SDNPA note that a significant portion of the residential development is proposed to be three storey in height and preferably the LVIA would have been accompanied by a verified wireframe visualisation to demonstrate maximum building heights from key views in the National Park. Particular regard should be had to the siting and design (orientation/bulk/materials) of the proposed education/community buildings which will be the tallest buildings on the site.

The material palette of any development should be informed by the local landscape and should be of muted/recessive colours which do not catch the eye in long distance views to/from the National Park. The ESCC Landscape Officer has suggested that green roofs may be suitable and the SNDPA would encourage this option to be explored, especially for any of the larger/community buildings.

The SDNPA recommend planting within the site is maximised and mature trees/woodland block should be distributed throughout the development site in order to break up the built form in longer distance views, and maintain a rural character and provided biodiversity gains. Any proposed planting should be native and not appear out of keeping with the local landscape character.

## Lighting

The South Downs National Park is a designated International Dark Sky Reserve and dark skies and tranquillity are a special quality of the National Park which need to be protected. Paragraph 180(c) of the NPPF 2018 outlines that development should limit the impact of light pollution on intrinsically dark landscapes and nature conservation.

Although located outside the National Park, the proposed development has the potential to impact the dark night environment of the National Park through contribution to upwards sky glow, and also through potentially visibility of new light sources in the wider landscape (especially from elevated ground within the National Park). The Council should have regard to this when reaching their decision and the development should include an appraisal of both internal and external lighting to consider what impact it may have on the dark skies of the National Park and how it can be mitigated to meet the lighting standards of the Institute of Lighting Professionals (ILP) for this type of zone. This should include lighting both during the operational and construction phase of the development.

The submitted lighting report proposes 6m high columns throughout the site on all adopted roads. 5700K LEDs are proposed on the columns which can be controlled via Mayflower nodes to allow off site monitoring and programming. Parking areas between the houses shall be low level bollard lighting to be controlled via daylight sensor and timelock.

In accordance with the SDNPA's Dark Skies Technical Advice Note (TAN) (April 2018), the SDNPA would prefer that the colour temperature of the lights is reduced to 3000K or less as the warmer colour temperature reduces light scatter and is also less harmful to wildlife. Any column lighting should be fixed/installed so that the light points downwards, and the SDNPA would strongly welcome part-night switching across the site.

Any bollard lighting should ideally be limited and of a design to limit light pollution. The SDNPA's TAN includes some advice on sensitive lighting designs. Any lighting should ideally be switched off during the core hours of darkness/when not required.

The SDNPA note that sport pitches are proposed as part of the development. The SDNPA are not clear whether floodlighting is proposed. Floodlighting has the potential to be especially visible/a source of light pollution and therefore details should be secured/sought if proposed. Glare from sports pitches surfaces can be significant and therefore any floodlit pitches should be carefully designed in terms of views from the National Park.

## Biodiversity

Although the application site is located outside of the National Park, the Council must ensure that the proposed development would not cause harm to the protect habitats within the National Park though any direct or indirect effects (including recreational impacts), or cause harm to protected species (including species such as bats which may move across the National Park boundary).

Lag Wood and Butcher's Wood Local Wildlife Site (LWS) lies approximately 1.5km to the southwest of the site, and Clayton to Offham Escarpment SSSI lies approximately 2.6km to the south, both within the National Park.

The Environmental Statement considers that there would be no adverse impact on the LWS and the proposed on-site recreation space would help absorb some the recreational pressure. The Environmental Statement does not make any mention of the Clayton to Offham Escarpment SSSI.

The SDNPA recommend that the Council seek appropriate advice from their Ecology Officer/Natural England on biodiversity considerations. Opportunities to achieve net biodiversity gain should be taken, as well as opportunities to connect to, and enhance, the local green infrastructure network (see landscaping comments above).

#### Access and Recreation

The SDNPA would support the comments of the WSCC PRow team in seeking a safe connection for bridleway users between Footpath 5K (which runs through the site and is to be upgraded to bridleway status) and Bridleway 6K (Mill Lane). Bridleway 6K is the nearest means of access to the South Downs National Park, including to the Oldland Windmill and routes leading on to Ditchling and the Sussex Border Path. Provision of a safe connection to Bridleway would encourage residents to visit the SDNP via foot and cycle rather than rely upon the private car.

The SDNPA welcome the provision of recreational space.

#### Affordable Housing

Local Plan policy DP31 requires a minimum of 30% affordable housing provision on sites such as this. It is noted that the Design and Access Statement states that the site could accommodate "up to" 30% affordable housing (150 units) and the SDNPA would wish to ensure that appropriate provision is made, given the need for affordable housing in this area (including parts of the SDNP within Mid Sussex District).

#### Gypsy and Traveller Provision

Policy DP11 includes a requirement for provision of permanent pitches for settle Gypsies and Travellers, or the provision of a financial contribution towards off-site pitches. This application does not seem to include on-site provision, and the SDNPA would wish to be satisfied that if a financial contribution is proposed, that there are suitable, available and achievable off-site sites that can be provided in line with the requirements of policy DP11.

#### Mineral Safeguarding

The application site would appear to be located within a brick clay resource safeguarding zone as identified within the West Sussex Joint Minerals Local Plan (July 2018). The SDNPA therefore trust that the Council will seek the views of the WSCC in terms of the potential implications of this.

#### Traffic

The SDNPA would support a condition securing a construction environmental management plan to include the details of arrangements for traffic movement management during the construction phase. The SDNPA would wish to avoid HGV's being directed down narrow rural lanes and small villages within the National Park, in particular Ditchling.

## Conclusion

The SDNPA trust that the above comments are of assistance. Should the Council be minded to recommend approval, the SDNPA would welcome the opportunity to comment at the reserved matters stage.

## ESCC Highways

Summary: This development site is located close to the county boundary of East Sussex and West Sussex. As such the proposed development of 500 dwellings, primary school and community building could have an impact on the East Sussex highway network.

I do not object to this application subject to the following comments:

### Comments:

#### TRIP Generation:

The likely trip generation at the site has calculated using TRICS and WSCC as Highway Authority have accepted a residential trip rate of 6.9 trips per dwelling as a result. The assessment is based on TRICS data for private dwellings only. This is usual but could be considered a worst case scenario.

Primary school trip rate is based on assumptions in relation to how many school trips will originate within the site and those that will come in from elsewhere.

I have no reason to challenge the trip rate assumptions which lead to an overall trip generation circa 300 trips in each of the AM & PM peak hours

#### Modelling:

To determine the trip distribution Census "journey to work" data has been used. Again this is acceptable.

Section 9 of the TA sets out the parameters for the traffic analysis carried out in support of this application. The routes and junctions included in this analysis do not go as far as East Sussex roads although it is acknowledged that development trips will route onto Keymer Road and Folders Lane as a route to the east.

There are 2 sets of Figures (TF 9 & TF10 and S10 & S11) that show that only a small proportion of the total 300 peak hour trips generated by this development will route along Keymer Road (B2116) to the east of Lodge Lane, i.e. 12 two way trips in the am peak and 13 in the pm. Given that there are few route choices on Keymer Road the majority of these trips will travel to Ditchling.

The trip assignment assessment shows that 21 trips are expected to travel eastbound on Folders Lane towards East Sussex in the am peak and 16 from the East Sussex in the pm peak. However I acknowledge that there are a number of route choices along Folders Lane so some of these trips may be not be destined for or originate in East Sussex.

While the impacts in East Sussex are not specifically modelled and even if this is an under-estimation of predicted trips on the East Sussex network I am satisfied that the impact in East Sussex will limited.

#### Road safety:

A detailed assessment of PIA/crash history forms part of the TA, but this does not extend to the East Sussex road network. I am aware of a cluster of a number of cluster sites on

Ditchling Road. The TA should include an appraisal of road crashes in the Ditchling and Wivelsfield areas.

Construction Traffic Management Plan :

A CTMP should be secured as part of any planning consent to ensure vehicles are routed appropriately (on Strategic routes) and avoid peak times as far as possible. The CTMP should provide details on the likely type and frequency of use of vehicles to the site and be in operation for the duration of the construction phase. Given the sensitive nature of routes around Ditchling and Wivelsfield, I will expect ESCC to have sight of and agree the CTMP in respect of East Sussex routes.

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

Horsham & Mid Sussex CCG appreciate being consulted on this proposed outline planning application.

By way of background Horsham & Mid Sussex Clinical Commissioning Group (CCG) are the GP- led statutory NHS body responsible for planning, commissioning and monitoring the majority of local health services in the Mid Sussex area. (CCGs having been created following the Health & Social Care Act 2012 and replaced Primary Care Trusts on 1st April 2013).

Horsham & Mid Sussex CCG therefore cover the entirety of Mid Sussex District Council's catchment area and the above planning application would be close to Hassocks Health Centre. Should a planning consent be given then this would create a potential further 1250 new residents/patients.

Hassock Health Centre is likely to be where the proposed new residents/patients will want to register for medical services and this building already serves in excess of 8,000 patients.

The building is of 1970s construction and with other complementary NHS Services also delivered is in need of either redesign or replacement.

The demographics of the Hassocks area patients are that there is a higher than average number of elderly people who are registered at Hassocks Health Centre (Mid Sussex Healthcare Practice) many with long term conditions. This, together with the increase in patient numbers living in the area and the demands placed on the practice operating from an out of date building which is cramped and no longer fit for purpose.

We therefore consider that a Section 106 application for a developer contribution to be entirely appropriate towards Healthcare capital infrastructure improvements for Hassocks. (In this respect we already have 4 Section 106 applications approved for this project and recognise that if this approved, we will have reached the maximum number permitted under the CIL regulations Sec 123.

In calculating our requirement, we utilise currently available West Sussex average occupancy figures, agreed with West Sussex County Council and using the Senior District Valuer's approved formula.

Overall, all potential new residents will utilise some or all of the health services the CCG commissions and will put further pressure on medical services generally and GP practices are also the gatekeeper of the wider NHS We are also mindful that new housing developments do

In the circumstances, we are seeking a Section 106 developer contribution of £326,289 based on the number of units on a pro rata basis (This equates to an average of £653 per dwelling)

N.B. This is an interim figure as the types of dwellings are not yet specified and can be amended at a later date when this information is to hand.

### **Sussex Police Design**

Thank you for your correspondence of 14th December 2018, advising me of an outline planning application for Outline planning application with all matters reserved except for access for up to 500 residential dwellings and land for a two-form entry primary school and community building, land for a bridleway link between Hassocks and Burgess Hill, associated infrastructure including informal open space, hard and soft landscaping, sustainable drainage features and a new site access onto Ockley Lane, and provision of improved pedestrian access across the railway line, at the above location, for which you seek advice from a crime prevention viewpoint.

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

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

I would like to direct the application or their agent to our website at [www.securedbydesign.com](http://www.securedbydesign.com) where SBD Homes 2016 document can be found. The SBD scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments.

Additionally the agent or the applicant can find SBD New Schools 2014 document on the same website. This document provides design guidance and specification requirements for reducing the risks for crime against people and property in all schools and school grounds such as burglary, theft, arson, vehicle crime and assault. The same advice is also intended to reduce the fear of crime and incidence of anti-social behaviour. Consequently consideration is given to both environmental design and physical security.

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

I thank you for allowing me the opportunity to comment and look forward to providing more in-depth crime prevention advice at reserved matters.

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

## **Sussex Police Infrastructure**

I write on behalf of the Office for the Police and Crime Commissioner (PCC) for Sussex concerning the application DM/18/4979 seeking outline planning permission for 500 residential units on the land north of Clayton Mills, Hassocks.

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

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

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

The application site is currently a greenfield site and when built upon will create an additional demand upon the police service that does not currently exist. The police will need to recruit additional staff and officers and equip them. The development will also require the services of a police vehicle. Staff and officers will also need to be accommodated in a premises that will enable them to serve the development. This request is proportionate to the size of the development and is intended to pay for the initial, additional costs resulting directly from the development for those areas where the police do not have existing capacity. The request also explains how the police service is funded, outlines National Planning Policy support for policing contributions and references numerous appeal decisions where police requests for developer contributions have been upheld.

Police forces nationally, are not in a position to support major development of the scale now being proposed for many of the nation's town and cities without the support from the planning system. If we are obliged to do so using our own resources only, then it is reasonable to conclude that there will be a serious risk of service degradation as existing coverage is stretched to encompass the new development and associated population growth. This is already evident across Sussex due to the significant numbers of housing being developed and clearly shown by the increasing numbers of recorded crimes in Sussex over the last year. Our force must ensure that development growth is supported by the infrastructure necessary to guarantee the safety and security of the new communities.



It is the responsibility of the PCC to ensure our Chief Constable has sufficient financial support to deliver a high level of policing to the residents of Sussex. Our office continues to actively seek financial contributions via Section 106 agreements and Community Infrastructure Levy funds to support our capital program. This will enable Sussex Police to deliver the highest possible service to ensure the protection of the communities that we serve. In line with many other police forces Sussex & Surrey Police have updated our methodology for infrastructure requests to ensure our representations are transparent and provide an up to date, accurate reflection of our current capacity in the districts.

Our new methodology has been developed through a joint partnership with Leicestershire, Thames Valley, West Mercia, Warwickshire and other active members of the National Police Estates Group. This methodology was considered Community Infrastructure Levy REG122 compliant by Mr Justice Green in the case of *Jelson v SoSCLG and Hinckley and Bosworth Council* [2016] CO/2673/2016 (Appendix 1). In addition, there are a significant number of recent appeal decisions and High Court judgments supporting both the principle of Police contributions and our methodology (see attached appendices).

The principle of developer contributions towards Surrey Police has recently been upheld by the Secretary of State in the called-in appeal decision concerning the development of 1800 homes at Dunsfold Park in Waverley (Appeal ref: APP/R3650/V/17/3171287 - Appendix 2).

I will go into further detail on the various items of infrastructure and provide evidence of their compliance with Regulation 122 tests.

#### 1. Police Funding and Development Growth

A primary issue for Sussex Police is to ensure that new development, like that proposed by application DM/18/4979, makes adequate provision for the future policing needs that it will generate. Like other public services, Sussex Police's primary funding is insufficient to be able to add capital infrastructures to support new development when and wherever this occurs. Furthermore there are no bespoke capital funding regimes e.g. the Health Lift to provide capital either. The police therefore fund capital infrastructure by borrowing. However in a service where most of the budget is staffing related, the Sussex Police capital programme can only be used to overcome pressing issues with existing facilities, or to re-provide essential facilities like vehicles once these can no longer be used.

Sussex Police endeavour to use our existing funds as far as they stretch to meet the demands of an expanding population and overwhelmingly for revenue purposes. However, it is the limit of these funds which necessitates the need to seek additional contributions via Section 106 requests and the Community Infrastructure Levy (CIL). This situation also prevails in other public services seeking contributions and there is nothing different here as far as policing is concerned. What is different is that the police do not enjoy capital income from the usual taxation sources. This evidences that the police do not make requests where other funds are available to meet their needs.

The reality of this financial situation is a major factor in our Forces planning and alignment with plans for growth in that whilst Sussex Police can plan using their revenue resources to meet their on-going, and to a limited extent, additional revenue costs these do not stretch to fund necessary additional investment in their infrastructures.

Sussex Police will continue to engage with Local Planning Authorities to ensure crime prevention is referenced within new local plan documents and provide crime prevention design advice to minimise the opportunities for crime within new development. Ensuring new development takes full consideration of crime prevention and the provision of adequate infrastructure to support policing is clearly outlined within the NPPF and within Paragraph

156 of the NPPF which states "Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver... the provision of health, security, community and cultural infrastructure and other local facilities".

In the support of this request the following information is provided by Miranda Kadwell, Corporate Finance Manager at Sussex Police and is a detailed commentary on Sussex Police's budget, which underpins the above statements:

#### National funding

Sussex Police receives 61% of its funding from central government and 39% from local taxation. Central government funding comprises of the Home Office Core Funding Settlement, the Department for Communities and Local Government (DCLG) Formula Funding, (together these are referred to as central government grant or CGG for the purposes of this submission) and legacy Council Tax Grants (LCTG). LCTG are fixed and some elements of this are time limited, therefore, LCTG are not affected by variations in the funding formula.

The distribution of central government grant is calculated by the Police Relative Needs Formula. This Police Funding Formula divides up how much money each police force receives from the overall central government funds. It takes into account a number of factors to assess demand in each area.

Whilst the funding formula is influenced through allocation of a basic amount per resident, this does not necessarily lead to an increase in Central Government Grant to Sussex Police. Putting aside the time delays between recognising population growth and this being fed in to the funding formula, the overall pot available to all forces the CGG is limited and in fact has declined over the last few years as part of the Government's fiscal policy. Therefore, changes in general population or the specific population do not increase the overall funding made available through CGG, rather they would affect the relative distribution of grant between forces.

For the 2018/19 year there was no change to the CGG despite the occurrence of development growth in the county area compared to previous years. However it can be stated with certainty that even if there was an increase in central funding as a result of development growth, this funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital items and not what is claimed here). This funding, therefore, would not be available to fund the infrastructure costs that are essential to support the proposed development growth.

During the last year, the Home Office and police partners engaged on potential changes to the police funding formula. However, in the context of changing demand, the Minister for Policing and the Fire Service Nick Hurd has said that providing funding certainty over the next two years to enable the police to plan in an efficient way is his priority. Therefore, proposed changes to the funding formula will be revisited at the next Spending Review. Due to the uncertainty and range of possible outcomes, we have made no assumptions regarding a change to the funding formula in our current financial forecasts. This adds to the level of uncertainty over future government funding.

#### Local funding

Sussex Police (precepting body) places a demand or precept on the district and borough councils in its area (billing authorities) for a sum of money to be raised through the council tax. The amount to be raised is divided by the Council Tax Base (CTB) or number of households to arrive at an average Band D council tax, from which all other bands of council

tax are determined. The growth in the council tax or the amount each household pays is decided by the Police and Crime Commissioner (PCC), having regard to the DCLG rules concerning the need to hold a local referendum where the proposed spending increase in the precept is above a prescribed threshold, currently £12 per Band D property to maintain real terms funding. The cap on precept uplift was raised to £12 for all forces for the 2018/19 year. Following public consultation the Police and Crime Commissioner proposed an increase in the 2018/19 precept of £12.

During 2017/18 Sussex Police received the 5th lowest precept of any PCC in England and Wales. Sussex Police also had the 7th lowest net revenue cost per head of population in 2017/18 and the 7th lowest total funding per head of population according to the 2017/18 HMICFRS Value for Money Profiles.

There remains potential for the council tax yield to increase simply through a growth in the CTB. However, it should be noted that the CTB is reduced for discounts and exemptions provided under the Local Council Tax Benefit Scheme (LCTBS) and may also be affected by collection rates. Therefore, a growth in households might not lead to a growth in council tax yield where those households benefit under the LCTBS.

The additional funding generated by council tax in 2018/2019 will reduce the severity of the Forces previous savings target. The savings target represents a funding gap between our existing budget requirements and current funding sources. However the latest Medium Term Financial Strategy indicates the PCC will still require a further £17m to be drawn from our reserves to support revenue costs associated with our Local Policing Program over the period to April 2020.

Most importantly, the higher council tax precept will allow our PCC to retain and invest in our workforce and continue supporting our Local Policing Program (LPP). Key considerations driving the precept increase decision included:

- Public demand on police services is increasing exponentially;
- Criminal investigations are becoming increasingly complicated, with huge amounts of digital material to identify, secure and analyse, against an exacting threshold for prosecution;
- The public want to see investment in more visible, local policing, focusing on crimes like burglary and anti-social behaviour and they rightly want to feel safe on the roads, in public spaces and at night-time;
- The public also want to see improvements in the force's approach to public contact and more support to the 101 service;
- HMICFRS (Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services) has recently acknowledged the public's concerns about changes to neighbourhood policing, and stressed the importance of community intelligence; and
- The PCC's consultations and correspondence with the public show that a majority of Sussex residents are prepared to support their police service through increased precept contributions.

## Savings

Since 2010/11 we have seen reductions to the grant funding provided by the Government to Policing Bodies in England and Wales. Over the last eight years Sussex Police have worked hard to deliver savings and have made £88m of reductions and efficiencies to head towards balancing its books (source: Her Majesty's Inspectorate of Constabulary's (HMIC) Police Effectiveness, Efficiency and Legitimacy (PEEL) assessment and 2017/18 revenue budget).

Despite increases in the Council tax yield the 'Sussex Police Medium Term Financial Strategy' (MTFS) identifies a net savings requirement in the region of £3m over the next four years. This is the "budget gap" i.e. the difference between funding and the cost of policing which will need to be met by savings. Savings of £3m in addition to using £17m of reserves will be required to meet the total in-year gaps over the life of the MTFS and it is anticipated the budget will be balanced at the end of the 2021/22 year.

### Capital Funding

Central Government funding for investment in capital infrastructure takes the form of a Home Office Grant. This grant makes up a small part of the overall funding for the Capital Programme and was reduced from £1.766m to 0.906m for the 2017/18 financial year and will remain at this level for the forthcoming 2018/19 year. Our capital and investment program is funded firstly by our capital grant and capital receipts (building sales) and is then supported by reserves or revenue contributions. The latest MTFS capital and investment programme funding sources are shown on the table below:

### INSERT TABLE

Home office capital grant is cash limited and has been reduced in recent years due to austerity measures and the requirement to fund national projects such as the new National Police Air Support (NPAS) service and Police Live Services for digital data and technology capabilities. The grant is not affected by movement in the local population of CTB, therefore, any local capital investment creates an additional financial burden on Sussex Police which will be funded through reserves or borrowing. With diminishing reserves and the implications of borrowing both situations both alternative funding mechanisms are inadvisable.

### Conclusions on funding

Like many other public sector organisations, Sussex Police have seen a real terms reduction in grant funding in recent years, which has necessitated changes to the policing model. At the same time the demands placed on the police service increase, whilst the service has to deal with the changing nature of crime at both the national and local level, for example, cybercrime, child sexual exploitation and terrorism are areas of particular concern. Additional funding granted towards policing will support and sustain local policing services to Sussex residents.

In conclusion it remains necessary to secure Section 106 contributions or direct CIL funding for policing infrastructure, due to the direct link between the demand for policing services and the changes in the operational environment beyond Sussex Polices control i.e. housing growth and the subsequent and permanent impact it has upon policing.

Securing modest contributions means that the same level of service can be provided to residents of new development as it is to existing residents and without compromising frontline services. The consequence of no funding is that existing infrastructure will eventually become stretch to breaking point, and none of the communities we serve will received adequate policing.

Whilst national and local funding must continue to cover salary and maintenance costs, there would be insufficient funding to provide the infrastructure required for officers to carry out their jobs effectively, Sussex Police consider that these infrastructure costs arising directly as a result of the development proposed and that funding for the police under S106 or CIL is both necessary and justified.

## 2. Assessment and Request

Our office have undertaken an assessment of the implications of growth and the delivery of housing upon the policing of Mid Sussex and in particular the areas of these district where new development is being directed towards. We have established that in order to maintain the current level of policing, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and is a fundamental requirement to the sound planning of the districts. In the absence of developer contributions towards the provision of essential policing infrastructure the additional strain placed on our resources would have a negative impact on policing of both the development and forcewide policing implications within the district.

This submission will provide the most recent annual statistics for crime/incidents in Mid Sussex which will be compared to the number of existing households. This provides an incident per existing household (or person) within Mid Sussex which can then be used as the background to the various items of infrastructure outlined in this funding request.

Nationally, the Police Force ensure that we take regular legal advice and guidance from industry professionals on the applicability of NPPF tests relating to the application of Regulation 122 on our funding requests for S106 agreements and Infrastructure Development Plans. This included advice as to what is infrastructure which can be summarised as follows:

- The first point to note is that "infrastructure" is not a narrowly defined term. Section 216 of the Planning Act 2008 provides a list of "infrastructure" but is clear that that list is non-exhaustive. That fact is demonstrated by the use of the word "includes" prior to the list being set out.
- There is no difficulty in the proposition that contributions towards Police infrastructure can be within the definition of infrastructure for the purposes of the 2008 Act. In policy terms this is reinforced by the reference to security infrastructure in paragraph 156 of the National Planning Policy Framework.
- Infrastructure is not limited to buildings and could include equipment such as vehicles, communications technology, and surveillance infrastructure such as CCTV.

The submission set out below is based on the same methodology previously found sound by Planning Inspectors, the Secretary of State and the High Court and has been found sound. The costs included in this submission are sites specific costs which are envisaged to be secured via a Section 106 agreement. The significant costs relating to revenue will be met by local and national taxation.

## 3. Current Policing requirements in the district of Mid Sussex

Sussex Police's existing estate

At present, Neighbourhood policing in Mid Sussex is delivered from Burgess Hill, Haywards Heath and East Grinstead Police stations. Burgess Hill and Haywards Heath are the main operational bases for Neighbourhood Policing Teams (NPT) and Neighbourhood Response Teams (NRT) in the District. East Grinstead police station is our new drop-in office within the Chequer Meads arts centre.

Burgess Hill police station forms part of 'The Brow' area, which is due for redevelopment; part of which will include a new Police Station, to replace the existing. This station is likely to be built out within the next 24-36 months and will support existing teams working from Burgess Hill police station. As a key growth area providing a strong police presence within the town is a key priority for the Chief Constable.

The Estates department have undertaken a full capacity analysis of our sites across Sussex and identified police stations where we have issues with existing capacity and would therefore be unable to support additional officers and staff required due to population growth. This study shows that Haywards Heath and Burgess Hill police station have a very limited capacity and could not support additional staff or NPT/NRT officers to mitigate against this development.

These stations provide the principal base for front line policing and other neighbourhood policing roles which will be required to support this development.

#### Sussex Police's current policing requirements and projections

For the last year (2017/18) Sussex Police recorded 29,587 incidents in the district of Mid Sussex which accounted for 6% of the total number of incidents in the County (2017/18 incident records). There has also been a notable rise in recorded crimes from 6,494 crimes (2016/17) to 7,179 (2017/18) crimes.

The 2011 census listed 57,400 households in the District of Mid Sussex and taking into account net completions since this has increased by 4,217 homes to the end of the 2016/17 financial year. MSDC housing completion records (Housing Land Supply - Completions 2017/18) indicate that 843 net completions were recorded for the 2017/18 year bringing the total number of homes in Mid Sussex to 62,460 homes. The 2011 census listed the population of Mid Sussex as 139,860 persons which represented an average household of 2.44 persons (139,860 / 57,400).

At present 62,460 households / 152,402 (62,460\*2.44) persons generates an annual total of 29,587 incidents that require a Police response. These are not necessarily all "crimes" but are calls to our contact centre which in turn all require a Police response/action, thereby placing a demand on our resources. It should be noted that the total number of crimes recorded in this period was 7,179 which is only 24% of all the recorded incidents.

Taking into account the number of recorded incidents and the recorded number of existing households this results in 0.47 incidents per household or 0.2 incidents per person that require a police response in Mid Sussex each year.

Sussex Police have a duty to respond to all incidents and many of these incidents are not recorded as crimes. Sussex Police deliver crime prevention and presence, attendance and service lead at emergencies e.g. RTA's or flooding, counter terrorism and community reassurance. We must also attend all incidents involving deaths, attend crowd and events policing, attend and input to community safety and crime partnerships, and provide referral responses when there are expressed concerns about the safety or children, the elderly and those with special needs.

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#### 4. Breakdown of predicted incidents as a result of population increase in Mid Sussex

The proposed development of 500 new homes would have a population of approximately 1,220 persons (at 2.44 persons per household). Applying the current ratio of "incidents" to

population then the development would generate an additional 244 incidents per year for Sussex Police to attend (0.2 x 1222.6).

These incidents are likely to result in 57 additional recorded crimes per year attributed to this development.

#### 5. Current breakdown of policing delivered in Mid Sussex

A full strategic review of staffing has been undertaken for the purposes of this representation and is considered accurate to date.

Policing in Sussex is divided into three divisions; Brighton & Hove; West division (Adur & Worthing, Arun, Chichester, Crawley, Horsham & Mid Sussex); and East division (Eastbourne, Hastings, Lewes, Rother, Wealden). The SDNP is also covered by respective teams within each division that it overlaps. Sussex Police deliver policing to each 14 local authorities and departments can be categorised into Dedicated (District), Divisional or Forcewide policing roles.

Current statistics show that Sussex Police employ 2622 officers in active duty delivering policing to the residents of Sussex. These roles can be categorized into dedicated policing teams delivering neighbourhood policing; divisional policing delivering specialist services such as response roles and investigations; and Forcewide policing teams delivering specialist policing services across the county such as Firearms, Major crime and counter terrorism. Only departments of over 5 officers have been included within Forcewide staff and officers which removes specialist officer roles which are not clearly directly tied to population growth (ex: Chief Inspectors, specialist management functions).

All of these functions are essential to the success of Sussex Police and will all be utilised in some capacity to deliver policing to the City. Sussex Police also employ 2237 support staff in either dedicated, divisional or Forcewide roles. Staff (officer & support staff) delivering policing to the District of Mid Sussex are spread across the following functions. In total the Local Authority of Mid Sussex is served by; (all figures = FTE)

#### Police officers

- 88 dedicated uniformed Officers

Neighbourhood Policing Team officers (NPT), Local Support Team, Response Policing Teams, Police Community Support Officers.

- 14 divisional officers

The West Sussex division has 105 officers not including the dedicated officers listed as dedicated uniformed officers. These roles include Investigation teams, Special Investigations Unit (SUI), CIT (Crisis Intervention Team, Operational support teams. Recorded incidents in Mid Sussex account for 13.4% of the recorded incidents in West Sussex over the last year therefore it is reasonable to allocate 14 divisional officers to the Mid Sussex Districts.

- 49 Forcewide officers

A large number of our officers deliver force wide policing in a variety of roles including Operations, Firearms, Major crime, Public protection, Specialist crime, Custody, Communications, Professional standards and Training roles. There are 821 officers Forcewide officers which deliver policing to the whole of Sussex and are vital to the

operation of all types of policing including the functioning of neighbourhood policing. Taking into account into account that 6% of all incidents managed by Sussex Police occur in Mid Sussex, 52.5 officers are required for the policing of these districts.

#### Police staff

Sussex Police currently employs 2237 support staff delivering policing to the residents of Sussex. These roles can be categorized into dedicated support staff such as police enquiry officers and facilities assistants; Divisional staff teams (i.e.: East Sussex, West Sussex, and Brighton & Hove) delivering services such as crime prevention, operations, investigations, strategic support, corners office and other essential roles. Forcewide support staff roles such as public protection, joint transport services, crime justice & custody, communications departments and specialist crime command. Some specialist department roles have not been included, however all the above forcewide departments consist of 10 employees or larger. This precludes specialist support staff roles such as the office of the Police and Crime Commissioner which are not directly linked to population growth.

- 6 dedicated support staff

#### Police Enquiry officers, Facilities officers, Facilities Assistants

- 14 divisional support Staff

As with police officers roles divisional support staff is essential to support front line policing and drawn upon when required. Divisional support staff roles include Investigations teams, Crime Prevention, Licensing, Prosecution case workers, Coroners Office and other essential roles. There are 99 divisional support staff within these departments. Again utilising the ratio of incidents in West Sussex (13.8%), 13.6 support staff are required to support the existing population of Mid Sussex.

- 77 forcewide support staff

The majority of our support staff functions are delivered in a forcewide capacity. Only departments with over 10 or more support staff members have been included within this field which removes specialist roles within Sussex Police which capacity is not directly related to population increase. There are 1202 support staff within these various major support staff departments including Specialist crime command, Public protection, Operations, Human Resources, Communications departments and Joint Transport Service. Taking into account into account that 6.4% of all incidents managed by Sussex Police occur in Mid Sussex, 77 support staff are currently required to support policing in Mid Sussex.

Currently 29,587 incidents are attended by 151 officers per year in Mid Sussex which is a ratio of 196 incidents per officer, per year. To retain this current ratio of 196 incidents per officer per year, an additional 244 incidents per year would require 1.24 additional officers (124% of an officers workload).

In addition to the significant impacts this development would place on our policing teams this development would also require significant investment in our support staff capacity. As we have shown, approximately 97 police staff are required to support policing to the 62,460 households in Mid Sussex. This is a ratio of 644 households per staff member. Therefore an additional 500 households would require 0.78 additional support staff to retain this existing ratio.

Additional officers/staff required as a result of 500 additional homes



## 6. COSTS

In order to mitigate against the impact of growth our office have calculated that the capital "cost" of policing new growth as a result of this major planning application equates to £86,175.

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

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

The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows;

### OFFICER SET UP

The basic set up costs of equipping staff are listed below. Following the start of the 2017/18 tax year we have reviewed and updated the start-up costs per officer which are now as follows:

Sussex Police would utilise the contribution in the following manner;

- £12,111.49 as a maximum of 1 of 5 pooled payments towards the cost of 1 additional officer in the Hassocks NPT to deliver policing to the site and surrounding area.
- £2,453.88 as a maximum of 1 of 5 pooled payments towards the cost of one additional support staff member to be based at the re-provided Burgess Hill police station.

We could not have officers attending this development with less than adequate equipment with unnecessary risk to themselves and occupiers served.

### PREMISES

At present policing within the Hassocks ward is delivered from Burgess Hill Police station. Burgess Hill police station forms part of 'The Brow' area, which is due for redevelopment; part of which will include a new Police Station, to replace the existing.

This project has currently been delayed due to the production of the emerging Sussex Police Estates strategy (2017-2022) and difficulties securing an alternative site, however is likely to be brought forward into the 2019-2020 or 2020-2021 financial year. There will be various Mid Sussex NPT / NRT teams, West Divisional support and forcewide policing teams planned to be stationed at this new facility in Burgess Hill and we are currently appraising various options for a new joint site with partners.

Our policy is to provide an alternative facility in the area prior to any station being closed. We are currently investigating opportunities to collaborate with other blue light and public sector partners. This is considered to be more economical, and reflects the future workspace shared working environment we are trying to develop.

It should be noted that the receipts from the sale of the existing station may only partially fund the replacement (re-provided) station, and will re-provided at the same scale as the existing premises, thus not taking account of the growth in space needed as a result of

increased policing demands. These funds will not be utilised to fund other infrastructure needed as a result of this development.

The new Burgess Hill police station will accommodate our existing teams at a similar scale to the existing station. Sussex Police's capital budget does not have capacity to future proof our relocation projects and provide sufficient rooms to accommodate growth over the period of Mid Sussex's development plan. Funding equivalent to the scale of this development is therefore sought from this development to provide additional floorspace in the relocated Burgess Hill Police station.

Sussex Police are required to maintain a high capacity of accommodation for staff and officers, with any additional capacity delivered via new works to provide floor space. Taking an average of the floor space provision over our sites in Sussex which deliver neighbourhood policing we have determined that each new officer/member of staff should be allocated approximately 7.93sqm of office floor space. We are also required to provide a minimum of 1sqm for officers/staff for storage (locker room etc.). This brings the total space requirement to 8.93sqm Sussex Police would utilise the contribution in the following manner;

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Sussex Police have previously used Saxon House in Newhaven as an example to estimate costings for a new build or extension/adaptation of existing building. This facility is a new facility shared with East Sussex Fire and Rescue and Lewes District Council which replaced the old police station. For new buildings such as Saxon House [the cost was estimated to be between £2500-3000/sqm].

Following the start of the 2018/19 tax year, Sussex Police will use the up to date BCIS costings index for all future S106 requests. The 17/03/18 issue of the RICS BICS costs (Appendix 5) which lists the median cost for new police stations at £2,631 (Median) which would be considered the minimum cost appropriate to support the additional officers/staff and the new Burgess Hill police station.

The cost of accommodating a minimum of 2.02 additional officers/staff (which are required to police this development) would be  $8.93 \times £2,631 \times 2.02 = £47,459.56$

## VEHICLES

A vital part of providing effective policing to the residents of Mid Sussex is maintaining the large fleet of vehicles. These vehicles range from General Response Vehicle (GRVs or patrol cars), unmarked general support vehicles, Public Service Unit vans and minibuses, scientific (e.g. Scene of Crime Officers) vehicles, pursuit vehicles - 4 x 4 and high speed, motorcycles. Current fleet deployment in Mid Sussex administrative area (serving 62,460 households) currently consists of 25 active divisional vehicles and 38 forcewide vehicles. Maintaining our forcewide fleet is essential to the success of Sussex Police and important to enable the force to efficiently combat cross border crime. There is currently no capacity to meet the additional policing needs this development will present, therefore investment towards increasing fleet capacity is sought from this development.

In total there are 25 divisional vehicles and 38 forcewide vehicles delivering policing to the district of Mid Sussex.

The average capital cost of a new vehicle is £17,000 (not including fuel and maintenance). Our guideline for the majority of marked vehicles is to replace every four years or 125,000 miles. The condition of vehicles at the end of their police life varies however Sussex Police forecast that they will redeem, on average 5% of a vehicle's value on disposal.

The development will require fleet investment far exceeding 4 years therefore Sussex Police would require at least an 8 year life of provision. This contribution is justified because there is insufficient funding within the police's revenue income to take on the capital cost after just four years, without diverting money from elsewhere. Sussex Police estimate that the 4 year lifetime cost per vehicle is approximately £42,240 including running costs and capital charges.

63 vehicles at net value of £1,071,000

Existing number of households in Mid Sussex (62,460) = £17.15 per Household (1,071,000 / 61,617) x 500 Households x 2 = £17,150 to give 8-year life of provision.

The same methodology has been used to calculate our fleet requirement as the Warwickshire police representation which has been supported in the most recent appeal decision concerned contributions towards policing (Appendix 6 - APP/R1845/W/17/3173741) issued on the 18th March 2018. Sussex Police consider this would be the most appropriate methodology to use in this and all future section 106 requests.

It is vital to ensure fleet deployment is maintained in line with the existing population of Mid Sussex and therefore a financial contribution towards fleet capacity is essential to make this development acceptable in planning terms.

Vehicles are fundamental capital policing infrastructure to deliver community safety and address crime especially at neighbourhood level. Fleet deployment is related to the known policing demands of comparable developments in the locality.

The direct demand from the new development can be accurately forecast and delivering policing direct to this development will not be possible without additional vehicles to do so. Levels of demand and mitigations have been determined by the scale of the development and demonstrate only a proportion of a vehicle's time will be spent policing this development.

#### ANPR CAMERAS

Sussex Police are currently promoting a roll out of Automatic Number Plate Recognition (ANPR) Cameras throughout Sussex. There is a limited budget for this at present but a requirement to roll out more cameras to ensure criminals can be identified quickly and efficiently. The number and location of cameras is driven by the scale and location of the proposed development and the road network in the area. Cross border crime is a growing issue in Sussex with criminals travelling from London and the surrounding Home Counties into Sussex to commit offences. Additional ANPR coverage will be required to ensure criminals are quickly identified entering and exiting this new neighbourhood. An assessment of this application has been undertaken and it has been assessed that there is a requirement for an additional fixed ANPR camera to mitigate the impact of this major development.

There are many benefits of ANPR cameras which can be used overtly or covertly and are regulated by the Regulation of Investigatory Powers Act 2000 (RIPA). Using cameras at either fixed locations or portable locations, images are captured and recorded along with the vehicle registration mark (VRM) or number plate, time and location of the vehicle, which can then be instantly checked against database records of vehicle of interest. The instant search of database records of vehicles of interest can confirm whether a vehicle associates with a known criminal has been in the area at the time of a crime. Importantly, ANPR can be used in real time. This means that police officers can intercept and stop the vehicle, check it for evidence and make arrests if necessary. The use of ANPR in this way has proved important in the detection and prosecution of many cases of major crime.

Three principal benefits of using ANPR are: 1) Increase the information and intelligence available to identify criminals; 2) Enable the police to deploy resources to respond to criminals of interest in real time; 3) Improve investigations after crimes have been committed.

In addition to the benefits of ANPR coverage for the residents of this development the camera would also serve to identify any crimes occurring on the development site during the build process such as the theft of machinery or building materials. ANPR also serves as an effective preventative security measure for the development.

At present there is limited ANPR capacity covering the site and surrounding area. Due to the increased volume of traffic that will be travelling through Ockley Lane as the primary site access, an additional camera would assist our safer neighbourhood team officers in identify vehicles suspected of criminal offences upon leaving this new neighbourhood.

The cost of an ANPR camera is shown below:

Fixed Site ANPR camera (£7,000), intelligent single lane reading Vector camera with infrastructure in place for single carriageway road. - Vector camera x 1 £5, 000. Installation and setup cost £2,000

## 7. Compliance with National Policy and CIL Regulations

Firstly, the pooling of S106 contributions is acceptable under CIL regulation 123 subject to each infrastructure item not exceeding 5 separate developer contributions. Within Mid Sussex the majority of policing is carried out by the NRT/NPT teams, therefore our office would recommend funds received from Section 106 agreements should be spent directly on supporting these teams, which in the case of this development is the the Hassocks NPT.

At present there are no S106 planning contributions secured to support the Hassocks NPT, therefore complying with the pooling restrictions under CIL regulation 123. There are also no other S106 contributions secured towards the re-provide/relocation of Burgess Hill Police station.

The assessment for these infrastructure contributions is outlined in CIL Regulation 122, which requires each item to meet the following three tests. From the numerous appeal / Secretary of State decisions and High Court judgements there is significant evidence that all the items listed in this request comply with CIL Regulation 122.

The costs of training officers have been included in this request and have been found sound (and compliant with Regulation 122) in numerous appeal decisions included as Appendix 2. In the respect of training in particular, the Sketcheley house decision (page 19 of Appendix 2) makes specific reference to "protective clothing, uniforms and bespoke training" and were endorsed by the Inspector in his report at paragraph 11.57 and by the Secretary of State at paragraph DL22.

It is therefore plain that the Secretary of State and numerous Planning Inspectors consider that National Planning Policy and legislation is capable of encompassing these types of infrastructures.

### 1. Necessary to make the proposed development acceptable in planning terms

The creation of safe and accessible environments where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion is fundamental to planning for sustainable development as confirmed in the National Planning Policy Framework.

The Mid Sussex District Plan (2014-2031) lists one of the major challenges facing the District as the need to achieve sustainable, attractive and inclusive communities to ensure that the District continues to benefit from low crime levels, good health and an attractive natural and built environment.

