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5 January 2021

New regulations came into effect on 4 April 2020 to allow Councils to hold meetings remotely via electronic means. As such, Council and Committee meetings will occur with appropriate Councillors participating via a remote video link, and public access via a live stream video through the [Mid Sussex District Council's YouTube channel](#).

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held **via REMOTE VIDEO LINK** on **THURSDAY, 14TH JANUARY, 2021 at 2.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

#### **A G E N D A**

#### **Pages**

1. Roll Call and Virtual Meeting Explanation.
2. To receive apologies for absence.
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
4. To confirm Minutes of the previous meeting of the District Planning Committee held on 17 December 2020.
5. To consider any items that the Chairman agrees to take as urgent business.

**3 - 4**

#### **Recommended for Approval.**

6. DM/20/2763 - Land to the South of Scamps Hill, Scaynes Hill Road, Lindfield, West Sussex, RH16 2QQ.

**5 - 48**

#### **Recommended for Refusal.**

None.

## Other Matters.

7. DM/20/4178 - Northern Arc. 49 - 60
8. Questions pursuant to Council Procedure Rule 10.2 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.

To: **Members of District Planning Committee:** Councillors R Salisbury, D Sweatman, R Bates, J Dabell, A Eves, S Hatton, R Jackson, C Laband, G Marsh, A Peacock, R Webb and R Whittaker

**Minutes of a meeting of District Planning Committee  
held on Thursday, 17 December, 2020  
from 2.00 pm – 3.25 pm**

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

R Bates  
A Eves  
S Hatton  
R Jackson

C Laband  
G Marsh  
A Peacock\*

J Dabell  
R Webb  
R Whittaker

**1. ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.**

The Chairman advised that Cllr Walker and Cllr Coe-Gunnell White have decided to stand down and he welcomed Cllr Dabell and Cllr Marsh to the committee. The Chairman commenced the roll call to confirm the Members present. Tom Clark, Head of Regulatory Services provided a virtual meeting explanation.

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

Apologies were received from Councillor Peacock.

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

No declarations of interest were received.

**4. TO CONFIRM MINUTES OF THE PREVIOUS MEETINGS OF THE DISTRICT PLANNING COMMITTEE HELD ON 15 OCTOBER 2020.**

The Minutes of the Committee meeting held on 15 October 2020 were agreed as a correct record and signed electronically by the Chairman.

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

None.

**6. DM/20/2877 - LAND NORTH OF TURNERS HILL ROAD, TURNERS HILL, WEST SUSSEX, RH10 4PE**

None.

**7. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 3:25 pm.

Chairman

MID SUSSEX DISTRICT COUNCIL

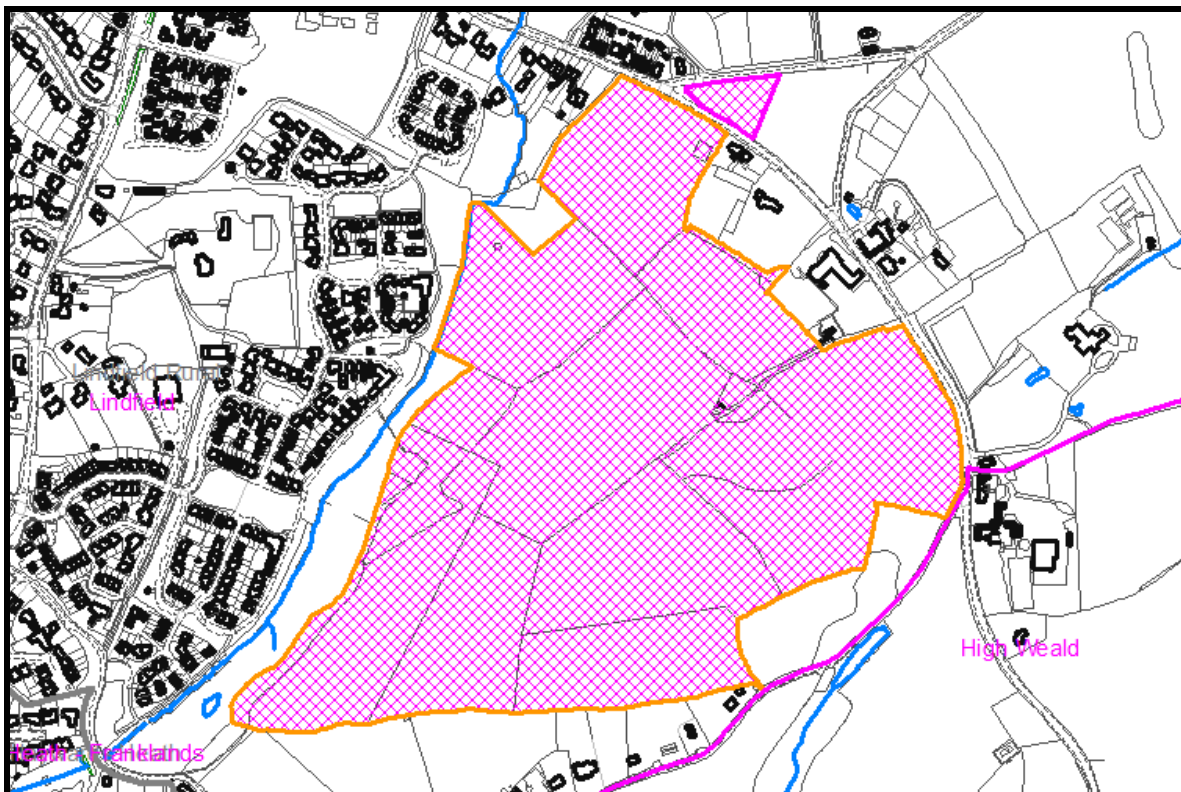
District Wide Committee

14 JAN 2021

RECOMMENDED FOR PERMISSION

Lindfield Rural

DM/20/2763



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**LAND TO THE SOUTH OF SCAMPS HILL SCAYNES HILL ROAD  
LINDFIELD WEST SUSSEX**

**RESERVED MATTERS APPLICATION FOR APPROVAL OF THE  
APPEARANCE, LAYOUT, SCALE AND LANDSCAPING RELATING TO  
OUTLINE APPLICATION DM/15/4457.**

**SOUTHERN HOUSING GROUP LTD**

POLICY: Ancient Woodland / Article 4 Direction / Area of Special Control of Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Flood Map - Zones 2 and 3 / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 3rd December 2020

WARD MEMBERS: Cllr Andrew Lea / Cllr Anthea Lea / Cllr Jonathan Ash-Edwards /

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**

Consent is sought for the reserved matters of layout, scale, appearance and landscaping associated with the erection of 200 dwellings pursuant to an outline planning permission, granted on appeal by the Secretary of State, in respect of application DM/15/4457 on land south of Scamps Hill, Lindfield.

The outline planning permission allows for 200 dwellings, a 9.54 ha country park and land for a one form entry primary school. This application does not include the school site, which will need to be come forward under a separate application, but includes all other elements associated with the residential dwellings and country park.

As well as establishing the principle of development, the outline permission also considered the matter of access (and associated highway network issues), which it found to be acceptable. Such matters are not for consideration as part this application and members should focus consideration on the remaining reserved matters of layout scale, appearance and landscaping and the associated issues.

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.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the Development Plan comprises the District Plan (DP) and the Lindfield and Lindfield Rural (LLRNP).

It is considered that the scheme benefits from a well-considered and thoughtful layout that, alongside the proposed contemporary approach will create a distinctive and high quality development. The proposed scale of the buildings is appropriate to the site and its setting and it is considered that the scheme, when considered holistically alongside the comprehensive landscaping proposals, will make a positive contribution to the character and appearance of the area. It is therefore considered the proposal complies with policies DP26 and DP37 of the DP and relevant

principles of the Council's Design Guide SPD.

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 proposed internal road layout is considered acceptable and the level of car parking provided is in accordance with the Local Highway Authority's adopted guidance. The proposals therefore comply with policies DP21 and DP26 of the DP.

The proposed development will provide for an appropriate mix of dwelling types to meet the needs of the district. The proposed affordable provision is in accordance with the details secured at the outline stage via the S106 Legal Agreement and it is appropriately integrated across the site to ensure social inclusion. The applicants are proposing a further ten affordable shared ownership units on site, in addition to required 30% and it is considered that this matter should be given significant positive weight. The application complies with policies DP30 and DP31 of the DP.

The required infrastructure to serve the development has been secured by the S106 Legal Agreement that was completed when outline planning permission was granted for the development of this site and it has already been found that the development will not have a likely significant impact on the Ashdown Forest SAC or SPA. As such policies DP17 and DP20 of the District Plan are met.

It is considered that there would not be a significant adverse impact on the residential amenities of the occupiers of the properties that adjoin the site, by means of overlooking, loss of privacy, loss of light or by means of noise or light pollution. The proposal would result in a change in outlook from existing properties that adjoin the site (from an open field to housing development), however this was known at the time that the appeal was considered and taken in to account and deemed acceptable. It is not considered that the proposal would result in significant harm being caused to existing residential amenities. The application complies with policies DP26 and DP29 of the DP in respect of this matter.

The proposed dwellings will comply with national space standards and meet the required standards for accessibility. In addition, the scheme has considered sustainability in both its design and layout. The application complies with policies DP27, DP28, DP39 and DP42 of the DP.

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 at Appendix A.

## SUMMARY OF REPRESENTATIONS

26 letters of representation received making raising the following objections;

- Not in keeping with the local character of Walstead.
- Local infrastructure will not be able to cope.
- Construction will cause noise and disruption to local residents.
- Increased traffic
- Damage to the environment with a greenfield development such as this
- No commitment to provide the school.
- There is no need for the additional houses
- Design of the buildings is lazy and poor and adds nothing to the area
- The proposed country park may never happen
- Access to the village is poor
- Potential flooding
- There should be tight restriction in regard to construction traffic if approved
- Proposed development infringes easement and access rights to property
- There are private drainage rights across the site that have not been taken into account
- Location of primary school will have a detrimental impact on residential amenity
- The development will result in a loss of outlook and will be overbearing
- The development will not result in any economic benefit to the village of Lindfield

### Lindfield Preservation Society

The Lindfield Preservation Society, having reviewed the details of this application, supports Lindfield Parish Council in objection strongly. The proposed design would be an alien. Urban intrusion on a large scale into the rural setting of the adjacent hamlet of Walstead. We urge Mid Sussex District Council to take the following matters into consideration;

#### Character and Design

District Plan policy 26 requires that 'all development will be well designed' and will 'reflect the distinctive character of the towns and villages while being sensitive to the countryside'. The proposed units are clearly an off-the shelf designs scheme also to be found in urban settings across the country. The result would be a sprawling warren that would dominate Walstead and be entirely out of keeping with what would be left of the surrounding countryside. The effect would be exacerbated by the developers' proposal to increase the bulk of these units beyond the dimensions given outline planning permission ('Design and Access Statement' 5.03, replacing 1.5-2.5 with 2-3 storeys).

This is a poor design that respects neither the character of the hamlet nor the countryside. It therefore contravenes DP26 and permission should be refused for this reason.



## Absence of School Provision

The application is strangely silent of the earlier promise of a school, beyond showing one on the site plans. West Sussex County Council has, as far as we know, made no commitment to building, staffing or running such a school. It is well documented that the local school system is already oversubscribed, even before the arrival of 200 additional households. Should the Council be minded to grant permission despite SP26, a binding condition should be attached requiring that provision of a new school is guaranteed before any construction takes place.