One of the priority themes of the emerging plan is 'Ensuring cohesive and safe communities'. Crime prevention and crime management is essential to ensure strategic objective 12 is met which aims "To support sustainable communities which are safe, healthy and inclusive".

With regard to adopted local planning policy, Policy G3 of the adopted Mid Sussex development plan does allow for police contributions. The policy includes a non-exhaustive list of infrastructure requirements. The fact that it does not cite police contributions specifically does not preclude the need for these contributions. The policy is expressed with sufficient width that it encompasses any necessary infrastructure, which could and should lawfully include police contributions. Such contributions are, in principle, within the lawful ambit of the policy regime which requires financial contributions from developments to help defray the external costs of the proposals which would otherwise fall on general taxation. The adopted Mid Sussex District Council Development Infrastructure and Contributions SPD (July 2018) includes detailed calculations of Sussex Police's infrastructure requirements. Certain statistics have been updated for this representation however the majority of data is in accordance with the adopted SPD.

The Secretary of State has recognised that it is not a rigid requirement to have express reference to policing within local planning policy because the overarching principle of ensuring safe communities is recognised in the NPPF. The Planning Inspector in the case of North-west Leicester District Council vs Money Hill Consortium (Appendix 4) stated:

62. The obligations of the Undertaking, other than that to support Police operations, are all related to requirement of development plan policies and are all necessary to make the development acceptable in planning terms. They are all furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Agreement, setting aside the Police contributions, therefore complies with Regulation 122 of the CIL Regulations 2010. Furthermore, taking into account the submissions of NWLDP, LCC and LP, the Agreement complies with Regulation 123 of the CIL Regulations 2010.

63. The contributions of £219,029 towards Police infrastructure is not related to requirement of development plan policies. The figure has been arrived at following a close and careful analysis of the current levels of policing demand and deployment in Ashby. The proposed development, in terms of population increase, would have a quantifiable and demonstrable effect on the ability of the Police to carry out their statutory duties in the town. LP has not sought any contribution to some aspects of policing, such as firearms and forensics, but only for those where there is no additional capacity. The contribution is necessary because the new housing that would be created would place a demonstrable additional demand on Police resources in Ashby. The financial contributions to Police operations thus satisfies Regulation 122 of the Community Infrastructure Levy Regulations 2010 and a provision of the Undertaking would ensure that the contribution also satisfies Regulation 123 of the Community Infrastructure Levy Regulations 2010.

The importance of policing contributions is importantly recognised in recent court judgments and considered an essential core principle of the NPPF. The judgment of Mr Justice Green 01/11/2016 (Appendix 1) with regard to the High Court challenge of Jelson Limited vs Secretary of State for Community and Local Government (1) Hinkley and Bosworth District Council stated:

"The gist of the Inspectors reasons are adequately set out in paragraphs [44]-[47] (see above). She records that LP has adequately demonstrated that the sums would be spent on equipment and services which arose "... Directly from the new households occupying the proposed development".

Accordingly she concluded, in terms of causality, that there was a proper nexus between the expenditure and the new development. She also records that the proposed spending was properly attributed between individual projects and procurement such as property adaption and contributions towards a vehicle in order to prevent a need for pooling contributions".

"Mr Lambert cited empirical data based upon existing crime patterns and policing demand and deployment from nearby residential areas which established the direct and additional impacts of the development upon local policing. That data established that there would be an incremental demand in relation to such matters as calls and responses per year via the police control centre; an increase in annual emergency events within the proposed development; additional local non-emergency events which trigger follow-up with the public; additional recorded crimes in the locality based upon beat crime and household data and a proportionate increase in anti-social behaviour incidents an increase in demand of patrol cover; and, an increase in the use of vehicles equating to 12% of an additional vehicle over a six year period."

Moreover, the wider principles of sustainable development within the NPPF also require consideration of all necessary infrastructure requirements, as observed by Foskett J in R. (Police and Crime Commissioner for Leicestershire) v Blaby DC and others. This judgment stated:

11. It is obvious that a development of the nature described would place additional burdens on local health, education and other services including the police force. The focus in this case is upon the effect upon the local police force. If it sought to shoulder those additional and increased burdens without necessary equipment (including vehicles and radio transmitters/receivers for emergency communications) and premises, it would plainly not be in the public interest and would not be consistent with a policy that encourages "sustainable development": see for example, paragraphs 17 of 79 of the National Planning Policy Framework (NPPF). It is that that leads to the Claimants interest in the matters".

As shown in section 1, there is no dedicated Government funding to comprehensively cover the capital costs associated with policing new housing development. Unless contributions from new developments are secured then Sussex Police would be unable to maintain the current levels of policing with resources diverted and stretched, inevitably leading to increased incidents of crime and disorder within the local area. Sussex Police strive to reduce the level of crime in the County however due to the significant numbers of new housing being brought forward the need for more front line staff and associated infrastructure has never been more relevant as a fundamental planning policy consideration.

Appeal decision APP/C3240/W/16/314445 (Appendix 2) issued on the 21st March 2017 provides further support for developer contributions towards the capital costs of additional policing infrastructure arising from new development. The Planning Inspector stated:

165: There is no doubt that the proposed development would generate a need for policing and that need would require additional resources which have been calculated on a pro-rata dwelling basis. The Framework identifies a need for safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. In addition, an extensive array of appeal decision supports the principle of police contributions. Overall, the balance of the evidence before me points to the obligation (based on the underlying pro-rata calculation) being necessary and proportionate mitigation for the development.

We would also bring to attention dicta from the High Court judgment by Mr Justice Foskett in Police and Crime Commissioner for Leicestershire vs Blaby Council. Paragraph 61 and 62 of the judgment state:

61. I do not, with respect, agree that the challenge mounted by the Claimant in this case can be characterised as a quibble of a minor factor. Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate

efficiently and effectively in the area. That would want to know that the police service can operate efficiently and effectively in the area. That would plainly be "consumer view" of the issue. The providers of the service (namely, the Claimant) have statutory responsibilities to carry out and, as the witness statement of the Chief Constable makes clear, that itself can be a difficult objective to achieve in these financially difficult times. Although the sums at stake for the police contributions will be small in comparison to the huge sums that will be required to complete the development, the sums are large from the point of view of the police.

62. I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide police with sufficient contribution to its funding requirements to meet the demands of policing the new area: lawlessness in one area can have effects in another nearby area. Miss Wigley, in my judgment, makes some entirely fair points about the actual terms of the section 106 Agreement so far as they affect the Claimant.

Appeal decision APP/K2420/W/15/3004910 provides further evidence for developer contributions towards necessary policing infrastructure required to enable effective policing of new housing development. The Planning Inspector supported the methodology used for this calculation and compliance with the specific capital infrastructure items detailed in our request.

44. Leicestershire Police (LP) have demonstrated adequately that the sums request would be spent on a variety of essential equipment and services, the need for which would arise directly from the new households occupying the proposed development. It would be necessary, there, in order to provide on-site and off-site infrastructure and facilities to serve the development commensurate with its scale and nature consistent with LP Policy IMP1. The planning contribution would also enable the proposed development to comply with the Framework's core planning principle of supporting local strategies to improve health, social and cultural wellbeing and delivering sufficient community facilities to meet local needs". In respect of the methodology used for this request the same Planning Inspector stated "47 - I consider this to be a no less realistic and robust method of demonstrating the criminal incidents likely to arise in a specific area than the analysis of population data which is normally used to calculate the future demand for school places. The evidence gives credence to the additional calls and demands on the police service predicted by LP".

A financial contribution towards essential policing infrastructure is clearly essential to make new housing development acceptable in planning terms. The policing infrastructure items outlined in this request are essential to help support new officers required due to population growth and most importantly keep existing and future residents of Mid Sussex safe.

## 2. Directly related to the proposed development

There is a functional link between new development and the contributions requested. Put simply without new development taking place and the subsequent population growth there would be no requirement for the additional infrastructure. The additional population growth will lead to an increase in incidents, which will require a Police response. The infrastructure outlined in this request has been specifically identified by the NPT/NRT teams policing the areas of Mid Sussex as necessary to deal with the likely form, scale and intensity of incidents this new housing development will generate.

## 3. Fairly and reasonably related in scale and kind to the proposed development.

Securing proportionate developer contributions towards necessary capital expenditure is essential to help meet a proportionate increase in police infrastructure costs and to enable



Surrey Police to maintain its current level of service in the Borough. This infrastructure has been identified by Surrey Police as necessary to provide an appropriate level of policing to serve the proposed development and maintain the existing high level of community safety.

A clear numerical, evidence based approach has been demonstrated which is supported by case law and recent appeal decisions by the Planning Inspectorate. The various items of capital expenditure and infrastructure requested are considered CIL compliant and are necessary to enable new officers to undertake their role to meet the policing needs of the development and mitigate impacts to existing resources. A reasonable and proportionate approach has been adopted.

We would also highlight two recent appeal decisions in Leicestershire (APP/F2415/A/12/2179844 & APP/X2410/A12/2173673, Appendix 2). In assessing the request from Leicestershire police for developer contributions towards infrastructure the Inspector commented at para 29 of decision 2179844;

The written evidence submitted by Leicestershire Police detailed the impact the proposed development would have on policing, forecasting the number of potential incidents and the anticipated effect this would have on staffing, accommodation, vehicles and equipment. In view of the requirement of national planning policy to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life, it is considered that, on the evidence before me, a contribution towards policing is necessary to make the development acceptable in planning terms.

Furthermore with regard to appeal decision 2173673, the Inspector is unequivocal in highlighting the acceptability of police contributions being recipients of developer's contributions;

Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries. Para 292

These appeal decisions confirm that the approach of Surrey Police in assessing the impact of development, having regard to an assessment of the potential number of incidents generated by growth is appropriate, and fundamentally it confirms that police infrastructure should be subject to developer contributions as the provision of adequate policing is fundamental to the provision of sustainable development.

Furthermore the requirement to ensure that crime and the fear of crime is addressed through the planning process runs through the revised NPPF (2018);

Paragraph 20 (b) retains reference to 'security infrastructure' and advises that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

c) Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat).

d) Paragraph 91 advises that planning policies should 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 - for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

Paragraph 95 outlines the importance of engaging with the security services to inform planning policy decision and promote public safety and defence requirements. This will be achieved by:

- a) Anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant area (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
- b) Recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

The Glossary to the new NPPF includes an entry entitled 'Essential Local Worker'. It states 'these are public sector employees who provide frontline services in areas including health, education and community safety - such as NHS Staff, teachers, police, firefighters and military personnel, social care and childcare workers'. This recognises the emergency services as essential for the public, alongside education and health.

I trust this sets out sufficiently our office's request for infrastructure contributions relating to this major development on the land north of Clayton Mills, Hassocks.

### **Southern Water**

Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network.

This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

Southern Water hence requests the following condition to be applied:

"Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development"

It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works

required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future customers.

Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:

- Initial feasibility, detail modelling and preliminary estimates
- Flow monitoring (If required)
- Detail design, including land negotiations
- Construction

The overall time required depends on the complexity of any scheme needed to provide network reinforcement.

Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site and provided that Planning approval has been granted.

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

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

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

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

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

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

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and

surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

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

MID SUSSEX DISTRICT COUNCIL

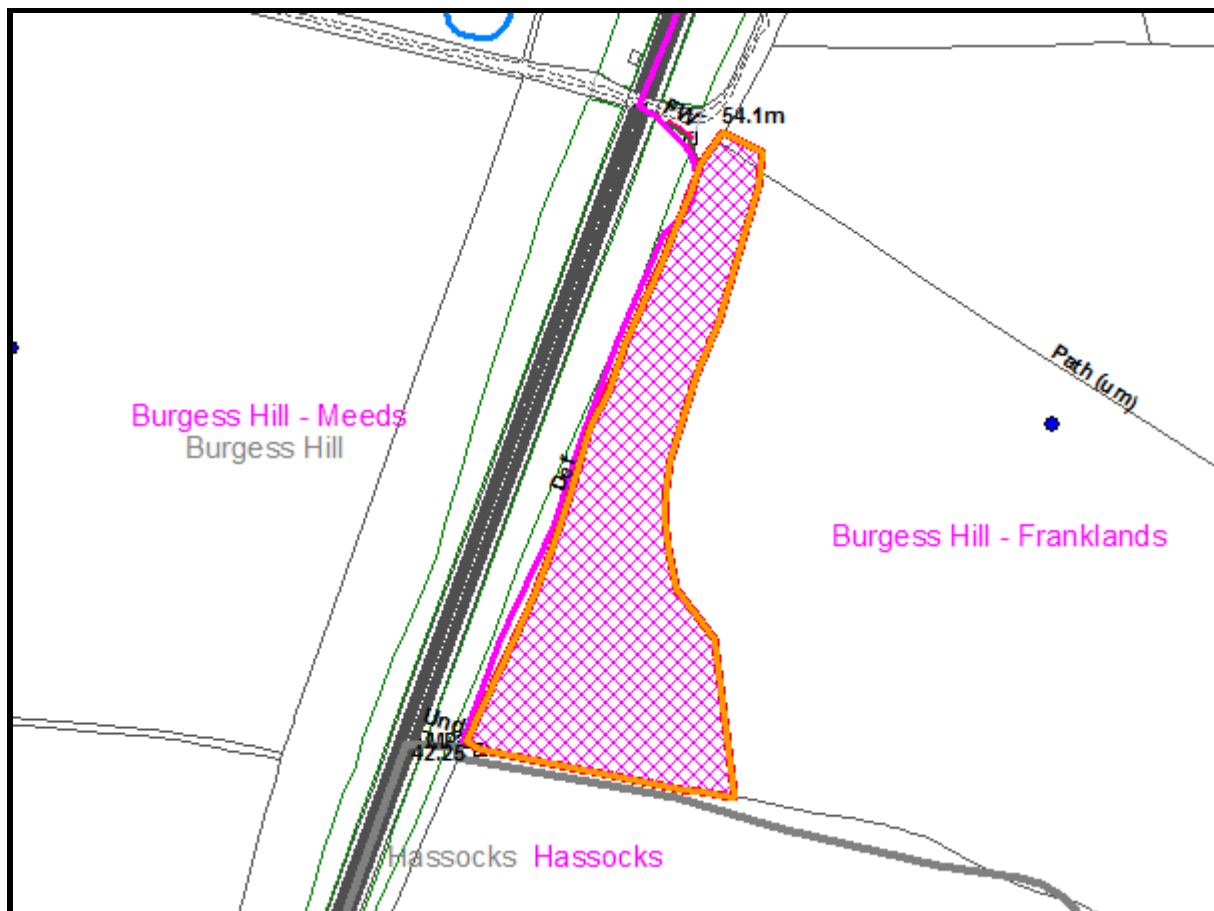
District Wide Committee

**17 DEC 2019**

RECOMMENDED FOR PERMISSION

**Burgess Hill**

**DM/18/4980**



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**LAND AT GRID REFERENCE 531337 117617 KEYMER ROAD BURGESS HILL WEST SUSSEX  
CONSTRUCTION OF BRIDLEWAY LINK.  
MR ROBERT PHILLIPS**

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Informal Open Space / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone /

ODPM CODE: Minor Other

8 WEEK DATE: 30th August 2019

WARD MEMBERS: Cllr Janice Henwood / Cllr Graham Allen /

CASE OFFICER: Stephen Ashdown

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

Planning permission is sought for the creation of part of a bridleway link that would help provide an off-road link between Hassocks and Burgess Hill. The application should be read in conjunction with application DM/18/4979, reported elsewhere on this agenda, which provides the main bulk of the route as part of the strategic development of land north of Clayton Mills that is allocated for development in the Mid Sussex District Plan, policy DP11 refers.

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

In this case the proposed provision of part of a new bridleway route, that in tandem with the remainder proposed under application DM/18/4979, would enable a connection between Hassocks and Burgess Hill to be formed (which would also utilise existing routes), accords with policies DP11, DP12 and DP22 of the District Plan. The proposal not only encourages sustainable transport links between Hassocks and Burgess Hill but would also enable people to access additional leisure and recreational routes between the two settlements.

The route can be provided without impacting on any existing trees and proposed enhancements will enable some genuine biodiversity gains to be achieved. In this regard the proposal accords with policies DP37 and DP38 of the District Plan.

The proposal clearly accords with the Development Plan and there are no material considerations that indicate an alternative conclusion should be reached in this instance. The application is recommended for approval.

### **RECOMMENDATION**

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

## **SUMMARY OF REPRESENTATIONS**

A total of 3 letters of representation in support of the application, and 1 neither supporting or objecting, have been received making the following comments;

- Not clear whether it is a cycle path or a bridleway
- If horses are allowed, fencing needs to be provided to prevent trespassing on adjacent fields.
- Notices to cyclist should also say horse riders.
- Route should be permanent and not permissive.
- Further links should be explored.

## **SUMMARY OF CONSULTEES**

### **MSDC Tree and Landscaping Officer**

No objection.

### **MSDC Ecology Consultant**

No objection subject to condition.

### **WSCC Highways**

No objection.

### **WSCC Public Rights of Way (PRoW)**

No objections.

### **Burgess Hill town Council**

RECOMMEND APPROVAL - clear signage should be installed to encourage cyclists and pedestrians to use the bridleway.

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## **INTRODUCTION**

Planning permission is sought for the creation of part of a bridleway link that would help provide an off-road link between Hassocks and Burgess Hill. The application should be read in conjunction with application DM/18/4979, reported elsewhere on this agenda, that provides the main bulk of the route as part of the strategic development of land north of Clayton Mills, which is allocated for development in the Mid Sussex District Plan, policy DP11 refers.

## **RELEVANT PLANNING HISTORY**

There is no planning history that is relevant to this application.

## **SITE AND SURROUNDINGS**

The site subject to this application covers approximately 0.67ha in size and forms part of the Batchelors Farm Nature Reserve. The site is predominately open pasture with a belt of mature trees along its western edge, adjacent to the boundary with the railway.

At present the footpath 60BH stops at the southern end of the application site, but is used as part of the recreation loop within the nature reserve.

It should be noted that the site is owned by Burgess Hill Town Council.

## **APPLICATION DETAILS**

The proposal involves the laying of a 3m wide path from the southern end of the site to the northern, which will be formed into a bridleway. When considered in tandem with the proposals contained within DM/18/4979, the route would provide a bridleway connection from Hassocks to Burgess Hill, with the proposals at the northern end linking to existing bridleway routes 19bBH and 18BH, the later provides onward links to Burgess Hill station and the town centre.

The proposed route would broadly follow the line of the existing footpath and while the final surface material would need to be agreed with WSCC PRoW, the submitted drawings show a crushed stone surface (fine material), with bollards set at the northern end to prevent access from unauthorised vehicles.

## **LIST OF POLICIES**

### **District Plan**

DP11 - Strategic Allocation to the north of Clayton Mills, Hassocks

DP12 - Protection and Enhancement of Countryside

DP21 - Transport

DP22 - Rights of Way and other Recreational Routes

DP37 - Trees, Woodland and Hedgerows

DP38 - Biodiversity

It should be noted that the site does not fall within a Neighbourhood Plan area.

### **National Policy and Legislation**

*National Planning Policy Framework (NPPF)*

## **ASSESSMENT**

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



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

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

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

The site falls within the countryside, as defined within the Mid Sussex District Plan (DP).

Policy DP12 of the DP seeks to protect the countryside in recognition of its intrinsic character and beauty. The policy permits development that maintains the quality of the rural and landscape character of the District and is either necessary for the purposes of agriculture or support by a specific policy.

In this instance policy DP11 (land north of Clayton Mills) states, inter alia, that development at the site will

*'provide safe pedestrian/cycling routes within the development and to connect with existing residential area, the services within Hassocks village centre, Hassocks railway station, and enhance that there is an agreed cycle route to Burgess Hill'.*

As already stated, the outline application for land north of Clayton Mills (DM/18/4979) is reported elsewhere on this agenda. Furthermore, Policy DP22 deals with rights of way and other recreational routes and states that access to the countryside will be encouraged by, inter alia,

*'supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible'.*

Having regard to the above, the principle of the proposed bridleway link is acceptable and therefore consideration needs to be given to any other issues that may impact on the suitability of the proposal.

## **Biodiversity**

The application is supported by an ecology survey that outlines that in respect of habitats, the application site is generally made up semi-improved grasslands, which are common and widespread throughout the local area. The survey does not identify the presence of protected species within the application site. The survey notes;

*'The route ... will only run through an area of short grassland within the nature reserve before joining an existing bridleway in the northwest corner. As such, the creation of this bridleway is expected to have no significant impacts on these habitats and provides the opportunity to enhance habitats..'*

The survey outlines a number of enhancements that include hedgerow infilling, additional planting, creation of log piles, and bat/bird boxes where appropriate.

Policy DP38 of the DP deals with Biodiversity matters and seeks to ensure that development *'contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity'*, amongst other things.

The Council's ecology consultant has reviewed the application and has not raised an objection, subject to a condition to secure the proposed enhancements outlined in the applicant's ecology statement. Your officer agrees with this position and notes that the proposed enhancements do offer genuine gains in biodiversity, in addition to the wider benefits offered by the promotion of non-vehicular movements the provision of a new bridleway between Hassocks and Burgess Hills will enable. It is considered that the application complies with policy DP38 of the DP.

## **Tree Matters**

Policy DP37 of the DP *'supports the protection and enhancement of trees, woodland and hedgerows, and encourage new planting'*. In support of the application, an 'Arboricultural Impact Assessment and Method Statement', which includes a tree survey and measures to protect the retained trees retained during the construction process, has been submitted.

The submitted information identifies a number of trees, both individual and groups, within the application, however, none of these will be affected by the proposals. The only vegetation required to be removed to facilitate the proposal is a small section of hedgerow along the southern boundary to link up with the remainder of the route contained in application DM/18/4979.

The Council's Tree and Landscaping Officer has considered the application and has not raised an objection and given that the proposal will protect the existing trees within the site, your officer agrees with this position. A suitably worded condition is proposed to require the works to be carried out in accordance with the submitted report and with this the application accords with policy DP37 of the DP.

## **Other Matters**

It is noted that the process of dedication to form a public bridleway will need to be undertaken through a separate process with the WSCC, under the Highways Act 1980, and that the final details of the proposals, including surfacing and any structures, will also need to be agreed with WSCC PRoW under a separate process. A suitable condition is proposed to cover this latter point.

The provision of the new route is covered by two separate applications and it is important that they are implemented as one, to ensure that the continuous route is provided at the same time. Given that the majority of the route is to be provided under DM/18/4979, it is considered that it is appropriate that suitable provision is made within any permission granted under that proposal to ensure continuous provision within an appropriate timetable.

## **PLANNING BALANCE AND CONCLUSION**

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

In this case the proposed provision of part of a new bridleway route, that in tandem with the remainder proposed under application DM/18/4979, would enable a connection between Hassocks and Burgess Hill to be formed (which would also utilise existing routes), accords with policies DP11, DP12 and DP22 of the District Plan. The proposal not only encourages sustainable transport links between Hassocks and Burgess Hill but would also enable people to access additional leisure and recreational routes between the two settlements.

The route can be provided without impacting on any existing trees and proposed enhancements will enable some genuine biodiversity gains to be achieved. In this regard the proposal accords with policies DP37 and DP38 of the District Plan.

The proposal clearly accords with the Development Plan and there are no material considerations that indicate an alternative conclusion should be reached in this instance. The application is recommended for approval.

---

## **APPENDIX A – RECOMMENDED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The recommendations set out in the Ecology Walkover Survey by the Ecology Partnership (December 2018) shall be implemented in full, prior to the route being first made available to the public, unless otherwise agreed in writing by the local planning authority.

Reason: To protect the ecological value of the site and to accord with policy DP38 and of the Mid Sussex District Plan 2014 - 2031 and paragraph 175 of the NPPF.

3. The development hereby permitted shall only be implemented in accordance with the details set out in the Arboricultural Impact Assessment and Method Statement (December 2018), unless first agreed in writing with the Local Planning Authority.

Reason: To protect the trees within the site and to accord with policy DP37 of the Mid Sussex District Plan 2014-2031.

4. Prior to the route hereby approved being open for public use, details of the proposed surfacing and any public right of way structures shall be submitted to and approved in writing with the Local Planning Authority. The route shall only be brought into public use in accordance with the approved details.

Reason: In the interest of user safety and to accord with policy DP22 of the Mid Sussex District Plan 2014 - 2031.

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

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

#### INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### Plans Referred to in Consideration of this Application

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Proposed Site Plan	ITB11335-GA-03		11.12.2018
Planning Layout	1209.103		11.12.2018
Location Plan	1209.101		11.12.2018
Existing Site Plan	1209.102		11.12.2018

#### APPENDIX B – CONSULTATIONS

##### Parish Consultation

RECOMMEND APPROVAL - clear signage should be installed to encourage cyclists and pedestrians to use the bridleway.

### **MSDC Tree and Landscaping Officer**

Further to reviewing the tree reports that accompany the above application and a recent site visit, I can confirm that any impact on surrounding trees will be mitigated by measures detailed within the AMS section of the submitted tree report.

No objection.

### **MSDC Ecology Consultant**

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

The recommendations set out in the Ecology Walkover Survey by the Ecology Partnership (December 2018) shall be implemented in full unless otherwise agreed in writing by the local planning authority.

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

### **WSSC Highways**

The complete proposed bridleway is included as part of the Land North of Clayton Mills development. The route is split over two planning applications; DM/18/4979 that includes the southern section and DM/18/4980 that includes the northern section. No objection in principle would be raised to the proposed bridleway given that this secures an off-road route available for pedestrians, cyclists, and equestrians between Hassocks and Burgess Hill. The comments of the WSSC Rights of Way team should be sought regarding the proposed details of the cycle route and the legal process associated with the creation of this new route.

A mechanism (presumably as part of a s106 agreement) would also be required to ensure that both parts of the route are secured and delivered.

### **WSSC PROW**

West Sussex County Council's (WSSC) Public Rights of Way (PROW) Service welcomes this proposed development to create a Public Bridleway link under section 25 of the Highways Act to connect the proposed development 'North of Clayton Mills' to the existing rights of way network to the south of Burgess. This will provide an excellent off road link between Hassock and Burgess Hill for pedestrians, cyclists and equestrians.

In the event any new PROW is to be created or an existing PROW is proposed to be altered in status, given the surface of the path will thereafter be maintained by WSSC PROW then the future status, surfacing and provision of structures (such as bollards) must be agreed in advance with WSSC PROW. The proposed surfacing materials of crushed stone and short sections of tarmac, also the provision of 3m width with 0.5m margins and the installation of bollards, are acceptable in principle subject to final approval of WSSC PROW.

The drawings shown in the proposals section of the Planning Supporting Statement show bollards being installed at the northern end of the route along with the potential 'removal / relocation' of the existing gate. With the bollards being installed there is no perceived need for the gate to be kept on the line of this route and this will allow free passage of users through this point. We would require that the gates are removed for this reason.

These ambitions can be realised through the legal dedication of Public Bridleway status using section 25 of the Highways Act 1980. Further advice for the process of this legal dedication can be sought through WSCC PROW.

During the construction period of this bridleway a Temporary Path Closure Order may be required, for which an application must be made to WSCC PROW. Should planning consent be approved by the Local Planning Authority this would not confer consent for such a closure, which would require a separate application to WSCC PROW.

MID SUSSEX DISTRICT COUNCIL

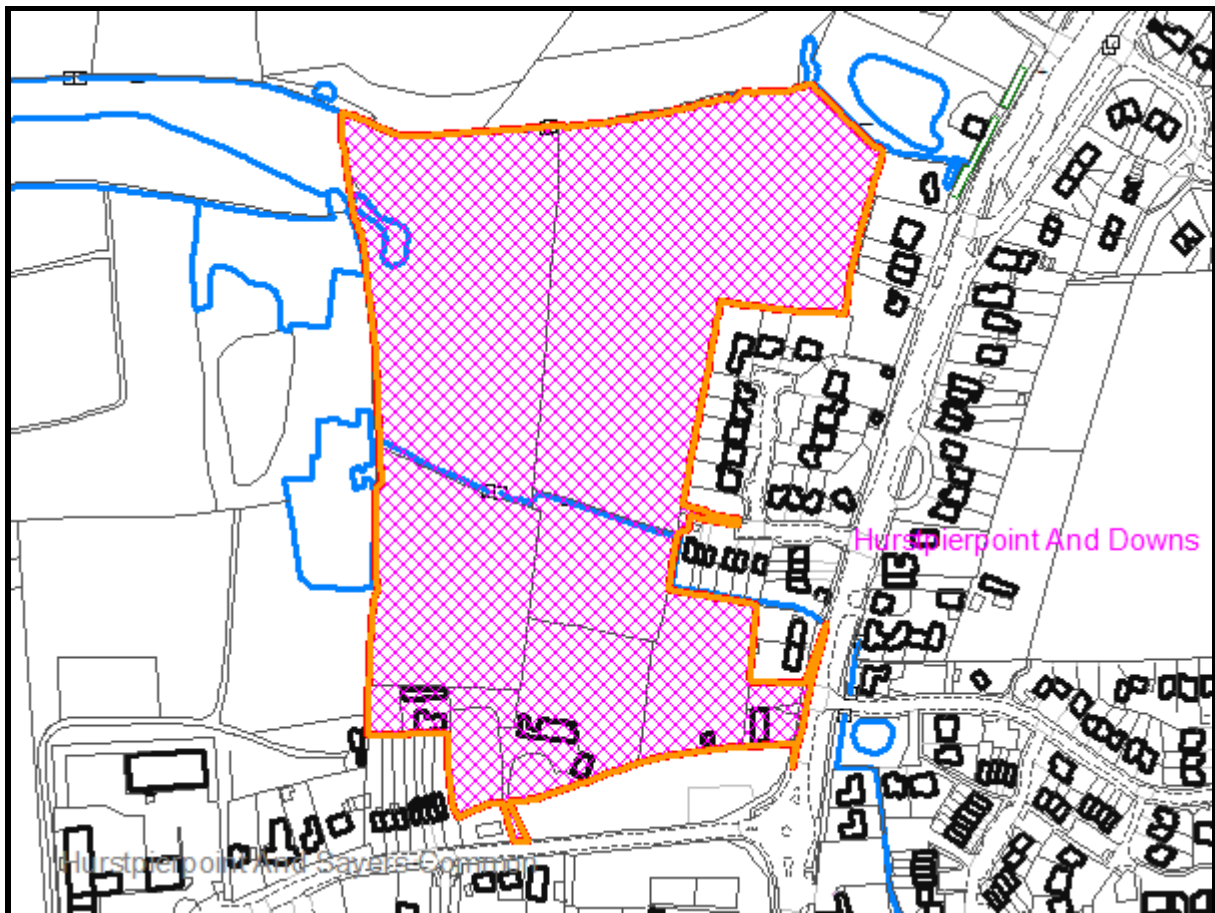
District Wide Committee

17 DEC 2019

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/19/1148



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**KINGSLAND LAINES REEDS LANE SAYERS COMMON HASSOCKS APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE CONSENT (REF. 12/01540/OUT) RELATING TO APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF PHASE 1 FOR 120 NEW DWELLINGS, PROVISION OF OPEN SPACE AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) PURSUANT TO THE APPROVED OUTLINE CONSENT. AMENDED PLANS AND UPDATED SUPPORTING INFORMATION RECEIVED 8 JULY. DESCRIPTION AMENDED TO CONFIRM THAT THIS APPLICATION FOR RESERVED MATTERS CONSENT IS PURSUANT TO THE REVISED OUTLINE PERMISSION APPROVED UNDER REFERENCE DM/18/4331.**

**AMENDED PLANS RECEIVED 24 SEPTEMBER SHOWING REVISIONS TO VARIOUS DWELLINGS AS SET OUT IN THE SUPPORTING LETTER FROM ECE PLANNING DATED 24 SEPTEMBER 2019.  
LINDEN HOMES LTD**

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

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 18th December 2019

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

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 120 dwellings at Kingsland Laines, Reeds Lane, Sayers Common. The means of access to the development was approved at the outline stage so this application relates to the appearance, landscaping, layout and scale of the development.

The application has been submitted as phase 1 because it does not include the part of the site that was shown on the illustrative plans that were submitted with the outline application, as being the location of the care home, community facility/office space and retail unit. This area is annotated on the submitted plans as being phase 2.

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



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

In this case planning permission has been granted for the development. Therefore the principle of the development is established, as is the access to the site from the London Road. Therefore whilst there is a conflict with policy DP12 of the DP and policy Hurst C1 of the HSCNP as the proposal is for a major residential development outside the built up area of the village, this cannot be a reason to resist this reserved matters application because planning permission has been granted for this development. It is necessary to assess the reserved matters details that have been submitted against the relevant policies in the development plan.

It is considered that the applicants have responded to officers concerns and developed a scheme that works well on this 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).

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 on the eastern side of the site towards the existing properties on Dunlop Close. However the separation distances between the existing and proposed properties are sufficient for this to be acceptable. 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. Whilst the outlook for the existing properties to the east of the site would change from a greenfield to a residential development, simply being able to see a development does not equate to harm. The principle of this change from a green field to a residential development has been approved by the grant of outline planning permission.

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 also considered that the level of car parking provided is also satisfactory to serve the development.

The proposal would result in less than substantial harm to the setting of two listed buildings. This harm has been afforded significant weight in accordance with the statutory requirements of the Planning (Listed Building and Conservation Areas) Act 1990. In accordance with the requirements of the National Planning Policy Framework (NPPF) this less than substantial harm has been weighed against the public benefits of the proposal. It is your officer's view that the less than substantial harm is clearly outweighed by the public benefits of bringing forward a residential development on a site that has outline planning permission. The delivery of housing, including 30% affordable housing and the economic benefits from both the construction phase and additional spend in the local economy all attract significant positive weight in the planning balance.

As outline planning permission has been granted it has been accepted as a matter of principle that this site can be satisfactorily drained. The layout of the scheme has been designed to allow the site to be satisfactorily drained without causing an increased risk of flooding off site. The Councils Drainage Engineer is satisfied with the proposed layout and the principles of the means of drainage. The applicants will be required to submit further drainage details in order to discharge the drainage conditions imposed by the Secretary of State (SoS) on the outline planning permission before they commence works to implement the planning permission.

The proposed development would retain the preserved trees on the eastern and southern boundaries of the site. The trees that are to be removed within the centre of the site are not of significant public amenity value. Having assessed the ecological information submitted with the application it is not considered there are any ecological grounds to resist this application.

The required infrastructure to serve the development was secured by the legal agreement that was completed when outline planning permission was granted for the development of this site. As such policy DP20 of the DP is met.

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 listed in the appendix.

## **SUMMARY OF REPRESENTATIONS**

Amended plans

12 letters of objection:

- existing boundary screening around the site should be retained;
- concerned that tree roots could be damaged during construction;
- the proposed houses will only be 24m away and I'm concerned about noise pollution, light pollution, loss of light and loss of privacy;
- drainage and sewerage are still major problems;
- two and a half story buildings will be overbearing and not in keeping with Sayers Common;
- too many houses for a small village to sustain;
- listed buildings should not be overlooked;
- why is there now no nursing home;
- neighbourhood plan was ignored and the development should not go ahead;
- electric charging provision should be provided

- scheme is contrary to policy Hurst H8 as it does not include bungalows
- scheme does not enhance rural and landscape character and is contrary to policy Hurst C1
- scheme does not resolve existing drainage issues and is contrary to policy Hurst H1 and 3
- will have a negative impact on the environment of the village
- drawings are inaccurate. The drainage drawing shows water flowing into 5 Dunlop Close watercourse when it does not and a watercourse running through the middle hedging of the site has been missed
- Sayers Common pumping station has inadequate capacity
- destruction of trees and hedges will change the biodiversity of the village
- Sayers Common is in a bowl and is known as a frost pocket and pollution gets trapped in the bottom of the bowl
- watercourses on the site have not been cleared for years and should be cleared every 6 months
- future residents will have to pay monthly fees for maintenance of roads within the site, lighting of streets, provision of a private pumping station

#### Original plans

#### 23 letters of objection

- drainage and sewerage are still major problems;
- density is not appropriate for Sayers Common
- insufficient play areas are provided
- lack of enclosed car parking will mean more cars having to be de iced in the winter adding to pollution
- existing boundary screening around the site should be retained;
- concerned that tree roots could be damaged during construction;
- the proposed houses will only be 24m away and I'm concerned about noise pollution, light pollution, loss of light and loss of privacy;
- drainage and sewerage are still major problems;
- two and a half story buildings will be overbearing and not in keeping with Sayers Common;
- too many houses for a small village to sustain;
- listed buildings should not be overlooked;
- why is there now no nursing home;
- neighbourhood plan was ignored and the development should not go ahead;
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- scheme is contrary to policy Hurst H8 as it does not include bungalows
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- will have a negative impact on the environment of the village
- drawings are inaccurate. The drainage drawing shows water flowing into 5 Dunlop Close watercourse when it does not and a watercourse running through the middle hedging of the site has been missed

- Sayers Common pumping station has inadequate capacity
- I cannot see EV charging points in the layout
- site needs to be properly fenced off to be secure
- building on this site is misguided
- want to ensure development does not interfere with the curtilage of our listed building

## **SUMMARY OF CONSULTEES**

### **Highway Authority**

No objection subject to conditions.

### **Southern Water**

Southern Water has no objections to the above Reserved Matters application (Phase 1).

### **Sussex Police**

In general terms I support the proposals in this application which will create a development where access is gained through a single point with no through route.

### **Ecological Consultant**

No objection subject to condition.

### **Drainage Engineer**

Drainage conditions were placed on the original planning application and we have no objection to this application to amend the layout on the understanding that the existing drainage conditions shall be addressed as part of a separate application.

### **Urban Designer**

This scheme has been the subject of revisions that have addressed most of my original reservations. It is nevertheless unfortunate that the south-west part of the original outline consent is no longer part of this scheme, resulting in an unresolved arrangement on the western edge of the open space; furthermore the opportunity to fully integrate this space with the recreation ground has not been taken. With those exceptions, the layout works well with the swale and squares providing additional interest. While many of the house types have bland frontages, they have been reorganised to make a positive feature of their standard design through underlying rhythm that is generated by repetition that works with the formality of the layout. There is also a greater variety of facing materials that have been grouped to help reinforce the different characteristics of the various parts of the site. The prominent buildings at the site entrance have been significantly reworked and now provide a more presentable frontage. While the Design Review Panel (DRP) have been critical of the scheme, respond to some of their concerns too. In conclusion, I withdraw my

objection but would recommend conditions requiring the further approval of drawings /information in respect of the following:

- Detailed landscape plans including: (i) long and cross section drawings that show the detailed design of the pond, swales/ditches, and associated bridge links and boundary treatment; (ii) the design of plot 19-21's garden boundaries.
- Facing materials
- 1:20 scale elevation and sections of the canopy and front door design (all dwellings) and the first floor French windows and Juliet balcony on block C.

### **Conservation Officer**

As it stands I am not satisfied that the scheme makes sufficient allowance for mitigation of the harm caused to the setting of the listed building which has been identified during the appeal process.

### **Housing Officer**

The Affordable Housing Scheme submitted for this application is for 36 dwellings and although the mix and types of homes has been varied from the above the proposed scheme still meets the required 75% rented / 25% shared ownership tenure split and the increase in the number of 2 bed houses is welcomed.

### **Community Facilities Project Officer**

I can confirm that my colleagues in Landscapes are content with the planting schemes, the specifications for the Soft Landscaping and the Management Plan for the maintenance of the area.

### **Environmental Protection Officer**

The conditions imposed on the decision notice cover the relevant Env Protection areas. The proposed layout does not affect these in our view so no new conditions are required.

### **Tree Officer**

No objection subject to conditions.

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

Approval is refused. The Parish Council again continues to reiterate its previous objections, namely that the application is an unsustainable development not in proportion to the size of the existing settlement; contrary to Parish Plan objectives (2011) and Neighbourhood Plan targets (2012); contrary to MSDC Rural Issues Background Paper (2009) for capacity of the settlement; inadequate measures for sustaining surface water drainage systems; proximity of access to existing roundabout on London Road; excessive travel to work and school distances and deficit of public transport, no plan for Phase two available. The committee draw your attention to the latest site plan showing an access lane across the recreation ground

as being within the boundary of the site, this is incorrect as the Parish Council have not currently authorised the developer, Linden Homes, access onto the site from across their land.

The application is contrary to the following District Plan policies:

DP26 - Character & Design  
DP28 - Accessibility  
DP30 - Housing mix  
DP41 -Flood Risk and Drainage  
DP42 -Water infrastructure  
DP34 - Conservation

Contrary to the following HPP&SC PC Neighbourhood Plan Policies:

H1c - enhancing the flood and drainage management in the village  
H3 - Sayers Common Housing Sites  
H6 - Housing Sites infrastructure and environmental impact  
H8 - Small dwellings

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## **INTRODUCTION**

This application seeks reserved matters consent for the erection of 120 dwellings at Kingsland Laines, Reeds Lane, Sayers Common. The means of access to the development was approved at the outline stage so this application relates to the appearance, landscaping, layout and scale of the development.

The application has been submitted as phase 1 because it does not include the part of the site that was shown on the illustrative plans that were submitted with the outline application, as being the location of the care home, community facility/office space and retail unit. This area is annotated on the submitted plans as being phase 2.

The principle of this development has been approved by the Secretary of State (SoS) as has the access into the site. As such it is the reserved matters of the appearance, landscaping, layout and scale of the development that must be assessed under this application.

## **RELEVANT PLANNING HISTORY**

There is an extensive planning history attached to this site. An outline planning application was submitted under reference 12/01540/OUT that sought consent for 120 dwellings (including 30% affordable housing), community facility, office space, care home, retail units with primary access off the B2118 (London Road) with some matters reserved. This planning application was refused by the LPA on 9th October 2012.

An appeal against this decision was made to the Planning Inspectorate and this was considered at a Public Inquiry that sat between 8th and 11th October 2013.

Following the close of the Inquiry, the appeal was recovered for determination by the Secretary of State (SoS). In her recommendation letter of 6th January 2014, the appointed Inspector recommended that the appeal should be allowed and that planning permission be granted for the development. In his decision letter of 4th September 2014, the SoS disagreed with the Inspectors recommendation and dismissed the appeal.