## Country Park and Green Space

The application provides no assurance that these will be maintained adequately and in the longer terms as public spaces. A binding condition should be attached to any approval requiring that a) that these spaces remain public and b) they are maintained to a high standard. Management should be preferably pass to Lindfield Rural parish Council, supported by a sufficient budget.

## HGV Traffic

We asked the developers in June 202 to propose a s106 agreement to finance a TRO prohibiting HGV traffic (except for access) on Lewes Road between Gravelye Lane and the High Street, Lindfield. No such proposal features in the application. At the very least, a binding condition should be attached to any approval requiring a construction traffic plan that would exclude this stretch of road and Lindfield High Street.

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

### **MSDC Urban Designer**

The Design Review Panel (DRP) considered the scheme prior to the submission of the planning application and not only agreed it was a good scheme but felt that "its quality and approach should be used as a marker for others to follow". They also commended it by saying: "the scheme successfully responds to the nuances and characteristics of the site and creates interesting routes through that connect to attractive areas on all sides of the site" and that "the building design takes a refreshing contemporary approach with a variation and mix that works well". Because the scheme was at an advanced stage and the DRP were supportive, it was not necessary for the panel to look at the application submission which is much the same as the pre-application proposal. In line with the DRP's recommendation, the parking requirements were nevertheless further reviewed by the applicants in advance of the application and the scheme demonstrates that it harmoniously accommodates parking with no adverse impact upon the design.

I agree with the DRP's comments. The scheme can be commended for its sensitive and well-considered response to this attractive rural site. In particular the proposal benefits from a bespoke architectural response with underlying design integrity and a well-planned layout that limits development to the lower lying areas of the site. The landscaping strategy and the design of the country park and other open spaces is

well integrated to achieve a holistic design. The scheme also addresses the design principles in the (draft) Mid Sussex Design Guide. I therefore have no objection to this planning application.

To secure the quality of the design I suggest some conditions.

**MSDC Housing Officer**

No objection.

**MSDC Environmental Protection Officer**

No objection.

**MSDC Drainage Officer**

The MSDC Flood Risk and Drainage Engineers consider the proposed drainage as acceptable and achievable in terms of layout. The site is at low risk of Fluvial flooding; the proposed SuDS drainage is achievable and is not likely to create or exacerbate flood risk; and the forming a wetland corridor to convey the identified pluvial water flows is a well-considered and sensible approach.

**MSDC Landscape Contract Monitoring Officer**

The landscape scheme clearly represents a well thought out approach and responds well to the character of the site. The scheme takes into account existing landscape structure / features, vegetation types and existing green infrastructure, and proposes landscape areas that would aid the integration of the scheme into the surrounding context. Careful consideration has been given to both recreational land use and wildlife / biodiversity value throughout the scheme. The scheme recognises and responds to the site, which is essentially a transition between the urban fringes of Lindfield and the more rural landscape beyond to the east.

**MSDC Visual Landscape consultant**

It is recommended that the landscape masterplan and detailed landscape proposals can be supported as they would help ensure that the development has an acceptable impact on local landscape character and views.

**WSCC Highways**

No objection subject to conditions.

**Environment Agency**

No objection.

## **Sussex Police**

I was pleased to note from the masterplan / design and layout submitted in support of this application, that the applicant's agent has clearly demonstrated their understanding of the Secured by Design scheme and its requirements by incorporating;

- Back to back gardens that have eliminated vulnerable rear garden pathways,
- Created good front demarcation of dwellings with defensible space,
- The presence of robust rear fencing,
- Secure cycle storage,
- Street lighting,
- Overlooked streets and natural surveillance into the development.

However, I do have some concerns over the proposed external pedestrian links into and through the development that have created excessive unnecessary permeability.

## **LINDFIELD RURAL PARISH COUNCIL**

LRPC Oppose the application for the following reasons:

**High Quality Environment.** The LRPC has a "Black Sky" policy seeking to reduce the impact on local amenities and intrinsically aiming to support dark landscape for our Rural Areas and consider the lighting proposals do not demonstrate this aim and therefore does not meet the requirements of DP 29 of the District Plan.

**Design and Character.** The LRPC considers that the design and setting of the proposed housing units do not meet the requirements of the District Plan Policy DP26. It is considered that the design is very urban and does not reflect the rural character of the adjacent Hamlet of Walstead and therefore does not protect the rural setting and promote rural character.

**Green Space and Landscaping.** The LRPC has great concerns over the future for the Country Park and Green Spaces within the development and request that binding conditions are attached to any approval to ensure they remain for public informal use and that a further condition is attached to ensure all green spaces are maintained to a high standard. LRPC would draw the LPA attention to DP37 where reference is made to valuable landscapes with the proposed county park identified as one, hence the need to apply this DP.

**Highway Issues and Sustainable Transport.** In order to meet the Sustainability test this development must provide the necessary sustainable facilities to enable residents to reach the village under safe conditions with a comprehensive footpath network and public transport. The LRPC considers it paramount that in order to have sustainable community accessibility to reach schools at all levels and health facilities when based on the known evidence local schools and Doctors Surgery are full, hence the need to ensure the proposed school to be built as part of the development to provide for children from this development.

LRPC would also like to mention issues, that whilst not constituting legitimate planning reasons; the following point should be taken into consideration:

1. To protect the country park and other open spaces LRPC in its previous reply asked that the open areas be managed by LRPC with the appropriate budget - this has not been addressed in this latest document.
2. LRPC are concerned that the new development will be used as short cut by non-resident drivers (vans etc) going to Walstead - who currently use other more suitable roads. What preventative measures would be in place to stop this happening as it would be a risk the residents and cycle users?
3. In the document page 12, the red boundary lines appears to include an area on the opposite side of the Lewes Road - this is not explained in the document. Our view is that is that it should be excluded because it opens up the potential for development on the other side of the road?

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## **INTRODUCTION**

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The outline planning permission allows for 200 dwellings, a 9.54 ha country park and land for a one form entry primary school. This application does not include the school site, which will need to be come forward under a separate application, but includes all other elements associated with the residential dwellings and country park.

As well as establishing the principle of development, the outline permission also considered the matter of access (and associated highway network issues), which it found to be acceptable. Such matters are not for consideration as part this application and members should focus consideration on the remaining reserved matters of layout scale, appearance and landscaping and the associated issues set out in the report below.

## **RELEVANT PLANNING HISTORY**

Outline application for the development of land to the south of Scamps Hill, to accommodate up to 200 dwellings, a 9.54ha country park and land for a primary education facility, together with associated access road, car parking, landscaping and open space. All matters reserved except for access. - Allowed on appeal 1st March 2018.

## **SITE AND SURROUNDINGS**

The site covers approximately 25ha and covers 10 separate parcels of land and is situated outside the built up area of Lindfield as defined by the Mid Sussex District Plan and the Lindfield and Lindfield Rural Neighbourhood Plan (LLRNP). The site is

not located within any statutory designated areas, i.e. Area of Outstanding Natural Beauty, but it should be noted that part of the site in the south eastern corner forms the informal recreation area secured in relation to the development known as Heathwood Park.

The site is bounded by the Scamps Hill to the north and Snowdrop Lane to the west, with Northlands Brook running along the eastern boundary site of the site. The site is separated at its southern tip from Lyoth Lane by a paddock, although there is an existing public access route from Lyoth Lane to the informal recreation across this paddock that will be retained.

The site abuts existing residential properties along its Scamps Hill frontage, including the Walstead Nursing Home, and along its western boundary, where properties front onto Snowdrop Lane.

The site is characterised by its undulations and there is, at its extreme, a difference of approximately 30m between the highest and lowest parts of the site. The highest point of the site lies to the west of Snowdrop Lane where there is a minor ridgeline, with the lowest point being Northland Brook on the western side of the site.

The site lies approximately 1.7km from Lindfield Village centre, 1.8km from Scaynes Hill and approximately 2.5km from Haywards Heath Town Centre.

## **APPLICATION DETAILS**

The proposal seeks consent for the reserved matters of layout, scale, appearance and landscaping of the residential element of the outline permission consisting of 200 dwellings, the country park and associated infrastructure. The school is not included within this application.

The application is submitted by a number of supporting documents that are available to view on the file.

The submitted details show that 200 dwellings, consisting of a mix of one, two, three and four bedroom properties will be provided, of which 30% will be affordable in line with the agreed S106 Legal Agreement. The proposed dwellings will be predominately two storeys, with limited three storey buildings provided at the lowest point of the site, flanking the proposed wetland walk area pond on the western side of the site. The dwellings will have a modern contemporary appearance, under traditional form forms, with the development split into four character areas. Proposed materials include stock bricks, a mix of clay and slates tiles as well some different cladding approaches.

The layout shows that two LEAP play areas will be provided, one in the centre of the site and the other to the south, on the edge of the proposed country park, with a third smaller Lap also provided at the southern end of the site. The country park itself will take up the western side of the site and provide opportunities for informal recreation, as well as habitat enhancement.

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP21 - Transport

DP26 - Character and Design

DP27 - Dwelling Space Standards

DP28 - Accessibility

DP29 - Noise, Air and Light Pollution

DP30 - Housing Mix

DP31 - Affordable Housing

DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

DP42 - Water Infrastructure & the Water Environment

### **Lindfield and Lindfield Rural Neighbourhood Plan**

The Lindfield and Lindfield Rural Neighbourhood Plan was made on the 23rd March 2016 and forms part of the Development Plan for the district. It can be given full weight.

Relevant policies include;

Policy 6 - Local Green Spaces

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

#### **Mid Sussex Design Guide**

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

In particular principles DG3/4 (natural resources), DG5 (water features and SuDs), DG6 (ecology and biodiversity), DG7 (topography and strategic views), DG12 (connected street network), DG13 (frontage), DG14 (enclosure), DG 18-20 (car parking), DG25 (open space), DG26 (play space), DG27-28 (trees and soft landscaping), DG29 (public realm) DG36 (mixed communities), DG37 (sustainable buildings), DG38 (respond to context), DG39 (scale and height), DG40 (active frontages), DG41 (sloping sites) and DG46 (external amenity space).

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

### **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)**

#### **Technical Housing Standards**

#### **Habitat Regulations**

#### **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
- Layout
- Appearance
- Scale
- Landscaping
- Transport / Parking
- Housing and Affordable Housing

- Residential Amenity
- Ashdown Forest
- 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 the application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and the Lindfield and Lindfield Rural Neighbourhood Plan (LLRNP).

The outline planning permission has established that the development of the site is acceptable for the proposals set out in this application, and while the details associated with the application need to be carefully considered there are no grounds to re-consider the suitability of the site for development.

## **Layout, Appearance and Scale**

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

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

- *is of high-quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*



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

Sections 4 (site layout, streets and spaces), 5 (site optimisation and mixed use) and 6 (high quality and sustainable building design) of the Council's Design Guide SPD provide additional guide in the consideration of these matters, with a number of specific principles of particular relevance in respect of these issues and they will be identified in the following sub-sections of this assessment.

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.'*

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.'*

The scheme has been carefully considered by your Urban Designer and his comments can be found in full in appendix B of this report.