Following this decision, the applicants challenged the decision of the SoS in the High Court. This challenge was allowed and the SoS decision was quashed by the Court on 1st May 2015. The decision was remitted back to the SoS to be re-determined afresh. On 10th February 2016 the SoS issued a new decision letter, again dismissing the appeal. This decision was challenged by the appellants by way of a judicial review. The SoS did not contest the claim and the decision to dismiss the appeal was quashed by the Courts on 10th June 2016.

Following on from this decision, the SoS advised that the Public Inquiry would be reopened to consider matters relating to the consent order quashing the previous SoS decision, the development plans and any material changes in circumstances that are relevant to the determination of the appeal. The Public Inquiry took place on 11th May 2017 and sat for two days. The Inspector recommended that planning permission should be granted and the SoS agreed with this recommendation. Planning permission for the development was granted by the SoS on 7th December 2017.

A separate outline planning permission for 40 houses, extra care facility with access from London Road/B2118 was approved by the District Council on 18th January 2017 under reference DM/15/1467.

A subsequent outline planning permission was approved on 28 March 2019 under reference DM/18/4331 which varied condition 6 and removed condition 17 that were attached to planning permission reference 12/01540/OUT. Condition 6 listed the approved plans and condition 17 required a pedestrian link from the development into Dunlop Close. The reason for this application was that this pedestrian link could not be delivered by the applicants because of land ownership issues.

## **SITE AND SURROUNDINGS**

The site comprises an area of 5.85 hectares which is roughly level and rectangular in shape. The south part of the site consists of the residential dwelling Kingsland Laines and its associated domestic gardens and outbuildings, including stables. The remainder of the site to the north comprises fields used as paddocks subdivided by hedging and streams/ditches with some mature trees the majority of which are sited on the site boundaries or within the field hedges. There is one pond on the site which is interlinked with those on adjacent land in the northwest corner.

To the north is the house and grounds of LVS Hassocks/Priory of Our Lady set within a parkland setting with mature trees on rising ground. These buildings are clearly visible from the application site. To the east is existing residential development fronting London Road or the more modern development of Dunlop Close. To the west is a wet woodland strip with open farmland beyond and to the

south is an area of open space which is used as recreation ground as well as properties fronting Reeds Lane.

In terms of planning policy the site lies within the countryside as defined in the DP.

## **APPLICATION DETAILS**

The application seeks reserved matters consent for the erection of 120 dwellings at Kingsland Laines, Reeds Lane, Sayers Common. The means of access to the development was approved at the outline stage so this application relates to the appearance, landscaping, layout and scale of the development.

The application has been submitted as phase 1 because it does not include the part of the site that was shown on the illustrative plans that were submitted with the outline application, as being the location of the care home, community facility/office space and retail unit. This area is annotated on the submitted plans as being phase 2.

The plans show that the majority of the site would be laid out as a perimeter block layout which allows the proposed houses to face onto the street and for the houses within the development to have a traditional layout with back gardens facing onto one another. The southwestern part of the site is not part of this reserved matters application and is annotated on the layout plan as being 'phase 2'. It is within this phase 2 area that the illustrative plans on the outline application showed the proposed care home, community facility/office space and retail unit.

The applicant's design and access statement (DAS) states that the layout has been divided into five different character areas. These are Entry Frontage, Parkland Edge, The Avenue, Village Square and Northern Square.

In the Entry Frontage, the plans show a continuous run of housing on the northern side of the access road as this enters the site. This would comprise firstly, a terrace of 4 houses, 2½ storeys in height with rooms in the roof served by a flat roof dormer on the front elevation. Secondly there would be a block of flats on plots 5 to 15 that would turn the corner. This block would 2½ storeys, with the third storey being in the roof space and served by flat roof dormers on the front and rear elevations. Finally plots 16 to 18 and plot 58 would comprise a terrace of 2 storey housing.

On the eastern side of the site there would be a landscaped area, enclosed by housing on all sides. This is the area the applicants have called the Village Square. This road has been designed as a shared surface street to reduce vehicle speeds and provide a more pedestrian friendly environment.

The Northern Square contains semidetached and terraced houses, with on street car parking positioned in front of the houses on the eastern side of this square. The southern end of this part of the site would contain a flat above a garage and a maisonette, whilst the northern end of the square would also contain a maisonette.

The applicants refer to the northern part of the site as The Avenue. This would contain larger detached houses.



The applicants refer to the western part of the site as the Parkland Edge. This would contain mainly detached houses.

The application shows that there would be a differing palette of materials across the different character areas within the site. The Parkland Edge would feature red or brown roof tiles, red facing brick, feature brick detailing and tile hanging at first floor level. The Avenue would be more contemporary and feature grey slate roof tiles, red facing brick and black weatherboarding. The Village Square would feature red or grey roof tiles, red brick work and sailcloth boarding at first floor. The Northern Square would feature red roof tiles, red brick and tile hanging to first floor.

The scheme would provide the following mix of housing:

#### Market housing

1 x 1 bed  
16 x 2 bed  
29 x 3 bed  
29 x 4 bed  
9 x 5 bed

#### Affordable housing

7 x 1 bed  
25 x 2 bed  
4 x 3 bed

Running along the northern boundary of the site would be a new drainage ditch. This would be within a corridor some 11m in width that would not have any public access. This ditch would link to a pond in the northwest corner of the site. On the western side of the site would be a new drainage ditch that would be accessible by the public. There would be a further drainage ditch within the site that would run from east to west, which would also be accessible to the public.

The proposals involve some re-profiling of the land to implement the proposed drainage strategy for the site. For example, the applicant's topographical survey shows that the existing levels to the southwest of 10 Dunlop Close varies between 15.79, 15.86 and 15.90. The proposed finished floor levels of plots 16 to 18 would be 16.650.

To the west of 10 Dunlop Close, the topographical survey shows the land being between 18.584 and 15.91. The finished floor levels of plots 19 and 21 in this area would be 16.440 and 16.425

To the west of 16 and 17 Dunlop Close, the topographical survey shows the existing levels as being 16.64 and 16.63. The proposed plans show the finished floor levels of the proposed dwellings in this area being 16.75 and 16.90.

Over the whole site, the plans show the proposed finished floor levels of the dwellings as being above the existing ground levels.

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

DP6 Settlement Hierarchy  
DP12 Protection and Enhancement of Countryside  
DP21 Transport  
DP24 Leisure and Cultural Facilities and Activities  
DP25 Community Facilities and Services  
DP26 Character and Design  
DP27 Dwelling space standards  
DP28 Accessibility  
DP29 Noise, Air and Light Pollution  
DP31 Affordable Housing  
DP38 Biodiversity  
DP39 Sustainable Design and Construction  
DP40 Renewable Energy Schemes  
DP41 Flood Risk and Drainage

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

The Hurstpierpoint and Sayers Common Neighbourhood Plan was made on 19 March 2015.

Policy Hurst C1  
Policy Hurst H1  
Policy HurstH3: Sayers Common Allocated Sites  
Policy HurstH5: Development Principles  
Policy HurstH6: Housing Sites Infrastructure and Environmental Impact Assessment  
Policy HurstH7: Affordable Homes  
Policy HurstH8: Small Dwellings

### *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.

SPD Affordable Housing (2018)

## 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;
- The design and layout of the proposal;
- Impact on residential amenity;
- Transport matters;
- Impact on setting of Listed Building;
- Drainage;
- Biodiversity and trees;

- Sustainability and energy;
- Infrastructure contributions and affordable housing;
- Ashdown Forest;
- Other material considerations;
- Planning Balance and Conclusion

## **Principle of Development**

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

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

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

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

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

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

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

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

In this case planning permission has been granted for the development. Therefore the principle of the development is established, as is the access to the site from the London Road. Therefore whilst there is a conflict with policies DP6 and DP12 of the DP and policy Hurst C1 of the HSCNP as the proposal is for a major residential development outside the built up area of the village, this cannot be a reason to resist this reserved matters application because planning permission has been granted for this development. Therefore whilst the objections of the Parish Council to the principle of the development are understood, planning permission has already been granted for this proposal. It is therefore necessary to assess the reserved matters details that have been submitted against the relevant policies in the development plan and not revisit the principle of the development.

Policy H6 in the HSCNP relates to housing sites in the Parish and states:

*'Housing sites infrastructure and environmental impact assessment:*

*New housing developments which meet the policies of this plan and meet the criteria below will be supported:*

- a) the provision of a satisfactory access point or points to the site for motor vehicles, cyclists and pedestrians;*
- b) the preparation and submission of an up to date Transport Assessment and Travel Plan to include the consideration of the cumulative impact of traffic and the provision of any necessary off-site transport improvements;*
- c) the provision of a comprehensive package of highway and footpath improvements, for vehicular, pedestrian and cycling uses, serving the local area;*
- d) the retention and protection of significant landscape features within the site and along the site's boundaries;*
- e) an ecological survey to be carried out and appropriate mitigation and enhancement measures to be undertaken;*
- f) the provision of adequate surface water and foul water drainage capacity;*
- g) the provision of, or financial contributions towards, community facilities and the provision of public open space;*
- h) the provision of parkland areas, to be owned and managed by the local community.'*

As outline consent has been granted with the means of access approved, part a) of this policy has already been addressed. This reserved matters application contains a Travel Plan and a Transport Report. The Highway Authority are satisfied with the majority of the Travel Plan but have requested some changes be made to the document. This can be done when discharging the planning condition on the outline consent relating to the Travel Plan. As the principle, of the development has been approved, the cumulative impact of this level of development has already been accepted. The legal agreement with the outline consent provides for contributions towards various off site highways improvements and projects. These are set out below:

£5,284 towards the provision of parking restrictions on the development spine road  
£5,284 towards parking restrictions on London Road/Reeds lane  
£15,000 towards crossing improvements on London Road north side of entrance  
£10,000 towards a school safety zone in proximity to Twineham CE Primary School  
£10,000 towards a school safety zone in proximity to Albourne CE Primary School  
£10,000 towards bus stop improvements  
£10,000 towards cycle lanes on London Road

In respect of criteria d), the scheme will retain the reserved trees on the eastern boundary of the site. There are no significant landscape features within the site to retain.

The requirements of part f) relating to drainage will be discussed later in this report.

The legal agreement securing infrastructure payments was completed when outline consent was granted. As such part g) of this policy has already been met.

With regards to part h) the scheme shows an area of open space to the west of the access road into the site. The management of this can be controlled by a planning condition. The area of land for open space is similar the area that was shown on the illustrative plans on the outline planning application. It should also be noted that policy H6 is a permissive policy because it states that new housing developments that meet the criteria listed in the policy will be supported, it does not explicitly say that where housing proposals do not include the provision of parkland areas to be owned and managed by the local community then those proposals will not be supported. It is not felt there are any grounds to resist the application based on criteria h) of policy H6.

### **Design and layout of the proposal**

Policy DP26 in the DP seeks a high standard of design in new development. The NNPF has similar aims in relation to design. Policy Hurst H5 in the HSCNP states *'House designs and the layouts and densities shall respond to the village character of the area and shall follow the Village Design Statement (May 2004).'*

The layout of the site has been designed so that the proposed houses front onto the streets and the dwellings within the site have a traditional arrangement with back gardens facing onto one another. The western side of the site has been designed with the access road running parallel with the western boundary so that the houses on the western side face out onto the boundary landscaping. This arrangement also allows for the majority of the car parking within the site to be incorporated within the curtilage of individual properties or within rear car parking courts. The exception to this is the north eastern corner of the site where car parking is proposed in front of the dwellings that are positioned in the north-eastern side of the site.

The Councils Urban Designer has stated that it is unfortunate that the scheme has been submitted as phase 1 as it runs the risk of the scheme looking unfinished. However the applicants are entitled to submit the application in this way. If this reserved matters application is approved, the subsequent phase 2 reserved matters application will have to work with what has been approved under the phase 1 application. The Urban Designer states *'the main open space is well positioned at the front of the site where it will be most accessible to both new and other surrounding residents and benefits from the attractive mature oak trees that sit in and around the space. Furthermore it is well defined on the east side by the curved building frontage at the site entrance that includes the only block of flats in the scheme (as these dwellings will not have gardens, the residents here will especially benefit from the proximity of the open space).'*

*The remainder of the site is generally well laid-out and punctuated in the middle by a swale and linear square (between plots 99-106 and 28-35). The former, if designed and landscaped well has the potential to be a highly attractive part of the scheme that will contribute strongly to the scheme's identity; it is therefore important that further drawings are received that demonstrate this.*

*The parking is generally well integrated with front threshold parking avoided except where it is formally organised in the square in the north-east corner. The provision of rear court areas has helped ensure that parking does not dominate the public realm; these are generally small and designed with sufficient natural surveillance. However the rear court behind block C is quite large but is at least well overlooked from the surrounding houses and flats.'*

Overall it is considered that the proposed layout of the site is sound. The traditional arrangement of houses facing onto the streets allows for the traditional street frontages to be created which enclose the space well and provide an appropriate level of natural surveillance. Whilst the north eastern part of the site is more hard edged because of the on street car parking, this has been broken up by landscaping so that there are no more than four car parking spaces ground together. It is considered that this softens this part of the development to a satisfactory extent.

In relation to the elevations of the buildings, the Urban Designer states *'The houses have been reorganised to make a positive feature of their standard design through underlying rhythm that is generated by repetition. Furthermore, the facing materials have contributed to giving the elevations more interest and diversity with different parts of the development featuring different finishes.'*

*The buildings adjacent to the front entrance are particularly important because of their prominence. After a number of design iterations, they have been improved incorporating a block of flats in the middle that has been vertically articulated so that it works more in harmony with the line of terraced houses on both sides. The 3 storey frontage is appropriate here as it helps provide the open space with stronger enclosure, and the frontage now avoids monotony with the incorporation of full height first floor windows with Juliet balconies that helps model the façade by providing some hierarchy.*

*The houses at the corners have now been re-designed so they address the return flank as well as the frontage.'*

It is considered that overall the elevations of the proposed dwellings are satisfactory. The Urban Designer has advised that the traditional bracketed canopy and panelled doors look old fashioned on some of the houses and out of place in relation to the otherwise contemporary detailed facades and the contemporary designed canopies would also benefit from more detail. He has suggested that this could be addressed by a planning condition to require further detail on these points.

Residents have raised concerns about the height of the proposed buildings, in particular the two and a half storey houses and the apartment blocks. It is relevant to note that condition 5 of the planning permission granted by the SoS stated that the reserved matters had to accord with the following parameters in respect of the proposed housing:

- Houses shall not exceed 2.5 storeys in height.
- Buildings containing flats shall not exceed three storeys in height.

Therefore by definition the SoS considered that buildings up to this height were acceptable in Sayers Common. If the SoS had felt that only two storey buildings were appropriate on the site then he would have imposed a planning condition to this effect. It is considered that the scale of the buildings proposed, including the two and a half storey houses and the apartment blocks are acceptable.

Overall it is considered that the design and layout of the proposed dwellings are satisfactory.

With regards to the soft landscaping within the site, the plans show that there would be tree planting either side of the drainage ditch that runs east/west through the site and along the road running round the west and north of the site. Feature trees would be planted in the open space on the eastern side of the site and trees would be used to break up the car parking in the north-eastern corner of the site. The plans show the larger open spaces within the site would be seeded with a wetland grassland mix.

There are a number of preserved trees just outside the eastern boundary of the site. These will need to be protected during the course of building operations to secure their retention.

The Councils Tree Officer has advised that the proposed tree planting provides a reasonable mix of native trees as required by policy DP37 in the DP. The Tree Officer does have concerns over the use of wild flower meadow on this clay soil. The final details of the landscaping are reserved by a planning condition attached to the outline planning permission and this particular issue can be considered further when it comes to discharging the landscaping condition.

### **Impact on residential 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 side elevation of the end of terrace house on plot 18 would be 23m to the southwest of the rear elevation of 10 Dunlop Close. There is some tree and hedge screening on the rear boundary of 10 Dunlop Close and the submitted plans show additional planting on this boundary. Given the distance and orientation between the existing and proposed property and the fact that there are no windows in the side elevation of plot 18, it is not considered that the proposal would cause a significant loss of residential amenity to the occupiers of 10 Dunlop Close in relation to the proposed dwellings to the southwest.

Plots 19 and 21 would be some 26m from the side elevation of 10 Dunlop Close. There is currently a hedge screen along the western boundary of 10 Dunlop Close with the application site. The plans show additional planting along this boundary. Given the distance between the existing and proposed properties it is not considered that the proposed dwellings on plots 19 and 21 would cause a substantial loss of residential amenity to the occupiers of 10 Dunlop Close.



On the eastern side of the site there would be a run of semidetached properties that would have their rear elevations facing the rear elevations of the properties on Dunlop Close. The closest property to the new dwellings would be 17 Dunlop Close. There would be a back to back distance of 24m between the rear elevation of 17 Dunlop Close and the rear elevations of the new houses on plots 32 and 33. Whilst the rear elevations of these new properties would be visible from the rear elevations of the properties on Dunlop Close, it is considered that the separation distance is sufficient for the proposed new dwellings not to be overly dominant when seen from the properties at Dunlop Close. 24m is regarded as a sufficient back to back distance between dwellings and it is therefore felt that this relationship is acceptable having regard to policy DP26.

The end elevation of plot 45 would be 18m from the corner of 17 Dunlop Close. There would be no windows in the side elevation of the dwelling at plot 45 so there would be no overlooking from this property. As plot 45 is a flat above a garage, it would not have any permitted development rights so it would not be possible to install any windows in the side elevation of this property without the need for planning permission. It is considered that this relationship is acceptable having regard to policy DP26.

Plots 46 and 47, which are two storey flats, would have their side elevation 20m away from the rear elevation of 18 Dunlop Close. There would be a first floor window in the side elevation of the upper flat that would face towards 18 Dunlop Close. This bedroom is dual aspect with another window in the rear elevation. It is therefore considered that it would be reasonable to condition that the side window that faces towards 18 Dunlop Close is obscure glazed and remains so in perpetuity. It is considered that this relationship is acceptable having regard to policy DP26.

The dwellings on plots 48 to 57 would be a minimum of 33m from the properties on London Road. There would be no loss of residential amenity to the occupiers of these properties from the proposed development.

The side elevation of plot 1 would be 25m away from the rear elevation of Sayers. There would be a double garage just beyond the rear boundary of Sayers and there would be car parking beyond the rear boundary of Aymers. The rear gardens of these two listed properties are 16/17m in length. It is not felt that the level of activity that would be associated with these car parking areas would cause a loss of residential amenity to the occupiers of Aymers and Sayers that could be classed as significant. The position of the access road into the site has been approved at the outline stage by the SoS, who did not consider that the proposed access would not impact the residential amenities of Sayers to such an extent to make the scheme unacceptable.

### **Transport matters**

The means of access into the site was approved at the outline stage. Therefore this access point has been found to be acceptable, together with both the impact of this level of development on the highway network and the sustainability of the site in relation to access to shops, services and facilities. It is therefore not necessary to

reassesses these matters as they have already been approved. It is necessary to assess the transport matters as they relate to the reserved matters.

The proposed layout would provide a total of 314 car parking spaces across the site (271 allocated and 43 unallocated spaces for visitors).

The scheme would provide 75 spaces with Electric Vehicle (EV) charging points which would be 13amp wall mounted chargers on individual dwellings across the site.

The level of allocated car parking provision would meet the requirements of the District Councils car parking standards. The County Council have a more recent car parking demand calculator. The County car parking calculator indicates that with the level of allocated car parking provision, some 57 unallocated car parking spaces are likely to be required. As such the proposal would be 15 visitor spaces short.

There is always a balance to be struck between the provision of car parking spaces and making sure that a scheme does not appear too hard edged and dominated by car parking. The Highway Authority has no objection to the level of car parking proposed. If the Highway Authority felt the level of car parking proposed was inappropriate then they would object to the application. Taking all of this into account it is considered that this level of car parking is sufficient to serve the development and for there to be no highway safety issues arising from the level of on street car parking that is likely to arise from this development.

With regards to the internal layout of the site, the applicants have stated that this will be subject to a section 38 agreement, with the intention to offer up the internal footways and carriageways for adoption.

The Highway Authority has no objection to the layout of the roads.

With regards to cycles, for those properties with a garage secure cycle parking will be provided within the garage. For those properties without a garage secure cycle parking will be provided in a secure shed or cycle storage box. The details of the secure cycle parking can be secured by a planning condition.

The Highway Authority have advised that the Travel Plan submitted with this reserved matters application should be amended and that once these amendments are made, they could recommend that the Travel Plan is approved. There is a condition on the outline planning permission requiring a Travel Plan to be approved by the Local Planning Authority prior to the development being brought into use. As such the amendments that are required to the Travel Plan by the Highway Authority can be dealt with when the applicants seek to discharge this planning condition.

### **Impact on setting of Listed Building**

The site lies immediately to the south and west of Sayers and Aymers which is a grade II listed building. It is timber framed construction, possibly 17th Century, refaced with brick and tile hanging and was originally 4 rural workers cottages.

As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (s66, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. Policy DP34 of the DP seeks to protect listed buildings and their settings.

Paragraph 196 of the NPPF states '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*' It is therefore necessary to consider whether according to Para 196 of the NPPF sufficient public benefits would offset the less than substantial harm which must be given significant importance and weight in accordance with S66(1) of the Listed Buildings Act.

In granting outline planning permission for the development, the SoS stated '*The Secretary of State agrees with the Inspector at IR15.13 that there would be 'less than substantial' harm to the setting of Aymers and Sayers and that this harm carries considerable weight. In accordance with paragraph 134 of the Framework, he has weighed that harm against the public benefits of the proposal at paragraphs 45-46 below.*' He went on to conclude '*the Secretary of State agrees with the Inspector at IR15.13 that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of Aymers and Sayers. He considers that the balancing exercise under paragraph 134 of the Framework is therefore favourable to the proposal.*'

The illustrative layout plan that accompanied the outline planning application showed a similar relationship of new development to the listed buildings as is now proposed in the reserved matters application. Beyond the western boundary of Aymers and Sayers would be car parking and a double garage on the boundary with Sayers. Beyond this would be the terrace of properties that turn the corner into the development.

It is worth noting that the first Inspector who reported on the outline application identified that the elements of setting that contribute to the setting of the listed building, Aymers and Sayers, comprise its roadside location and domestic plot, rather than the surrounding fields. She opined that the contribution that the appeal site makes to setting of this listed building is negligible.

The Councils Conservation Officer has suggested that the scheme be amended with the development being pulled further away from the rear boundary of the gardens to Aymers and Sayers to a sufficient extent to allow for the inclusion of a belt of native trees and shrub planting to effectively screen the development from the gardens of the listed cottages. The Conservation Officer has also suggested that the character of the access road as it crosses the gardens to the listed cottages should be informal, with an appropriate surfacing such as bound gravel or similar, to reduce the impact of the imposition of this new road in such close proximity to the buildings. The

Conservation Officer has also suggested that the boundaries between the access road and the gardens to the south of the cottages should be substantial native species hedgerows to provide a degree of screening and softening between the two. The Conservation Officer has concluded by stating *'As it stands I am not satisfied that the scheme makes sufficient allowance for mitigation of the harm caused to the setting of the listed building which has been identified during the appeal process.'*

It is considered that the reserved matters details would harm the setting of the listed buildings and that the magnitude of this harm has not changed since the grant of outline planning permission for the development. As such the same policy test as set out in paragraph 196 of the NPPF (paragraph 134 in the previous version of the NPPF) needs to be applied as was applied at the outline stage by the SoS, namely the less than substantial harm should be weighed against the public benefits of the proposal.

The submitted plans do show some hedge planting along the rear boundary of Aymers and Sayers. There is limited space along this boundary so it would not be possible with this layout for there to be a belt of native tree planting here. It could be possible to move car parking spaces 12, 12, 13 and 13 slightly to the west to allow more space for hedgerow planting. The submitted plans do show some tree planting in the car parking court that serves the residential units in the south eastern corner of the site. Over time this would provide a more verdant backdrop.

However, notwithstanding this, the layout as submitted would not provide the substantial tree planting to the rear of Aymers and Sayers that is sought by the Conservation Officer. Some additional planting alongside the access road could be provided when details are provided to discharge the landscaping condition attached to the outline consent. It is your officer's view that a condition regarding the materials for the access road at this point would not be essential given the fact that this will be screened from the listed building.

It is considered that the significant benefits of the scheme (provision of new housing, including affordable housing, on a site that has outline planning permission for residential development, economic benefits including construction jobs, additional spending in the locality and new homes bonus) do clearly outweigh the less than substantial harm to the setting of the listed building which has been given 'considerable importance and weight' in accordance with the relevant provisions of the 1990 Act.

Kingscot on the London Road is a detached dwelling that is also a grade II listed property. The plans show that the nearest dwellings would be some 40m from Kingscot and there would be screening along the mutual boundary. It is considered that there would be some adverse impact on the setting of this listed building as a result of the field that serves as the backdrop to the property being changed to a residential development. However given the separation distance and the boundary screening this harm would be less than substantial as defined in the NPPF and in your officer's view, would be at the lower end of the scale of less than substantial.

It is your officers view that the same conclusions apply to the impact on this property as with Aymers and Sayers, namely that the significant benefits of the scheme

(provision of new housing, including affordable housing, on a site that has outline planning permission for residential development, economic benefits including construction jobs, additional spending in the locality and new homes bonus) do clearly outweigh the less than substantial harm to the setting of the listed building which has been given 'considerable importance and weight' in accordance with the relevant provisions of the 1990 Act.

## **Drainage**

### Surface water

Policy DP41 of the DP seeks to ensure that sites can be satisfactorily drained and do not cause drainage problems off site. It is relevant to note that by definition, the SoS has concluded that as a matter of principle it is possible for this site to be satisfactorily drained; if this were not the case then the SoS would not have granted planning permission for the development of the site. It is also important to note that as part of the outline planning permission there was a Unilateral Undertaking that was submitted with the proposal which was taken into account when the SoS granted consent for this development. The unilateral undertaking sets out details of the responsibilities and maintenance for drainage within the site.

The site is located wholly in Flood Zone 1 based on the EA Flood Map for Planning. However, numerous ordinary watercourses and ditches dissect the site. The Dunlop Close Ditch flows from the east side of the B2118 and is culverted under the road, emerging once more in the southeast corner of the site boundary. It then flows east to west along the south side of the properties on the south side of Dunlop Close, then sharply flowing north before flowing west again once more. The Dunlop Close Ditch then divides the site roughly into two parts, flowing from the east boundary to the west boundary. The Dunlop Close Ditch then flows into the Reeds Lane Ditch which flows from south to north along the western boundary. The Reeds Lane Ditch then flows north into an existing pond area prior to leaving the site in the northwest corner, flowing west along the north of Furze Field.

A third ordinary watercourse, considered the Northern Ditch in this report, forms the northern boundary of the site. The Northern Ditch begins on the west side of the B2118 then shortly enters the site boundary. It then forms the northern boundary of the site until it leaves the northwest corner of the site, eventually joining the unnamed ordinary watercourse north of Furze Field.

Detailed site specific flood modelling has been undertaken for the site to determine the impact the proposed development, and layout would have on flood risk both on and off site. Following extended communications with the applicant and a number of iterations of the model, flood risk assessment and proposed layout plan a finalised layout plan, planting scheme and boundary treatment (fencing) plan have been submitted.

The proposed development layout has considered the existing and post-development flood risk for fluvial events up to the 1 in 100 year flood event with an additional 105% allowance for climate change. This is in line with the Environment Agency and NPPF's requirements.

All residential development and roads are located outside the modelled flood extent and fluvial flooding is contained on site within two-tier watercourse profiles or a designated flood storage area. This has been achieved through a comprehensive cut and fill programme on site without increasing flood risk off site.

Boundary treatments have been proposed with consideration of flood water flow routes. Boundaries which have the potential to block fluvial flood flow routes have either; been removed, are of post and rail design or have been raised to ensure adequate clearance has been provided.

The levels plans submitted with the application show attenuation crates under roads and car parking areas.

The Councils Drainage Engineers have carefully assessed this application having regard to all of the information that has been submitted. They have also visited the site and viewed the watercourse that runs through 10 Dunlop Close. It is important to note that the Councils Drainage Engineers are making an assessment as to whether the layout that has been put forward would be satisfactory in relation to policy DP41. It is clearly important for the layout that has been submitted to be satisfactory in relation to draining surface water on the site.

It remains the case that further details will need to be submitted prior to works commencing because there are drainage conditions attached to the outline planning permission granted by the SoS. Condition 10 imposed by the SoS states:

*'10) No building hereby permitted shall be occupied until surface water drainage works for the site as a whole have been implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The submitted details shall:*

- *provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;*
- *include a timetable for its implementation in relation to each phase of the development; and,*
- *provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.'*

As such, if this reserved matters application is approved, the applicants will be required to submit further details to discharge this planning condition prior to works commencing on the site.

The Parish Council have stated that they believe there is a conflict with Policy Hurst H1, criteria (c). This policy states:

*'Hurstpierpoint and Sayers Common new housing development:*

*To meet the future needs in the Neighbourhood Plan Area new housing development will be supported in areas which:*

- a) Enhance the existing settlement pattern of the village;*
- b) In Hurstpierpoint, can also provide significant areas of parkland adjacent to the built zones, to be owned and managed by the local community;*
- c) In Sayers Common, can enhance the flood and drainage management in the village.'*

It is considered that there is a degree of conflict between criteria c) of this policy and the more recent policy DP41 in the DP that relates to drainage since there is no requirement in policy DP41 for development proposals to enhance flood and drainage management; the requirement in policy DP41 is to avoid any increase in flood risk. As set out earlier in this report, where there is a conflict between different policies in the development plan, that conflict must be resolved in favour of the most recently adopted policy (in this case the District Plan). It is also well established that developers are not required to address existing infrastructure deficiencies; they are required to mitigate the impact of their proposed development.

The comments of the Councils Drainage Engineer are summarised at the start of the committee report and are set out in full in the appendix. They conclude by stating *'Drainage conditions were placed on the original planning application and we have no objection to this application to amend the layout on the understanding that the existing drainage conditions shall be addressed as part of a separate application.*

*Given the importance of the drainage on this site to the drainage of Sayers Common village, the detailed design for the new and altered watercourses and the surface water drainage should be provided early in the detailed design of the development as a lot of the works will need to be carried out prior to the construction of any of the dwellings.*

*Additionally, knowing that there are existing problems with the foul pumping station the applicants will need to provide evidence that they are working with Southern Water to resolve issues and provide adequate capacity for their development without increasing foul flood risk.'*

There are no objections from Southern Water to the reserved matters application.

In light of the above it is considered there are no grounds to resist this reserved matters application in relation to criteria c) of policy Hurst H1. It is considered the applicants have shown that this layout could as a matter of principle be satisfactorily drained and thereby comply with policy DP41 of the DP.

### Foul drainage

It is proposed that foul drainage from the proposed development will discharge into the public foul sewer situated outside the entrance to the site in the London Road. Proposed site levels and the level of the receiving sewer mean that the discharge

from the northern area of the site, approximately 100 units, will require a pumping station. It is proposed that the pumping station will not be offered to Southern Water for adoption but will remain private and be serviced by the maintenance company set up to undertake all maintenance work required on the new development.

As Members will know, developers have an absolute right to connect to the public foul sewer system, which has been confirmed in the Supreme Court. If there are capacity issues in the public foul sewer network the normal way to resolve this is to impose a planning condition that requires details of the drainage works that are required before a development can be occupied. This can require works off site to provide the necessary capacity. In this case planning permission has been granted by the SoS for this development and there is a condition on the outline consent relating to foul drainage which states:

*'11) No building hereby permitted shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.'*

Southern Water has not raised an objection to the reserved matters application. The developers will be required to provide further details to discharge condition 11 before any of the dwellings that have been permitted are occupied. Whilst the concerns relating to foul drainage of those opposed to the scheme are understood, in light of the above it is considered that there are no grounds to resist this reserved matters application in relation to the foul drainage of the site.

## **Sustainability and energy**

Policy DP39 of the DP seeks to improve the sustainability of development and policy DP42 relates to water infrastructure and seeks amongst other things, to meet a water consumption of 110 litres per person per day.

The applicants have provided a sustainability statement with their application, which states *'the development will be designed to reduce energy demand in accordance with the requirements of Policy DP39, in line with the 2013 edition of Part L for energy and limit water use to 110 litres/person/day in accordance with Policy DP42.'* The applicants have noted that in the energy hierarchy, designing out energy use is weighted more highly than the generation of low-carbon or renewable energy to offset unnecessary demand. The applicants state *'Applied to the development of new housing, this approach is referred to as 'fabric first' and concentrates finance and efforts on improving U-values, reducing thermal bridging, improving airtightness, and installing energy efficient ventilation and heating services.'*

It is also relevant that the planning permission granted by the SoS had a planning condition relating to energy supply. As originally worded the condition stated *'At least 10% of the energy supply of the development hereby permitted shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of the National Planning Policy Framework). Details, and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority before development begins.'*



*Development shall be carried out in accordance with the approved details and retained as operational thereafter.'*

The condition as worded is this way to reflect the fact that when the application was originally determined, the South East Plan was part of the development plan. The wording of the condition has been subsequently amended to reflect the fact that there is no longer any policy basis for requiring 10% of the energy supply of the development to be from decentralised and renewable or low-carbon energy sources.

*The condition now reads 'At least 10% of the energy supply, or 10% of the energy consumption (over the baseline requirements of part L of the building regulations), of the development hereby permitted shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of the National Planning Policy Framework) or through building efficiency measures. Details, and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority before development begins. Development shall be carried out in accordance with the approved details and retained as operational thereafter.'*

The amended wording of the condition allows flexibility over how energy supply/consumption matters are dealt with on site.

In light of all the above it is considered that the applicants have sought to improve the sustainability of the development as required by policies DP39 and DP42.

## **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 reasons<sup>6</sup> and a suitable compensation strategy exists; and*

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

The reserved matters application is accompanied by an Ecological Impact Assessment. The report notes that the site is generally of low ecological value; however, the poor semi-improved grassland and hedgerows are of local value. The application site supports a brown bat roost (long-eared *Plecotus auritus* maternity). No evidence of great crested newt was observed in 2012 or 2018 and the applicants report considers that great crested newt are likely to be absent from the application site and surrounding area. No badger setts have been found within or adjacent to the application site.

The scheme would retain the building on the southern side of the access road which contains the bat roost. The applicants state that the following artificial habitats will be installed within the scheme: bird boxes, beetle banks, hedgehog hibernacula, hazel dormouse boxes, swift nest boxes, sparrow terraces, bat tubes, bat boxes, bat tiles, invertebrate boxes, hibernaculum and hedgehog boxes. The applicants also state that additional tree planting will take place on the boundaries of the application site (the final details of this will be controlled by the landscaping condition on the outline planning permission). The applicants also propose areas of wildflower grassland and appropriate management of the ditch network within the site.

The applicants have carried out a tree survey that is available on file. A total of seventy-two individual trees with stem diameters of 75mm and above at 1.5m were surveyed and recorded. In total twelve individual trees were surveyed and recorded as category 'U'. These are trees considered to be in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than ten years. These trees should be removed for sound arboricultural reasons.

In total twelve individual trees were surveyed and recorded as category 'A'. These are trees considered to be of high quality and high arboricultural/landscape value. These trees will have an estimated remaining life expectancy of at least forty years.

In total thirty-five individual trees and a single group of trees were surveyed and recorded as category 'B'. These are trees considered to be of moderate quality and moderate arboricultural/landscape value. These trees will have an estimated remaining life expectancy of at least twenty years.

In total thirteen individual trees and twenty-two groups of trees were surveyed and recorded as category 'C'. These are trees considered to be of low quality and value.

The scheme would require the removal of 22 category C trees and 4 category B trees within the site.

There are a number of preserved trees on the eastern boundary of the site, some within the application site and some within the gardens of the properties on Dunlop Close. The plans show all of the preserved trees on this eastern boundary would be protected and retained. There are also two preserved trees on the southern boundary of the site to the west of Aymers and Sayers which would also be retained. The plans show a substantial Oak within the site to the southwest of 10 Dunlop Close would be retained.

It is considered that the proposal will retain the important preserved trees on the boundaries of the site. The trees that are to be removed are not of public amenity value and therefore their loss would not conflict with policy DP37 of the DP. The Council Tree Officer considers that there is a reasonable balance between native trees as required by Policy DP37 and more domestic planting in and around gardens and has no objection to the application subject to no dig solutions in areas affected by root protection areas and adherence to method statements and management plans.

The views of the Council's Ecology Consultant are awaited but it is not expected that concerns will be raised or that there are 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.

### **Infrastructure contributions and affordable housing**

The necessary infrastructure contributions for this development are secured by the section 106 legal agreement that was attached to the original planning permission granted under reference 12/001540/OUT and a deed of variation that was attached to the subsequent planning permission reference DM/18/4331. For Members information the section 106 planning agreement that has been completed will secure the following:

- Children's play space contribution: £92,692 towards play provision as Sayers Common Reeds Lane playground
- Community building contribution: £51,085 towards the extension and/or improvement of the Sayers Common Village Hall and/or replacement facility in Hurstpierpoint and Sayers Common
- Formal sport contribution: £117,601 towards formal sport facilities at Fairfield Recreation Ground in Hurstpierpoint
- Informal Sport contribution: £26,267 towards kickabout or informal sports facilities at Sayers Common Berrylands and/or Sayers Common Reeds Lane Playground
- Local Community Infrastructure contribution: £59,484 towards the provision of a cemetery in South Avenue, Hurstpierpoint and/or towards the provision of public/community seating in Hurstpierpoint and Sayers Common
- Transport contributions to WSCC of £65,568
- Primary and secondary education contributions bases on a formula approach
- Library contributions bases on a formula approach

It is necessary as part of this reserved matters submission to assess the provision of affordable housing that is proposed.

The plans show a total of 36 affordable units, which is a policy compliant level of 30% as required by the section 106 legal agreement attached to the original planning permission. The plans show the affordable housing clustered in the following groupings:

- plots 11 to 18 on the south eastern side of the site near to the entrance

- plots 22 to 33 on the eastern side of the site
- plots 41 to 50 and plots 55 to 60 in the north eastern corner of the site

The Councils affordable housing SPD states that affordable *'provided on-site must be designed to a high standard and fully integrated into the overall scheme layout, in clusters of no more than ten dwellings (unless in high density flatted schemes where clusters of more than 10 units may be allowed - see clause 2.49) rather than concentrated in one location.'* The SPD also states that affordable housing should be tenure blind so that affordable and private homes are indistinguishable from one another in terms of design, build quality, appearance, materials and site location.

In this particular case there is a cluster of 12 houses (plots 22 to 33). Policy DP31 in the DP does not refer to a maximum cluster of affordable units, but states *'all affordable housing should be integrated with market housing'*. The proposed affordable dwellings will be tenure blind so that in terms of their external appearance, there will be no difference to the market housing around them. Whilst the clustering is two more dwellings than is sought in the SPD, it is considered that the overall requirement of the planning policy is met because overall the affordable housing is mixed with market housing and it has all been designed so that it is tenure blind and therefore its external appearance is fully integrated with the market housing.

The proposal provides 27 units for affordable rent and 9 for shared ownership, which complies with the requirements of policy DP31 in the DP for 75% social or affordable rented homes and 25% intermediate homes.

Overall it is considered that policy DP31 is met and the provision of 36 affordable homes should be given significant positive weight in the planning balance as there is a clear need for affordable homes across the district.

## **Other material considerations**

### Small dwellings

The Parish Council have stated that they believe there is a conflict with policy Hurst H8 in the Neighbourhood Plan. This states:

*'Housing development which meets the requirements of the Neighbourhood Plan and provides small homes with ground floor accommodation designed for people with access and movement difficulties will be supported.'*

This is a permissive policy stating that a particular type of development will be supported. It does not refer to any type of development that will not be supported. Therefore there is no conflict between the proposed development and this policy.

### Accessibility

Policy DP28 in the DP relates to accessibility. Outline planning permissions for more than 5 dwellings would now have a planning condition imposed on them to ensure compliance with this policy. This is because at the outline stage there would be no details of the proposed housing. As this outline planning permission predates the

District Plan, there is no such condition. Guidance in the PPG in relation to conditions and reserved matters applications states *'The only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters. Conditions relating to anything other than the matters to be reserved can only be imposed when outline planning permission is granted.'*

It is clear that a condition cannot be added now in relation to policy DP28 as this does not explicitly relate to any of the reserved matters that consent is being sought for. Notwithstanding this point, all of the proposed dwellings would be required to meet the building regulations and given the fact that this is a level site, there is no reason why the proposed houses will not meet high standards of accessibility.

### Air Quality

Concerns have been raised about the impact of the proposal on air quality. In particular a concern has been raised about the car parking court to the west of Aymers and Sayers and the impact on air quality from vehicles using this area.

In relation to air pollution policy DP29 in the District Plan states:

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

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

*The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'*

Paragraph 181 of the NPPF states:

*'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development*

*in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'*

The PPG states:

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

The Councils Environmental Health Officer (EHO) has considered the objection that has been raised in relation to air quality. In his response to the objector he states:

*'Nitrogen dioxide, the main pollutant of concern in Mid Sussex, is primarily caused by traffic fumes. The highest long-term concentrations are linked with the busiest roads and junctions, where a high volume of traffic is present for significant periods of the day. Exacerbating factors include narrow "closed in" streets (the 'canyon' effect) and roads with a flow of greater than 2,500 HDVs per day or 10,000 vehicles per day.'*

*Based on this information and other information in the government's TG16 guidance, I would like to reassure Ms Sweet that it is extremely unlikely that this car park would cause any significant health issues for any nearby residents as the low volume of traffic, the brief duration of use and the "openness" of the car park means that a build-up of fumes is improbable.'*

Given the views of the EHO it is considered that there are no grounds to resist the reserved matters application based on air quality matters. There is no evidence that the proposal would cause unacceptable levels of air pollution and therefore no conflict with policy DP29 of the DP.