### Layout

Section 4 of the Councils Design Guide SPD concentrates on 'site layout, streets and spaces and sets out that well-designed streets and public spaces can contribute significantly to the success of places (in this a development site) and to the sustainability agenda - street and spaces should be laid out to support both well-being and environmentally friendly transport. In particular, principles DG12 (connected street network), DG13 (frontage), DG14 (enclosure), DG 18-20 (car parking), DG25 (open space), DG26 (play space), DG27-28 (trees and soft landscaping), DG29 (public realm) are of relevance when considering the layout of a proposed development.

The proposed layout largely places development on the lower lying areas of the site and provides for a perimeter block arrangement that ensures that building frontages face the street and spaces (including the country park and attractive boundary edges). The scheme provides a central community focus around the proposed wetland walk area which benefits from good enclosure, landscaping and facilities, and given its proximity to the pedestrian link to the Heathwood Park site to the west, it should also attract activity from these existing residents.

Parking has been discretely accommodated in to the scheme, with private parking incorporated at the side of houses to limit its impact, thus allowing for soft landscaped thresholds and good street enclosure. Parking for the flats is mainly in rear court yards mostly screen from public views. Where it is visible, soft landscaping has been used to soften the appearance.

One of the key considerations of the Inspector at the appeal stage was the relationship of the development with Walstead, and in particular the important frontage to the Scamps Hill. Paragraphs 83 to 87 of the Inspectors report sets out his view on this issue and while he was satisfied that the effect of the scheme on the character and appearance of Walstead would be limited, he was critical of the approach shown on the illustrative layout at the time in respect of the Scamps Hill frontage, stating, inter alia;

*'Turning to the exception (to the overall effect on the character and appearance of Walstead), the indicative/illustrative drawings for the development of field 12, alongside Scamps Hill, completely ignore, or fail to appreciate, this character but suggest a scheme for anonymous, anywhere housing development behind initially modest landscaping. Taken with the removal of roadside hedges, and a new T-junction into the triangular shaped field, this would nether address the knot of houses*

*around Jubilee and Tichbourne Cottages, and other existing built form along the B2111, nor would it be readily screen from them ... if the development followed the illustrative drawings the houses would be an intrusion into the existing character including rural aspects and that of the existing houses.'*

In conclusion on this matter the Inspector stated;

*'On this issue, the harm that the residential development, as illustrated adjacent to Scamps Hill, would cause to the landscape would be significant but could, and should, also be overcome. Consequently, whether Walstead is considered a hamlet, a settlement or a rural area with some development, the potential harm that would follow from the indicative scheme would be the same and could be avoided at reserved matters stage. On this issue, the effect of the proposals on the character and appearance of Walstead should not be a bar to development'.*

The submitted layout provides for a much clearer and defined approach to the Scamps Hill frontage, by providing a strong building line set back (similar to existing properties to the west) from the road, behind an organised planting strategy. The area to the east of the entrance is described as a community orchard. It should also be noted that new native hedgerows will be planted along the frontage to replace what is required to be removed to provide the access and visibility spays.

In considering this aspect of the layout, your Urban Designer states;

*'The Scamps Hill Road frontage now incorporates an orchard which provides this threshold with a distinct character and, as the DRP have commented, "provides an appropriate transition between the development and the wider countryside". The orchard will benefit from an existing Victorian wall that provides an attractive backdrop on the south-east boundary'.*

Having regard to the submitted details, it is considered that the proposed treatment of the frontage to Scamps Hill has been carefully considered by the applicants and the proposals represent a significant improvement to the illustrative scheme seen by the Inspector and the views expressed by the Urban Design are supported.

In respect of other layout matters, the comments from Sussex Police are noted in respect of the three external routes that run through the development, one from Lyoth Lane to the south and two from Heathwood Park to the west. While officers would normally share similar concerns relating to a high level of unnecessary permeability, the three routes identified are important in providing wider community access to the proposed country park and ensuring the proposed development itself is integrated with that existing community. The scheme has been designed with this in mind and it is considered that the layout provides for a safe and pedestrian friendly environment.

In respect of the layout, it is considered that it complies with policy DP26 of the DP and the principles with the Mid Sussex Design Guide and be commended.

## Appearance

Section 6 of the Council's Design Guide concentrates on 'high quality building design' and outlines the important principles that need to be considered when designing new buildings. It states that *'key to this is adopting a design approach that minimises their environmental impact. The various components of new buildings including their form, proportions, roofscape and overall appearance should also display underlying architectural integrity and contribute to a sense of place by being borne from their location'*. In particular, principles DG37 (sustainable buildings), DG38 (respond to context), DG39 (scale and height), DG40 (active frontages), DG41 (sloping sites) are of relevance.

The applicants have adopted a contemporary design approach to the site, set within traditional building form/roof profiles and mostly using natural/local facing materials. In order to ensure some variety across the site, the applicants have created four distinct character areas, each deploying a different approach to the appearance and application of materials to the facades.

The topology of the site provides a challenge but in considering the design response presented by the applicants, your Urban Designer states;

*'The building design neatly accommodates the awkward slopes; the detached form of the houses helps avoid awkward stepped rooflines. Despite their long frontage the blocks of flats also skilfully accommodate the slope; they can be commended too for sitting comfortably with the other buildings as their scale has been reduced by designing them as a run of terraced houses defined by their gable frontages and with each flat benefitting from their own individual entrances that reinforces the subdivision of the facade.'*

The criticisms of the design approach set out in the representations are acknowledged however, officers do not agree with them. The design approach adopted by the applicants is a bespoke solution for this site and provides for a contemporary development of high quality that is respectful to its settings and one that will provide a positive contribution to the overall character and appearance of the area. The approach is commended by both your Urban Designer and the Mid Sussex Design Review Panel.

In respect of appearance, it is considered that it complies with policy DP26 of the DP and the principles with the Mid Sussex Design Guide and be commended.

## Scale

Section 5 of the Council's Design Guide concentrates on 'increased density' and in respect of large developments, such as proposed here, looks at how different densities, building types and forms can enhance the legibility and distinctiveness of a development. In particular, principles DG 34 (managing increased density in urban extension) and DG36 (mixed communities) are of relevance.

In terms of building heights, then the majority of the site will be two storeys, except for the buildings surrounding the wetland walk area on the western side of the site,

which will be three storeys in height. These account for a total of 14 properties, out of the 200 proposed.

At the outline stage, the illustrative information similarly showed that the site would be predominately two storeys in height, with limited two and half storeys in key locations. It is important to note that there are no approved parameter plans associated with the outline planning permission.

The grouping of these buildings in this space helps define the centre of the development and provide contrast to the rest of the site and your Urban Designer is comfortable with the overall height and scale of these buildings, for the reasons given.

The proposed three storey buildings are located in the lowest part of the site and the information submitted by applicants demonstrate that these buildings will not break the roofscape of the rest of the development, therefore they will not have an effect on the wider visual impact of the development.

In terms of scale, it is considered that it complies with policy DP26 of the DP and the principles with the Mid Sussex Design Guide and be commended.

#### Mid Sussex Design Review Panel

It is important to note that the scheme, in a pre-submission form, was considered by the Mid Sussex Design Review Panel and while their comments are not formally set out in this report (for that reason), they are reflected in the comments of your Urban Designer, who highlights;

*'The Design Review Panel (DRP) considered the scheme prior to the submission of the planning application and not only agreed it was a good scheme but felt that "its quality and approach should be used as a marker for others to follow". They also commended it by saying: "the scheme successfully responds to the nuances and characteristics of the site and creates interesting routes through that connect to attractive areas on all sides of the site" and that "the building design takes a refreshing contemporary approach with a variation and mix that works well". Because the scheme was at an advanced stage and the DRP were supportive, it was not necessary for the panel to look at the application submission which is much the same as the pre-application proposal'.*

In conclusion on these matters is considered that the scheme benefits from a well-considered and thoughtful layout that, alongside the proposed contemporary approach will create a distinctive and high quality development. The proposed scale of the buildings is appropriate to the site and its setting and it is your officers view that the scheme will make a positive contribution to the character and appearance of the area. The proposals are supported by your Urban Design and Mid Sussex Design Review Panel.

As such, it is considered that the proposal complies with policy DP26 of the DP and relevant principles of the Council's Design Guide SPD.

## Transport and Parking

Looking at the policy context, policy DP21 of the DP requires development proposals to provide appropriate opportunities to facilitate and promote the increased use of alternative modes of transport, such as the provision of safe and convenient routes for walking and cycling. The policy sets out that decisions will take account of whether a scheme is designed to adoptable standards and whether it provides adequate car parking for the proposed development. On the matter of parking, policy DP26 expects well integrated parking arrangements that do not dominate the street environment.

In respect of the MSDC Design Guide, DG18 to DG20 deal with parking matters, specially how the required number of spaces can be successfully incorporated into the design and layout the scheme. The relevant principles deal the general integration of parking, the provision of off-street parking and the provision of on-street parking. While general design and layout matters are addressed in other sections of the report, these principles are specific to parking.

As previously stated, the matters associated with the access and the wider highway impacts was considered acceptable at the outline planning stage and therefore do not form part of the consideration as part of this application.

The application has been considered by the Local Highway Authority and their full comments can be found in appendix B of this report. The main issues raised by the Local Highway Authority do not relate to the geometry of the proposed layout but instead the proposed materials and how these will define the nature of the road to different users. As confirmed in their comments, such matters can be controlled by condition and a suitable wording in suggested in appendix A of this report.

In respect of parking, the provision is being made in the form of a mix of garages, car ports, and on plot, along with separate visitor spaces spread across the site. In total 429 parking spaces are proposed, of which 379 spaces will be allocated and 50 will be unallocated visitor spaces.

In terms of numbers, it is considered that the proposed parking provision is in accordance the WSCC '*Guidance on Parking at new Development (2020)*' and no objection has been raised by the Local Highway Authority in regard this matter.

In line with County guidance, 21 spaces have been identified as suitable for adaption to meet the needs of any future disabled users and Electric Vehicle (EV) provision will be provided for 33% of all spaces. The EV provision can be secured via a suitably worded condition.

In respect of the nature of the provision, and as set above, the Parking has been discretely accommodated into the scheme, with private parking incorporated at the side of houses to limit its impact, thus allowing for soft landscaped thresholds and good street enclosure. Parking for the flats is mainly in rear court yards, mostly screen from public views. Where it is visible, soft landscaping has been used to soften the appearance.

A residential travel plan has been submitted by the applicants in support of their proposals. The travel plan was secured at the outline stage via the s106 Legal Agreement, the terms of which require the approval of West Sussex County Council, as the Local Highway Authority. This sits outside the scope of this application but nevertheless demonstrates the holistic approach being adopted by the applicants in putting forward this reserved matter submission.

Having regard for the above, it is considered that the application complies with policies DP21 and DP26 of the DP and relevant design principles of the Council Design Guide SPD.

### **Housing and Affordable Housing**

Policy DP30 of the DP deals with housing mix and requires housing developments to provide a mix of dwelling types and sizes that reflects current and future needs. Policy DP31 deals specifically with the provision of affordable housing and requires developments to provide a minimum of 30% affordable housing on schemes of 11 no. dwellings or more.

Policy DP27 requires all development to meet the nationally described space standard and policy DP28 deals with accessibility and requires developments of 5 or more dwellings to make provision for 20% of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M requirements M4(2), unless proposals meet one of the exceptions listed.