## **Planning Balance and Conclusion**

To summarise, planning permission has been granted for this development by the SoS. Therefore the principle of the development, together with the means of access into the site has been approved. It is therefore necessary for an assessment of the reserved matters to be made against the policies of the development plan (the DP and the HSCNP) and other material planning considerations, including national government advice in the NPPF. Whilst the concerns of the Parish Council over the principle of the development are noted, planning permission has been granted for the development of this site and therefore the Parish Councils view that there is a conflict with policies C1 and H3 in the HSCNP cannot be used as a reason to resist this reserved matters application.

The application does not cover the entire site that was granted outline planning permission. This application seeks reserved matters consent for the residential element of the scheme that was granted outline planning permission. A further application would need to be made for the area of land that has been excluded from

this application for the other elements of the scheme permitted by the SoS (the care home, retail unit, community facility/office space).

With regards to the design and layout of the site, it is considered that this is sound. The use of a perimeter block type layout allows for the creation of streets where the houses front onto the road to create a traditional street scene and for rear gardens to back on to one another in a traditional arrangement. The limited use of flats over garages helps to retain a consistent building line on the street frontage and to ensure that the public areas of the site are not dominated by car parking. The dwellings on the western and southern parts of the site are laid out so that they overlook the proposed drainage ditches that are required to drain the site, providing appropriate overlooking of these features.

With regards to the impact on neighbouring amenity, the test within policy DP26 of the DP is to avoid '*significant harm*'. It is clear that there will be a very significant change for the occupiers of those properties that adjoin the site to the east as the existing green field is replaced with a major housing development. However the principle of this has been accepted by the grant of outline planning permission. As Members will know simply being able to see a development does not equate to harm. It is considered that the proposed layout of the site provides for satisfactory separation distances between the proposed and existing dwellings so that the new properties will not be overly dominant and there will not be an unacceptable level of overlooking.

The means of access to the site has been approved at the outline stage. The Highway Authority has no objection to the internal layout of the site and considers the level of car parking to be satisfactory. It is considered there are no grounds for the Local Planning Authority to come to a different view to the Highway Authority. It is considered that cycle provision is also satisfactory.

The scheme will provide a policy compliant level and type of affordable housing. This should be afforded significant positive weight in the planning balance.

As outline planning permission has been granted it has been accepted as a matter of principle that this site can be satisfactorily drained. The layout of the scheme has been designed to allow the site to be satisfactorily drained without causing an increased risk of flooding off site. The Councils Drainage Engineer is satisfied with the proposed layout and the principles of the means of drainage. The applicants will be required to submit further drainage details in order to discharge the drainage conditions imposed by the (SoS) on the outline planning permission before they commence works to implement the planning permission.

The proposed development would retain the preserved trees on the eastern and southern boundaries of the site. The trees that are to be removed within the centre of the site are not of significant public amenity value. Having assessed the ecological information submitted with the application it is not considered there are any ecological grounds to resist this application.



The required infrastructure to serve the development was secured by the legal agreement that was completed when outline planning permission was granted for the development of this site. As such policy DP20 of the DP is met.

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.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. The dwellings shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority for the parking of bicycles clear of the public highway, to be both secure and safe, and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy DP21 of the District Plan 2014 - 2031.

2. The development hereby permitted shall not be occupied until the following have been submitted to and approved in writing by the Local Planning Authority:

Detailed landscape plans including: (i) long and cross section drawings that show the detailed design of the pond, swales/ditches, and associated bridge links and boundary treatment; (ii) the design of plot 19-21's garden boundaries.

Facing materials

1:20 scale elevation and sections of the canopy and front door design (all dwellings) and the first floor French windows and Juliet balcony on block C.

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

3. The proposed first floor window on the south elevation of plots 46/47 shall be glazed with obscured glass. They shall be non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

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

4. The recommendations set out in the Ecological Impact Statement by ACD Limited (February 2019) shall be implemented in full unless otherwise agreed in writing by the local planning authority.

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, to comply with policy DP38 in the Mid Sussex District Plan 2014-2031 and in accordance with 109 and 118 of the NPPF.

## Approved Plans

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

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

## INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

## Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	P1506/08		21.03.2019
Planning Layout	P1506.PP.01	A	21.03.2019
Proposed Floor Plans	P1506.A.201	A	21.03.2019
Proposed Elevations	P1506.A.202		21.03.2019
Proposed Floor and Elevations Plan	P1506.AL.201	D	24.09.2019
Proposed Elevations	P1506.AL.202	B	08.07.2019
Proposed Floor Plans	P1506.A1.201	A	21.03.2019
Proposed Elevations	P1506.A1.202		21.03.2019
Proposed Floor Plans	P1506.A2.201	A	21.03.2019
Proposed Elevations	P1506.A2.202	A	21.03.2019
Proposed Floor Plans	P1506.1BMA.201	B	24.09.2019
Proposed Elevations	P1506.1BMA.202	C	24.09.2019
Proposed Floor Plans	P1506.1BMA.203	A	24.09.2019
Proposed Elevations	P1506.1BMA.204	C	24.09.2019
Proposed Floor Plans	P1506.1BMA1.201	C	24.09.2019
Proposed Elevations	P1506.1BMA1.202	B	24.09.2019
Proposed Floor and Elevations Plan	P1506.2.201	D	24.09.2019
Proposed Floor and Elevations Plan	P1506.2.203	C	24.09.2019
Proposed Floor Plans	P1506.2B.201	A	21.03.2019
Proposed Elevations	P1506.2B.202		21.03.2019
Proposed Floor Plans	P1506.2BMA.201	C	24.09.2019
Proposed Elevations	P1506.2BMA.202	D	24.09.2019
Proposed Floor Plans	P1506.2BMA1.201	B	24.09.2019

Proposed Elevations	P1506.2BMA1.202	C	24.09.2019
Proposed Floor Plans	P1506.BLKA.201	A	21.03.2019
Proposed Floor Plans	P1506.BLKA.202	A	21.03.2019
Proposed Elevations	P1506.BLKA.203		21.03.2019
Proposed Elevations	P1506.BLKA.204		21.03.2019
Proposed Floor Plans	P1506.3T.201	A	24.09.2019
Proposed Elevations	P1506.3T.202	C	08.07.2019
Proposed Floor and Elevations Plan	P1506.B.201	B	08.07.2019
Proposed Floor and Elevations Plan	P1506.B.202	D	24.09.2019
Proposed Floor and Elevations Plan	P1506.B.203	B	24.09.2019
Proposed Floor and Elevations Plan	P1506.B.204	A	21.03.2019
Proposed Floor and Elevations Plan	P1506.B.205	B	08.07.2019
Proposed Floor and Elevations Plan	P1506.B1.201	A	21.03.2019
Proposed Floor and Elevations Plan	P1506.B1.202	B	08.07.2019
Proposed Floor Plans	P1506.CO.203	D	24.09.2019
Proposed Elevations	P1506.CO.204	D	24.09.2019
Proposed Floor Plans	P1506.CO.205	B	24.09.2019
Proposed Elevations	P1506.CO.206	B	08.07.2019
Proposed Floor Plans	P1506.CO.207	B	08.07.2019
Proposed Elevations	P1506.CO.208	C	08.07.2019
Proposed Floor and Elevations Plan	P1506.CW.201	A	21.03.2019
Proposed Floor and Elevations Plan	P1506.CW.202	B	24.09.2019
Proposed Floor and Elevations Plan	P1506.CW.203	A	24.09.2019
Proposed Floor and Elevations Plan	P1506.E.201	D	24.09.2019
Proposed Floor and Elevations Plan	P1506.E1.201	A	21.03.2019
Proposed Floor Plans	P1506.F.201	A	08.07.2019
Proposed Elevations	P1506.F.202	A	24.09.2019
Proposed Floor Plans	P1506.F.203	A	08.07.2019
Proposed Elevations	P1506.F.204	D	24.09.2019
Proposed Floor Plans	P1506.F.205	A	24.09.2019
Proposed Elevations	P1506.F.206	C	24.09.2019
Proposed Floor Plans	P1506.M.201	B	24.09.2019
Proposed Elevations	P1506.M.202	B	24.09.2019
Proposed Floor Plans	P1506.M.203	B	24.09.2019
Proposed Elevations	P1506.M.204	B	24.09.2019
Proposed Floor Plans	P1506.P.203	A	21.03.2019
Proposed Elevations	P1506.P.204	A	21.03.2019
Proposed Floor Plans	P1506.P.205	B	24.09.2019
Proposed Elevations	P1506.P.206	D	24.09.2019
Proposed Floor Plans	P1506.P.207	A	08.07.2019
Proposed Elevations	P1506.P.208	B	08.07.2019
Proposed Floor Plans	P1506.P.209		24.09.2019
Proposed Elevations	P1506.P.210	B	24.09.2019
Proposed Floor Plans	P1506.SP.201	A	24.09.2019
Proposed Elevations	P1506.SP.202	B	24.09.2019
Means of Enclosure	P1506/07	T	25.11.2019
Proposed Elevations	P1506.205	B	24.09.2019
Proposed Elevations	P1506.B.206	B	24.09.2019
Proposed Elevations	P1506.B.207	A	24.09.2019
Proposed Block Plan	P1506.B.209		24.09.2019
General	P1506.PP.01	A	08.07.2019
Planning Layout	P1506.01.TLoRes		08.07.2019
Location and Block Plan	P1506.08		24.09.2019
General	P1506/06	L	24.09.2019
General	P1506/07	H	08.07.2019

Location Plan	P1506/08		08.07.2019
General	P1506.10	E	21.03.2019
General	P1506.11	C	08.07.2019
Topographical Survey	1 of 4	F1	21.03.2019
Topographical Survey	2 of 4	F1	21.03.2019
Topographical Survey	3 of 4	F1	21.03.2019
Topographical Survey	4 of 4	F1	21.03.2019
Tree Survey	LIN21934-03 (NORTH)		21.03.2019
Tree Survey	LIN21934-03 (SOUTH)		21.03.2019
Proposed Floor and Elevations Plan	P1506.GAR.01	A	24.09.2019
Proposed Floor and Elevations Plan	P1506.GAR.02	A	24.09.2019
Proposed Floor and Elevations Plan	P1506.GAR.03		21.03.2019
Proposed Floor and Elevations Plan	P1506.CP.01		24.09.2019
Proposed Floor and Elevations Plan	P1506.CP.02		21.03.2019
Proposed Floor and Elevations Plan	P1506.CS.01		24.09.2019
Landscaping Details	LIN21934 10	B	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 1	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 2	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 3	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 4	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 5	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 6	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 7	21.03.2019
Landscaping Details	LIN21934 11B	Sheet 8	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 1	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 2	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 3	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 4	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 5	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 6	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 7	21.03.2019
Landscaping Details	LIN21934 12B	Sheet 8	21.03.2019
Street Scene	P1506.SS.201	L	24.09.2019
Street Scene	P1506.SS.202LoRes	F	08.07.2019
Street Scene	P1506.SS.203	J	24.09.2019
Planning Layout	P1506.01	X	24.09.2019
General	P1506/02	S	24.09.2019
General	P1506/03	M	24.09.2019
General	P1506/04	L	24.09.2019
Parking Layout	P1506/05	N	24.09.2019
Proposed Elevations	P1506.CO.211		24.09.2019
Proposed Elevations	P1506.CO.212		24.09.2019
Proposed Elevations	P1506.CP.03		24.09.2019
Proposed Elevations	P1506.CP.04		24.09.2019
Proposed Elevations	P1506.M.205		24.09.2019
Proposed Elevations	P1506.P.211		24.09.2019
Proposed Floor and Elevations Plan	P1506.P.212		24.09.2019
Proposed Elevations	P1506.P.213		24.09.2019
Proposed Elevations	P1506.2.204		08.07.2019
Proposed Elevations	P1506.2.205		08.07.2019
Proposed Elevations	P1506.2BMA1.203		08.07.2019
Proposed Elevations	P1506.2BMA1.204		08.07.2019
Proposed Floor Plans	P1506.A2.203	A	24.09.2019

Proposed Elevations	P1506.A2.204	B	24.09.2019
Proposed Floor and Elevations Plan	P1506.A2.205	A	24.09.2019
Proposed Elevations	P1506.A2.206	A	24.09.2019
Proposed Elevations	P1506.AL.204	B	24.09.2019
Proposed Elevations	P1506.AL1.201		24.09.2019
Proposed Elevations	P1506.AL1.202	B	24.09.2019
Proposed Elevations	P1506.B.206		08.07.2019
Proposed Floor Plans	P1506.BLKC.101	C	24.09.2019
Proposed Floor Plans	P1506.BLKC.102	D	24.09.2019
Proposed Floor Plans	P1506.BLKC.103	C	24.09.2019
Proposed Roof Plan	P1506.BLKC.104	B	24.09.2019
Proposed Elevations	P1506.BLKC.105	C	24.09.2019
Proposed Elevations	P1506.BLKC.106	C	24.09.2019
Proposed Elevations	P1506.BS.01		24.09.2019
Proposed Elevations	P1506.CO.210		24.09.2019
Proposed Roof Plan	P1506.CO.209		24.09.2019
Proposed Elevations	P1506.CW.204	A	24.09.2019
Proposed Elevations	P1506.CW.205		08.07.2019
Proposed Elevations	P1506.E.202	A	24.09.2019
Proposed Elevations	P1506.F.207	A	08.07.2019
Proposed Elevations	P1506.F.208		08.07.2019

## APPENDIX B – CONSULTATIONS

### Parish Consultation

Refusal - No drainage policy

No masterplan for site, unclear as to Phase 2

Application is contrary to the following District Plan policies:

DP 26 - character design  
 DP28 - accessibility  
 DP30 - housing mix  
 DP31 - affordable housing  
 DP37 - trees woodland and hedgerows  
 DP28 - bio diversity  
 DP39 - sustainable design and construction  
 DP41 - flood risk and drainage  
 DP42 - water infrastructure and water environment

### Parish Consultation

RECOMMENDATION: Approval is refused. The Parish Council continues to reiterate its previous objections, namely that the application is an unsustainable development not in proportion to the size of the existing settlement; contrary to Parish Plan objectives (2011) and Neighbourhood Plan targets (2012); contrary to MSDC Rural Issues Background Paper (2009) for capacity of the settlement; inadequate measures for sustaining surface water drainage systems; proximity of access to existing roundabout on London Road; excessive travel to work and school distances and deficit of public transport. There is currently no authorised access available to the site. No plan for Phase two available. The application is contrary to the following District Plan policies:

DP26 - Character & Design

DP28 - Accessibility  
DP30 - Housing mix  
DP41 - Flood Risk and Drainage  
DP42 - Water infrastructure  
DP34 – Conservation

Contrary to the following HPP&SC PC Neighbourhood Plan Policies:

H1c - enhancing the flood and drainage management in the village  
H3 - Sayers Common Housing Sites  
H6 - Housing Sites infrastructure and environmental impact  
H8 - Small dwellings

### **Parish Consultation**

Approval is refused. The Parish Council continues to support the view expressed by the MSDC design panel and reiterates its previous objections, namely that the application is an unsustainable development not in proportion to the size of the existing settlement; contrary to Parish Plan objectives (2011) and Neighbourhood Plan targets (2012); contrary to MSDC Rural Issues Background Paper (2009) for capacity of the settlement; inadequate measures for sustaining surface water drainage systems; proximity of access to existing roundabout on London Road; excessive travel to work and school distances and deficit of public transport. In addition, the application is contrary to H&SC PC Neighbourhood Plan Policies Hurst H3 - Sayers Common housing sites, Hurst H6 - Housing sites infrastructure and environmental impact assessment, Hurst H8 - Small dwellings and Hurst C1 - Conserving and enhancing character

### **Highway Authority**

#### 8 November comments

Updated plans have been provided for the application.

#### Parking

The level of parking has been amended to 314 spaces (270 allocated and 44 unallocated) in line with MSDC standards .The site is also to provide 75 of these spaces with active electric parking provision

#### Vehicle tracking

Revised vehicle tracking has been provided and is accepted

#### Conclusion

No objection to the proposals is raised subject to the conditions proposed in my previous response dated 8/4/19.

#### 15 October comments

Updated plans have been provided for the application.

### Parking

The level of parking has been amended to 314 spaces (270 allocated and 44 unallocated) in line with MSDC standards .The site is also to provide 75 of these spaces with active electric parking provision.

### Vehicle tracking

Revised vehicle tracking has been provided and is accepted

### Conclusion

No objection to the proposals is raised subject to the conditions proposed in my previous response dated 8/4/19.

### 25 July comments

Updated plans have been provided for the application.

#### Parking

The level of parking has been reduced from 318 (271 allocated and 47 unallocated) to 312 (268 allocated and 44 unallocated).

#### Vehicle tracking

Revised vehicle tracking has been provided and is accepted.

#### Conclusion

No objection to the proposals is raised subject to the conditions proposed in my previous response dated 8/4/19.

### 8th April comments

#### Background

The application is for the consideration of reserved matters following outline consent (Ref. 12/01540/OUT) relating to appearance, landscaping and scale of Phase 1 for 120 new dwellings Kingsland Laines, Reeds Lane, Sayer Common.

It is noted that an application has been made to delete the pedestrian link to Dunlop Close as was a requirement of the outline planning application permitted under appear ref AD3830/A/12/2189451.

#### Parking

A total of 271 allocated parking spaces and 47 unallocated parking spaces are to be provided in line with the Mid Sussex SPD. The unallocated parking is distributed across the development.

Cycle parking is to be provided in line with MSDC standards.

#### Servicing

Vehicle tracking has been provided and is accepted.

## Travel Plan

The following comments have been provided by the county travel plan officer

- 2.47 - WSCC's 3-in-1 card scheme is no longer operating so please remove the reference to this initiative.
- 3.4 - Please state the value of the vouchers (£150)
- 3.13 - the predicted 12-hour vehicle trip rate and number of trips (from the Transport Assessment) needs to be stated.

The target is to reduce this by 10% and so the target trip rate and number of trips should also be stated. The target should be achieved by (and maintained to) the final TRICS SAM survey in year 5 (not within 24 months as stated).

Once these points have been addressed I will be able to approve the TP.

## Conclusion

If the Local Planning Authority is minded to grant planning consent the following condition(s) and informative note(s) would be advised:

### Conditions

Car parking space (details approved - for larger sites)

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

Cycle parking (for larger sites)

No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be 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.

Travel Plan (to be approved) No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

### Informatives

Provision of Adoptable Highway

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this



process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

### **Southern Water**

Southern Water has no objections to the above Reserved Matters application (Phase 1).

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

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

<https://beta.southernwater.co.uk/infrastructurecharges>

All other comments in our response dated 09/07/2012 remain valid.

### Further comments

Thank you for your letter dated 15/07/2019.

Southern Water has no objections to the above reserved matter application. The comments in our response dated on 29/04/2019 remain unchanged and valid.

### **Sussex Police**

Thank you for your correspondence of 27th March 2019, advising me of an outline planning application for approval of Reserved Matters following Outline consent (Ref12/01540/OUT) relating to appearance, landscaping and scale of Phase 1 for 120 new dwellings, provision of open space and SUDS pursuant to the approved Outline consent at the above location, for which you seek advice from a crime prevention viewpoint.

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

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

I was very pleased to note the Design and Access Statement submitted in support of the application reflects the attributes of Safer Places and crime prevention measures as promoted by SBD.

In general terms I support the proposals in this application which will create a development where access is gained through a single point with no through route. The shared surface with varying widths and texture will allow for safe activity and movement for both vehicles and pedestrians. The orientation of the dwellings will ensure that all publicly accessible areas including the road layout, communal amenity space and designated car parking areas benefit from overlooking and good natural surveillance. In the main, provision has been made for car parking within the curtilage of the dwellings, garages, car barns, small rear parking courts, overlooked bays and in street parking. Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

Whilst there is clear demarcation to the dwelling frontages it is important that the boundary between public space and private areas is clearly indicated at the rear of the dwellings. The rear of block A is accessible via the under-croft and parking court. This makes the ground floor windows and cycle store open and vulnerable to attack. This communal private space should be protected by fencing. As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8 metres. In circumstances that require a more open feature such as the rear garden of block A or when overlooking a rear parking court or a rear garden pathway, 1.5 metre high close board fencing topped with 300mm of trellis can achieve both security and surveillance requirements. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres.

Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable from both sides. I was pleased to note such gates are located on or as near to the front of the building line as is possible. The design height and construction of any gates within a perimeter fencing system should match that of the adjoining fences and not compromise the overall security of the boundary.

I thank you for allowing me the opportunity to comment.

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.

### Further comments

Having observed the details of the updated information within the planning supporting letter, I have concluded that no further Crime Prevention advice is necessary in response to this amendment to this planning application. My previous crime prevention comments within correspondence PE/MID/19/09/A, dated 17th April 2019 remain extant.

### **Ecological Consultant**

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

The recommendations set out in the Ecological Impact Statement by ACD Limited (February 2019) shall be implemented in full unless otherwise agreed in writing by the local planning authority.

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the NPPF.

### **Drainage Engineer**

Detailed site specific flood modelling has been undertaken for this site to determine the impact of the proposed development, and how the layout will affect flood risk both on and off site. Following extended communications with the applicant and a number of iterations of the model, flood risk assessment and proposed layout plan a finalised layout plan, planting scheme and boundary treatment (fencing) plan have been submitted.

These finalised plans are:

- Phase 1, Enclosures Layout plan - P1506/07 Rev T - Linden Homes/aap architecture
- Soft Landscape Proposals - LIN21934 11 sheet 4 - Linden Homes/ACD Environmental

The proposed development layout has considered the existing and post-development flood risk for fluvial events up to the 1 in 100 year flood event with an additional 105% allowance for climate change. This is in line with the Environment Agency and NPPF's requirements.

All residential development and roads are located outside the modelled flood extent and fluvial flooding is contained on site within two-tier watercourse profiles or in a designated flood storage area. This has been achieved through a comprehensive cut and fill programme on site without increasing flood risk off site. All the watercourses remaining on site will be within open areas and are not to become the responsibility of individual property owners. Maintenance of the drainage ditches through the site will be the responsibility of a Management Company paid for by the residents. The importance of the watercourses running through the site to the drainage of Sayers Common is understood by the applicant. Whilst the central ditch running north/south across the site will be removed, the flood modelling has reflected this so the impact has been considered. The watercourse along the western boundary is also being left unaltered so there is no impact for the drainage from Reeds Lane and the Meadow View klargester outflow.

Boundary treatments have been proposed with consideration of flood water flow routes. Boundaries which have the potential to block fluvial flood flow routes have either; been removed, are of post and rail design or have been raised to ensure adequate clearance has been provided.

Drainage conditions were placed on the original planning application and we have no objection to this application to amend the layout on the understanding that the existing drainage conditions shall be addressed as part of a separate application.

Given the importance of the drainage on this site to the drainage of Sayers Common village, the detailed design for the new and altered watercourses and the surface water drainage should be provided early in the detailed design of the development as a lot of the works will need to be carried out prior to the construction of any of the dwellings.

Additionally, knowing that there are existing problems with the foul pumping station the applicants will need to provide evidence that they are working with Southern Water to resolve issues and provide adequate capacity for their development without increasing foul flood risk.

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

### **Summary and Overall Assessment**

This scheme has been the subject of revisions that have addressed most of my original reservations. It is nevertheless unfortunate that the south-west part of the original outline consent is no longer part of this scheme, resulting in an unresolved arrangement on the western edge of the open space; furthermore the opportunity to fully integrate this space with the recreation ground has not been taken. With those exceptions, the layout works well with the swale and squares providing additional interest. While many of the house types have bland frontages, they have been reorganised to make a positive feature of their standard design through underlying rhythm that is generated by repetition that works with the formality of the layout. There is also a greater variety of facing materials that have been grouped to help reinforce the different characteristics of the various parts of the site. The prominent buildings at the site entrance have been significantly reworked and now provide a more presentable frontage. While the Design Review Panel (DRP) have been critical of the scheme, respond to some of their concerns too. In conclusion, I withdraw my objection but would recommend conditions requiring the further approval of drawings /information in respect of the following:

- Detailed landscape plans including: (i) long and cross section drawings that show the detailed design of the pond, swales/ditches, and associated bridge links and boundary treatment; (ii) the design of plot 19-21's garden boundaries.
- Facing materials
- 1:20 scale elevation and sections of the canopy and front door design (all dwellings) and the first floor French windows and Juliet balcony on block C.

### **Layout**

The layout is based upon the illustrated outline scheme but only takes forward the residential element. As well as the loss of the community and nursing home component on the south west corner, the current layout also varies from the outline layout as it shows the access road re-configured on the north-west side. The latter is a slight improvement with the reconfigured access road now revealing the attractive woodland area on the west boundary which the houses now face (the outline layout featured a diagonal road that revealed the conical tower of Priory of Our Lady chapel at the end of the axis, but resulted in a less resolved western boundary).

The removal of the non-residential elements is unfortunate because it has necessitated the south-west part of the outline consent to be omitted altogether from the current RM

application and deferred from consideration as phase 2 (of a two phased scheme). While it is hoped that phase 2 will eventually resolve the layout of the front part of the site, in the meantime the scheme risks looking unfinished with little indication provided of how the main open space at the front of the site will be defined on its west side and with houses on plots 114-118 of phase 1 incongruously backing on to the front part of the site. The rear boundaries will at least feature a presentable brick wall (rather than close-boarded fencing) to compensate for this.

The scheme does not integrate so well with village as the illustrated outline layout, because of the loss of the Dunlop Close link as well as the community component. In addition, the main open space does not take the opportunity to be more integrated with the existing recreation ground that could be achieved if more of the dividing hedgerow was removed.

Notwithstanding these concerns, the main open space is well positioned at the front of the site where it will be most accessible to both new and other surrounding residents and benefits from the attractive mature oak trees that sit in and around the space. Furthermore it is well defined on the east side by the curved building frontage at the site entrance that includes the only block of flats in the scheme (as these dwellings will not have gardens, the residents here will especially benefit from the proximity of the open space).

The remainder of the site is generally well laid-out and punctuated in the middle by a swale and linear square (between plots 99-106 and 28-35). The former, if designed and landscaped well has the potential to be a highly attractive part of the scheme that will contribute strongly to the scheme's identity; it is therefore important that further drawings are received that demonstrate this.

The DRP have been critical of the linear square as they argue the parking on both sides narrows it so much that it offers little recreational benefit; while I accept this, the square and the line of trees that are proposed does have visual amenity value that provides this part of the layout with some focus and identity.

The square in the north-east corner still accommodates a lot of parking but has benefitted from the reduction of 9 spaces and more tree planting while plot 40 has been rotated so that it defines and addresses the square ensuring a stronger level of enclosure.

The street that runs parallel with the northern boundary has been re-worked to reinforce its regular form (at least on the north side) with a consistent line of trees that responds to the regular rhythm of the replicated gable fronted houses. While it is unfortunate the swale along the northern boundary is tucked away behind the houses, this area has now at least been made secure by being fenced off.

The parking is generally well integrated with front threshold parking avoided except where it is formally organised in the square in the north-east corner. The provision of rear court areas has helped ensure that parking does not dominate the public realm; these are generally small and designed with sufficient natural surveillance. However the rear court behind block C is quite large but is at least well overlooked from the surrounding houses and flats.

## **Elevations**

The fractured arrangement of the elevations in the original drawings did not work successfully with the formality of the layout, while on the other hand there was insufficient diversity to distinguish the building types used in the various parts of the site. The houses have been reorganised to make a positive feature of their standard design through underlying rhythm that is generated by repetition. Furthermore, the facing materials have

contributed to giving the elevations more interest and diversity with different parts of the development featuring different finishes.

The buildings adjacent to the front entrance are particularly important because of their prominence. After a number of design iterations, they have been improved incorporating a block of flats in the middle that has been vertically articulated so that it works more in harmony with the line of terraced houses on both sides. The 3 storey frontage is appropriate here as it helps provide the open space with stronger enclosure, and the frontage now avoids monotony with the incorporation of full height first floor windows with Juliet balconies that helps model the façade by providing some hierarchy.

The houses at the corners have now been re-designed so they address the return flank as well as the frontage.

The traditional bracketed canopy and panelled doors look old fashioned on some of the houses and out of place in relation to the otherwise contemporary detailed facades. The contemporary designed canopies would also benefit from more detail. For this reason I recommend this is subject to condition.

The boundaries / enclosures facing the public realm have been re-designed as brick walls except along the garden boundaries of 19-21 where drainage issues necessitate a fence; in these cases they will need to be modelled some way and softened with hedgerow/shrubs.

### **Conservation Officer**

Comments on the above approval of reserved matters application.

I note that this site has a complex planning history, and that outline permission was eventually granted by the Secretary of State (SoS) in December 2017. The SoS agreed with the appeal Inspector's conclusion that the outline proposal caused less than substantial harm to the setting of Aymers and Sayers (a pair of listed cottages forming one building to the west of London Road near its junction with Reeds Lane), and that substantial weight should be attached to this harm. In accordance with paragraph 134 (now 196) of the NPPF he agreed that this harm should be weighed against the public benefits of the proposal, which he found to outweigh the harm caused.

Prior to the SoS's consideration of the scheme, the appeal Inspector found that the most significant elements contributing to the setting of the listed building were its roadside setting and domestic plot, with the fields beyond this being of less significance. The SoS did not disagree with this assessment. In considering the current detailed layout the impact of the proposal on the character of the immediate garden setting of the buildings must therefore be considered to be of the highest significance.

In accordance with Historic England's GPA Note 3 (The Setting of Heritage Assets) in order to minimise the harm caused to the setting of the listed building and to preserve as far as possible the character and integrity of the immediate garden setting of the listed building, and minimise the extent to which the new development would impact on that character, I would suggest the following amendments to the layout and landscaping of the south eastern corner of the site:

- The development should be pulled away from the rear boundary of the gardens to Aymers and Sayers to a sufficient extent to allow for the inclusion of a belt of native trees and shrub planting to effectively screen the development from the gardens of the listed cottages. This would ensure that the cottages are perceived against a verdant backdrop similar to the existing garden setting, the importance of which has been identified by the

appeal Inspector and confirmed by the SoS, and not against a backdrop of new residential houses and garages. It would also preserve the integrity of the immediate setting of the buildings and reduce the impact of the new development on the perceived character of the garden space.

- The character of the access road as it crosses the gardens to the listed cottages should be informal, with an appropriate surfacing such as bound gravel or similar, to reduce the impact of the imposition of this new road in such close proximity to the buildings.
- The boundaries between the access road and the gardens to the south of the cottages should be substantial native species hedgerows to provide a degree of screening and softening between the two.
- I would suggest that by careful choice of materials and boundary treatment the character of the access as it crosses the gardens to the listed buildings could be differentiated from the roads within the new development itself, helping to some extent to preserve the integrity of the immediate setting of the buildings, the importance of which has been highlighted during the appeal process.

As it stands I am not satisfied that the scheme makes sufficient allowance for mitigation of the harm caused to the setting of the listed building which has been identified during the appeal process.

### **Housing Officer**

The affordable housing obligation for this application is 36 dwellings as per the outline permission. A Deed of Variation to the original Section 106 agreement dated 27th March 2019 specifies the Affordable Housing Scheme as follows:

#### **Affordable Rent (27 homes -75%)**

8 x 1 bed flats  
8 x 2 bed flats  
2 x 2 bed flats (FOGs\*)  
7 x 2 bed houses  
2 x 3 bed houses

#### **Shared Ownership (9 homes -25%)**

2 x 2 bed flats (FOGs\*)  
5 x 2 bed houses  
2 x 3 bed houses

The Affordable Housing Scheme submitted for this application is for 36 dwellings and although the mix and types of homes has been varied from the above the proposed scheme still meets the required 75% rented / 25% shared ownership tenure split and the increase in the number of 2 bed houses is welcomed. The revised scheme is as follows:

#### **Affordable Rent (27 homes -75%)**

7 x 1 bed dwellings (1 flat & 6 maisonettes)  
18 x 2 bed dwellings (4 flats, 4 maisonettes, 2 FOGs, 8 houses)  
2 x 3 bed house

#### **Shared Ownership (9 homes -25%)**

7 x 2 bed houses  
2 x 3 bed houses

\*Flats Over Garages

The schedule for the Affordable Housing Scheme provided to me on 16th October 2019 by the applicant's agent shows that all the dwellings are in accordance with the occupancy and minimum floor area requirements of Affordable Housing SPD. The floor plan on the website for the FOGs (type A2) is incorrect as it does not reflect the floor area shown on the schedule.

All the affordable housing is located along the eastern length of the site in four clusters separated by small numbers of market housing.

### **Community Facilities Project Officer**

I can confirm that my colleagues in Landscapes are content with the planting schemes, the specifications for the Soft Landscaping and the Management Plan for the maintenance of the area.

Although the design is basic it appears to be very effective and unlikely to fail.

### **Environmental Protection Officer**

The conditions imposed on the decision notice cover the relevant Env Protection areas. The proposed layout does not affect these in our view so no new conditions are required.

### **Tree Officer**

No objections.

However, I would question the use of wild flower meadow areas on a heavy clay soil. Meadow areas are unlikely to flourish or survive here.

There are also high maintenance requirements and an expectation that these areas will be colourful flowering spaces, when in reality, they become overgrown, weed infested, 'messy' areas, generating complaints.

There is a reasonable balance between native trees as required by Policy DP37 and more domestic planting in and around gardens.

No dig solutions must be used in car parking areas affected by RPAs. I note 17 and 18 are particularly affected.

Please condition adherence to method statements and management plans.

### **Design Review Panel**

#### Comments on superseded drawings:

The panel were pleased to see that most of the buildings now feature consistent application of facing materials on all their elevations, and there was more commitment on sustainability through the fabric first approach. Also the layout works well where it faces the swale along the western boundary and in the southern part of the site.

However in other respects the scheme has not significantly improved since it was previously considered in March, and many of the DRP's comments are still relevant.

While effort had been invested in creating more consistent frontages, the impact of this is limited because of the mediocrity of the building design. This is particularly the case with the



north-east square which still looks too dense and reads too much as a street dominated by parking rather than a square. It also does not benefit from the rhythm of a continuous terrace arrangement, because of the inconsistent configuration of the standard buildings.

The building frontages at the site entrance succeed in defining the street and main open space, but the street elevation is unsatisfactory. The block of flats appear monolithic and its more horizontal proportions sit uncomfortably with the vertically articulated terraced houses that it abuts on both sides. A separation gap is needed and the block of flats requires more vertical articulation that might be helped if rainwater downpipes are shown; also consideration could have been given to picking-out the gabled bays in a different material (instead of the first floor banding).

The layout of the village square has not been significantly improved, and the grassed / soft landscaped area is still too narrow and offers little recreational benefit. This could be addressed if the parking (that narrows the space on both sides) could be re-located elsewhere.

The description of the character areas was still unconvincing, although some effort had been given to define them through the application of different facing materials. More still could be done to demonstrate how they work with the landscaping.

The panel were also disappointed that there was still no indication how phase 2 might be laid-out, or how the western boundary of the main open space will be configured.

#### Overall Assessment

The panel object to this scheme.

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MID SUSSEX DISTRICT COUNCIL

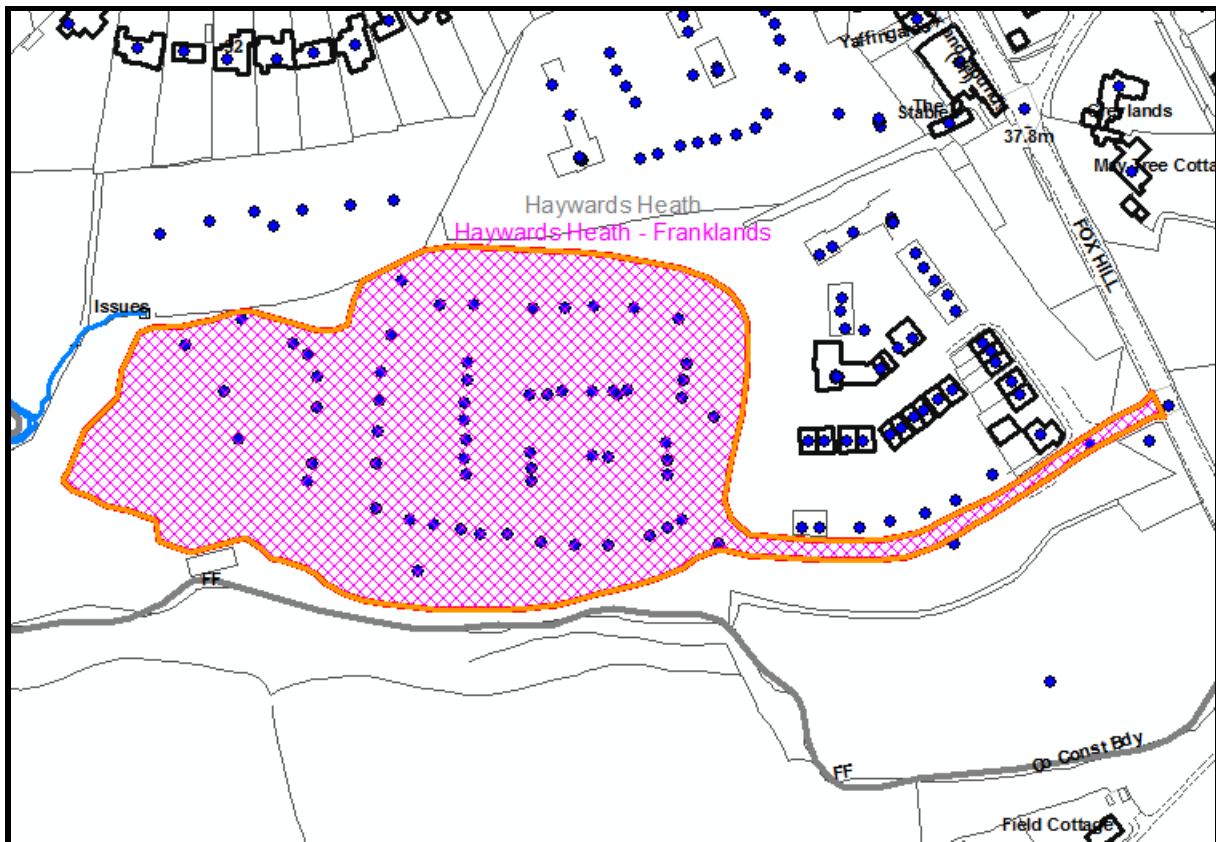
District Wide Committee

17 DEC 2019

RECOMMENDED FOR PERMISSION

## Haywards Heath

DM/19/2764



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**GAMBLEMEAD FOX HILL HAYWARDS HEATH WEST SUSSEX  
FULL PLANNING APPLICATION TO REVISE THE APPROVED AND  
IMPLEMENTED PERMISSION (DM/17/0331) AT LAND AT GAMBLEMEAD  
FOX HILL TO PROVIDE FOR 19 ADDITIONAL DWELLINGS INCLUDING 6  
AFFORDABLE UNITS WITH ASSOCIATED LANDSCAPING, ROAD  
LAYOUT, ACCESS AND PARKING. AMENDED PLANS RECEIVED 20  
SEPTEMBER SHOWING REVISED DESIGNS TO PROPOSED  
DWELLINGS.  
LINDEN HOMES LTD**

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

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 18th December 2019

WARD MEMBERS: Cllr Rod Clarke / Cllr Michael Pulfer /

CASE OFFICER: Steven King

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

This application seeks full planning permission to revise the approved and implemented permission (reference DM/17/0331) on land at Gamblemead, Fox Hill to provide an additional 19 dwellings, including 6 affordable units with associated landscaping, road layout, access and parking.

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 (DP) and the Haywards Heath Neighbourhood Plan (HHNP).

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.

The principle of development on this site has been established by virtue of the consented scheme for 151 dwellings on the site, which is being implemented. In addition, the site of the application is now within the built up area of Haywards Heath as defined in the District Plan. Therefore the principle of further development within the site accords with policy DP6 of the DP.

The additional 19 units sought by this application have been achieved by replacing larger 4 bedroom units with smaller 2 and 3 bedroom units. The external elevations of the dwellings will follow the same design approach as the previously approved units on the site so that they will fit in seamlessly with the already constructed units at the eastern end of the site. The basic layout of the site will remain the same as the consented scheme, which is a perimeter block arrangement with houses facing out onto the street and rear gardens backing on to one another. The provision of smaller units will optimise the use of the site, which is sought by policy DP26 in the DP and the National Planning Policy Framework (NPPF).

The access to the site remains unchanged from the consented scheme. This was satisfactory to serve 151 dwellings and will be satisfactory to serve the additional 19 units that this scheme would produce. There would be no severe cumulative impact on the local highway network from the additional 19 units proposed.

It is acknowledged that the site is some distance from the centre of Haywards Heath and this may mean that cycling to the town centre is only attractive to confident cyclists. This situation has not changed since the original consent to develop this site for housing was granted in 2017.

The Councils Environmental Health Officer (EHO) does not consider that the proposal would result in unacceptable levels of air pollution. As such there would be no breach of policy DP29 in the DP.

The Councils Drainage Engineer considers that surface water can be satisfactorily drained from the site and Southern Water has no objections relating to foul water disposal. As such the scheme would comply with policy DP41 of the DP

The scheme would provide additional smaller units of accommodation within an area that has the benefit of an extant planning permission for residential development. Of the additional 19 units provided, 6 would be affordable units. This would comply with policies DP30 and DP31 in relation to housing mix and affordable housing.

The scheme would generate a need for infrastructure payments to mitigate the impact of the additional 19 units. This can be secured by a legal agreement, thereby

complying with policy DP20 of the DP.

There would be no adverse neighbour amenity impacts from the development as the scheme involves re-planning the central and western areas within the site. As such there is no conflict with policy DP26 of the DP.

The Habitats Regulations Assessment for this application concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest Special Protection Area (SPA) and would not have a likely significant effect, alone or in combination, on the Ashdown Forest Special Area of Conservation (SAC).

The re-planned area of this application is within the centre and western parts of the site. As such there is no adverse impact on the listed building of Cleavewaters to the east and therefore no conflict with policy DP34 of the DP.