In respect of the proposed housing mix (private) then the applicants are proposing the following;

2 x 1 bed flats  
12 x 2 bed flats  
10 x 2 bed houses  
53 x 3 bed houses  
45 x 4 bed houses  
8 x 5 bed houses

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 regard to the affordable provision to meet the requirements of the signed S106 Agreement, the following is proposed;

13 x 1 bed flats (all socially rent)  
16 x 2 bed flats (all social rent - two of which will be wheelchair units)  
19 x 2 bed houses (12 social rented and 7 shared ownership)  
12 x 3 bed houses (4 social rent and 8 shared ownership)

The above tenure split meets the Council's policy requirements.

In addition to the above, the application is proposing a further 10 shared ownership units, comprising of 1 x1 bedroom flat, 1 x 2 bedroom house and 8 x 3 bedroom houses.

Having to the above, the site will deliver a total of 70 affordable units.

The proposed units will be appropriately located across the site to ensure that suitable social integration and your housing officer, who's comments can be found in full appendix B to this report, has not raised an objection to the proposals.

All the proposed units meet the required national space standards as required by policy DP27.

Policy DP28 deals with accessibility and developments of 5 or more dwellings are expected to make provision for 20% of the units to meet M4(2) under part M of Building Regulations, unless it one of the exceptions set out in the policy apply. While not a requirement of the outline permission, which pre-dates the policy, the applicants submissions sets out that all the new dwellings have been designed to comply with the minimum accessibility provision of the AD part m requirement M(4) - category 2.

Having regard to the above it is considered the application complies with policies DP27, DP28, DP30 and DP31 of the District Plan.

## **Residential 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, and noise, air and light pollution.'*



Policy DP29 sets out that the quality of people's lives will be protected from unacceptable levels of noise, light and air pollution by controlling development. The policy then sets out criteria for each issue separately.

Section 12 of the NPPF is deals design matters and paragraph 127 (f) sets out that decisions should ensure developments *'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'*, amongst other things.

The site is bounded to the north and west by existing properties, the latter being properties within the recently constructed Heathwood Park development. Of those properties to the north, there is no.2 Walstead cottage that adjoins the western boundary of the site, where its fronts Scamps Hill, and Walstead Place Cottages, Walstead Lea and Walstead Place (a care home), to the east of Scamps Hill frontage (adjoining the reserved school site).

In respect of no.2 Walstead Cottage, there will be properties set approximately 15m in from the boundary of the site, which consists of vegetation that is to be retained, facing to the west, with the overall distance between properties approximately 25m. While the orientation is such that there may be some loss of privacy, the intervening vegetation will help mitigate and the distances involved are such that is not considered that likely significant harm would occur.

In respect to the existing properties to the east of the Scamps Hill frontage, the closest proposed dwellings to Walstead Cottages are approximately 25 from the mutual boundary, a brick wall, with the proposed orchard planting in-between. It is not considered that such a relationship would give rise to likely significant harm by either loss of privacy or overlooking. In respect of Walstead Lea and Walstead Place, there are no proposed dwellings that would have direct impact, although concern has been raised in respect of the likely impact of the primary school, as the reserved site lies directly south of their boundaries.

This matter was considered by officers at the outline stage, where the report considered by members contained the following assessment;

*'There will clearly be an impact on these properties, and the concerns raised by Walstead Place are noted, however, the proposal is for a primary education facility and the amount of time the outdoor facilities will be utilised would be limited to school hours and it is unlikely that through a school day these outdoor facilities would be in constant use. It is appreciated that the use of the site for such a facility, given the relative tranquil nature of the existing environs, that there would be a noticeable change in noise levels, albeit at certain times within the school day, which would be greater felt during the summer months when the windows are generally open for longer periods and garden spaces utilised. In commenting on the application, the Council's Environmental Protection Officer has noted all the proposed uses, including the school, and has not raised an objection.'*

The assessment set out above is still considered relevant. The details of the school are not included within the application; however, the reserved site is secured within the S106 Legal Agreement associated with the outline permission and as such the

position of the school site has already been established and cannot be altered through this application. The details of the school site will be subject to detailed consideration via a separate application and there are no grounds to refuse this application in regards to the relationship and impact of the school on existing properties fronting Scamps Hill.

In respect of the properties that lie to the west of the site, within the Heathwood Park development, the nearest properties would be in excess of 30m away and it is not considered that there would be any likely impact on residential amenities through overlooking, loss of privacy or loss of light.

Concern has been raised regarding the loss of outlook from existing properties to the north of the site and while it is accepted that this will change dramatically, the principle of the development of the site has been established through the granting of the outline permission, at appeal, and as such the impact has already been taken into consideration and it would not be reasonable to refuse the current reserved matter submission in respect of this issue.

Having regard to the scheme as a whole, it is considered that the proposals will not give rise to any likely significant impact on amenities to either existing or future occupiers and as such the application complies with Policy DP26.

Concern has been raised within the representations, and by the Parish Council, with regards to the impact of proposed lighting in respect of existing amenities and the generally character of the area. The application is supported by a full lighting strategy for the site, which has been submitted pursuant to condition 12 of the outline planning permission. The details show that the scheme has been designed to comply with the guidance set out in the Institute Lighting Professional (ILP) Guidance notes for the reduction of obtrusive light GN 01:2020, based upon Environmental Zone E2 (low district brightness) - which is appropriate for village or relatively dark outer suburban locations as such this. The proposed lighting scheme will have both luminaire mounted shields and column mounted shields to ensure that light spillage, both horizontally and vertically will be limited.

In respect of light pollution, policy DP29 requires the applicant to demonstrate good design (including the fittings to restrict emission from the scheme) and that the impact is limited, in terms of intensity and the number of fittings. The proposed lighting is limited to the main public and private streets and their edges, with no lighting within the proposed country park. The Council's Environmental Protection Officer has not raised an objection to the proposals in respect of the lighting schemes impact on residential amenity, and in all other aspects (general environment and ecology) the proposed scheme is appropriately designed to ensure impacts are minimised. In this respect, the scheme complies with policy DP29.