Taking all of the above into account, it is considered that this proposal would optimise the use of the site by providing smaller units of accommodation, including 6 more affordable units. This should attract significant positive weight in the planning balance. There are no technical objections to the application relating to transport, drainage or air quality matters. The scheme would not cause any adverse impact to the amenities of the neighbouring properties around the site.

It is therefore felt that the proposal complies with the development plan when read as whole, which is the proper basis for decision making. It is therefore recommended that planning permission be granted for this development subject to the conditions set out in the appendix.

### **Recommendation**

#### **Recommendation A**

It is recommended that permission be granted, subject to the completion of a section 106 planning agreement to secure the necessary infrastructure contributions and affordable housing and the conditions listed at Appendix A.

#### **Recommendation B**

It is recommended that if a satisfactory legal agreement has not been entered into by 11 March then the application be refused at the discretion of the Divisional Leader, Planning and Economy for the following reason:

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

## **SUMMARY OF REPRESENTATIONS**

10 letters of objection (4 from same person):

- road tankers are being deployed to deal with the excess of effluent and rainfall arising from developments in Rocky Lane and at Gamblemead and this is unacceptable
- adequate means of disposing of foul sewerage from the site needs to be found
- level of car parking is not sufficient
- proposal will have an adverse impact on air quality in the locality
- site is not sustainable and not conducive for cycling
- traffic surveys are out of date and traffic has increased since the previous application was approved
- buffer zones to woodland are inadequate
- building firm is using sneaky tactics to increase the density of an already overpopulated build
- extra houses will put further pressure on already over stretched infrastructure
- developer has treated residents with complete disrespect
- boundary planting has not been achieved

## **SUMMARY OF CONSULTEES (full comments in appendices)**

### **County Planning Officer**

Requires infrastructure contributions towards primary and secondary education and libraries.

### **Highway Authority**

The amended scheme seeks to make relatively few changes to the approved internal highway layout. The only changes are to accommodate further dropped kerbs for the parking spaces for the individual properties. There are no particular issues in these respects.

The development is not expected to give rise to any additional traffic that could be considered severe.

### **WSSC Lead Local Flood Authority**

#### **Southern Water**

Our initial investigations indicate that Southern Water can provide foul sewage disposal at manhole TQ33214703 to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

## **Sussex Police**

The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked, this design has all but eliminated the need for vulnerable rear garden pathways.

## **Community Facilities Project Officer**

Requests contributions to infrastructure provision.

## **Housing Officer**

The application proposes 19 additional dwellings on a development which is currently being built. It includes the provision of a further 6 affordable homes which maintains the policy compliant 30% affordable housing obligation.

The affordable dwellings are 3 x 2 bed houses and 2 x 3 bed houses for Affordable Rent and 1 x 2 bed house for Shared Ownership.

The tenure mix, size and type of affordable homes proposed, when taken across the site as a whole, are in accordance with our requirements. The sizes of the properties meet National Space Standards and are located in three distinct areas which allows for integration with the market housing.

The properties will provide family sized accommodation meeting an element of the known housing need in the district.

## **Environmental Protection Officer**

Requests a condition regarding air quality

## **Drainage Engineer**

TBR

## **Urban Designer**

This revised scheme has increased the number of dwellings with smaller houses within ostensibly the same layout as the approved scheme including the positive relationship of the building frontages with the surrounding trees and spaces. This is therefore an acceptable approach as it also optimises the site.

Improvements have been made both at pre-application and application stages which have sufficiently addressed my concerns in respect of the quality of the elevations and the accommodation of the larger number parking spaces that are needed. Consequently I raise no objections to the scheme, but as the façade treatment is still half-heartedly applied on plots 132-3, 160-2, 166-67; I recommend a condition that requires further approval of this. Also the planting plan needs to be updated to reflect



the revised layout, so I would like a landscape condition included, as well as one to cover the overall facing materials specification.

## **HAYWARDS HEATH TOWN COUNCIL**

The Town Council has NO OBJECTION to this application, as the principle of development had already been approved, by the planning authority, for the site prior to the adoption of Haywards Heath Neighbourhood Plan. The application is therefore in line with policy H8 of the Neighbourhood Plan as a Brownfield site being used to support the best use of already developed land. However, the Town Council still has concerns relating to the site being an unsustainable edge of Town development. The site remains cut off from the Town with poor transport linkages for cycling and for travel by bus. Furthermore, the need for traffic lights in the area is exacerbated by the increase in housing. The Town Council would also ask that an appropriate amount of car parking provision is made to support the uplift in housing.

With regards to the section 106 Local Community Infrastructure contributions the Town Council is unclear if the contribution generated from the additional 19 dwellings will be added to the original allocation or sit as a separate allocation of monies. This is on the grounds that the Town Council recognises pooling restrictions for the collection of monies for the development of a Country Park, Allotments and Cemetery off Hurstwood Lane. The Town Council asks to be informed on how the money is being allocated before confirming its requirement for the allocation of the monies so not to allocate to already fully pooled funded projects.

### Additional comments

Further to our comments supporting an additional 19 units on the Gamblemead site, Councillors have received direct complaints from residents in Cape Road, detailing serious flooding issues in, or proximate to, the restricted build area. The flooding has necessitated emergency removal of surface water. These actions have been required to prevent wider contamination of the nearby water course with foul/raw sewage. Considering this ongoing problem, the Town Council now requests that any decision to approve this additional build is deferred, pending a full drainage report detailing how this ongoing problem will be rectified. Currently, residents suffer noise from site gate opening and closing every few minutes during the night and the noise and disturbance from tankers entering and leaving the site. The antisocial noise emanating from this unwanted activity is reducing residents' enjoyment of their homes, and disturbing their sleep, so may constitute a further environmental health issue.

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## **INTRODUCTION**

This application seeks full planning permission to revise the approved and implemented permission (reference DM/17/0331) on land at Gamblemead, Fox Hill to provide an additional 19 dwellings, including 6 affordable units with associated landscaping, road layout, access and parking.

## **RELEVANT PLANNING HISTORY**

Outline planning permission for the demolition of Gamblemead and the erection of 99 dwellings on the site was granted on under reference DM/15/3448. A subsequent application (reference DM/17/0331) granted full planning permission for the demolition of Gamblemead and the erection of 151 dwellings on the site on 8 September 2017. This planning permission for 151 dwellings is being implemented and the dwellings on the eastern side of the site are now completed and many are occupied.

## **SITE AND SURROUNDINGS**

The site of the planning application is positioned to the west of Fox Hill and to the south of Fox Hill Village. There is a fall in levels through the site from north to south. There is also a fall from east to west with a fairly substantial drop in levels at the far western end of the site.

Works are well underway to implement the planning permission that was granted for 151 dwellings on the site. The eastern side of the site is nearing completion and a number of the dwellings on this side of the site are now occupied. The estate road around the northern and southern part of the site is in place. The centre of the site is cleared. The contractors compound and parking area is at the western side of the site.

The boundary to the detached houses on Fox Hill Village to the north is well screened by trees. These houses are at a higher level than the application site.

There is a strong tree screen along the western boundary of the site. There is a small footbridge for the public right of way (PROW) over the watercourse that flows to the west of the site.

There is a strong tree screen along the southern boundary of the site. Beyond this there are open fields.

In terms of planning policy the site lies within the built up area as defined in the District Plan.

Some 30m to the southeast of the vehicular access to Gamblemead there is a grade two listed house at Cleavewater.

## **APPLICATION DETAILS**

This application seeks full planning permission to revise the approved and implemented permission (reference DM/17/0331) on land at Gamblemead, Fox Hill to provide an additional 19 dwellings, including 6 affordable units with associated landscaping, road layout, access and parking. The submitted plans show that the central area of the site would be amended to provide the additional 19 units. The red line that had been drawn around the site includes 53 dwellings. The reorganisation of the scheme and the additional 19 dwellings has essentially been provided by replacing larger units with smaller residential units.

The schedule of accommodation for the originally approved scheme is set out below.

House Type	Open Market	Affordable	Total
1 Bed flats	0	12	12
2 Bed flats	0	21	21
2 Bed	7	9	16
3 Bed	62	3	65
4 bed	27	0	27
5 bed	10	0	10
<b>Total</b>	<b>106</b>	<b>45</b>	<b>151</b>

A total of 34 residential units were to be situated within the area proposed to be revised by this current planning application (none of which are affordable units). The proposal will therefore provide an uplift of 19 dwellings compared to what already has permission. The schedule of accommodation provided in the area the subject of this application is set out below.

Housing Mix	Open Market	Affordable	Total
1 bedroom units	0	0	0
2 bedroom units	21	3	24
3 bedroom units	26	3	29
4 bedroom units	0	0	0
5 bedroom units	0	0	0
<b>Total</b>	<b>47</b>	<b>6</b>	<b>53</b>

The revised plans follow the same road layout as the consented scheme. As such the perimeter block layout of the approved scheme is retained. The extra units have been achieved by replacing a number of detached houses with semi-detached and terraced houses. The external elevations of the proposed dwellings would feature the same approach as the consented development.

At the western end of the site there would be a slight change to the road layout from the approved scheme, with an area of car parking being provided adjacent to the highway. The far western end of the site would feature semi-detached and terraced units instead of the detached units on the consented scheme.

The northern part of the site adjacent to Fox Hill is outside this planning application and remains unchanged from the consented scheme (the north-eastern part of the site has been built out). The eastern part of the site has also been built put.

## LIST OF POLICIES

### Mid Sussex District Plan

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

- DP6 Settlement Hierarchy
- DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP20 Securing Infrastructure
- DP21 Transport
- DP26 Character and Design
- DP30 Housing Mix

DP31 Affordable Housing  
DP34 Listed buildings and other Heritage Assets  
DP41 Flood Risk and Drainage

## **Neighbourhood Plan**

### **Haywards Heath Neighbourhood Plan**

Made plan with full weight.

E6 - Retain links between green infrastructure  
E7 - Sustainable Urban Drainage  
E8 - Energy efficient and sustainable development  
E9 - Local character and quality  
E11 - Visual connections with the countryside  
E13 - Outdoor space  
T1 - Development and public transport links  
T2 - Improve cycle and pedestrian strategy  
H8 - Windfall sites

## **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
- Access and Transport
- Air Quality
- Drainage
- Housing Mix and Affordable Housing
- Infrastructure
- Neighbour amenity
- Ashdown Forest
- Impact on heritage assets
- 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 (DP) and the Haywards Heath Neighbourhood Plan (HHNP).

The site lies within the built up area of Haywards Heath, a category 1 settlement as defined in the District Plan. As such the principle of additional development within the site complies with policy DP6 and is acceptable.

### **Design/layout**

Policy DP26 in the DP seeks a high standard of design in new development. This is reflected in the NPPF and the Governments National Design Guidance which was published on 1st October 2019.

The road layout of the proposal remains virtually unchanged from the consented scheme (DM/17/0331). The additional houses have been incorporated into the same site layout through the substitution of larger units for smaller dwellings. There is a slight change to the road layout at the far western end of the site to accommodate the additional dwellings.

In terms of their elevations, the proposed houses would follow the same design approach as the consented scheme that has been part implemented. All of the dwellings would be two storey in height. External materials would feature brick, weatherboarding, tile hanging and tiled roofs.

The Council's Urban Designer states:

*'This revised scheme has increased the number of dwellings with smaller houses within ostensibly the same layout as the approved scheme including the positive relationship of the building frontages with the surrounding trees and spaces. This is therefore an acceptable approach as it also optimises the site.'*

*Improvements have been made both at pre-application and application stages which have sufficiently addressed my concerns in respect of the quality of the elevations and the accommodation of the larger number parking spaces that are needed. Consequently I raise no objections to the scheme, but as the façade treatment is still half-heartedly applied on plots 132-3, 160-2, 166-67; I recommend a condition that requires further approval of this. Also the planting plan needs to be updated to reflect*

*the revised layout, so I would like a landscape condition included, as well as one to cover the overall facing materials specification.'*

Your officer concurs with his overall assessment of the scheme. It is considered that the revised proposal will fit in appropriately to the consented development. Once completed it would not be possible to tell that the central area of the site had been revised; the proposed changes would fit in seamlessly.

Overall the proposal optimises the use of the site and results in the good quality design that is sought by policy DP26 of the DP and the NPPF. By utilising the same design approach as the consented scheme the proposal would protect and reinforce the local character within the locality of the site as required by policy E9 in HHNP.

With regards to policy E11 in the HHNP, it is considered that the proposed changes will not make a noticeable difference in terms of wider views into and out of the site.

The dwellings would meet with the National dwelling space standards and thereby comply with policy DP27 of the DP.

### Sustainable design

The applicants have provided a Sustainability Statement with their application. In summary it advises that Linden will be using a fabric first approach to increase the energy efficiency of their development 8.43% beyond Building Regulations Part L1A 2013. The fabric first approach has been supported by the development industry and government because it stressed the importance of prioritising energy demand as a key factor in delivering resilient low energy homes. It is therefore felt the applicants have had regard to policy DP39 in the DP and policy E8 in the HHNP.

### **Access and Transport**

Policy DP21 in the District Plan states:

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*

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

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

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

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

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

This is an unusual case in that the access from the site onto the main road (Fox Hill) has already been approved under the consented scheme for 151 dwellings at the site. This access has been constructed and the eastern part of the site is now built and occupied.

In light of the above an assessment is required as to whether there is a severe cumulative impact on the local highway network from the additional 19 dwellings. The Highway Authority has no objection to the application. Given the volume of traffic using Fox Hill, the addition of 19 dwellings to the consented scheme will make no material difference to the volume of traffic on the road network. The Highway Authority state:

*'the additional 19 dwellings are anticipated to result in a further 11 two way vehicle movements in the AM network peak hour and 9 two way vehicle movements in the PM network peak hour. On the basis of this trip generation, there would be no requirement for any additional highway capacity network assessments. The development is not expected to give rise to any additional traffic that could be considered severe.'*

There are no reasons to come to a different view to the Highway Authority on this matter.

In relation to car parking provision, the proposals would provide for 110 spaces across the 53 units the subject of this application, of which 101 would be allocated and 9 would be for visitors. This aligns with the car parking provision on the originally consented scheme. Using the recently adopted WSCC car parking demand calculator, based on 101 allocated spaces (of which 58 are assumed to be for the 3 bed units and 43 for the 2 bed units) the scheme would be 9 visitor spaces below what the calculator predicts. There is always a balance to be struck between providing sufficient car parking and not having a scheme that is overly dominated by hard standing for car parking. In this case it is your officer's view that the level of car parking provision will not result in a level of on street car parking that would result in a highway safety hazard within the development.

In relation to sustainability and accessibility, by definition, the LPA has found that this site is acceptable because it has granted consent for 151 dwellings to be constructed. The accessibility of the site to Haywards Heath will be the same for the additional units as for the consented dwellings. In addition, it should be noted that the originally approved scheme provided for a widening of the footway on Fox Hill, repainting of road markings, an unmanned pedestrian crossing with tactile paving, installation of a double sided vehicle activated sign to lower vehicle speeds, installation of real time information screens at existing bus stops in the section 106 legal agreement. The section 106 agreement also includes the payment of a contribution of £7,300 towards a traffic regulation order to be used towards a reduction of the speed limit on Fox Hill to 30mph. The section 106 agreement on the consented scheme also provided for the payment of £374,400 as a transport contribution to the County Council.

Policy T1 in the HHNP seeks to provide good pedestrian and cycle connections on major developments. The consented scheme has provided some improvements to pedestrian infrastructure as listed above. Given the fact that this proposal is for a net increase of 19 dwellings on the site, it is not considered that it would be justifiable to seek further significant changes to the pedestrian footways beyond what was secured on the consented scheme for 151 dwellings. With respect to cycling, it is considered that the TRO monies that have been secured to go towards a reduction in the speed limit on Fox Hill would assist in making cycling into the town centre more attractive although it is acknowledged that it will mainly be confident cyclists who would bike from the site into Haywards Heath along Fox Hill.

Policy T2 in the HHNP seeks infrastructure contributions towards the funding of cycle routes to Haywards Heath railway station and the town centre. There will be a



requirement for infrastructure contributions for this development. It would be possible for the local community infrastructure contribution to go towards cycle route projects.

It should also be noted that sustainability is not limited solely to access matters and the proximity of the site to the centre of Haywards Heath. It is considered that by replacing larger units within the envelope of the consented development and replacing them with smaller units, the land within the site is being used more efficiently. This is an aim set out in policy DP26 of the DP and also in paragraph 122 of the NPPF. By providing 19 additional units within a site that already has planning permission, this will contribute to the delivery of the Councils housing requirements and will mean that these 19 units will not have to be provided elsewhere, for example, on a green field site elsewhere in the District.

## **Air Quality**

In relation to air pollution policy DP29 in the District Plan states:

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

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

*The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'*

Paragraph 181 of the NPPF states:

*'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'*

The PPG states:

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

The site of the planning application is not within or near to an air quality management area (AQMA). The only AQMA in Mid Sussex district is at Stonepound Crossroads, Hassocks. The pollutant of concern is NO<sub>2</sub> related to traffic fumes. Measured levels at Stonepound have remained above the Air Quality Objective level is a maximum of 40 ug/m<sup>3</sup>.

The Council's EHO has considered the evidence available from existing measurements of air quality at a measuring point at the Fox Hill/Rocky Lane roundabout to the north of the site together with road traffic data on the surrounding roads (Fox Hill, Rocky Lane, Wivelsfield Road, A272, Hurstwood Lane, Lewes Road). At the monitoring point the annual mean for NO<sub>2</sub> concentration in 2018 was 24.7ug/m<sup>3</sup>.

The EHO has advised that based on the measured data and the available data in respect of vehicular movements on the surrounding roads that this proposed development is not likely to generate an air quality impact that would result in NO<sub>2</sub> levels exceeding the target level of 40ug/m<sup>3</sup> at any relevant receptors. It is therefore considered that there is no evidence that this proposal would cause unacceptable levels of air pollution. As such there would be no breach of policy DP29 in the DP.

The re-plan area the subject of this application as approved was for 34 units and the effect of the proposal is to amend this to provide for 53 new units (or 19 additional units). Notwithstanding the conclusion of the EHO that this planning application will not cause unacceptable levels of air pollution, the applicants are prepared to offer a EV charging points in-line with WSCC standards for the 19 new units, in addition to further provision relating to the 34 approved units (none of which previously would have provided any EV charging points). This is a positive proposal that can be secured by a planning condition.

## **Drainage**

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

*'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.'*

*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.*

*Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.*

*For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.*

*SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.*

*The preferred hierarchy of managing surface water drainage from any development is:*

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

*Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'*

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.'*

The applicants have provided a Flood Risk Assessment (FRA) Addendum. The purpose of this report is to update the FRA by including the additional plots which will discharge into the existing watercourse and ensure there is no additional risk of flooding to these properties. The FRA notes that there would be a 0.027ha increase

in hardstanding as a result of this proposal. The revised layout has been input into the existing detailed drainage model in order to establish whether the existing system is capable of receiving the amendment in flows within the network due to the layout changes and in addition to the increase in hardstanding without causing unmanageable flooding. The applicants FRA concludes that the change to the consented development does not increase the risk of flooding to the proposed or existing dwellings.

The Councils Drainage Engineer has considered the application and has raised no objection to the proposed means of surface water drainage. In light of the above, whilst there would be 19 additional units on the site, there is no evidence that this would cause a risk of flooding either on or off site. As such there are no grounds to resist the application based on surface water disposal.

Concerns have been raised about the adequacy of the Southern Water pumping station that is located to the southwest of the site. Complaints were received in November about tankers being used to take water away from this pumping station, resulting in a noise nuisance to existing residents on the Gamblemead development.

Southern Water were contacted about this issue and have advised the District Council that Foxhill pumping station has been suffering with an influx of flows over the last month or so and as a result to reduce the risk of polluting to the environment and to help the pumping station, they had to put 2 tankers on site, 24/7. Investigations carried out by Southern Water found that flows going into the site were high but this was not from the Linden Homes development. Southern Water advised that the manhole on the main road, which is for the gravity sewer, had a high rate and it looks like being mainly surface water with foul. Southern Water considers the issue is actually the outlet and further up the network and they are undertaking investigations into the rising main. Southern Water also advised the District Council that they were satisfied with Linden Homes new network and connection to the rising main and Linden Homes pumping station.

In summary therefore Southern Water does not consider that the issues that they have experienced with their pumping station at Foxhill have been caused by the Linden Homes development at Gamblemead.

In their consultation response on this application, Southern Water have stated that they can provide foul sewerage disposal and have requested an informative be added to the planning permission advising the applicants a formal application for connection to the public sewerage system is required in order to service this development.

In light of all the above there are no grounds to resist this application based on foul water disposal.

In their consultation comments Southern Water have referred to the developer diverting Southern Water's access to the existing Southern Water pumping station. Further clarification is being sought from Southern Water on these comments because the red line around the application site does not go around this pumping station and the planning application solely relates to amendments to the central and

western area of the site to provide a net increase of 19 dwellings compared to what has been previously approved.

Southern Water has also referred to a potential odour nuisance from a waste water treatment works. Again, clarification is being sought from Southern Water because this proposal is not moving housing beyond the previously approved confines of the site. Updates on these points will be provided to Members at the committee.

To summarise on drainage matters, it is considered that both surface and foul water can be satisfactorily drained from the site, thereby complying with policy DP41 of the DP and policy E7 of the HHNP.

### **Housing Mix and Affordable Housing**

Policy DP30 in the DP seeks to provide a mix of dwelling types and sizes to reflect current and future housing needs. Policy DP31 of the DP seeks to provide 30% affordable housing on sites such as this.

It is considered that the proposed mix of units in this application is acceptable. The scheme provides 28 x 3 bed units and 25 x 2 bed units in the re-planned area.

The District Councils Housing and Economic Development Needs Assessment (HEDNA) (February 2015) which formed part of the evidence base for the District Plan examination is attached as appendix 2. The HEDNA states on page 75:

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

It is therefore clear that the available evidence indicates that there is a requirement for smaller dwellings within the District and that this application would go towards meeting this need, thereby complying with policy DP30 of the DP.

With regards to affordable housing, the affordable dwellings are 3 x 2 bed houses and 2 x 3 bed houses for Affordable Rent and 1 x 2 bed house for Shared Ownership.

The tenure mix, size and type of affordable homes proposed, when taken across the site as a whole, are in accordance with the District Councils requirements. The sizes of the properties meet National Space Standards and are located in three distinct areas which allows for integration with the market housing. The properties will provide family sized accommodation meeting an element of the known housing need in the district.

In light of this the application complies with policy DP31 of the DP.

## Infrastructure

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

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

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

The 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).

The following infrastructure requests have been made for the development:

### County Council

Primary Education - £29,241 (to be spent on a new primary school at Hurst Farm)

Secondary Education - £31,471 (to be spent on the creation of new secondary places at Warden Park School)

Libraries - £3,338 (to be spent on redeveloping the library to increase space, replace shelving and make internal improvements to maximise use of space at Haywards Heath Library.)

## District Council

### FORMAL SPORT

In the case of this development, a financial contribution of £23,147 is required toward pavilion improvements at Haywards Heath Recreation Ground.

### COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £13,276 is required to make improvements to Ashenground Community Centre.

### LOCAL COMMUNITY INFRASTRUCTURE: £15,045

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

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

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

### **Neighbour amenity**

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

The site of this application relates to the group of dwellings which are positioned within the centre of the site and the group of dwellings at the far western end of the site.

The revised dwellings would be some 55m from the northern boundary of the site and there would be separated from the existing dwellings at Fox Hill Village by the already consented dwellings within the site. It is therefore considered that the proposed additional dwellings within the centre of the site would have no adverse impact on the residential amenities of existing properties at Fox Hill Village. It is also considered that the revised layout to provide these additional units will have no adverse impact on the amenities of the existing dwellings within the site that have already been constructed.

The revised layout of the dwellings at the far western end of the site would have no adverse impact on consented dwellings to the north and west.

In light of the above there would be no conflict with policy DP26 in the DP in relation to neighbouring amenity.

### **Impact on Ashdown Forest**

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

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

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

#### Recreational Disturbance

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

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

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

#### Atmospheric Pollution

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

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as **windfall development**, such that its potential



effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

### Conclusion of the Habitats Regulations Assessment screening report

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

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

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

### **Impact on heritage assets**

To the south east of the site, on the opposite side of Fox Hill road lies Cleavewater, a 16th century or earlier Wealden hall house which is Grade II listed. The setting of a listed building is defined as the surroundings in which it is experienced. The site at Gamblemead is considered to lie within the setting of Cleavewater by reason of its proximity and its contribution to the historically rural context of the building. Development on the site has a potential impact not just on views from Cleavewater of the surrounding countryside but also on the context in which the listed building is experienced from outside its immediate curtilage, in particular by those travelling along Fox Hill.

As the application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (ss.16, 62, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. This requirement is reflected in policy DP34 of the DP.

In this case, the impact on the setting of the listed building has already been considered as a result of the planning permission that was granted for 151 dwellings at the site. As this proposal is to amend the mix of dwellings within the site, it is not considered that there would be any impact on the setting of Cleavewater from this proposal. As such policy DP34 of the DP would be met.

### **Planning Balance and Conclusion**

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.

To summarise, the principle of development on this site has been established by virtue of the consented scheme for 151 dwellings on the site, which is being implemented. In addition, the site of the application is now within the built up area of Haywards Heath as defined in the District Plan. Therefore the principle of further development within the site accords with policy DP6 of the DP.

The additional 19 units sought by this application have been achieved by replacing larger 4 bedroom units with smaller 2 and 3 bedroom units. The external elevations of the dwellings will follow the same design approach as the previously approved units on the site so that they will fit in seamlessly with the already constructed units at the eastern end of the site. The basic layout of the site will remain the same as the consented scheme, which is a perimeter block arrangement with houses facing out onto the street and rear gardens backing on to one another. The provision of smaller units will optimise the use of the site, which is sought by policy DP26 in the DP and the NPPF.

The access to the site remains unchanged from the consented scheme. This was satisfactory to serve 151 dwellings and will be satisfactory to serve the additional 19 units that this scheme would produce. There would be no severe cumulative impact on the local highway network from the additional 19 units proposed.

It is acknowledged that the site is some distance from the centre of Haywards Heath and this may mean that cycling to the town centre is only attractive to confident cyclists. This situation has not changed since the original consent to develop this site for housing was granted in 2017.

The Councils EHO does not consider that the proposal would result in unacceptable levels of air pollution. As such there would be no breach of policy DP29 in the DP.

The Councils Drainage Engineer considers that surface water can be satisfactorily drained from the site and Southern Water has no objections relating to foul water disposal. As such the scheme would comply with policy DP41 of the DP

The scheme would provide additional smaller units of accommodation within an area that has the benefit of an extant planning permission for residential development. Of the additional 19 units provided, 6 would be affordable units. This would comply with policies DP30 and DP31 in relation to housing mix and affordable housing.

The scheme would generate a need for infrastructure payments to mitigate the impact of the additional 19 units. This can be secured by a legal agreement, thereby complying with policy DP20 of the DP.

There would be no adverse neighbour amenity impacts from the development as the scheme involves re-planning the central and western areas within the site. As such there is no conflict with policy DP26 of the DP.

The Habitats Regulations Assessment for this application concludes that the proposed development 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.

The re-planned area of this application is within the centre and western parts of the site. As such there is no adverse impact on the listed building of Cleavewater to the east and therefore no conflict with policy DP34 of the DP.

Taking all of the above into account, it is considered that this proposal would optimise the use of the site by providing smaller units of accommodation, including 6 more affordable units. This should attract significant positive weight in the planning balance. There are no technical objections to the application relating to transport, drainage or air quality matters. The scheme would not cause any adverse impact to the amenities of the neighbouring properties around the site.

It is therefore felt that the proposal complies with the development plan when read as whole, which is the proper basis for decision making. It is therefore recommended that planning permission be granted for this development subject to the conditions set out in the appendix.

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#### **APPENDIX A – RECOMMENDED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

3. No development above slab level of the dwellings hereby permitted shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing. The submitted details shall include the façade treatment on plots 132-3, 160-2, 166-67.

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 E9 of the Neighbourhood Plan.

4. The development shall be implemented in accordance with the Construction Management Plan that was approved under condition 2 of planning permission reference DM/17/0331 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy T1 of the Neighbourhood Plan.

5. The development shall be implemented in accordance with the archaeological details that were approved under condition 11 of planning permission reference DM/17/0331 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To identify and to secure the appropriate level of work that is necessary before commencement of the development, and also what may be required after commencement and in some cases after the development has been completed, and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

6. The development shall be implemented in accordance with the ecological details that were approved under condition 14 of planning permission reference DM/17/0331 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the NPPF and to comply with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

7. The development shall be implemented in accordance with the requirements of condition 16 of planning permission reference DM/17/0331 unless otherwise agreed in writing by the Local Planning Authority.

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

8. No development shall not be occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include the relationship of the right-angle threshold parking and the proposed tree-planting; a detailed strategy for the removal of the low shrubs below the tree belts that criss-cross the site and raising the tree canopies, 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 and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

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

of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

10. The development shall not be occupied until details of proposed screen walls/fences and/or hedges have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls/fences or hedges associated with them have been erected.

Reason: In order to protect the appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

11. The buildings shall not be occupied until the parking spaces/turning facilities/and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning/and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy T1 of the Neighbourhood Plan.

12. 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 and to accord with and Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy T1 of the Neighbourhood Plan.

13. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy T1 of the Neighbourhood Plan.

14. No work for the implementation of the development hereby permitted shall be undertaken on the site on Bank or Public Holidays or at any time other than between the hours 8 a m and 6 pm on Mondays to Fridays and between 9 am and 1 pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

15. The development hereby permitted shall not be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the Local

Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of promoting a sustainable development and to accord with Policy DP21 of the District Plan 2014 - 2031.

### **Approved Plans**

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

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

### **INFORMATIVES**

1. 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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Proposed Floor and Elevations Plan	1866-1270		20.09.2019
Location Plan	1866-1000	A	09.07.2019
Planning Layout	1866-1100	E	20.09.2019
Proposed Site Plan	1866-1111	C	20.09.2019
Levels	1866-1112	B	20.09.2019
Site Waste Management Plan	1866-1113	B	20.09.2019
Means of Enclosure	1866-1114	C	27.11.2019
Planning Layout	1866-1115	B	20.09.2019
Parking Layout	1866-1116	B	20.09.2019
Planning Layout	1866-1117	B	20.09.2019
Affordable Housing Statement	1866-1118	C	20.09.2019
Proposed Sections	1866-1150	A	20.09.2019
Street Scene	1866-1177	A	20.09.2019
Landscaping	1937-A2-01	A	09.07.2019
Landscaping	1937-A2-02	A	09.07.2019
Landscaping	1937-A2-03	A	09.07.2019
Means of Enclosure	1866-1602		27.11.2019
Proposed Elevations	1866-1271		29.10.2019

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

The Town Council has NO OBJECTION to this application, as the principle of development had already been approved, by the planning authority, for the site prior to the adoption of Haywards Heath Neighbourhood Plan. The application is therefore in line with policy H8 of the Neighbourhood Plan as a Brownfield site being used to support the best use of already developed land. However, the Town Council still has concerns relating to the site being an unsustainable edge of Town development. The site remains cut off from the Town with poor transport linkages for cycling and for travel by bus. Furthermore, the need for traffic lights in the area is exacerbated by the increase in housing. The Town Council would also ask that an appropriate amount of car parking provision is made to support the uplift in housing. With regards to the section 106 Local Community Infrastructure contributions the Town Council is unclear if the contribution generated from the additional 19 dwellings will be added to the original allocation or sit as a separate allocation of monies. This is on the grounds that the Town Council recognises pooling restrictions for the collection of monies for the development of a Country Park, Allotments and Cemetery off Hurstwood Lane. The Town Council asks to be informed on how the money is being allocated before confirming its requirement for the allocation of the monies so not to allocate to already fully pooled funded projects.

### **Parish Consultation**

The Town Council notes the submission of amended plans (received by Mid Sussex District Council on 20/09/2019) and reiterates the comments made when this application was first considered in early August 2019. These are as follows:

'The Town Council has NO OBJECTION to this application, as the principle of development had already been approved, by the planning authority, for the site prior to the adoption of Haywards Heath Neighbourhood Plan. The application is therefore in line with policy H8 of the Neighbourhood Plan as a Brownfield site being used to support the best use of already developed land. However, the Town Council still has concerns relating to the site being an unsustainable edge of Town development. The site remains cut off from the Town with poor transport linkages for cycling and for travel by bus. Furthermore, the need for traffic lights in the area is exacerbated by the increase in housing. The Town Council would also ask that an appropriate amount of car parking provision is made to support the uplift in housing.

With regards to the section 106 Local Community Infrastructure contributions the Town Council is unclear if the contribution generated from the additional 19 dwellings will be added to the original allocation or sit as a separate allocation of monies. This is on the grounds that the Town Council recognises pooling restrictions for the collection of monies for the development of a Country Park, Allotments and Cemetery off Hurstwood Lane. The Town Council asks to be informed on how the money is being allocated before confirming its requirement for the allocation of the monies so not to allocate to already fully pooled funded projects.'

In view of a change in Government guidance regarding Section 106 planning obligations, the Town Council requests that funds for Local Community Infrastructure are allocated towards pump-priming road safety improvements, i.e. the installation of traffic lights, at the junction of Hurstwood Lane with Fox Hill.

### **Environmental Protection**

This application looks to make alterations to a development which has already been

Approved in principle, by the planning authority, under DM/17/0331.

Under the DM/17/0331 Environmental Protection have already applied conditions relating to contaminated land and the impacts from construction.

As these matters have already been dealt with under DM/17/0331, and the proposed alterations make no impact to compliance with these conditions, we have no comments with regards to the proposed alterations.

Recommendation

No Comment.

### **County Planning Officer**

Thanks for the additional information on the housing mix. I've calculated the difference between the two total site mixes and we are using the difference as the additional contribution. I've attached the two S106 calculator spreadsheets so that you can see how the two different mixes were calculated.

The contributions due as a result of the additional dwellings are:

- Primary Education - £29,241 (to be spent on a new primary school at Hurst Farm)
- Secondary Education - £31,471 (to be spent on the creation of new secondary places at Warden Park School)
- Libraries - £3,338 (to be spent on redeveloping the library to increase space, replace shelving and make internal improvements to maximise use of space at Haywards Heath Library.)
- Highway works will be done in lieu of a TAD contribution here

### **Highway Authority**

The amended scheme seeks to make relatively few changes to the approved internal highway layout. The only changes are to accommodate further dropped kerbs for the parking spaces for the individual properties. There are no particular issues in these respects.

Although not strictly a planning matter, the DAS refers to parts of the internal road being offered for adoption. Given that parts of the development are occupied and the associated roads constructed, WSCC have no pending applications or agreements covering the potential future adoption of any roads within the development. The assumption therefore is that these will all be remaining under private maintenance. For the purposes of the current planning application, the road layout is considered acceptable and complies with the guidance within Manual for Streets.

With respects to parking, the Design and Access Statement refers to the Mid Sussex DC parking standards. These are noted however to have been rescinded/struck-through within the relevant Supplementary Planning Document. On this basis, these are presumed to no longer being applicable. It is suggested that parking provision be considered against the WSCC Parking Demand Calculator.

The Transport Technical Note submitted with the application makes reference to the vehicle trip generation data accepted and used for the permitted development. This data remains valid for the purposes of the current proposal.



Based on this, the additional 19 dwellings are anticipated to result in a further 11 two way vehicle movements in the AM network peak hour and 9 two way vehicle movements in the PM network peak hour. On the basis of this trip generation, there would be no requirement for any additional highway capacity network assessments. The development is not expected to give rise to any additional traffic that could be considered severe.

The accessibility of the site by sustainable modes of transport has been considered as part of the previously approved planning applications on this site. WSCC Highways has previously acknowledged that the walking distances from the site to some day to day services exceeds thresholds in relevant current guidance. The nature of the B2112 is also such that this would be a barrier for some cyclists. The permitted development on this site has included various requirements to improve existing footways and nearby bus stops. It would seem that these works have been undertaken. As such facilities have been improved that would benefit the occupiers of the new dwellings.

For the purposes of this application, the National Planning Policy Framework is quite clear in requiring appropriate opportunities to promote sustainable transport modes to be taken up given the type and location of the development. In these respects, the NPPF acknowledges that it will not always be possible to site development in locations that are highly accessible. In light of the improvement works already delivered, the development is considered to have reasonably taken up those opportunities to promote sustainable transport. No further works are considered justified given the relatively minimal impacts that would result. It is still recommended that any contributions to transport improvements are proportionately increased in line with the increase in the number of dwellings.

In summary, the only matter that would require the applicant's attention is a further assessment of car parking against the WSCC Parking Demand Calculator.

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

Recommendation: No Objection

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

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

## Flood Risk Summary

Current surface water flood risk based on 30year and 100year events	Low risk
<p>Comments: Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding although some small areas within the proposed site may be susceptible to flooding.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p>	
Modelled groundwater flood hazard classification	Low risk
<p>Comments: The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.</p> <p>Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	
Ordinary Watercourses nearby?	Yes
<p>Comments: Current Ordnance Survey mapping shows ordinary watercourses in close proximity to the site.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</p>	
Records of any historic flooding within the site?	No
<p>Comments: We do not have any records of historic surface flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

## Future development - Sustainable Drainage Systems (SuDS)

The FRA included with this application proposes that the previously agreed methods for the overall development would be used to control the run off from the development.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

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

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

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

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

Thank you for your letter dated 08/11/2019.

Our initial investigations indicate that Southern Water can provide foul sewage disposal at manhole TQ33214703 to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

“A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>”

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

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

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

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

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

The proposed plans show that the developer is diverting the Southern Water's access to the existing Southern Water's pumping station and Foxhill Haywards Heath WWTW which is not acceptable as this may cause problems to operations and in the event of emergency. The developer should consult with the Southern Water's Legal and Land Property department. Southern Water requires the existing access arrangements to the pumping station and waste water treatment works to be maintained with regards to unhindered 24 hours/7 days a week access.

In determining the application, we ask that the Planning Authority take into account the provisions of National Planning Policy Framework (NPPF) regarding the encroachment of development towards existing potentially polluting uses.

The proposed development is located approximately 70 metres of the Foxhill Haywards Heath Wastewater Treatment Works. A precautionary buffer zone distance of 500 metres from the perimeter fence of the WWTW has been used for the purposes of this planning consultation response.

Due to the potential odour nuisance from a Waste Water Treatment Works, no habitable development should be located within the 1.5 OdU odour contour of the WWTW. An Odour survey will need to be carried out to a specification agreed with Southern Water to identify and agree the 1.5 OdU contour.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119), [www.southernwater.co.uk](http://www.southernwater.co.uk) or by email at [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk)

## Sussex Police

Thank you for your correspondence of 21st October 2019, advising me of a full planning application to revise the approved and implemented permission (DM/17/0331) at land at Gamblemead Fox Hill to provide for 19 additional dwellings including 6 affordable units with associated landscaping, road layout, access and parking. Amended plans received 20 September showing revised designs to proposed dwellings 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 at [www.securedbydesign.com](http://www.securedbydesign.com)

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

The amendment mentioned above, is seeking permission to increase the previously permitted development of 151 dwellings, to 170 dwellings.

The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked, this design has all but eliminated the need for vulnerable rear garden pathways. Parking has been provided with on-curtilage, car barn parking overlooked, rear parking courts and a number of on-street parking bays, this should leave the street layout free and unobstructed. Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

Where there are footpaths to the rear gardens they must be protected by gates. The gates must be placed at the entrance to the footpath, as near to the front building line as possible so that attempts to climb them will be in full view of the street and they are to 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

Vulnerable areas, such as exposed side and rear gardens, need 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 in rear garden pathways and gardens that overlook rear parking courts. Here trellis (300mm) topped 1.5 metre high fencing can be useful in such circumstances. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres.

Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. 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. I would ask that consideration is given to the eventual location in that it is surrounded with railings with self-closing gates to provide a dog free environment.

I thank you for allowing me the opportunity to comment.

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.

### **Community Facilities Project Officer**

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

#### **CHILDRENS PLAYING SPACE**

Equipped play will be provided on site as part of the wider development (ref: DM/17/0331).

#### **FORMAL SPORT**

In the case of this development, a financial contribution of £23,147 is required toward pavilion improvements at Haywards Heath Recreation Ground.

#### **COMMUNITY BUILDINGS**

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £13,276 is required to make improvements to Ashenground Community Centre.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development.

The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

## **Housing Officer**

The application proposes 19 additional dwellings on a development which is currently being built. It includes the provision of a further 6 affordable homes which maintains the policy compliant 30% affordable housing obligation.

The affordable dwellings are 3 x 2 bed houses and 2 x 3 bed houses for Affordable Rent and 1 x 2 bed house for Shared Ownership.

The tenure mix, size and type of affordable homes proposed, when taken across the site as a whole, are in accordance with our requirements. The sizes of the properties meet National Space Standards and are located in three distinct areas which allows for integration with the market housing.

The properties will provide family sized accommodation meeting an element of the known housing need in the district.

## **Environmental Protection Officer**

### **Main Comments:**

This application is to amend the mix of dwellings originally consented. Air quality has an increased profile in terms of public awareness and the Sussex Air Quality Partnership, of which Mid Sussex District Council is a member, has released new guidance for developers in addressing pollution issues relating to new development.

The concern regarding air quality is health based; it is the additional health damage we are seeking to address. There is now evidence from both WHO and COMEAP that NO<sub>2</sub> may be harmful even at levels below 40 ug/m<sup>3</sup>. There is also the issue of cumulative effect, where each development causes a relatively small increase in pollution levels but when looked at altogether a number of developments have a much greater effect.

Accordingly, the applicants should complete a damage mitigation assessment in accordance with the Air quality and emissions mitigation guidance for Sussex (2019) (available at <http://www.sussex-air.net/ImprovingAQ/GuidancePlanning.aspx>) and submit a scheme of measures to this value, to be agreed by the LPA. Our usual preferred measures are EV charge points, cycle storage, cycle paths, travel vouchers, low NO<sub>x</sub> boilers etc for developments and we would be happy to discuss the mitigation measures in more detail with the developers.

**Air Quality:** Prior to the occupation of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality in relation to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include EV charging infrastructure and shall be of a value determined by a damage mitigation assessment carried out in accordance with the Air quality and emissions mitigation guidance for Sussex (2019). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

## **Contaminated Land Officer**

This application looks to make alterations to a development which has already been Approved in principle, by the planning authority, under DM/17/0331.

Under the DM/17/0331 Environmental Protection have already applied conditions relating to contaminated land and the impacts from construction.

As these matters have already been dealt with under DM/17/0331, and the proposed alterations make no impact to compliance with these conditions, we have no comments with regards to the proposed alterations.

Recommendation: No Comment

## **Drainage Engineer**

TBR

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

### **Summary and Overall Assessment**

This revised scheme has increased the number of dwellings with smaller houses within ostensibly the same layout as the approved scheme including the positive relationship of the building frontages with the surrounding trees and spaces. This is therefore an acceptable approach as it also optimises the site.

Improvements have been made both at pre-application and application stages which have sufficiently addressed my concerns in respect of the quality of the elevations and the accommodation of the larger number parking spaces that are needed. Consequently I raise no objections to the scheme, but as the façade treatment is still half-heartedly applied on plots 132-3, 160-2, 166-67; I recommend a condition that requires further approval of this. Also the planting plan needs to be updated to reflect the revised layout, so I would like a landscape condition included, as well as one to cover the overall facing materials specification.

### **Layout / Parking**

The impact of the additional parking upon the public realm has been reduced by the inclusion of three additional rear court areas. These work most successfully behind plots 137 and 155 where the FOG's (flats over garages) provide direct overlooking while also screening the parking from the road. The latter also helps deliver a more continuous building frontage facing the main perimeter road.

The parking at the rear of plots 125-128 is less satisfactory as there is no direct natural surveillance; this is a matter for the Crime Prevention Design Adviser to assess but consideration could be given to either gating-off this area at the front or, opening it up from the rear; the latter would also need to be combined with a planting strategy to avoid this area looking too hard-edged.

Elsewhere the parking has mostly been successfully accommodated at the side of dwellings; and helped by covered car ports employed on plots 121 to 132 and 160 to 162.

The parking serving 144/5 and 152 extends an area (in front of plots 104-110 outside this application boundary) that is already unfortunately dominated by parking. The impact has been softened by the incorporation of pergola type structure over the front parking areas, and an additional tree (that needs including on the planting plan).



## **Elevations**

The scheme has been significantly improved since the pre-application stage with less dead frontage as well as better-articulated and ordered facades that is a suitable replacement for the originally approved scheme. The series of centrally positioned gables in the semi-detached and run of terraced houses helps especially in this respect with care taken to position the rainwater downpipes so they articulate the individual terraced houses that contributes to consistent vertical articulation / rhythm.

The corner buildings at junctions benefit from being fully fenestrated on both street returns. Elsewhere exposed building flanks incorporate windows that avoid them being dead facades.

While the facing materials have been more comprehensively applied in the revised drawings, there are still some houses where they incongruously peel away at the side, this includes plots 132-3, 160-2, 166-67. As the rear and/or side of these houses are visible from the street, I feel the façade treatment needs extending around these buildings.

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MID SUSSEX DISTRICT COUNCIL

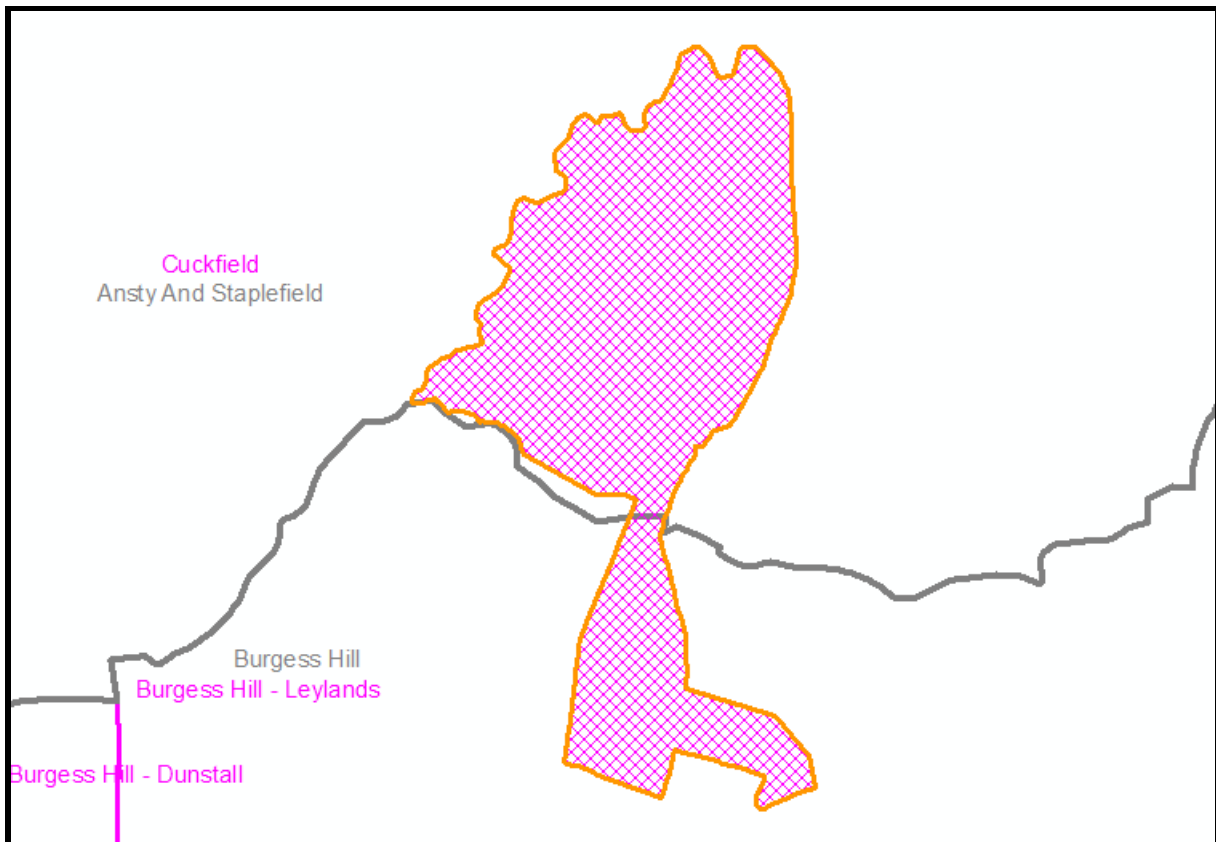
District Wide Committee

**17 DEC 2019**

RECOMMENDED FOR PERMISSION

**Burgess Hill**

**DM/19/3845**



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**LAND TO THE WEST OF FREEKS LANE FREEKS LANE BURGESS HILL  
WEST SUSSEX**

**APPROVAL OF RESERVED MATTERS PURSUANT TO CONDITION 1 OF  
DM/18/0509 FOR THE ERECTION OF 460 DWELLINGS, INCLUDING  
PUBLIC OPEN SPACE, PLAY AREAS, ASSOCIATED INFRASTRUCTURE  
INCLUDING ROADS, SURFACE WATER ATTENUATION AND  
ASSOCIATED DEMOLITION.  
COUNTRYSIDE PROPERTIES**

POLICY: Areas of Special Control for Adverts / Methane Gas Safeguarding /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 14th January 2020

WARD MEMBERS: Cllr Simon Hicks / Cllr Anne Eves /

CASE OFFICER: Stuart Malcolm

## **PURPOSE OF REPORT**

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

## **EXECUTIVE SUMMARY**

This application seeks Reserved Matters consent for the layout, appearance, scale and landscaping, pursuant to the outline planning permission DM/18/0509.

DM/18/0509 granted consent in July 2019 for a residential development comprising up to 460 dwellings, public open space, recreation areas, play areas, associated infrastructure including roads, surface water attenuation and associated demolition (outline application with all matters reserved except for principal means of access from maple drive). In terms of the principle of the development of up to 460 dwellings, this has therefore been established through the granting of the outline planning permission DM/18/0509. It should be noted that the site is also part of a strategic allocation in the District Plan to the north and north west of Burgess Hill for approximately 3500 homes and other infrastructure.

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

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.

The proposal is considered acceptable in respect of the visual impact with the design being supported by both the Council's Urban Designer and the Design Review Panel. A condition is however recommended securing 1:20 details and further section drawings to ensure that the development proceeds in an appropriate way. The impact of the scheme on the surrounding landscape and the trees is also deemed acceptable although such matters are to be addressed in more detail under the discharge of planning conditions attached to the outline planning consent.

No objections are raised to the proposal by the local highway authority and in the absence of any technical objections there are not deemed to be any reasonable grounds to refuse the application on highways related matters. In this case adequate levels of car and cycle parking are provided although additional conditions securing further details on matters such as cycle parking, electric vehicle charging, bus stops, crossing facilities and road treatments are an appropriate way of addressing the outstanding points raised by the local highway authority.

The affordable housing provision of 138 units is policy compliant (30%) and the mix of units and location of them also accords with the Council's requirements.

The proposal will not result in demonstrable significant harm to neighbouring residential amenity whilst the scheme will provide a good standard of accommodation for future occupiers.

There are no technical reasons to object to the scheme in respect of water resources, flood risk and drainage whilst the proposal also provides a good level of play space and open space in accordance with District Plan policy.

Whilst the proposal will cause less than substantial harm to a non-designated heritage asset of moderate significance, a balanced judgement on this issue must be made in accordance with the NPPF. This less than substantial harm has been balanced against the fact that planning permission has been granted for the development of 460 dwellings on the application site, the substantial positive benefits that flow from the development and that the site forms part of a wider strategic site allocation of approximately 3500 dwellings. It is judged that the benefits of the scheme significantly outweigh the less than substantial harm to the non-designated heritage asset.

The proposal also accords with the Council's sustainability policy requirements and in respect of the ecological and biodiversity effects of the development.

The application is deemed to comply with policies DP4, DP6, DP7, DP9, DP20, DP21, DP22, DP23, DP26, DP28, DP29, DP30, DP31, DP34, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies LR1, LR3, G1, G2, G3 and G6 of the Burgess Hill Neighbourhood Plan, Policies AS13 and AS14 of the Ansty, Staplefield and Brook Street Neighbourhood Plan, the Northern Arc Masterplan (2018), the Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018), the NPPF and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The application is therefore recommended for approval, subject to the conditions listed in Appendix A.

## **RECOMMENDATION**

It is recommended that planning permission be granted subject to the conditions set out in Appendix A.

## **SUMMARY OF REPRESENTATIONS**

One letter has been received objecting to the proposal, making the following comments:

Three storey development could be sterile as with other similar developments and nowhere for children to play as limited outdoor amenity space and excessive street parking. Design should be reconsidered. This will put more traffic pressure on Maple Drive especially at junction with Leylands Park and a redesign is required as part of wider Northern Arc development. Also concerned about water supply for the area considering the number of nearby developments and assurances from South East Water regarding supply are not adequate.

## **SUMMARY OF CONSULTEES**

### **MSDC Urban Designer:**

No objection subject to condition

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

The panel support the scheme but would recommend that 1:20 scale drawings are submitted to secure the detailed finish that underscores the quality of the scheme.

### **MSDC Drainage:**

No objection

### **MSDC Trees:**

More details need on planting but the detailed landscaping can be covered by conditions

### **MSDC Conservation:**

Further information requested on non-designated heritage asset at Lowlands Farm

### **MSDC Housing:**

No objection, affordable housing provision acceptable

### **MSDC Leisure:**

Broadly content with the quality, quantity and range of equipment and the general layout of the proposed play areas and MUGA and the open spaces

### **MSDC Sustainability Officer:**

No objections but would like to see more renewable energy within scheme

**MSDC Ecological Consultant:**

No objections

**MSDC Landscape Consultant:**

No objection subject to landscape management/conditions

**WSCC Highways:**

No objection subject to conditions

**WSCC Drainage:**

No comments received

**Environment Agency:**

No comments received

**Sussex Police Crime Prevention:**

No objection

**ANSTY AND STAPLEFIELD PARISH COUNCIL COMMENTS**

No comments received.

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**INTRODUCTION**

This application seeks Reserved Matters for the approval of the appearance, landscaping, layout and scale of the site for the erection of 460 dwellings following outline planning approval under DM/18/0509. As such the principle of the development has been established.

**RELEVANT PLANNING HISTORY**

**Relevant history on the application site**

DM/18/0509	Residential development comprising up to 460 dwellings, public open space, recreation areas, play areas, associated infrastructure including roads, surface water attenuation and associated demolition (outline application with all matters reserved except for principal means of access from Maple Drive) at Land to the west of Freeks Lane.	Approved 24.07.2019
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## Relevant history surrounding the site

DM/18/3309 (Northern Arc)	Display of 1 non illuminated advertisement panel on 76 mm posts for new strategic mixed use development	Approved 11/10/18
DM/18/3311 (Northern Arc)	Display of 1 non illuminated advertisement panel on 76 mm posts for new strategic mixed use development	Approved 16/10/18
DM/18/5114 (Northern Arc)	Comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3) and 13 permanent gypsy and traveller pitches, including a Centre for Community Sport with ancillary facilities (Use Class D2), three local centres (comprising Use Classes A1-A5 and B1, and stand-alone community facilities within Use Class D1), healthcare facilities (Use Class D1), and employment development comprising a 4 hectare dedicated business park (Use Classes B1 and B2), two primary school campuses and a secondary school campus (Use Class D1), public open space, recreation areas, play areas, associated infrastructure including pedestrian and cycle routes, means of access, roads, car parking, bridges, landscaping, surface water attenuation, recycling centre and waste collection infrastructure with associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works.	Approved 04/10/19
DM/19/3313 (Northern Arc – east of Isaacs Lane and west of Freeks Farm)	Construction of a single carriageway link road from Isaacs Lane to Freeks Farm comprising a new all-movements junction on A273 Isaac's Lane, highway comprising 6.1 - 6.5m carriageway with separate 4.5m 'Green Superhighway' and 3m cycle/footway provision on the north side and 2m footway on the south side segregated from the carriageway by	Pending consideration at time of writing report



	landscaped verges, including all-modes bridge across the River Adur, constructed to an adoptable standard, together with, earthworks, surface water and foul drainage infrastructure, utilities corridors, street lighting, landscaping and temporary fencing.	
DM/19/1895 (To the south west of the site, on Fairbridge Way)	Outline application for the development of the former sewage treatment works to provide up to 325 dwellings (Use class C3) with associated access, landscaping and associated infrastructure	Resolution to approve subject to legal agreement
DM/18/1169	Application for Reserved Matters for the layout and detailed design of the inner loop road, associated landscape and foul and surface water drainage to allow for serviced residential parcels to be created. Plus discharge of Planning Conditions 6, 12, 13, 15, 16, 23, 24 and 28 in respect of outline planning approval 08/01644/OUT.	Approved 11/10/2018
08/01644/OUT	Development comprising the redevelopment of the former sewage treatment works to provide up to 325 residential dwellings (Class C3), the relocation of the existing residential gypsy site, a community hall with associated access and landscaping at Fairbridge Way, Burgess Hill. Such development to include the remediation of the Tip, demolition and excavation of (derelict) existing buildings and infrastructure associated with previous use as a sewage treatment works, and the remodelling and remediation of the remainder of the site to provide for revised ground contours and development platforms; strategic landscape, realigning of existing of service infrastructure (to include the laying out of foul and surface drainage infrastructure and water attenuation), and new vehicular, cycle and pedestrian access routes, ancillary engineering and other operations. Land at and adjacent to the former sewage treatment	Approved 24/06/2014  Partially implemented (see DM/18/1169).

14/03959/REM	Fairbridge Way. Reserved Matters application seeks the approval of details reserved by Condition 1 (Partial Discharge) and details pursuant to Condition 38 of planning permission 08/01644/OUT with regard to the relocation and provision of a gypsy site to accommodate 10 pitches.	Approved 19/12/2014
DM/18/3627 (Land North Of Maple Drive)	The erection of a new Church and Community Facility including all associated external works forming car, motor cycle and cycle parking and associated hard and soft landscaping.	Approved 01/03/2019

## SITE AND SURROUNDINGS

The site extends to approximately 20.65 hectares and is located to the north of Burgess Hill. The site largely comprises agricultural land interspersed with hedgerows and scattered woodland. It is bound by Freeks Lane to the east and Maple Drive to the south east whilst its northern boundary comprises a tributary to the River Adur. Agricultural fields lie to the west, north and northeast.

To the north of the site there is a small area of woodland and then beyond this are agricultural fields. To the east the site is bounded by Freeks Lane, a public right of way. Beyond this there is an area of ancient woodland (Big Wood). Further to the east is Bedelands Nature Reserve. There are pockets of fields to the east that are bounded by woodland, including Ancient Woodland.

To the south there is a field parcel laid to grass that is allocated for residential development in the Burgess Hill Neighbourhood Plan for up to 20 dwellings (possibly self-build homes).

To the west of the northern field parcel there is a belt of woodland and then a fall in levels down to the River Adur. Beyond this are agricultural fields and then further to the west is Isaacs Lane. The area to the west and east of the site is within the area of land allocated for strategic development to the north and west of Burgess Hill under policy DP9 (referred to as the Northern Arc) which now has the benefit of outline planning consent under DM/18/5114. To the west of the southern field parcel there is a site, known as land at and adjacent to the former sewage treatment works on Fairbridge Way, that has had planning permission for up to 325 residential dwellings (Class C3), the relocation of the existing residential gypsy site, a community hall with associated access (reference 08/01644/OUT with a decision pending under DM/19/1895). Clearance works have taken place on that site.

In terms of planning policy, the whole site is within the area of land allocated for strategic development to the north and west of Burgess Hill under Policy DP9 in the District Plan (DP) and is therefore within the defined built up area boundary. The southern part of the site also lies within the boundary of the Burgess Hill

Neighbourhood Plan area (BHNP). The northern part of the site is outside any Neighbourhood Plan area.

## **APPLICATION DETAILS**

This application seeks Reserved Matters for the approval of the appearance, landscaping, layout and scale of the site for the erection of 460 dwellings. This follows outline planning approval under DM/18/0509 and as such the principle of the development has been established.

The 460 dwellings comprise of 2, 3 and 4-bedroom houses as well as 1 and 2-bedroom flats. A central spine road will link the site with the Burgess Hill on Maple Drive (with this access approved under the DM/18/0509 outline application) and will run through the site linking in to the Eastern Bridge and Link Road (subject to DM/19/3313) to the north. A shared cycle and pedestrian route runs along the spine road, and pedestrian and cycle links will run across the site to Freeks Lane connecting future Northern Arc phases.

The applicant has described the design approach as follows:

*"Mature trees and existing vegetation along the boundary edge creates an opportunity for pleasant visuals across the site, but also provides a natural green buffer between the development and future phases. The site masterplan is defined by three development parcels of low, medium and high density development. Higher density development (55dph) is located to the south of the development, where it is close to existing residential development off Maple Drive and Fairbridge Way, and close to the existing recycling site. Medium density development is located in the centre of the site, and lower density development is located to the north of the site where it is closest to the countryside. A network of strategic green links are being provided which connect the site to commercial centres, and also provide opportunities for secondary links into the site."*

The development consists of a number of character areas as set out within the Design and Access Statement. The applicant states these help to create an identifiable variation and distinctiveness across the site and helps the site integrate with its surroundings, as it transitions from edge-of-town development at the south to rural edge development to the north. The proposed layout comprises of 2 and 3 storey buildings. 3 storey houses and apartments are located along the spine road and to create a frontage to the northern green park. The remainder of dwellings are at 2 storeys to scale down towards the rural edge.

The proposal will deliver 30 % affordable housing which equates to 138 units with the remaining 322 units being market housing. The housing mix for the site is presented in the table below:

Dwelling Type	Private	Affordable (Intermediate)	Affordable (Rent)
2 bed house	78	10	29
3 bed house	102	2	14
4 bed house	56	-	1
1 bed flat	22	5	32
2 bed flat	64	17	28
Total	322	34	104
		460	

In respect of car parking the proposal adheres to the following parking standard:

- 1 space per 1 bedroom unit
- 2 spaces per 2 and 3 bedroom units, with a minimum of 1 space being an allocated or on-plot space
- 3 spaces per 4 bedroom units, with a minimum of spaces located on-plot

This provides the following provision:

Parking Type	Spaces
Allocated	686
Unallocated	53
Garages	34
Visitor	146
Total	919

The applicant has also stated that on-plot parking will have 3kW charging points together with a ratio of one rapid electric charging point per 10 dwellings provided across the site in order to encourage the uptake of electric vehicle ownership.

The proposed scheme provides every dwelling with a minimum storage for 2 bicycles. 3 bedroom dwellings have a provision for 3 cycle spaces and 4 bedroom dwellings have a provision for 4 cycle spaces. For the houses this is usually provided at the rear of driveways to provide easy level access to the street. The applicant has confirmed that driveways have been provided to be wider than standard, approximately 3.3m, to allow easy access to the rear to get passed a parked car. For the flats, communal, secure and covered cycle storage is provided in each block, either in single or double stacked racks.

The application seeks consent for play areas within the site including 1 Neighbourhood Equipped Area for Play (NEAP), 1 Local Equipped Area for Play (LEAP), 3 Local Areas of Play (LAP) and 1 Multi Use Games Area (MUGA).

The applicant has referred to the leisure provision as follows:

*"The NEAP in the southern section of the masterplan is located at the entrance off Maple Drive, where there is an existing LEAP which would be lost due to the proposed development. The NEAP would be a substantial adventure playground accessible for both the existing and proposed communities. It is also adjacent to a large proposed MUGA, providing a valuable leisure space. The LEAP in the northern section of the proposed development is nestled within the open space and off the cycleway route. This play area will use timber play equipment and natural landscape elements to create a playable space."*

The existing trees and hedgerows along the site's perimeter are largely retained and enhanced with additional boundary planting, including native buffer planting, where required. A number of trees are to be removed within the site although the applicant is proposing 2:1 replanting.

Areas of open space are being provided within the application with these being transferred to the District Council as per the terms of the DM/18/0509 outline approval.

## **DEVELOPMENT PLAN**

### **Mid Sussex District Plan 2014-2031 (2018) (District Plan)**

The District Plan was adopted on 28th March 2018. The relevant policies are considered to be consistent with the NPPF 2019 and should be afforded full weight. The relevant Policies include:

- DP4 Housing
- DP6 Settlement Hierarchy
- DP7 General Principles for Strategic Development at Burgess Hill
- DP9 Strategic allocation to the north and northwest of Burgess Hill
- DP20 Securing Infrastructure
- DP21 Transport
- DP22 Rights of Way and other Recreational Routes
- DP23 Communication Infrastructure
- DP26 Character and Design
- DP28 Accessibility
- DP29 Noise, Air and Light Pollution
- DP30 Housing Mix
- DP31 Affordable Housing
- DP34 Listed Buildings and Other Heritage Assets
- DP37 Trees, Woodland and Hedgerows
- DP38 Biodiversity
- DP39 Sustainable Design and Construction
- DP41 Flood Risk and Drainage
- DP42 Water Infrastructure & the Water Environment

## **Burgess Hill Neighbourhood Plan**

As noted in the site and surroundings section, the southern part of the site is within the Burgess Hill Neighbourhood Plan area.

The Burgess Hill Neighbourhood Plan has been 'made' and therefore forms part of the development plan for that southern part of the application site. Relevant policies of the Burgess Hill Neighbourhood Plan for the southern part of the site include:

- S4 Parking Standards For New Developments
- LR1 Improved Recreational Facilities And New Community/Sports Hall At Leylands Park
- LR3 Protect And Improve Existing Leisure And Recreational Facilities
- G1 Areas of Open Space
- G2 The Green Circle Network
- G3 Nature Conservation and Biodiversity
- G6 Footpaths, Rights of Way and Cycle Links

The remaining northern part of the site is not covered by a Neighbourhood Plan area. However, it is a 'made plan' and contains specific policies relevant to this Northern Arc application, their relevance is explained below, even though the northern part of the site falls outside of the BHNP area. Therefore the following policies of the Burgess Hill Neighbourhood Plan are considered to be a material planning consideration in the determination of this Northern Arc application on the northern part of the site:

- LR1 Improved Recreational Facilities and new Community/Sports Hall at Leylands Park (relevant because it states that a public transport and cycle link will be supported between the proposed Northern Arc strategic development and Maple Drive)
- G6 Footpaths, Rights of Way and Cycle Links (relevant because it states that new development will be expected to provide links to the existing network where appropriate)

## **OTHER MATERIAL CONSIDERATIONS AND RELEVANT LEGISLATION**

### **The Ansty, Staplefield & Brook Street Neighbourhood Plan**

The Ansty, Staplefield & Brook Street Neighbourhood Plan has been made. However, the 'plan area' within the Neighbourhood Plan does not extend to the application site. Therefore this Neighbourhood Plan does not form part of the development plan for the consideration of this application.

However, it is a 'made plan' and contains specific policies relevant to this Northern Arc application. Therefore the following policies of the Ansty, Staplefield & Brook Street Neighbourhood Plan are considered to be a material planning consideration in the determination of this Northern Arc application:

- AS13 Traffic Management (relevant because it states that the provision of traffic management solutions to address the impacts of traffic arising from development at north west Burgess Hill will be strongly supported)
- AS14 Walking and Cycling Routes (relevant because it states that the provision of improved walking and cycling routes to Cuckfield, Haywards Heath and other surrounding villages will be strongly supported)

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

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

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

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

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

### **National Planning Policy Guidance (NPPG)**

#### **Northern Arc Masterplan (2018)**

The Northern Arc Masterplan (Masterplan) was approved at the Mid Sussex District Council Cabinet Meeting on 24th September 2018 as a material consideration for all forthcoming planning applications in relation to the Northern Arc. The Masterplan sets out a vision for the Northern Arc along with the following Strategic Development Principles that are relevant to this application:

- SDP1            Access and Strategic Movement
- SDP2            Northern Arc Avenue
- SDP3            Strategic Green Connections

- SDP4 Pedestrian and Cycle Links
- SDP5 Centres and Walkable Neighbourhoods
- SDP6 Housing Mix, Density and Capacity
- SDP7 Place-making objectives
- SDP8 Northern Arc Design Guide
- SDP9 Built for Life
- SDP10 Integration with Established Communities
- SDP11 Education
- SDP12 Mixed and Balanced Community
- SDP13 Integrating Employment Opportunities
- SDP14 Landscape and Green Infrastructure
- SDP15 A rich variety of open space
- SDP16 Ancient Woodland and Veteran Trees
- SDP17 Sports Facilities
- SDP18 Topography
- SDP19 Visibility
- SDP20 Existing Utility Infrastructure
- SDP21 Climate resilient development
- SDP22 Low carbon energy
- SDP23 Integrated Water Management
- SDP24 Construction and Material Use

### **Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018)**

The Northern Arc Infrastructure Delivery Plan (IDP) was approved at the Mid Sussex District Council Cabinet Meeting on 24th September 2018 as a material consideration for all forthcoming planning applications in relation to the Northern Arc. The IDP identifies the infrastructure necessary to facilitate and support the development of Burgess Hill Northern Arc.

### **Burgess Hill Town Wide Strategy (2011)**

The Burgess Hill Town Wide Strategy comprises the Town Council's proposed strategy for Burgess Hill for a 20 year period. The Strategy states that the Town Council was keen to develop a new but realistic and deliverable strategy in order to prevent the town from standing still and potentially going into decline. The Strategy states that:

*"A key part of the development of the strategy was to identify what local people wanted their town to be like. A number of consultation events, strategies and visions have been prepared over the last 6-7 years and each contained a common thread of Burgess Hill being:*

- *a fully sustainable 21st century town focussed around a high quality, vibrant and accessible town centre;*
- *a town that's existing and future population is supported by the necessary community facilities, employment opportunities and access to green open space; and*
- *a town that functions efficiently and is underpinned by a state of the art transport network and modern supporting infrastructure.*



To achieve the above vision, it was considered that the town needs:

- *a better town centre with a greater range of shops and a more attractive pedestrian environment;*
- *improved public transport, walking and cycling links as well as better roads;*
- *new and improved community and cultural facilities;*
- *additional high quality and suitably located business park development; and,*
- *new, improved and well-connected sports, recreation and open space in and around Burgess Hill."*

To help meet this vision a number of projects are identified within the Strategy including:

- *"improvements to the town centre (to the main routes of Queen Elizabeth Avenue, Civic Way and Church Road/ Church Walk as well as improved buildings and a new public square);*
- *improvements to transport (including enhancements to the key transport interchanges, Green Circle Network and road links)*
- *new and improved community and green infrastructure (including a new Centre for Community Sport, management of Ditchling Common, new open space provision in the east of the town, a civic info centre and a new community/ arts centre); and,*
- *improved and new employment development."*

The Strategy identifies that in order to deliver the desired projects, then additional housing developments would be required and subsequently identified the requirement of around 4000 homes, including 500 on land east of Kings Way and 3500 on land to the north and north west of the town.

### **Burgess Hill Public Transport Strategy (2016)**

### **Developer Infrastructure & Contributions SPD (2018)**

### **Affordable Housing SPD (2018)**

### **Development Viability SPD (2018)**

### **West Sussex Transport Plan 2011-2026 (2011)**

### **West Sussex Walking and Cycling Strategy 2016-2026 (2016)**

### **West Sussex County Council Guidance on Parking at Developments (May 2019)**

### **Ancient woodland, ancient trees and veteran trees: protecting them from development (Natural England and Forestry Commission Standing Advice) 2014**

### **Listed Building and Conservation Area (LBCA) Act 1990**

## Technical Housing Standards

### The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

### National Design Guide and Ministerial Statement

#### ASSESSMENT

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

- Principle of Development
- Design, Visual Impact and Landscape
- Trees
- Ecology & Biodiversity
- Transport, Highways and Movement
- Affordable Housing
- Residential Amenity
- Water Resources, Flood Risk & Drainage
- Heritage
- Leisure
- Sustainability
- Other Issues
- EIA Regulations
- Planning Balance and Conclusion

#### Principle of Development

The principle of the development has been established by the granting of the outline planning application DM/18/0509 in July 2019 which permitted *"up to 460 dwellings, public open space, recreation areas, play areas, associated infrastructure including roads, surface water attenuation and associated demolition."*

Furthermore, it should be noted that the site is also part of a strategic allocation in the District Plan to the north and north west of Burgess Hill. Policy DP9 is the relevant policy in the District Plan which allocates the strategic development of which this application site forms a part of. Policy DP9 states:

*"Strategic mixed-use development (which will need to conform to the general principles in Policy DP7: General Principles for Strategic Development at Burgess Hill), as shown on the inset map, is allocated to the north and north-west of Burgess Hill for the phased development of:*

- *Approximately 3,500 additional homes and associated new neighbourhood centres, including retail, education, health, employment, leisure, recreation and community uses, sufficient to meet the day to day needs of the whole of the development and located as far as possible so at least one new neighbourhood centre is within 10 minutes' walk of most new homes;*

- 25 hectares of land for use as a high quality business park south of the A2300 and served by public transport;
- Two new primary schools (including co-location of nursery provision and community use facilities as appropriate) and a new secondary school campus, in each case in locations well connected with residential development and neighbourhood centres;
- A Centre for Community Sport in the vicinity of the Triangle Leisure Centre and St Paul's Catholic College;
- Provision of permanent pitches for settled Gypsies and Travellers to contribute, towards the additional total identified need within the District commensurate with the overall scale of residential development proposed by the strategic development; or the provision of an equivalent financial contribution towards off-site provision of pitches towards the additional total identified need within the District (or part thereof if some on-site provision is made) commensurate with the overall scale of residential development proposed by the strategic development, if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale; unless alternative requirements are confirmed within any Traveller Sites Allocations Development Plan Document or such other evidence base as is available at the time the allocation-wide masterplan is approved (as appropriate); and
- A new Northern Link Road connecting through the Strategic Allocation Area from the A2300 to the A273 Isaacs Lane. New junctions will be provided on the A2300, B2036 Cuckfield Road and A273 Isaacs Lane. A road link across the river corridor will be required to facilitate a public transport route to Maple Drive."

Policy DP9 further states:

*"Strategic mixed-use development in this location will:*

- *Progress in accordance with an allocation-wide masterplan, Infrastructure Delivery Strategy, Phasing Strategy and Financial Appraisal which will have been submitted to and approved by the local planning authority. Each planning application to be determined should accord with such approved documents unless otherwise agreed by the local planning authority."*

An allocation wide Masterplan and Infrastructure Delivery Plan and Phasing Strategy were approved on the 24th September 2018 by Cabinet. These documents are therefore material considerations and accordance with these documents will be assessed in the relevant sections of this report.

Policy DP7 of the District Plan sets out general principles for strategic development at Burgess Hill. The Policy states:

*"Strategic development will:*

- *Be designed in a way that integrates it into the existing town providing connectivity with all relevant services and facilities;*
- *Provide additional, high quality employment opportunities including suitably located Business Park developments accessible by public transport;*

- *Improve public transport, walking and cycling infrastructure and access to Burgess Hill and Wivelsfield railway stations and Burgess Hill Town Centre, including the provision of, or contributions to enhancing transport interchanges;*
- *Provide necessary transport improvements that take account of the wider impact of the development on the surrounding area;*
- *Provide highway improvements in and around Burgess Hill including addressing the limitations of the A2300 link road and its junction with the A23 and east-west traffic movements across Burgess Hill and, where necessary, improvements across the highway authority boundary in East Sussex;*
- *Provide new and improved community, retail, cultural, educational, health, recreation, play and other facilities to create services and places that help to form strong local communities and encourage healthy lifestyles;*
- *Provide new and/or improved and well connected sports, recreation and open space in and around Burgess Hill, including the continuation of the existing 'Green Circle' of linked areas of informal open space around the town along with its associated network of multi-functional paths, the Green Circle network, and links into the town centre;*
- *Support the delivery of a multi-functional route between Burgess Hill and Haywards Heath;*
- *Provide a Centre for Community Sport in the vicinity of the Triangle Leisure Centre;*
- *Provide a range of housing including affordable housing, in accordance with policy DP31: Affordable Housing and housing for older people;*
- *Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan including DP38: Biodiversity; Provide an effective telecommunications infrastructure, including provision for broadband; and*
- *Wherever possible, incorporate on-site 'community energy systems', such as Combined Heat and Power or other appropriate low carbon technologies, to meet energy needs and create a sustainable development. The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measures to demonstrate high levels of sustainability."*

The compliance of the proposed development with these requirements is discussed in the relevant sections of the remainder of the report.

In addition to the granting of the outline permission and the allocation policies, the site is located within the built up area as defined by the Mid Sussex District Plan with the boundary being formally extended upon the adoption of the District Plan in March 2018. Policy DP6 of the Mid Sussex District Plan states in part that:

*"Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.*

In light of the above points, it is evident that the principle of the proposal is clearly established.

## Design, Visual Impact and Landscape

Policy DP7 of the District Plan requires strategic development at Burgess Hill to identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan.

DP9 requires land uses and infrastructure delivery to identify and take account of environmental, landscape and ecological constraints appropriately responding to the landscape setting including retention of woodland, hedgerows and other important natural features wherever possible.

Policy DP26 states that:

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

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

The Masterplan sets out the following at SDP2:

- "The design and character of Northern Arc avenue will be developed to ensure that it strikes the optimum balance between its place-making role at the heart of*

*the community, uniting the various character areas across the Northern Arc, and its role as a supporting through route."*

The Masterplan sets out the following at SDP6:

- *"Higher density areas will be focused around the three neighbourhood centres and along the western and central sections of Northern Arc Avenue at a density of around 50 dwellings per hectare (dph). Medium densities of around 45 dph will predominate across much of the rest of Northern Arc, with lower density areas of around 35 dph in more sensitive edge locations."*

The Masterplan sets out the following place-making objectives at SDP7:

- *"Creating walkable neighbourhoods with vibrant centres that are accessible to all;*
- *Co-locating schools, community centres and open spaces with the neighbourhood centres to support vitality and community identity;*
- *Designing streets as places that encourage social interaction as well as walking, cycling and public transport;*
- *Ensuring that streets, public realm and open spaces are well overlooked and designed to feel safe and secure;*
- *Creating a place that is easy to find your way around with a clear hierarchy of streets and spaces, landmark features and views;*
- *Setting development within an interconnected, easily accessible network of attractive streets, green infrastructure, green corridors and open spaces to act as wildlife corridors and sustainable transport links;*
- *Incorporating trees, gardens and green spaces throughout the development to provide shade and cooling during extreme heat events and to increase its ability to adapt to climate change;*
- *Supporting health and well-being through opportunities for active lifestyles and living in close contact with nature;*
- *Providing a variety of different character areas which reflect variations in landscape and topography, as well as the role and function of different parts of the community;*
- *Integrating business and employment uses to diversify day time activities;*
- *Accommodating car parking and servicing in ways that are convenient and safe but also unobtrusive."*

The Masterplan sets out the following at SDP8:

- *"Design proposals for the Northern Arc will be assessed against the place-making objectives set out in Design Guide (SDP 8) and Building for Life 12*
- *Maximise integration with the existing communities of Burgess Hill and the established facilities and services of the town and the wider District."*

SDP9 of the Masterplan states that design proposals will be assessed against the place-making objectives set out in the Design Guide (SDP8) and Building for Life 12.

SDP14 in the Masterplan seeks to:

*"preserve the established framework of woodland, trees and hedgerows as part of the commitment to create a high quality and distinctive place. Together with the meandering water courses these will define the character of the new community and frame its development."*

SDP15 of the Masterplan sets out that:

*"the Northern Arc will provide a rich variety of attractive open spaces. These will support wider biodiversity objectives and promote climate change, pest and disease resilience, as well as meeting community needs for recreation and supporting health and well-being."*

SDP16 of the Masterplan states that:

*"the multiple designated ancient woodlands within the Northern Arc, which are an irreplaceable habitat, will be retained and protected through a sensitive design approach. Ancient woodlands will be incorporated into the frameworks of green spaces and protected by a buffer zone"*

SDP18 of the Masterplan sets out that:

*"the development will work with the Northern Arc's undulating topography to respect and build on the existing sense of place, as well as reducing the amount of earthworks and levelling required."*

The IDP identifies *woodlands and open space* as green infrastructure and states that the network of woodland and natural open space throughout the site is intended to create strong green corridors.

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, *"recognising the intrinsic character and beauty of the countryside."*

The Design Guide approved under the DM/18/5114 'Northern Arc' outline application is also relevant. Although the current application is not a reserved matters application pursuant to DM/18/5114, the content of the Design Guide is nevertheless a material planning consideration for this application. The Design Guide sets out *"the key urban design, public realm and place-making principles that will be applied across the whole of the new community."* It is therefore intended to be used as a guide for the forthcoming reserved matters to support the delivery of the overall vision. The relevance to this application is that the Design Guide establishes the broad parameters of the design of the development in relation to the following:

- Place-making
- Northern Arc Neighbourhoods and Centres
- Residential Character Areas
- Employment
- Access, Movement and Street Layout Design

- Car and Cycle Parking
- Landscape and Public Realm

This development has been subject to a number of pre-application meetings where the Urban Designer has inputted into the evolution of the proposal. The Urban Designer, whose full comments are set out in Appendix B, has commented on the scheme overall as follows:

*"This is a well-designed scheme which is supported by the Design Review Panel (DRP). It benefits from diversity of layout and finishes on crisp contemporary styled buildings, that are laid-out in a clear hierarchy with the higher density dwellings facing the spine road and two main squares (in the north and south parcels) while the lower density housing face the attractive trees and spaces at the edges of the site including the existing public right way along Freeks Lane on the eastern boundary."*

The Urban Designer also states that:

*"The exception to this (the above para) is the three apartment blocks facing the site's southern gateway and the three storey terraced housing and apartments facing the northern gateway/parkland which help provide additional natural surveillance respectively across the link to Maple Drive to the south and the bridge link with the Northern Arc development to the west (including the proposed secondary school and neighbourhood centre) and the play areas incorporated in both open spaces. The three storey houses on the northern edge will be particularly distinctive as they benefit from strong rhythm and are sensitively configured as they snake and step with the shape of the existing land."*

Although supportive of the scheme, the Urban Designer has requested additional drawings showing further section details where the land is being re-profiled and of the Freeks Lane crossing. This will be secured by a planning condition as set out in Appendix A. The same condition will also secure detailed 1:20 drawings and re-designed corner flanks on some specific plots.

Reference has also been made by the Urban Designer to the need to secure additional details, by condition, for soft and hard landscaping (including boundary treatment, urban drainage and play areas) as well as facing materials. It should be noted however that details of landscaping and materials are already secured through conditions attached to the outline planning permission so should not be replicated here under the reserved matters submission.

Reference has been made above to the Design Review Panel (DRP) comments with support for the scheme being given by this consultative body. The Panel's comments are set out in full in Appendix B but it is relevant to highlight that the scheme is commended and should be seen as a benchmark for the rest of the Northern Arc development. The DRP commented that:

*"The panel again applauded the presentation and agreed this was a carefully thought through scheme that responds successfully to its attractive context that was especially impressive as it is a tricky sloping site. The architects have also*



*successfully accommodated a higher density development than normal while avoiding making it too urban. The simple crisp clean lines and modular form of the architecture works well, but will be very dependent on the quality of the facing materials. The high quality of the design and level of consideration was such that it should be considered as a benchmark to follow for other urban extensions and especially the other phases of the Northern Arc project."*

Planning officers concur with the assessments made by the Urban Designer and the Design Review Panel and consider that the proposal sets a good standard of design that accords with local and national policy requirements including the recently published national design guide.

Regarding the design of the scheme in respect of public safety, the Sussex Police Designing Out Crime Officer has commented on the proposals with their full comments set out within Appendix B. The Officer originally requested further information from the applicant regarding natural surveillance over parking courts along with some details on landscaping arrangements. The applicant provided additional details on both these points that has satisfied Sussex Police with their officer confirming that:

*"I find these statements reassuring and accept them from a crime prevention perspective and as a result they have removed my previous concerns over these issues. I have no further concerns or comment to make at present from a crime prevention perspective."*

Regarding the landscape and visual amenity impacts of the development, the Council's Landscape Advisor has confirmed that

*There would be some loss of mature trees and hedgerows which it is recognised is unavoidable due to the need to provide the spine road with associated bridges across streams within the site area. The proposed tree planting strategy is supported and should compensate for tree loss in the longer term. It is recommended that the detailed design proposals for the landscape elements of the scheme can be supported. This would ensure that the proposed development can have an acceptable impact on landscape character and views."*

The advisor concludes her comments by stating that:

*"It is recommended that the proposed designs for the landscape elements of the scheme can be supported in principle subject to consideration of the following:*

- i. Detailed hard and soft landscape schemes for all of the areas including the boundary open spaces.*
- ii. A long term management plan for the successful establishment and care of the landscaped areas.*
- iii. Details of tree protection for retained trees in accordance with BS 5837:2012, Trees in Relation to Design, Demolition and Construction."*

In respect of this, it is important to note that whilst this application includes broad details of the landscaping, there are still detailed conditions from the outline consent that secure the detailed information required on landscaping matters. The

Landscape Advisor's comments will therefore be adequately addressed through the discharge of conditions.

To conclude this section, the design of the scheme is of merit and the subsequent landscape and visual effects are considered acceptable. The application complies with Policies DP7, DP9 and DP26 of the District Plan, Principles SDP2, SDP6, SDP7, SDP8, SDP9, SDP14, SDP15, SDP16 and SDP18 of the Northern Arc Masterplan, the Northern Arc IDP, the NPPF and the Northern Arc Design Guide.

## **Trees**

Policy DP37 of the District Plan states:

*"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. 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. Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose. Trees, woodland and hedgerows will be protected and enhanced by ensuring development:*

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

*Proposals for works to trees will be considered taking into account:*

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

*The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will*

*normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties. Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary."*

SDP14 of the Masterplan relates to landscape and green infrastructure and states that:

*"The development of the Northern Arc will preserve and enhance the established framework of woodlands, trees and hedgerows as part of the commitment to creating a high quality and distinctive place."*

SDP16 refers specifically to Ancient Woodland and veteran trees and states that:

*"The multiple designated Ancient Woodlands within the Northern Arc, which are an irreplaceable habitat, will be retained and protected through a sensitive design approach. Ancient Woodlands will be incorporated into the framework of green spaces and protected by a buffer zone."*

SDP21 of the Masterplan sets out that green infrastructure will be designed with species that are tolerant to the prevailing climatic conditions.

The IDP identifies that *woodlands and open space* as green infrastructure and states that the network of woodland and natural open space throughout the site is intended to create strong green corridors.

The applicant's arboricultural submissions indicate the following with regards to tree removal:

Category A - 3  
Category B - 14  
Category C - 392  
Unclassified - 9

Overall the plans show that show that 91% of the high quality (A grade) trees shall be retained, and that 95% of the moderate quality (B grade) trees shall be retained.

As well as the individual trees referenced above, there is also 38,685 m<sup>2</sup> of existing woodland on the site. None of this woodland is Ancient Woodland. The proposals show the removal of 1714 m<sup>2</sup> of woodland necessary to facilitate the development and this equates to 4.4% of the total.

In addition, 894 metres of hedgerow is to be removed within the site.

The Council's Tree Officer has been consulted on the merits of the application and has requested further details on the planting proposals with a request that the replacement planting is carried out on at least on 1:1 basis as per the requirements of the Policy DP37.

It is important to highlight that the applicant has confirmed that tree planting will be carried out on a 2:1 basis, in excess of policy requirements, with 820 trees to be replanted to replace the 418 being removed.

The tree officer has also commented on the effectiveness of providing meadow areas and has indicated that the type of planting within these areas will be important in order to ensure such areas function successfully.

The additional details requested above can be adequately addressed through planning conditions and the tree officer is content with that. In this case there are two relevant conditions attached to the outline consent (DM/18/0509) that need to be addressed by the applicant. Condition 9 requires retention and protection details to be agreed prior to commencement of development. Condition 13 sets out the detailed landscaping requirements to be secured within a landscape management plan including:

- details of extent and type of new planting (NB planting to be of native species)
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around ancient woodland
- details of management responsibilities

To summarise, although there are a number of category C trees to be removed these are of low value and the vast majority of higher value category A and B trees are to be retained. No objections have been raised to the loss of these trees or the woodland or hedgerow by the tree officer and planning officers are content that their removal is necessary in order to facilitate the development. Planting on a 2 for 1 basis is to be commended and additional information is required regarding the detailed landscaping and planting proposals but such matters will be adequately addressed through the relevant conditions that are attached to the DM/18/0509 outline consent.

The application therefore accords with Policy DP37 of the District Plan, principles SDP14 and SDP16 of the Masterplan and the IDP.

## **Ecology & Biodiversity**

Policy DP7 states in part that strategic development will: *"Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan including DP38: Biodiversity;..."*

DP9 also makes clear that *"the relevant land uses and infrastructure delivery for each phase: Identify and take account of environmental, landscape and ecological constraints including where possible avoiding or minimising harm to sensitive receptors and appropriately responding to the landscape setting including retention of woodland, hedgerows and other important natural features wherever possible and appropriate landscaping and safe design of balancing ponds and water/drainage features; and deliver opportunities and requirements as set out in Policy DP7:"*

*General Principles for Strategic Development at Burgess Hill and DP38: Biodiversity..."*

Policy DP38 of the District Plan states:

*"Biodiversity will be protected and enhanced by ensuring development:*

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- Promotes the restoration, management and expansion of priority habitats in the District; and*
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

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

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

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

Policy G3 (Nature Conservation and Biodiversity) of the Burgess Hill Neighbourhood Plan states that the Town Council will seek appropriate improvements to the habitat network in development proposals wherever possible.

SDP14 (Landscape and Green Infrastructure) of the Masterplan states that:

*"The Masterplan will preserve landscape features and wherever possible respect the landscape setting of nearby listed buildings and non-designated heritage assets. It will also deliver a net gain in biodiversity. This will be achieved by delivering ecological enhancements within the green infrastructure areas, such as ecologically valuable SuDS systems, private and shared garden and amenity space, and passive*

*measures elsewhere such as green and brown roofs and the creation of new habitats through measures to support wildlife such as, for example, bat boxes. The development provides an opportunity to increase the diversity and resilience of tree cover, particularly in relation to climate change, pests and disease, as well as delivering a range of amenity benefits."*

SDP15 of the Masterplan sets out that:

*"the Northern Arc will provide a rich variety of attractive open spaces. These will support wider biodiversity objectives and promote climate change, pest and disease resilience, as well as meeting community needs for recreation and supporting health and well-being."*

SDP16 (Ancient Woodland and Veteran Trees) of the Masterplan sets out that:

*"the multiple designated Ancient Woodlands within the Northern Arc, which are an irreplaceable habitat, will be retained and protected through a sensitive design approach. Ancient Woodlands will be incorporated into the framework of green spaces and protected by a buffer zone."*

The IDP identifies that *woodlands and open space* as green infrastructure and states that the network of woodland and natural open space throughout the site is intended to create strong green corridors.

At national level, the NPPF states in part at paragraph 170 that:

*"Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;...*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;..."*

Paragraph 175 is also relevant to the determination of planning applications with this stating that:

*"When determining planning applications, local planning authorities should apply the following principles:*

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."*

It is important to highlight that the proposal does not result in the loss of any Ancient Woodland.

In support of the application, the applicant has submitted an 'Ecology Impact Topic Report' that is available to view in full on the planning file.

The Council's ecological advisor has commented on this reserved matters submissions and confirmed that:

*"In my opinion, based on the ecological impact assessment (submitted under the separate application to discharge the pre-commencement requirements of condition 23 as "Ecology Impact Topic Report"), there are no biodiversity policy reasons for refusal or amendment of this reserved matters application."*

It should also be highlighted that the outline consent, DM/18/0509, secured under condition 23 a full ecological impact assessment, a construction and environmental management plan and a landscape and habitat management plan. These mitigation measures have already been provided by the applicant with condition 23 having been approved under application DM/19/3750.

Referring to Burgess Hill Town Council's comments regarding securing a biodiversity net gain it is important to make clear that such an ambition is secured through the legal agreement on the DM/18/5114 outline scheme rather than the outline consent on this application site (DM/18/0509).

In response to the Town Council's comments, the applicant has commented as follows:

*"In terms of ecological enhancement, The layout of the development retains wherever possible the most ecologically valuable habitats within the site, including the broadleaved woodland and the species rich hedgerows. Although there is a requirement for small areas of broadleaved woodland loss and loss of species poor hedgerows (either permanently or temporarily), the habitat proposals in the long term will result in a net increase in both broadleaved woodland and native species rich*

*intact hedgerow. The development is concentrated within areas of amenity grassland, improved grassland and species poor semi-improved grassland, all of low botanical value. Although there will be a net decrease in the total area of grassland habitat, there will be an increase in more ecologically valuable grassland habitat through the creation of floristically diverse wildflower grassland, managed for wildlife value. There will also be a long term increase in wetland habitat within the site. One small pond in poor condition will be lost, along with a dry depression within the site, however there will be creation of four SuDs water bodies, designed to include permanently wet areas of biodiversity value, in addition to retention of a pond within the site. The design of habitat enhancements within the site will provide better connectivity of larger areas of habitat around the western and northern perimeter of the site in particular for hazel dormouse, great crested newts and reptiles."*

The Forestry Commission has prepared joint standing advice with Natural England on ancient woodland and veteran trees. Following this standing advice demonstrates that the developer has adequately avoided negative effects on veteran trees and Ancient Woodland. In this case there is no Ancient Woodland within the site or adjacent to it and no veteran trees have been identified by the tree survey.

The reserved matters submission is therefore considered to be in accordance with Policies DP7, DP9 and DP38 of the District Plan, Policy G3 of the Burgess Hill Neighbourhood Plan, Principles SDP14, SDP15 and SDP16 of the Masterplan, the IDP and the NPPF.

## **Transport, Highways and Movement**

Policy DP21 of the District Plan states:

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*



- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

Policy DP22 of the District Plan states:

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

*Access to the countryside will be encouraged by:*

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

Policy DP7 states that strategic development will, inter alia:

- *“Improve public transport, walking and cycling infrastructure and access to Burgess Hill and Wivelsfield railway stations and Burgess Hill Town Centre, including the provision of, or contributions to enhancing transport interchanges;*
- *Provide necessary transport improvements that take account of the wider impact of the development on the surrounding area;*
- *Provide highway improvements in and around Burgess Hill including addressing the limitations of the A2300 link road and its junction with the A23 and east-west*

*traffic movements across Burgess Hill and, where necessary, improvements across the highway authority boundary in East Sussex;..*

- *Provide new and/or improved and well connected sports, recreation and open space in and around Burgess Hill, including the continuation of the existing 'Green Circle' of linked areas of informal open space around the town along with its associated network of multi-functional paths, the Green Circle network, and links into the town centre;*
- *Support the delivery of a multi-functional route between Burgess Hill and Haywards Heath;..."*

Site specifically Policy DP9 requires:

*"A new Northern Link Road connecting through the Strategic Allocation Area from the A2300 to the A273 Isaacs Lane. New junctions will be provided on the A2300, B2036 Cuckfield Road and A273 Isaacs Lane. A road link across the river corridor will be required to facilitate a public transport route to Maple Drive."*

Policy DP28 of the District Plan states:

*"All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily."*

*This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.*

*With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised."*

Policy S4 of the Burgess Hill Neighbourhood Plan sets out parking standards for Burgess Hill within the plan area.

Policy G6 of the Burgess Hill Neighbourhood Plan refers to footpath and cycle links and states that new development will be expected to provide links to the existing network where appropriate.

Policy LR1 of the Burgess Hill Neighbourhood Plan states in part that:

*"a public transport and cycle link will be supported between the proposed Northern Arc strategic development and Maple Drive running to the north of The Hawthorns, providing the existing play facilities are relocated to at least the existing standard at the satisfaction of the Council".*

The Masterplan sets out the following at SDP1:

- *"Permeable layout that integrates with the surrounding highway network*
- *Maximise sustainable patterns of movement*
- *Highway design will direct traffic to the A2300 via the A273 and the Northern Arc avenue and minimise movement through the villages to the north of the site*

- Northern Arc avenue to provide a new through connection between A273 Jane Murray Way and A2300 in the west and A273 and Maple Drive in the east
- Priority junctions and traffic signals favoured over roundabouts to support permeability for pedestrians and cyclists
- Two strategic pedestrian and cycle links: enhancing the existing Green Circle; and a new Green Super Highway
- Network of secondary pedestrian and cycle links will be provided throughout the Northern Arc linking the area to the wider town to provide attractive, convenient and safe routes to facilitate sustainable movement
- Three neighbourhood centres, connected to each other by the Northern Arc avenue, located so people can walk to local facilities and services within 5 to 10 minutes of their home, as well as being accessible by cycle, public transport and car."

SDP2 of the Masterplan refers to the Northern Arc avenue and states that:

*"In accordance with Local Plan policy, the development of the Northern Arc will include the provision of a link road between the A273 Isaac's Lane and the A2300 as described in SDP 1. This new link will be provided by the Northern Arc Avenue and will serve both as a through route (alongside the A273 Sussex Way/Jane Murray Way) and as a development access road."*

SDP3 of the Masterplan states that the Northern Arc will provide two strategic pedestrian and cycle links - an enhancement of the Green Circle and a Green Super Highway.

SDP4 of the Masterplan requires that, alongside the strategic links of SDP3, a network of pedestrian and cycle links will be provided throughout the Northern Arc linking into the existing town.

SDP10 of the Masterplan states that the Northern Arc will seek to maximise integration with the existing communities of Burgess Hill and the established facilities and services of the town and wider district.

The approved IDP also sets out the intent of the applicant to deliver appropriate infrastructure within the Northern Arc that would include the following:

- On Site Road Network
- Road and Footbridges
- Highway Access Point Works
- Public Transport Projects
- Sustainable Travel Projects
- Walking and Cycling Projects
- Active Mode Main Access Point Works
- Off-site Highway Works

Policy AS13 of the Ansty, Staplefield and Brook Street Neighbourhood Plan refers to traffic management and states that:

*"The provision of traffic management solutions to address the impacts of traffic arising from development at north west Burgess Hill will be strongly supported. This includes either directly provided solutions or the use of contributions from development to contribute towards the costs of provision."*

Policy AS14 of the states that the provision of improved walking and cycling routes to Cuckfield, Haywards Heath and other surrounding villages will be strongly supported.

The Burgess Hill Town Wide Strategy sets out a number of requirements including:

- *"a town that functions efficiently and is underpinned by a state of the art transport network and modern supporting infrastructure.*
- *improved public transport, walking and cycling links as well as better roads.*
- *improvements to transport (including enhancements to the key transport interchanges, Green Circle Network and road links)"*

In respect of new housing to the north of the town, The Town Wide Strategy requires, amongst other matters:

- *"sustainable transport measures and links into the town centre.*
- *a northern link road taking traffic away from Sussex Way, thus creating a sustainable transport corridor;"*

The NPPF states that:

*"108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

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

West Sussex County Council (WSSCC) in their capacity as the local highways authority (LHA) has provided detailed comments on the merits of the application with these set out in full within Appendix B.

Regarding car parking, the applicant has indicated they will be providing the following spaces as already set out within the application details section of this report:

Parking Type	Spaces
Allocated	686
Unallocated	53
Garages	34
Visitor	146
Total	919

This provision is considered acceptable by WSCC with the highways authority confirming that:

*"The applicant has compared the proposed car parking level against the Mid Sussex District Council Car Parking Standards contained within the Development Infrastructure and Contributions SPD; which at the time of submission were still the relevant standards. There is a mixture of allocated and unallocated parking throughout the development. Visitor parking is spread throughout the development and several of the spaces are located along the spine road itself.*

*The proposed level of car parking is considered to be broadly in line with the overall forecast parking demand and not considered to result in significant levels of overspill car parking taking place on-street. The car parking is generally accommodated on driveways and in front of properties. There are however certain areas where rear parking courts are proposed."*

It should be noted that parking provision has been formulated based on detailed discussions with MSDC and WSCC at the pre-application stage having taken into account the requirements of both the MSDC standards (which applied at the time of the submissions), WSCC standards and the Burgess Hill Neighbourhood Plan standards within Policy S4.

As noted previously within this report the applicant is proposing 1 fast electric charging point (7kW) per 10 dwellings and all on-plot parking with 3kW charging points. WSCC has stated that the precise details of the proposed electric vehicle charging points and their location should be secured via condition.

Regarding cycling parking, the applicant is providing in excess of the minimum requirements with WSCC commenting on this provision as follows:

*"Apartments are to be provided with communal cycle storage provided in each block, either in single or double stacked racks. Dwelling houses have private dedicated cycle storage either within garages or in specific storage. The proposed scheme provides every dwelling with a minimum storage for 2 bicycles. 3 bed dwellings have a provision for 3 cycle spaces whilst dwellings with four bedrooms have provision for 4 cycle spaces. The level of cycle parking provided is well above the minimum requirements within the parking standards and is welcomed.*

*Visitor cycle spaces have been provided throughout the scheme. These are located at places of public activity such as the MUGA and play areas, but also near to apartment blocks where visitors may not have access to the communal cycle stores. This provision is welcomed by the Highway Authority."*

WSCC has made the following comments on the residential street layout:

*"The width of the main spine road through the site ranges from 6.75m to 6.5m. From Maple Drive the first section is 6.75m this then reduces to 6.5m where the first residential units are proposed. A 1.8m footpath and separate verge is provided on one side and a 3m wide shared pedestrian/cycle path on the other side. Various approaches are taken to the secondary roads which provide access to the residential parcels. The roads range from traditional carriageways with footpaths on both sides to various widths of shared surface roads. The approach taken helps define a hierarchy to the streets."*

Other comments made by WSCC relate to the following points:

- A Road Safety Audit is required
- Bus stop details are required
- Pedestrian crossing details are required
- Side road junction design details are required
- Some side roads, those shared surface roads proposed at 4.1 metres, would not be considered for adoption by WSCC
- Consideration should be given to the location of the cycle route on one side of the carriageway only
- Carriageway treatment details are required

These matters that require further information will be adequately addressed through relevant conditions as set out in Appendix A or through the Section 38 agreement (adoption process).

It is considered that this proposal, which provides pedestrian and cycle routes, is acceptable in respect of accessibility and the aims of Policy DP28 of the District Plan are met.

It is noted that the one third party objection made to this application raises highways matters with concern expressed about the highways implications on Maple Drive. The primary access onto Maple Drive has however already been considered and granted at the outline stage with no objections being raised by the highways authority. It is worth highlighting however that there is a condition attached to the outline planning permission (no. 21) that states that no more than 130 dwellings on the Freeks Farm site shall be occupied until the link road running through the site is extended beyond the site boundary to join Isaacs Lane. This key piece of infrastructure, known as the Eastern Bridge and Link Road, is subject to current application DM/19/3313.

In the absence of any technical objections from WSCC, and subject to the imposition of the conditions requested by the highways authority, there are no sustainable reasons to object to the proposal on highways grounds.

It is evident from the above assessment that the application therefore complies with Policies DP7, DP9, DP21, DP22 and DP28 of the District Plan, Principles SDP1, SDP2, SDP3, SDP4 and SDP10 of the Masterplan, the IDP, Policies LR1 and G6 of the Burgess Hill Neighbourhood Plan, Policies AS13 and AS14 of the Ansty, Staplefield and Brook Street Neighbourhood Plan, the Burgess Hill Town Wide Strategy and the NPPF.

## **Affordable Housing**

Policy DP31 of the District Plan states:

*The Council will seek:*

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m<sup>2</sup>;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 - 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and*
- 5. free serviced land for the affordable housing.*

*All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.*

*Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix."*

SDP12 of the Masterplan and the IDP sets out that the development will provide 30% affordable housing of which 75% will be social or affordable rented and 25% will be intermediate.

In this case the proposal gives rise to an onsite affordable housing requirement of 30% (138 units).

The proposed mix comprises:

*Affordable Rent (AR):*

1 Bed 2 Person Flats: 14  
1 Bed 2 Person Wheelchair Accessible Flats: 1  
2 Bed 4 Person Flats: 25  
2 Bed 4 Person Wheelchair Accessible Flats: 1

Over 55's 1 Bed 2 Person Flats: 17

Over 55's 2 Bed 3 Person Flats: 2

2 Bed 4 Person House: 28  
2 Bed 4 Person Wheelchair Accessible House: 1  
3 Bed 5 Person House: 11  
3 Bed 5 Person WCH Wheelchair Accessible House: 1  
3 Bed 6 Person House: 2  
4 Bed 6 Person House: 1  
Total Affordable Rent: 104 (75%)

*Shared Ownership (SO):*

1 Bed 2 Person Flats: 5  
2 Bed 4 Person Flats: 17  
2 Bed 4 Person Houses: 10  
3 Bed 5 Person Houses: 2  
Total Shared Ownership: 34 (25%)

Total Affordable: 138

The Council's Housing Needs team has confirmed that this mix is acceptable to the Council. Furthermore the provision of one x 1 bed flat, one x 2 bed flat, one x two bed house and one x 3 bed houses as fully accessible wheelchair units in accordance with Cat M 4(3) of the building regulations is welcomed, as is the provision of a block of flats for the over 55's. The tenure split of 75% affordable rent and 25% shared ownership is also in accordance with current policy and the property sizes meet the Council's occupancy requirements.

In respect of clustering and design, the housing team has noted that:

*"With the exception of the high density flatted blocks the affordable dwellings are provided in clusters of no more than 10 units with each cluster distinctly separate from another with private units in between. A tenure blind approach to design and materials is also being taken to assist with social integration and community cohesion."*

Based on the affordable housing provision within this development, it is evident the application complies with Policies DP28 and DP31 of the Mid Sussex District Plan and SDP12 of the Northern Arc Masterplan.



## Residential Amenity

Policy DP26 of the District Plan states:

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

The policy test of whether or not an application is acceptable in respect of the impact on residential amenity is therefore down to whether significant harm is demonstrated or not.

Policy DP27 of the District Plan states:

*"Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:*

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

*All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met."*

SDP24 of the Masterplan states that buildings will be designed for adaptability with a simple floor plate, good daylighting, generous floor to ceiling heights and adequate space for servicing.

Paragraph 127 of the NPPF requires development to, inter alia:

*"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."*

In this case, the proposed development has substantial separation gaps from the new dwellings to the boundary with the Fairbridge Way site to the south west (20 metres in the nearest place). In addition there is an internal road and boundary vegetation also located in between the dwellings proposed under this application and the adjoining development. Significant harm will not therefore be demonstrated and this development will not prejudice the Fairbridge Way scheme.

To the east, Lowlands Farm benefits from planning permission secured under DM/18/5114 with part of this adjoining land to be used in the future for residential development.

To the south east, the application site is in close proximity to existing dwellings at The Hawthorns although Freeks Lane separates them where there is also a good level of existing vegetation. The proposed dwellings which are orientated east in this location fronting onto the internal access road, are separated from The Hawthorns dwellings by some 30 metres. Given this substantial separation, which is well in excess of the generally recognised acceptable back to back minimum distance of 21 metres, significant harm will not occur.

Although the MUGA and the NEAP are located close to existing dwellings on The Hawthorns and others on Maple Drive, these uses are not deemed to be incompatible with neighbouring residential use and significant harm to amenity could not therefore be reasonably demonstrated.

To the south, the application site borders some undeveloped land north of Faulkners Way that has been identified by Policy LR1 within the Burgess Hill Neighbourhood Plan for up to 20 new residential units. No planning applications have yet been submitted on this land. A potential access through the application site to this land is provided and the design and layout of the dwellings themselves do not prejudice the future development of this adjoining land.

It is acknowledged that there will be some degree of disruption during construction work but this would not merit a refusal of the application as they will be temporary in nature and are necessary to facilitate the development. The building works will in any event be mitigated as much as possible through working hours restrictions and the Construction Environmental Management Plan that will control various matters such as construction traffic routes, site set up, contractor parking and other mitigation measures. These mitigation issues have already been secured through the conditions attached to the outline planning consent.

In respect of future amenity, all of the proposed dwellings have access to private amenity space, either through private gardens or private balconies and the applicant has confirmed that all of the dwellings meet or exceed the National Floor Space Standards referenced by Policy DP27.

The proposal will not cause significant harm to neighbouring residential amenity and will provide an acceptable standard of accommodation for future residents. The application is therefore considered to be in accordance with Policies DP26 and DP27 of the District Plan, Principle SDP24 of the Masterplan and Paragraph 127 of the NPPF.

### **Water Resources, Flood Risk & Drainage**

Policy DP9 requires the relevant land uses and infrastructure delivery for each phase, to, in part:

- *Take account of on-site flood plains and avoid areas of current and future flood risk through a sequential approach to site layout to comply with Policy DP41: Flood Risk and recommendations in the Strategic Flood Risk Assessment;*
- *Identify, avoid, mitigate and manage the risks posed to water quality associated with the historic land uses and support the delivery of 'Good' ecological status of*

*the River Adur and Copyhold Stream in accordance with DP42: Water Infrastructure and the Water Environment;..."*

Policy DP41 of the District Plan states:

*"Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.*

*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.*

*Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.*

*For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.*

*SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.*

*The preferred hierarchy of managing surface water drainage from any development is:*

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

*Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies."*

Policy DP42 of the District Plan states:

*"New development proposals must be in accordance with the objectives of the Water Framework Directive, and accord with the findings of the Gatwick Sub Region Water Cycle Study with respect to water quality, water supply and wastewater treatment and consequently the optional requirement under Building Regulations - Part G applies to all new residential development in the district. Development must meet the following water consumption standards:*

- Residential units should meet a water consumption standard of 110 litres per person per day (including external water use);
- Non-residential buildings should meet the equivalent of a 'Good' standard, as a minimum, with regard to the BREEAM water consumption targets for the development type.

*Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;*

- *that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and*
- *that there is adequate water supply to serve the development.*

*Planning conditions will be used to secure necessary infrastructure provision. Development should connect to a public sewage treatment works. If this is not feasible, proposals should be supported by sufficient information to understand the potential implications for the water environment.*

*The development or expansion of water supply or sewerage/sewage treatment facilities will normally be permitted, either where needed to serve existing or proposed new development, or in the interests of long term water supply and waste water management, provided that the need for such facilities outweighs any adverse land use or environmental impacts and that any such adverse impact is minimised."*

SDP20 of the Masterplan states that green infrastructure will help to reduce flood risk and manage storm water through an extensive network of SuDS.

SDP23 of the Masterplan states that the Northern Arc will identify opportunities to reduce potable water demand to below the 110 litres per day through the use of a non-potable water network.

The IDP identifies that the Northern Arc will deliver potable water, surface water and foul water projects to the development.

The Council's drainage officer has been consulted on the merits of this application, having been consulted on the outline planning consent as well the discharge of the drainage condition application. The drainage officer has confirmed the following:

- *"The topographical information and the proposed layout show the SuDS ponds within suitable positioning of the site.*
- *The outfalls from the surface water drainage system are still subject to full agreement and their positioning could change. But this is a consideration for the Discharge of Conditions Application.*
- *The swales and outfall for the Maple Drive access road are also subject to full agreement, and will be considered under the Discharge of Conditions Application.*
- *The technical details for how the drainage arrangements will function will be considered under the Discharge of Conditions Application.*

*I am therefore satisfied that the proposed layout in this reserved matters should not alter the proposed drainage methodology agreed under DM/18/0509."*

In light of the above comments, the proposal is considered to be in accordance with Policies DP9, DP41 and DP42 of the District Plan, Principles SDP20 and SDP23 of the Masterplan, the IDP and the NPPF.

## **Heritage**

The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions):

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*

The LPA is also under a duty by virtue of s.72 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects conservation areas in exercise of planning functions):

*"In the exercise, with respect to any buildings or other land in a conservation area....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".*

Case law has stated that:

*"As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in **sections 66 and 72 of the Listed Buildings Act** do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."*

The Courts further stated on this point:

*"This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do*

*so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."*

Policy DP34 of the District Plan states in relation to Listed Buildings:

*"Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:*

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;...*
- Special regard is given to protecting the setting of a listed building;"*

Policy DP34 of the District Plan states in relation to other heritage assets:

*"The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic. Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance."*

The supporting text to principle SDP14 (Landscape and Green Infrastructure) in the Masterplan states that the Masterplan will preserve landscape features and wherever possible respect the landscape setting of nearby listed buildings and non-designated heritage assets.

Paragraph 192 of the NPPF sets out that:

*"in determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness."*

Paragraph 193 of the NPPF is also particularly relevant with this stating that:

*"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

Paragraph 196 of the NPF states that:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

Paragraph 197 of the NPPF is also relevant with this stating that:

*"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

### Listed Buildings

No Listed Buildings are located within the site boundary. The nearest listed buildings are located in excess of 400m away from the site, the grade II listed Firlands to the west on Cuckfield Road and Chapel Farmhouse on London Road to the south west. Given that these listed buildings are separated from the application site by such distances, coupled with intervening development in between, the proposal does not affect the setting of these listed buildings or any others in the vicinity.

### Conservation Areas

There are no Conservation Areas within the site with the nearest part of the St John's Conservation Area being located approximately 500 metres from the site to the south. Given this distance and the intervening development within Burgess Hill in between, the proposed development will not affect this conservation area or its setting with the impact being negligible.

### Archaeology

It is important to highlight that archaeological matters have been addressed through the outline permission with a condition being used to secure a programme of archaeological work being carried out in accordance with details to be approved by the Local Planning Authority.

### Other Built Non-Designated Heritage Assets

The Council's Conservation Officer has highlighted that the proposal has the potential to impact on Lowlands Farm barn to the east which is deemed to be a non-designated heritage asset. In their original comments the Conservation Officer requested that a heritage statement be provided which the applicant duly submitted.

The Conservation Officer has commented as follows:

*"The barn dates from the 19th century and has been altered, giving it a modest degree of potential historical evidential value (although this is difficult to assess*

*without an internal inspection). I would say also though that the building has historical illustrative value, again modest, in the local context, in terms of illustrating the former agricultural economy of the area, prior to the spread of Burgess Hill during the 20th century. The building also has modest fortuitous aesthetic value, despite some unfortunate modern alterations, which depends on its vernacular form and materials, seen within the existing rural setting. Therefore although I would not argue that the building has a high level of significance I do consider that within the local context it is of moderate significance, rather than the lowest level suggested by the submitted Heritage Statement.*

*The existing rural setting of the building contributes significantly, in my opinion, to both its historical illustrative and its aesthetic value. The site makes up a large part of this setting and makes a strong contribution to the appreciation of these aspects of the NDHA's significance. This includes not only views from the barn towards the site and vice versa, but also the approaches to the barn along the PROW running along Freeks Lane.*

*Therefore although the Heritage Statement provides useful historical background on the site and the barn, it underplays both the significance of the NDHA and the contribution which the site makes to the setting of the asset and the manner in which its significance is appreciated.*

*The Heritage Statement concludes that the proposal will cause a moderate level of harm to the NDHA (again I would consider that this underplays the impact of the proposal), however it does not make any recommendations for amendments to the scheme to mitigate this harm, as would be required under the relevant Historic England guidance, and I am unaware of any response from the applicant to my earlier comments in this respect. These comments therefore still stand, and I continue to consider that the proposal causes less than substantial harm to the NDHA, which the current proposal does not appear to adequately address."*

In response to this the applicant has commented that:

*"The barn is a non-designated heritage asset and therefore in NPPF terms, para 193 requiring great weight to be given to conservation and para 194 requiring clear and convincing justification for any harm, do not apply. Impacts to a non-designated built heritage asset require only a 'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset' (para 197, NPPF).*

*Regarding (the conservation officer's) comments on downplaying both the significance and the contribution of the rural setting to that significance - this is a simple and minor difference of professional opinion. Emily recognises that the barn has undergone alteration and has only a modest historical illustrative value but argues the rural setting contributes significantly to its significance, whereas I believe its significance is derived more from the (limited) extent of surviving 19th Century fabric.*

*With respect to (the conservation officer's) suggestion that I would need to make recommendations for alterations to the scheme to mitigate impacts to the barn, I do*



*state that "The position of the vehicle access has been chosen to allow retention of mature trees on the west side of Freeks Lane" and "The proposed landscaping has been designed to limit the inter-visibility of the barn with the Site and retain the enclosed character of Freeks Lane." Proportionate mitigation is therefore embedded to the scheme and I do not believe further revisions would be an appropriate or proportionate response to the significance of the barn."*

As highlighted within this report section DP34 of District Plan states that proposals affecting non-designated heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance. The NPPF (para 197) is clear in how planning applications should be determined when they have an impact on a non-designated heritage asset.

Firstly, the effect of an application on the significance of a non-designated heritage asset should be taken into account. In this case the Council's Conservation Officer considers that within the local context the building is of moderate significance.

Secondly, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this case the Council's Conservation Officer considers that the impact on the non-designated heritage asset will be less than substantial.

Members should therefore take into account the less than substantial harm to a non-designated heritage asset of moderate significance when coming to a balanced judgement. This should be balanced against the fact that planning permission has been granted for the development of 460 dwellings on the application site, the substantial positive benefits that flow from the development and that the site forms part of a wider strategic site allocation of approximately 3500 dwellings (DP9 of the Mid Sussex District Plan).

It is also important to take into account that the Lowlands Farm site forms part of the larger strategic allocation that benefits from planning permission (DM/18/5114). This planning permission, although in outline form, identifies within the land use parameter plans approved by the application that the land at and around Lowlands Farm is to be used for residential purposes. It is not known at this stage whether or not the reserved matters that come forward on the Lowlands Farm site will seek to retain the existing building.

To be clear Lowlands Farm barn is not a listed building, nor is it located within a Conservation Area. Planning officers consider therefore that the proposal is acceptable as submitted and no further mitigation is required.

In light of the above analysis on heritage assets, the development accords with Policies DP34 and DP35 of the District Plan, principle SDP14 of the Masterplan, the NPPF and the Listed Building and Conservation Area (LBCA) Act 1990.

## Leisure

Policy DP7 of the District Plan requires strategic development at Burgess Hill to provide new and/or improved and well-connected sports, recreation and open space in and around Burgess Hill.

Policy DP9 of the District plan states that the delivery of 3500 homes, across the strategic allocation, need to be supported by leisure and recreation uses sufficient to meet the day to day needs of the whole development.

Policy DP24 of the District Plan states:

*"Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported. The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments, where appropriate in scale and impact, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document."*

Policy G1 of the Burgess Hill Neighbourhood Plan states that proposed new areas of open space will be supported.

Policy LR3 of the Burgess Hill Neighbourhood Plan states in relation to leisure and recreational facilities that , inter alia, *"Support will be given to allocating new facilities or improving existing ones."*

SDP7 sets out the place-making objectives within the Masterplan and this refers to supporting health and well-being through opportunities for active lifestyles and living in close contact with nature. This principle also states that the place-making objectives will include setting development within an interconnected, easily accessible network of attractive streets, green infrastructure, green corridors and open spaces to act as wildlife corridors and sustainable transport links.

SDP14 states that the development of the Northern Arc will preserve and enhance the established framework of woodlands, trees and hedgerows as part of the commitment to creating a high quality and distinctive place. It also states that as well as creating character within the new community, the existing green infrastructure will help to integrate the development into the wider landscape and maintain important habitats.

SDP15 states that the Northern Arc will provide a rich variety of attractive open spaces. These will support wider biodiversity objectives and promote change, pest and disease resilience, as well as meeting community needs for recreation and supporting health and wellbeing.

The IDP sets out that the woodlands and natural open space should be provided in the form of ancient woodland, buffer areas, streams and natural open spaces to provide green corridors.

Appendix 2 of the Development, Infrastructure and Contributions SPD sets out requirements for Outdoor playing space, including LEAPs and NEAPs.

Regarding the provisions proposed by the applicant, the Council's Leisure team has commented that:

*"I am broadly content with the quality, quantity and range of equipment and the general layout of the proposed play areas and MUGA.*

*It is noted that the Maple Drive MUGA/ NEAP are in relatively close proximity to neighbouring houses, and would wish to seek reassurances that measures will be put in place to mitigate any negative impact of this.*

*More generally, I am broadly content with the proposals for the open spaces. However, as set out in the s106 agreement, we would want to see much more detailed specifications before signing off. This is particularly pertinent for the areas that are due to be transferred to MSDC."*

The provision of the leisure facilities and the open space is therefore deemed acceptable by the leisure team. In respect of the comment regarding the proximity of the residential units, this is addressed in the residential amenity section of the report with it being concluded that such uses are compatible with neighbouring residential properties meaning the threshold of 'significant harm' from Policy DP26 would not be met.

In their comments, set out in full in appendix B, the Leisure team make reference to the detailed design of the play areas. As part of the obligations within the legal agreement attached to the DM/18/0509 approval, as well as condition 17 of that consent, the applicant has to agree the exact specification of play areas and open space with the District Council.

At this stage therefore, it can be concluded that the locations of the plays areas and open space areas are acceptable, although the detailed design and specification of the equipment within them will be assessed through the discharge of the obligations of the legal agreement and the conditions with the applicant expected to carry out local consultation to determine the final proposals.

The reserved matters application therefore accords with Policies DP7, DP9 and Dp24 of the District Plan, Policies G1 and LR3 of the Burgess Hill Neighbourhood Plan, principles SDP7, SDP14 and SDP15 of the Masterplan, the IDP and the Development, Infrastructure and Contributions SPD.

## Sustainability

Policy DP39 of the District Plan states:

*"All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:*

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience"*

SDP21 (Climate Resilient Development) of the Masterplan states that:

*"Development within the Northern Arc will seek to make best possible use of passive design approaches to optimise the internal comfort of buildings. Coupled with extensive green infrastructure, these will in turn help to manage external comfort by managing air flows, temperature and shade.*

*Green infrastructure will also help to reduce flood risk and manage storm water through an extensive network of biodiverse SuDS. Evidence of response to future climate projections (i.e. UKCP18) will be required for all future development.*

*Green infrastructure will be designed with species that are tolerant to the prevailing climatic conditions of the south east, in order to respond to the hotter, drier summers and the colder winters. Additionally, a wide palette of species will be used to enhance the existing species range on site in order to improve resilience to pests and diseases."*

SDP22 (Low Carbon Energy) of the Masterplan states that:

*"Development at the Northern Arc will promote low carbon energy technologies, meeting criterion 1 of Part L of Building Regulations through passive design and embracing the transition to electric vehicles.*

*Buildings will be oriented for solar gain, alongside fabric efficiency measures. The development will also incorporate low carbon energy generation/distribution to ensure that energy performance delivers a meaningful reduction in carbon emissions from the baseline. This could include the use of emerging technologies, such as waste heat networks and local electricity storage and aggregation.*

*All properties with off- street parking will include charging points. For properties with on-street parking, there will be sufficient charging points to be ahead of the emerging electric vehicle market. The development will also include rapid charging points for taxis and buses and will provide electric car clubs to help reduce congestion and overall vehicle movement."*

SDP23 (Integrated Water Management) of the Masterplan states that:

*"Responding to the challenge of water stress across the South East, the Northern Arc will identify opportunities to reduce potable water demand to below the 110 litres per day required by Part G of the Building Regulations.*

*To deliver this, a non-potable water network will be required, building on the existing commitment to an extensive network of natural SuDS which, as well as mitigating flood risk, will provide an alternative source of water and allow for the potential reuse of waste water."*

SDP24 (Construction and Material Use) of the Masterplan states that:

*The development will take into consideration the whole life cost and embodied carbon of all building materials to encourage innovated and sustainable use of natural resources. This will include the principles of 'Long life/loose fit' - buildings designed for adaptability with a simple floor plate, good daylighting, generous floor to ceiling heights and adequate space for servicing that enables easy reconfiguration of internal space as well as design for disassembly.*

*Homes England has an ambition to deliver homes at the Northern Arc at an accelerated pace, including through the use of Modern Methods of Construction (MMC). These comprise use of volumetric systems, panelised systems and systems which use pre-manufactured components."*

The IDP also sets out a number of Sustainable Travel Projects including walking and cycling projects and travel plans which have been referenced in the highways and access section of this report.

Paragraph 150 of the NPPF seeks to ensure new development helps, *"to reduce greenhouse gas emissions, such as through its location, orientation and design."* Paragraphs 153 expects new development to, *"take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."*

The applicant has provided a sustainability statement at both the outline stage and this reserved matters stage.

The statement submitted with this reserved matters application states the following:

*"The overall approach outlined in the Sustainability Statement (January 2018) is to reduce demand through fabric thermal efficiency and to use renewable energy systems to reduce further carbon emissions. The fabric first approach remains valid for the Reserved Matters Application; however the use of renewable energy systems*

*was not required as the carbon targets were achievable through fabric energy efficiency alone."*

The document also confirms that:

- The main strategy was to optimise building orientation to increase daylighting and passive solar gain, and to avoid the overheating risk.
- Energy efficiency measures mean that while the roof U-values are lower than the targets in the (outline) sustainability statement, all other values are either the same or better meaning the overall fabric performance would be consistent with the approach for the original outline statement.
- Building regulations do not mandate the use of renewable energy technology and the fabric first approach is sufficient to meet building regulations.
- The daily potable water use will be calculated to not exceed 110 litres per day.
- Sustainable drainage systems are to be used.
- Low flow fixtures and fittings will be used together with other efficient measures.
- A construction environmental management plan and ecological mitigation are secured by condition.

The Council's Sustainability Officer, whose comments are set out in full in Appendix B, has stated that there is a good and comprehensive approach and strategy for provision of cycle storage. In addition, the officer states that it is good to see pedestrian and cycle route provision and the consideration of future links to Cycle Superhighway and other cycle links coming forward. It should be highlighted that a 3m wide cycle path and 1.8m pedestrian path are provided along the spine road and a 3m wide shared cycle/footway is to be provided along Maple Drive as secured under the outline approval.

The applicant has confirmed their intention to deliver electric charging points as already highlighted within the application details and highways section of this report, the provision of which are secured via planning condition.

Whilst the Sustainability Officer has also requested the use of renewable technologies, as has Burgess Hill Town Council, the applicant has reiterated that adopting a fabric first approach to reduce carbon emissions is sufficient to comply with the outline planning consent. Planning officers consider that the application as it stands is policy compliant.

It should also be recognised within this sustainability section that the road itself will be able to support bus stop infrastructure (secured by condition) and this development also includes pedestrian and cycle links. As such the development will encourage sustainable modal choice with alternatives ways of travel other than the private car.

In light of the above it is reasonable to conclude that the proposal will not result in significant environmental effects in relation to sustainability and is therefore considered to be in accordance with Policy DP39 of the District Plan, Principles SDP21, SDP22, SDP23 and SDP24 of the Masterplan, the IDP and paragraphs 150 and 153 of the NPPF.

## **Other Issues**

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation, have been addressed through the DM/18/0509 outline consent or are not even material planning considerations.

The third party concern regarding water supply is noted. However this application is a reserved matters application with the principle of the development having already been established by the granting of the outline planning consent. It will nevertheless be for the water company to provide the development with a water supply.

Burgess Hill Town Council has raised the issue about the condition of Freeks Lane. Most of Freeks Lane falls outside of this application site but it will be upgraded within this site boundary where the new spine road and cycle and footway cross over it. It should be noted however that Freeks Lane is to be upgraded as part of the works secured under the larger DM/18/5114 application with Freeks Lane forming part of the extended Green Circle.

It is important to note that issues related to land contamination, noise protection and air quality have all been addressed at the outline stage and are subject to conditions attached to the DM/18/0509 consent.

## **EIA Regulations**

The outline planning permission, DM/18/0509, was EIA development and was therefore subject to an Environmental Statement. Paragraph 9 of Part 3 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 refers to the procedures for determining subsequent applications where environmental information has previously been provided. In this case the local planning authority considers that the environmental information already before the Council is adequate to assess the significant effects of the development on the environment. It is considered that the development is in broad accordance with the outline planning permission and as such the conclusions of the Environmental Statement submitted under that application remain relevant.

## **Planning Balance and Conclusion**

DM/18/0509 granted consent in July 2019 for a residential development comprising up to 460 dwellings, public open space, recreation areas, play areas, associated infrastructure including roads, surface water attenuation and associated demolition (outline application with all matters reserved except for principal means of access from maple drive). In terms of the principle of the development of up to 460 dwellings, this has therefore been established through the granting of the outline planning permission DM/18/0509. It should be noted that the site is also part of a strategic allocation in the District Plan to the north and north west of Burgess Hill for approximately 3500 homes and other infrastructure.

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

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.

The proposal is considered acceptable in respect of the visual impact with the design being supported by both the Council's Urban Designer and the Design Review Panel. A condition is however recommended securing 1:20 details and further section drawings to ensure that the development proceeds in an appropriate way. The impact of the scheme on the surrounding landscape and the trees is also deemed acceptable although such matters are to be addressed in more detail under the discharge of planning conditions attached to the outline planning consent.

No objections are raised to the proposal by the local highway authority and in the absence of any technical objections there are not deemed to be any reasonable grounds to refuse the application on highways related matters. In this case adequate levels of car and cycle parking are provided although additional conditions securing further details on matters such as cycle parking, electric vehicle charging, bus stops, crossing facilities and road treatments are an appropriate way of addressing the outstanding points raised by the local highway authority.

The affordable housing provision of 138 units is policy compliant (30%) and the mix of units and location of them also accords with the Council's requirements.

The proposal will not result in demonstrable significant harm to neighbouring residential amenity whilst the scheme will provide a good standard of accommodation for future occupiers.

There are no technical reasons to object to the scheme in respect of water resources, flood risk and drainage whilst the proposal also provides a good level of play space and open space in accordance with District Plan policy.

Whilst the proposal will cause less than substantial harm to a non-designated heritage asset of moderate significance, a balanced judgement on this issue must be made in accordance with the NPPF. This less than substantial harm has been balanced against the fact that planning permission has been granted for the development of 460 dwellings on the application site, the substantial positive benefits that flow from the development and that the site forms part of a wider strategic site allocation of approximately 3500 dwellings. It is judged that the benefits of the scheme significantly outweigh the less than substantial harm to the non-designated heritage asset.



The proposal also accords with the Council's sustainability policy requirements and in respect of the ecological and biodiversity effects of the development.

The application is deemed to comply with policies DP4, DP6, DP7, DP9, DP20, DP21, DP22, DP23, DP26, DP28, DP29, DP30, DP31, DP34, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policies LR1, LR3, G1, G2, G3 and G6 of the Burgess Hill Neighbourhood Plan, Policies AS13 and AS14 of the Ansty, Staplefield and Brook Street Neighbourhood Plan, the Northern Arc Masterplan (2018), the Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018), the NPPF and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The application is therefore recommended for approval, subject to the conditions listed in Appendix A.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. Notwithstanding any information submitted to the contrary, no development shall take place unless and until the following details have been submitted to and approved in writing by the local planning authority:
  - Additional section drawings where the land is being re-profiled including the attenuation ponds and the approach to the Worlds End stream and River Adur bridges.
  - Additional drawings of the southern approach to the site where it crosses Freeks Lane
  - 1:20 scale front/street elevation and section drawings of typical apartment block and houses including front entrance and canopy, roof and eaves detail, balconies, projecting brick detailing and vertically grouped windows (as applicable).
  - Re-designed corner flanks incorporating additional fenestration on plots 15, 19, 20, 24, 25, 26, 29, 38, 173, 441 and block 12's west flank and block 14's east flank.

The development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policies DP7, DP9 and DP26 of the District Plan.

2. No dwelling shall be occupied until the vehicular access, roads, car parking/garaging, footway and turning areas serving that dwelling have been constructed in accordance with the approved plans

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

3. No dwelling shall be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority for the parking of bicycles clear of the public highway to serve that dwelling, to be both secure and safe, and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy DP21 of the District Plan.

4. No dwelling shall be occupied unless and until the following details, which shall include a timetable for their implementation, have been submitted to and approved in writing by the local planning authority:

- Bus Stops; details of the location and nature of bus stop facilities.
- Crossing facilities; details of the location and nature of pedestrian crossing facilities, especially where the cycle superhighway crosses the spine road and the Freeks Lane PROW crosses the spine road.
- Electric vehicles; details including locations of electric vehicle charging provision
- Side road treatments; details of the Spine Road's side road treatments
- Road treatments and features; details of the specific nature of treatments and features as proposed on the site layout plan.

The development shall proceed in accordance with the approved details.

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

#### **Plans Referred to in Consideration of this Application**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Other	AA7888-2016		06.11.2019
Proposed Elevations	AA7888 2020		17.09.2019
Proposed Visual	AA7888 2025		17.09.2019
Proposed Visual	AA7888 2031		17.09.2019
Location Plan	AA7888 2001		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2128 B	V09	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2130 B	V11	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2142 A	V02	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2103 A	V03	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2122 B	V02	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2124 B	V04	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2125 B	V06	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2127 B	V08	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2129 B	V10	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2101 A	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2102 A	V02	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2121 B	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2123 B	V03	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2301 C	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2099		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2100		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2194 A	V04	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2202 B	V02	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2311 C	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2193 A	V03	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2198 A	V08	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2211 C	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2212 C	V02	17.09.2019

Proposed Floor and Elevations Plan	AA7888 2221 D	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2181 A	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2191 A	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2195 A	V05	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2196 A	V06	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2201 B	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2151 B	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2171 B	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2172 D	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2197 A	V07	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2145 A	V05	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2152 B	V02	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2161 A	V01	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2173 D	V02	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2029		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2143 A	V03	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2144 A	V04	17.09.2019
Proposed Floor and Elevations Plan	AA7888 2146 A	V06	17.09.2019
Proposed Elevations	AA7888 2021		17.09.2019
Proposed Elevations	AA7888 2027		17.09.2019
Proposed Elevations	AA7888 2028		17.09.2019
Proposed Elevations	AA7888 2032		17.09.2019
Proposed Elevations	AA7888 2024		17.09.2019
Proposed Elevations	AA7888 2026		17.09.2019
Proposed Elevations	AA7888 2022		17.09.2019
Proposed Elevations	AA7888 2023		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2460 7		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2461 7		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2430 4		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2431 4		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2445 5		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2450 6		17.09.2019
Proposed Floor and Elevations Plan	AA7888 2451 6		17.09.2019
Proposed Elevations	AA7888 2405 1		17.09.2019
Proposed Elevations	AA7888 2415 2		17.09.2019
Proposed Floor Plans	AA7888 2530 14		17.09.2019
Proposed Floor Plans	AA7888 2510 12		17.09.2019
Proposed Floor Plans	AA7888 2511 12		17.09.2019
Proposed Floor Plans	AA7888 2520 13		17.09.2019
Proposed Floor Plans	AA7888 2521 13		17.09.2019
Proposed Floor Plans	AA7888 2531 14		17.09.2019
Proposed Floor Plans	AA7888 2490 10		17.09.2019
Proposed Floor Plans	AA7888 2491 10		17.09.2019
Proposed Floor Plans	AA7888 2500 11		17.09.2019
Proposed Floor Plans	AA7888 2501 11		17.09.2019
Proposed Elevations	AA7888 2435 4		17.09.2019
Proposed Floor Plans	AA7888 2443 5		17.09.2019
Proposed Floor Plans	AA7888 2470 8		17.09.2019
Proposed Elevations	AA7888 2425 3		17.09.2019
Proposed Floor Plans	AA7888 2441 5		17.09.2019
Proposed Elevations	AA7888 2455 6		17.09.2019
Proposed Elevations	AA7888 2465 7		17.09.2019
Proposed Elevations	AA7888 2426 3		17.09.2019
Proposed Elevations	AA7888 2475 8		17.09.2019
Proposed Elevations	AA7888 2476 8		17.09.2019

Proposed Floor Plans	AA7888 2423 3		17.09.2019
Proposed Floor Plans	AA7888 2471 8		17.09.2019
Proposed Floor Plans	AA7888 2472 8		17.09.2019
Proposed Floor Plans	AA7888 2482 9		17.09.2019
Proposed Floor Plans	AA7888 2411 2		17.09.2019
Proposed Elevations	AA7888 2446 5		17.09.2019
Proposed Floor Plans	AA7888 2483 9		17.09.2019
Proposed Floor Plans	AA7888 2403 1		17.09.2019
Proposed Floor Plans	AA7888 2473 8		17.09.2019
Proposed Floor Plans	AA7888 2480 9		17.09.2019
Proposed Floor Plans	AA7888 2481 9		17.09.2019
Proposed Elevations	AA7888 2416 2		17.09.2019
Proposed Floor Plans	AA7888 2440 5		17.09.2019
Proposed Floor Plans	AA7888 2442 5		17.09.2019
Proposed Elevations	AA7888 2535 14		17.09.2019
Proposed Floor Plans	AA7888 2410 2		17.09.2019
Proposed Floor Plans	AA7888 2412 2		17.09.2019
Proposed Floor Plans	AA7888 2420 3		17.09.2019
Proposed Floor Plans	AA7888 2421 3		17.09.2019
Proposed Floor Plans	AA7888 2422 3		17.09.2019
Proposed Elevations	AA7888 2406 1		17.09.2019
Proposed Floor Plans	AA7888 2413 2		17.09.2019
Proposed Elevations	AA7888 2515 12		17.09.2019
Proposed Floor Plans	AA7888 2401 1		17.09.2019
Proposed Floor Plans	AA7888 2402 1		17.09.2019
Proposed Elevations	AA7888 2495 10		17.09.2019
Proposed Floor Plans	AA7888 2400 1		17.09.2019
Proposed Elevations	AA7888 2505 11		17.09.2019
Proposed Elevations	AA7888 2525 13		17.09.2019
Survey	AA7888 2002		17.09.2019
Proposed Elevations	AA7888 2485 9		17.09.2019
Proposed Elevations	AA7888 2486 9		17.09.2019
Proposed Site Plan	AA7888 2008		17.09.2019
Proposed Site Plan	AA7888 2006		17.09.2019
Proposed Site Plan	AA7888 2007		17.09.2019
Proposed Site Plan	AA7888 2009		17.09.2019
General	AA7888 2014		17.09.2019
Proposed Site Plan	AA7888 2015		17.09.2019
Proposed Site Plan	AA7888 2010		17.09.2019
Parking Layout	AA7888 2011		17.09.2019
Proposed Site Plan	AA7888 2012		17.09.2019
Proposed Site Plan	AA7888 2013		17.09.2019
Landscaping	1543-010	E	17.09.2019
Tree Survey	1543-003	E	17.09.2019
Illustration	1543-005	G	17.09.2019
Illustration	1543-007	C	17.09.2019
Illustration	1543-008	E	17.09.2019
Illustration	1543-011	B	17.09.2019
Illustration	1543-006	E	17.09.2019
Illustration	1543-009	C	17.09.2019

## APPENDIX B – CONSULTATIONS

### Parish Consultation

The following comments were made:

The Committee raised concerns about Freeks Lane itself, as there was not a clear responsibility for maintenance and upkeep of the lane. The Lane was swamped and waterlogged from the vehicles already. The Committee wished to ensure a public right of way continues as Freeks Lane was not currently fit for pedestrian access.

The Committee suggested that the application's consideration for the environment could go further. They suggested ensuring photovoltaic roof tiles were built into the design from the start as they would be difficult to add after. The Committee wished the applicant to adhere to District Plan Policy DP7 as it was a greenfield site, and DP9. There was no mention of renewable energy in the application.

It was noted that this development was a flagship of the Northern Arc development, and the Committee would expect the highest standard. The programme as a whole was aiming to increase net biodiversity. The Committee asked how would this be increased and measured. The Committee wished the applicant to adhere to District Plan Policy DP38.

The Committee wished to reiterate their previous statement:

'Burgess Hill Town Council will encourage Mid Sussex District Council to ensure that applicants comply with DP39 of the District Plan and that this is reinforced in any subsequent supplementary design and access statement documents on sustainable development.'

### Parks And Landscapes Team

Thank you for giving us the opportunity to comment on the planning application DM/19/3845.

I had a look at all the files related to Landscapes. Please see my comments below.

- Variety of trees for the front garden is very limited.
- Density of the planned trees is larger in some areas than other ( Cluster of houses with 1 or 2 trees and other areas with more than 5). Research in this field concluded that avenues of trees decreases the stress levels for the residents, reduce number of road accidents as the drivers drive slower. Also having different density of trees in the area would suggest that some areas are better than others.
- Some trees planned for the back gardens are not recommended as they are thorny (Crataegus monogyna and Ilex aquifolium). Ilex trees will shed many prickly leaves all year round, and Crataegus thorns are known for getting people into hospitals.
- In order to have a clear idea of what is planned for the Soft landscape -planting plans and Maintenance management plans should be provided in order to have a clear idea about the functionality of all the swales planned in the area- planting plans and Maintenance management plans should be provided. MUGA and the play area are located in close proximity of the existing houses. This will increase the noise volume and create future problems. I would suggest to relocate the MUGA and the play area on the opposite site of the road where there is no housing.

## **MSDC - Sustainability Officer**

### Sustainability Comments

Cycling - Good comprehensive approach and strategy for provision of cycle storage. (DP21/ National Planning Policy Framework (NPPF) 110)

Cycling and Walking Routes - It is good to see pedestrian and cycle route provision and the consideration of future links to Cycle Superhighway and other cycle links coming forward. However consideration should be given to segregated cycle provision at the gateway into the development and this could be a pinch point given the location of the Play Park and increased pedestrian traffic. Consideration should be given to potential impacts on cycle safety accessing Maple Drive. (DP21/NPPF 110)

Electric vehicle Charging Infrastructure - In line with AECOM proposals would like to see the provision of EV charging.

All buildings with off-street parking should have provision for EV charging in 3kW or 7kW charging points. Community EV charging provision should be made for apartment blocks in the form of standalone 7kW charging points. (DP21/NPPF 21)

Energy - Given the increased moves to decarbonising energy provision and the move to electrification of heat from gas it would be good to consider the use of non-gas provision through heat-pumps or other electric sources especially in the apartment blocks. (DP39/NPPF 151)

I would like to see provision of solar photovoltaic and thermal systems on available and appropriately orientated roof space. (DP39/NPPF 151)

Biodiversity - Whilst it is good that some existing mature trees are retained and a well thought-out tree planting strategy has been proposed I would like more clarity on how biodiversity will be increased and how this will be measured. (DP38/NPPF 175)

Adapting to climate change - Consideration has been paid to the orientation of buildings and resultant impacts on natural lighting and passive solar gain. Consideration should also be paid to the increased potential of overheating and what shading strategies will be in place to mitigate this.

## **MSDC Urban Designer**

This application follows several pre-application meetings where the layout and the elevations have been evolved and finessed. This is a well-designed scheme which is supported by the Design Review Panel (DRP). It benefits from diversity of layout and finishes on crisp contemporary styled buildings, that are laid-out in a clear hierarchy with the higher density dwellings facing the spine road and two main squares (in the north and south parcels) while the lower density housing face the attractive trees and spaces at the edges of the site including the existing public right away along Freeks Lane on the eastern boundary. The exception to this is the three apartment blocks facing the site's southern gateway and the three storey terraced housing and apartments facing the northern gateway/parkland which help provide additional natural surveillance respectively across the link to Maple Drive to the south and the bridge link with the Northern Arc development to the west (including the proposed secondary school and neighbourhood centre) and the play areas incorporated in both open spaces. The three storey houses on the northern edge will be particularly distinctive as they benefit from strong rhythm and are sensitively configured as they snake and step with the shape of the existing land.

Additional section drawings have been requested that show more detail where the land is being re-profiled so that a full assessment can be made where the topography needs to be significantly changed. This includes the attenuation ponds and the approach to the Worlds End stream and River Adur bridges. The DRP have also questioned the perspective image of the southern approach to the site as it does not show the level changes or convincingly indicate how Freeks Lane will be crossed, so further drawings have been requested that show this properly. It will also be necessary to demonstrate in the landscape drawings how natural surveillance can be achieved across the southern entrance approach from Maple Drive including the play areas.

In conclusion, I raise no objections but would recommend that conditions are included requiring the approval of further drawings / information that cover: (a) the above paragraph (if further submissions are considered necessary); (b) soft and hard landscaping (including boundary treatment, urban drainage and play areas); (c) facing materials; and (d) the building design in the following respects:

- 1:20 scale front/street elevation and section drawings of typical apartment block and houses including front entrance and canopy, roof and eaves detail, balconies, projecting brick detailing and vertically grouped windows (as applicable).
- Re-designed corner flanks incorporating additional fenestration on plots 15, 19, 20, 24, 25, 26, 29, 38, 173, 441 and block 12's west flank and block 14's east flank.

### **MSDC Design Review Panel**

The panel again applauded the presentation and agreed this was a carefully thought through scheme that responds successfully to its attractive context that was especially impressive as it is a tricky sloping site. The architects have also successfully accommodated a higher density development than normal while avoiding making it too urban. The simple crisp clean lines and modular form of the architecture works well, but will be very dependent on the quality of the facing materials. The high quality of the design and level of consideration was such that it should be considered as a benchmark to follow for other urban extensions and especially the other phases of the Northern Arc project.

The perspective image of the southern approach to the site was nevertheless questioned because the drawing does not show the level changes or convincingly indicate how Freeks Lane will be crossed, and there was consequently a concern how the existing rural character of the existing public right of way may be affected by the scheme.

### Overall Assessment

The panel support the scheme but would recommend that 1:20 scale drawings are submitted to secure the detailed finish that underscores the quality of the scheme.

### **MSDC Drainage**

The Outline Application DM/18/0509 was able to demonstrate the proposed development was able to be adequately drained without creating or exacerbating flood risk. I am viewing this Reserved Matters Application to ensure that the proposed layout does not conflict with the principally agreed drainage arrangement for this site.

- The topographical information and the proposed layout show the SuDS ponds within suitable positioning of the site.
- The outfalls from the surface water drainage system are still subject to full agreement and their positioning could change. But this is a consideration for the Discharge of Conditions Application.

- The swales and outfall for the Maple Drive access road are also subject to full agreement, and will be considered under the Discharge of Conditions Application.
- The technical details for how the drainage arrangements will function will be considered under the Discharge of Conditions Application.

I am therefore satisfied that the proposed layout in this reserved matters should not alter the proposed drainage methodology agreed under DM/18/0509.

### **MSDC Trees**

I cannot appear to find a document which summarises the number of replacement trees to be planted, although I note the loss of a large number of trees.

It would normally be expected that replacement should take place on at least a 1 : 1 basis. Could a document be submitted with these figures?

I note a large number of oaks and ash to be lost, and, whilst oaks can be replaced, at this stage, we are unable to replace ash. I would therefore request some further native planting, perhaps to replace some of the *Acer platanoides* in open spaces. Whilst the trees, after discussion, are now much more appropriate, I think there is scope for further native tree planting.

I have also raised the point previously about meadow areas. There appear to be a number of proposed meadow areas. These are almost impossible to enforce, require careful maintenance and, usually do not meet people's expectations of a 'meadow'. Furthermore the soil in this area is a heavy wet clay, so there needs to be a careful selection of plants. In some areas, I would suggest replacement with low native shrubs which will require much less maintenance and provide some structure.

I am happy for details of trees / meadows etc to be conditioned.

### **MSDC Conservation - original**

Initial comments in respect of the above site. Please read these in conjunction with my previous comments on development on this site, repeated again below.

The proposed development site is within the setting of a non-designated heritage asset at Lowlands Farm (Lowlands Farm barn), which was identified at pre-application stage. Notwithstanding this it does not appear that a Heritage Statement has been submitted with the application and it is unclear to what if any extent the proposed site layout etc. have been developed with the protection of the setting of this NDHA in mind. I would suggest the following:

- That a properly detailed Heritage Statement is submitted bearing in mind the guidance contained within Historic England's Historic Environment Good Practice Advice in Planning Note 3 'The Setting of Heritage Assets' and their Advice Note 12 Statements of Heritage Significance.
- That following on from this (and in accordance with GPA Note 3) it should be demonstrated that appropriate mitigation measures will form part of the development. These should include consideration of the impact on the setting of the NDHA of the form and layout of the parts of the development nearest to Lowlands Farm, as well as of appropriate landscape buffer and/or screening measures.
- In considering the site layout as submitted it is apparent that development is placed very close to the boundary of the site adjacent to Lowlands Farm. This will require



reconsideration, to provide a greater buffer between the new development and the farmstead.

- It is also noted that what appears to be vehicular access from the site onto Freeks Lane is placed directly opposite Lowlands Farm. This will also require reconsideration as this arrangement will exacerbate rather than mitigate the impact of the development on the setting of the NDHA.
- Further details of planted screening along Freeks Lane and in particular in the area opposite Lowlands Farm should be submitted. At present the layout proposed would appear to allow for only very little natural screening along this part of the site boundary.

As it stands I would consider that the proposal causes less than substantial harm to the setting of the NDHA under the terms of the NPPF, however I would hope to have the above further information and amendments before me before offering final comments.

Previous (pre-application) comments dated 10/06/2019:

*The non-designated heritage asset in question is Lowlands Farm (formerly Frick Farm, then Freeks Farm), Freeks Lane, Burgess Hill RH15 8DQ. It is a small farmstead, now in use as kennels, and is listed in the West Sussex Historic Farmsteads and Landscape Character Assessment as 19th century. The farm's surviving barn, together with a small outbuilding to the south east of this, appear to date from the mid-19th century or earlier. There are a number of other buildings around the courtyard which are more recent- the original farmhouse appears from historic mapping to have been located to the south west of the farm courtyard but appears to have been demolished by the mid-20th century, having been possibly made redundant by a new dwelling constructed just to the south of the courtyard c.1900 (this house is still extant).*

*To the west of the NDHA is a potential development site (known as Land to the West of Freeks Farm), the subject of a current outline application for 460 new houses (DM/18/0509). To the east the land forms part of the proposed Northern Arc Development (DM/18/3683). As part of these development proposals, a new access would be necessary linking the Freeks Farm development with the Northern Arc site, cutting across Freeks Lane, which is a PROW.*

*Clearly, both the developments at Freeks Farm and the Northern Arc will have a fundamental impact on the setting of Lowlands Farm, which is currently rural (albeit that current edge of Burgess Hill is a short distance to the south). As a former farmstead, the rurality of this setting makes a positive contribution to the manner in which its special interest as an NDHA is appreciated, as does the approach to the farmstead along the PROW running along Freeks Lane, which is heavily treed to both sides with glimpses of the open spaces beyond. The development at Freeks Farm (as for the development at the Northern Arc) will therefore be harmful to the setting of the NDHA. In terms of the NPPF I would consider the level of harm caused to be less than substantial- this harm would therefore stand to be weighed against the public benefits of the proposal as required by paragraph 196.*

*In terms of potential mitigation measures which should be adopted to reduce the level of this less than substantial harm I would suggest the following would be appropriate:*

- *Positioning the link between the two sites as far as practicable from the NDHA, in a position where minimal damage to/loss of the existing trees and vegetation to either side of Freeks Lane is necessitated.*

- *Retaining and enhancing the existing trees and vegetation to either side of Freeks Lane, to reduce the visibility of the new development and retain something of the currently rural nature of the approach to Lowlands Farm along the PROW.*

*Similar considerations will apply in terms of the proposed Northern Arc development to the east of the NDHA but as this is a separate application with other heritage considerations I will comment on this in a further email in due course.*

### **MSDC Conservation - further**

Further comments on this application in light of the Heritage Statement which has now been received.

Although the Heritage Statement makes an assessment of the development of the site and of the farmstead at Lowlands (formerly Fricks and then Freeks) Farm, it underplays both the significance of the non-designated heritage asset (Lowlands Farm Barn) and the contribution which the site makes to this significance.

The barn dates from the 19th century and has been altered, giving it a modest degree of potential historical evidential value (although this is difficult to assess without an internal inspection). I would say also though that the building has historical illustrative value, again modest, in the local context, in terms of illustrating the former agricultural economy of the area, prior to the spread of Burgess Hill during the 20th century. The building also has modest fortuitous aesthetic value, despite some unfortunate modern alterations, which depends on its vernacular form and materials, seen within the existing rural setting. Therefore although I would not argue that the building has a high level of significance I do consider that within the local context it is of moderate significance, rather than the lowest level suggested by the submitted Heritage Statement.

The existing rural setting of the building contributes significantly, in my opinion, to both its historical illustrative and its aesthetic value. The site makes up a large part of this setting and makes a strong contribution to the appreciation of these aspects of the NDHA's significance. This includes not only views from the barn towards the site and vice versa, but also the approaches to the barn along the PROW running along Freeks Lane.

Therefore although the Heritage Statement provides useful historical background on the site and the barn, it underplays both the significance of the NDHA and the contribution which the site makes to the setting of the asset and the manner in which its significance is appreciated.

The Heritage Statement concludes that the proposal will cause a moderate level of harm to the NDHA (again I would consider that this underplays the impact of the proposal), however it does not make any recommendations for amendments to the scheme to mitigate this harm, as would be required under the relevant Historic England guidance (Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets), and I am unaware of any response from the applicant to my earlier comments in this respect. These comments therefore still stand, and I continue to consider that the proposal causes less than substantial harm to the NDHA, which the current proposal does not appear to adequately address.

### **MSDC Housing**

The applicant is proposing a development of up to 460 dwellings which gives rise to an onsite affordable housing requirement of 30% (138 units).

The proposed mix comprises:

*Affordable Rent (AR):*

1 Bed 2 Person Flats: 14  
1 Bed 2 Person Wheelchair Accessible Flats: 1  
2 Bed 4 Person Flats: 25  
2 Bed 4 Person Wheelchair Accessible Flats: 1

Over 55's 1 Bed 2 Person Flats: 17  
Over 55's 2 Bed 3 Person Flats: 2

2 Bed 4 Person House: 28  
2 Bed 4 Person Wheelchair Accessible House: 1  
3 Bed 5 Person House: 11  
3 Bed 5 Person WCH Wheelchair Accessible House: 1  
3 Bed 6 Person House: 2  
4 Bed 6 Person House: 1  
Total Affordable Rent: 104 (75%)

*Shared Ownership (SO):*

1 Bed 2 Person Flats: 5  
2 Bed 4 Person Flats: 17  
2 Bed 4 Person Houses: 10  
3 Bed 5 Person Houses: 2  
Total Shared Ownership: 34 (25%)

Total Affordable: 138

This mix is acceptable to the Council and the provision of one x 1 bed flat, one x 2 bed flat, one x two bed house and one x 3 bed houses as fully accessible wheelchair units in accordance with Cat M 4(3) of the building regulations is welcomed, as is the provision of a block of flats for the over 55's.

The tenure split of 75% affordable rent and 25% shared ownership is also in accordance with current policy and the property sizes meet our occupancy requirements.

With the exception of the high density flatted blocks the affordable dwellings are provided in clusters of no more than 10 units with each cluster distinctly separate from another with private units in between.

A tenure blind approach to design and materials is also being taken to assist with social integration and community cohesion.

### **MSDC Leisure**

I am broadly content with the quality, quantity and range of equipment and the general layout of the proposed play areas and MUGA.

I note the commitment to consult with local schools on the design of the play area, and would certainly encourage this; however I believe more needs to be done to engage with the local community. As you know, there is a good degree of local interest in this facility, and we gave an undertaking that we would undertake extensive local consultation to inform the final design. This needs to extend beyond the local schools, into the wider community and needs to include local (town and district) Ward Councillors.

It is noted that the Maple Drive MUGA/ NEAP are in relatively close proximity to neighbouring houses, and would wish to seek reassurances that measures will be put in place to mitigate any negative impact of this.

More generally, I am broadly content with the proposals for the open spaces. However, as set out in the s106 agreement, we would want to see much more detailed specifications before signing off. This is particularly pertinent for the areas that are due to be transferred to MSDC.

### **MSDC Sustainability Officer**

Cycling - Good comprehensive approach and strategy for provision of cycle storage. (DP21/ National Planning Policy Framework (NPPF) 110)

Cycling and Walking Routes - It is good to see pedestrian and cycle route provision and the consideration of future links to Cycle Superhighway and other cycle links coming forward. However consideration should be given to segregated cycle provision at the gateway into the development and this could be a pinch point given the location of the Play Park and increased pedestrian traffic. Consideration should be given to potential impacts on cycle safety accessing Maple Drive. (DP21/NPPF 110)

Electric vehicle Charging Infrastructure - In line with AECOM proposals would like to see the provision of EV charging. All buildings with off-street parking should have provision for EV charging in 3kW or 7kW charging points. Community EV charging provision should be made for apartment blocks in the form of standalone 7kW charging points. (DP21/NPPF 21)

Energy - Given the increased moves to decarbonising energy provision and the move to electrification of heat from gas it would be good to consider the use of non-gas provision through heat-pumps or other electric sources especially in the apartment blocks. (DP39/NPPF 151)

I would like to see provision of solar photovoltaic and thermal systems on available and appropriately orientated roof space. (DP39/NPPF 151)

Biodiversity - Whilst it is good that some existing mature trees are retained and a well thought-out tree planting strategy has been proposed I would like more clarity on how biodiversity will be increased and how this will be measured. (DP38/NPPF 175)

Adapting to climate change - Consideration has been paid to the orientation of buildings and resultant impacts on natural lighting and passive solar gain. Consideration should also be paid to the increased potential of overheating and what shading strategies will be in place to mitigate this.

### **MSDC Ecological Consultant**

Recommendation

In my opinion, based on the ecological impact assessment (submitted under the separate application to discharge the pre-commencement requirements of condition 23 as "Ecology Impact Topic Report"), there are no biodiversity policy reasons for refusal or amendment of this reserved matters application.

## **MSDC Landscape Consultant**

This advice is provided to the Local Planning Authority by the County Landscape Architect in line with the Service Level Agreement and is not a statutory consultation response.

1. The application has been informed by a detailed Northern Arc Design Guide which has been developed in consultation with the local planning authority and other agencies.
2. There would be some loss of mature trees and hedgerows which it is recognised is unavoidable due to the need to provide the spine road with associated bridges across streams within the site area.
3. The proposed tree planting strategy is supported and should compensate for tree loss in the longer term.
4. It is recommended that the detailed design proposals for the landscape elements of the scheme can be supported. This would ensure that the proposed development can have an acceptable impact on landscape character and views.
5. It is recommended that the proposed designs for the landscape elements of the scheme can be supported in principle subject to consideration of the following:
  - i. Detailed hard and soft landscape schemes for all of the areas including the boundary open spaces.
  - ii. A long term management plan for the successful establishment and care of the landscaped areas.
  - iii. Details of tree protection for retained trees in accordance with BS 5837:2012, Trees in Relation to Design, Demolition and Construction.

## **WSSC Highways**

### Introduction

West Sussex County Council (WSSC) as Highway Authority have been consulted upon this reserved matters application for 460 residential units relating to outline planning permission DM/18/0509 on the Freeks Farm development that forms part of the wider Northern Arc strategic development site. The Highway Authority have the following comments to make upon the application.

### Car Parking

The applicant is proposing a total of 918 car parking spaces. This comprises of:

- 1 and 2 bed dwellings (285 dwellings) - 1 car space per dwelling (285 spaces)
- 3 bed dwellings (118 dwellings) - 2 car parking space per dwelling (236 spaces)
- 4 bed dwellings (57 dwellings) - 2 spaces per dwelling (114 spaces)

The applicant has compared the proposed car parking level against the Mid Sussex District Council Car Parking Standards contained within the Development Infrastructure and Contributions SPD; which at the time of submission were still the relevant standards. There is a mixture of allocated and unallocated parking throughout the development. Visitor parking is spread throughout the development and several of the spaces are located along the spine road itself.

The proposed level of car parking is considered to be broadly in line with the overall forecast parking demand and not considered to result in significant levels of overspill car parking taking place on-street. The car parking is generally accommodated on driveways and in front of properties. There are however certain areas where rear parking courts are proposed.

### Cycle Parking

Apartments are to be provided with communal cycle storage provided in each block, either in single or double stacked racks. Dwelling houses have private dedicated cycle storage either within garages or in specific storage. The proposed scheme provides every dwelling with a minimum storage for 2 bicycles. 3 bed dwellings have a provision for 3 cycle spaces whilst dwellings with four bedrooms have provision for 4 cycle spaces. The level of cycle parking provided is well above the minimum requirements within the parking standards and is welcomed.

Visitor cycle spaces have been provided throughout the scheme. These are located at places of public activity such as the MUGA and play areas, but also near to apartment blocks where visitors may not have access to the communal cycle stores. This provision is welcomed by the Highway Authority.

The specific detail of the proposed cycle parking has not been provided. Therefore a suitably worded condition should be included on any permission granted that requires detail of the specific design and layout of the cycle parking to be provided.

### Electric Vehicle Charging

The applicant is proposing 1 fast electric charging point (7kW) per 10 dwellings and all on-plot parking with 3kW charging points. Details of the proposed electric vehicle charging points and their location should be secured via condition.

### Road Safety Audit

The WSCC Road Safety Audit Policy states that a Stage 1 Road Safety Audit should have been undertaken for the spine road as it is proposed to serve as a bus route and is a through route. The applicant has not submitted an audit as part of this application.

### Residential Street Layout

The width of the main spine road through the site ranges from 6.75m to 6.5m. From Maple Drive the first section is 6.75m this then reduces to 6.5m where the first residential units are proposed. A 1.8m footpath and separate verge is provided on one side and a 3m wide shared pedestrian/cycle path on the other side. Various approaches are taken to the secondary roads which provide access to the residential parcels. The roads range from traditional carriageways with footpaths on both sides to various widths of shared surface roads. The approach taken helps define a hierarchy to the streets. The Highway Authority wishes to make the following comments in relation to street layout:

- Bus Stops - no details of the location and nature of bus stop facilities have been submitted. Further details of the specific location of the bus stops and the infrastructure that they shall include such as shelter, flagpole, Real Time Passenger Information sign should be secured via condition and details provided.
- Pedestrian Crossing facilities - there are several points along the spine road where there is a desire line to cross. These locations include but are not limited to the point where the Cycle Superhighway bisects the spine road and where Freeks Lane PROW meets the spine road. No details are submitted of the proposed crossing points or their nature.

Therefore further details of the proposed crossing points at these and other locations should be secured via condition. Appropriate dropped kerbs and tactile paving at the crossing points in the residential parcels can be secured at the detailed design stage through the S38 agreement.

- Side road treatments - from the submission it is not apparent as to the nature of the side roads with the spine road. Some appear to be standard bell mouth junctions whilst others appear to be vehicle crossovers that provide a greater degree of priority for pedestrians. Details of the nature and design of the junction side roads should be secured via condition.
- S38 extent of adoption - whilst the adoption of roads is not a material planning consideration the applicant should note that shared surface roads proposed at 4.1m would not be considered for adoption by WSCC.
- Cycle Route along Spine Road - A 3m wide cycle route is proposed along the spine road. This route changes which side of the road it is on through the site. Ideally the Highway Authority would have looked for it to be located on the same side of the road to provide the most convenient and direct route. From Maple Drive the route starts to the north east of the spine road and it then changes to the south west where it meets Freeks Lane. Consideration should be given as to whether the cycle route could be provided on one side of the carriageway and whether this could be secured via condition.
- Carriageway treatments - from the site layout plan there are various road treatments proposed but it is not fully apparent from the drawing as to the exact nature of these. A square is proposed at the corner outside block 4, there are other treatments on the spine road for example outside blocks 10 and 11 and there are what appear to be raised features on the street that runs from plot 179 to 194. The details of these treatments and features should be secured via condition with further details submitted to the LPA for approval.

## Summary

Should Mid-Sussex District Council as Local Planning Authority be minded to approve this application WSCC as Highway Authority would look for suitably worded conditions on the following matters to be included on any permission granted.

- Vehicular access & roads - No dwelling to be occupied until the vehicular access, roads, car parking/garaging, footway and turning areas serving that dwelling have been constructed.
- Cycle Parking - Further details of the design and layout of cycle parking and that no dwelling shall be occupied until the cycle parking serving that dwelling has been constructed.
- Bus Stops - details of the location and nature of bus stop facilities.
- Crossing facilities - details of the location and nature of pedestrian crossing facilities, especially where the cycle superhighway crosses the spine road and the Freeks Lane PROW crosses the spine road.
- Electric vehicle - details of electric vehicle charging provision.
- Side road treatments - details of the Spine Road's side road treatments should be provided.
- Road treatments and features - details of the specific nature of treatments and features as proposed on the site layout plan.

## WSCC Drainage

No comments received

## **Environment Agency**

No comments received

## **Sussex Police Crime Prevention - original**

Thank you for your correspondence of 15th October 2019, advising me of a planning application for the approval of reserved matters pursuant to Condition 1 of DM/18/0509 for the erection of 460 dwellings, including public open space, play areas, associated infrastructure including roads, surface water attenuation and associated demolition 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 at [www.securedbydesign.com](http://www.securedbydesign.com)

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

The Design and Access Statement (DAS) submitted in support of this application states; The site comprises the south-eastern end of the Burgess Hill Northern Arc strategic development site and is known from here on as Northern Arc Phase 1, Land at Freeks Farm.

I could find no crime prevention chapter within the DAS, outlining the security measures that are to be incorporated into the development. However, I was pleased to note that the illustrative master plan has clearly demonstrated the applicant's agents understanding of the Secured by Design scheme and its requirements; back to back gardens that eliminate vulnerable rear garden pathways, good demarcation of defensible space, robust rear fencing and overlooked streets with natural surveillance have all been incorporated into the development.

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

I have concerns regarding some elements of the development's parking. For instance, the DAS mentions that the Linear Park apartment parking court is hidden by a wall. Provided that there are active rooms from within the apartment block to observe the vehicles parked there, my concerns will be allayed. If active rooms are not available then this design has the potential to create a vulnerable rear parking court, with the vehicles open to unobserved attack from would-be offenders. I recommend gated parking courts where active rooms are absent throughout the development.



Communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour. These may often be referred to as:

- Local Areas of Play (LAP) - primarily for the under 6 year olds;
- Local Equipped Area for Play (LEAP) - primarily for children who are starting to play independently;
- Neighbourhood Equipped Area of Play (NEAP) - primarily for older children;
- Multi-Use Games Areas (MUGA) - primarily for older children.

SBD states; they should be designed to allow supervision from nearby dwellings with safe routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. Communal spaces as described above should not immediately abut residential buildings.

The DAS states the MUGA at the Maple Drive NEAP Play area will have as its perimeter, hedge and buffer tree planting to partially screen the MUGA from the surrounding properties, whilst being open to the road side and footway for natural surveillance. I ask that sympathetic planting is used and there is a maintenance policy that ensures that natural surveillance is maintained at all times. 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. This applies to all of the proposed public open spaces, NEAPs, NAP's LAPs and MUGA and area adjacent to the attenuation basin.

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

### **Sussex Police Crime Prevention - final**

Thank you for your recent email correspondence of 14th November 2019, advising me of information received in relation to the above planning application from the applicant in order to address the comments raised within my previous correspondence of PE/MID/19/28/A dated 05th November 2019.

The applicant has responded to my concern of lack of observation from active rooms within the dwellings over the parking courts. The applicant has provided evidence that there are a total of 05 active rooms providing observation over the parking court for block 1 and the are 05 active rooms providing observation over the parking court for block 2. I would like to remind the applicant that the term 'active room' applies to; *An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.*

I had previously asked for a planting maintenance policy to be considered in my following comments; *The DAS states the MUGA at the Maple Drive NEAP Play area will have as its perimeter, hedge and buffer tree planting to partially screen the MUGA from the surrounding properties, whilst being open to the road side and footway for natural surveillance. I ask that sympathetic planting is used and there is a maintenance policy that ensures that natural*

*surveillance is maintained at all times. 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. This applies to all of the proposed public open spaces, NEAPs, NAP's LAPs and MUGA and area adjacent to the attenuation basin.*

Their applicant's response is; Hedge and planting to play spaces - Murdoch Wickham (Landscape consultant) has confirmed that the request to limit the height of the planting and tree canopies can be accommodated, so this can be included as a compliance condition.

I find these statements reassuring and accept them from a crime prevention perspective and as a result they have removed my previous concerns over these issues. I have no further concerns or comment to make at present from a crime prevention perspective.

I thank you for allowing me the opportunity to view and comment on the latest revision to the application from a crime prevention perspective.

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.