Overall, in respect of these matters, it is not considered that the proposal would give rise to a likely significant impact on existing residential amenities or cause unacceptable levels of light pollution, therefore the application complies with policies DP26 and DP29 of the DP.

## Landscaping

In respect of landscaping, policy DP26 of the DP requires development to include appropriate landscaping and greenspace, while DP37 seeks to protect and enhance trees, woodland and hedgerows by ensuring development stakes opportunities to enhance on-site green infrastructure.

Section 3 of the Council's Design Guide concentrates on the 'establishing the structure' of site, such that the site natural resources should contribute to shaping the layout of the site. In particular of principle DG3 deals with using the sites natural features and resources, while DG4 sets out that the shape and form of open space should be positively planned and maximise the opportunity to accommodate landscape features and water courses/ponds, while fulfilling drainage requirements. DG25 deals with the setting out of open spaces.

It is noted that policy 6 of the LLRNP designates local green spaces, which includes viii - recreation area of Lyoth Lane (which falls within the application site). The policy seeks to protect this space and development will be resisted unless is exceptional public interest is demonstrated. The grant of the outline planning permission did take this into account and in any event part of the country park is a direct, permanent replacement, of this designated space and therefore the policy requirement is not considered relevant in the determination of this reserved matters application.

In support of the application a landscape design statement, a landscape masterplan, a series of landscape/general arrangement plans, a landscape management plan and tree survey and arboricultural impact assessment. All of which can be viewed in full on the application file.

The submitted information provides a comprehensive review of the existing site characteristics and stock, as well a detailed and holistic plan for the landscaping elements of the scheme.

There are total of 194 trees, 14 tree groups, 1 woodland area and 20 hedgerow sections within or adjacent to the proposed development area, made up of a mix category A through to category U trees, of both individual and grouped arboricultural qualities. The submitted information shows that in order to deliver the proposed scheme, 4 category B trees and 3 category C trees will need to be removed. In addition, partial removal of 2 category C tree groups and 5 category C hedge sections are required. None of the category U trees present a restriction to the development and given that they provide good habitat and ecological value, they are being retained. It should be noted that the extent of loss directly corresponds with that shown at the outline application stage.

The proposed landscaping scheme consist of 'key landscape areas, which include the frontage orchard, a wetland walk area and green links through the development, particularly along it east/west axis. In addition, frontage landscaping is providing along most of streets, which provide specimen tree planting where appropriate. The submitted information sets out that 270 trees are proposed to be planted as part of the development.

The information has been considered by landscape contract monitoring officer, who's comments can be found in full in appendix b of this report, who states;

*'The landscape scheme clearly represents a well thought out approach and responds well to the character of the site. The scheme takes into account existing landscape structure / features, vegetation types and existing green infrastructure, and proposes landscape areas that would aid the integration of the scheme into the surrounding context. Careful consideration has been given to both recreational land use and wildlife / biodiversity value throughout the scheme. The scheme recognises and responds to the site, which is essentially a transition between the urban fringes of Lindfield and the more rural landscape beyond to the east'.*

The proposed scheme is also supported by the Council's visual landscape consultant.

In addition, no objection has been raised to the submitted Landscape Management Plan submitted pursuant to condition 13 of the outline planning permission.

The approach adopted by the applicants demonstrates that the scheme is landscape led and it is considered that the proposals provide for a comprehensive scheme that will allow the development to integrate into its surroundings, while providing a distinct sense of place. It is recognised that details planting specification is required, and this can be secured through an appropriately worded condition.

The development will contain three play areas (two LEAPS and one LAP area), the details of which have been submitted as part this application pursuant to condition 8 of the outline planning permission. One LEAP will be located adjacent to the wetland walk area in the centre of the site and will feature a mix of 'equipped' play as well as planted/natural structures and mounding. The second LEAP is to be provided on the edge of the proposed country park and will also include a combination of both natural play and 'equipped' play elements. The Lap area is provided at the southern of the site and will provide a small-scale natural play space for younger. All of the play spaces are well integrated into the development, with good surveillance and suitable safety measures.

Comments have been raised regarding the provision of the country park and its long-term maintenance and management, with a request that it passed across to the Parish Council.

The provision of the Country park is a significant element of the overall scheme and it was secured at the outline planning application stage, through the S106 Legal Agreement. This was particularly important, as part of park is a replacement of an informal recreation area provided as part of the Heathwood Park development, which would be lost as a result of the provision of southern elements of the housing shown in this application. The Agreement secures the use of the country park in perpetuity, requires its delivery for public use by 50% occupation (and importantly does not allow development of the existing Informal recreation area until it is provided) and provides the land to be transferred to the 'Land Trust' (with a commuted sum) to manage the area in the long term. Officers are satisfied that suitable long-term

management mechanisms for the country park are already in place and it would not be appropriate to re-visit them as part of this reserved matters application.

It should be noted as part of central wetland walk area of the site, the applicants are looking at providing some form of community space/hub on its southern side, however, these matters do not form part of this application. There is no requirement for its provision within the outline planning permission and something that the applicants are considering as part of a wider long-term community focus of the site and this would need to be subject to a separate planning permission.

In conclusion on this matter, it is considered that the proposed landscaping strategy, country park and other open spaces are an appropriate response to the sites setting and provide for an integrated holistic approach to the development of the site. It is considered that the application complies with policies DP26 and DP37 of the DP and the relevant principles of the Council's Design Guide SPD.

## **Infrastructure**

Many of the representations received have made comments about the lack of infrastructure within the local area to cope with the additional dwellings that this development will deliver. It is not the responsibility of a development to rectify existing deficiencies in infrastructure, they only can be required to mitigate their impact as a result of any additional uses as a result of their future residents.

Matters of infrastructure were considered at the outline application stage and the completed S106 Legal Agreement secured the following financial contributions;

- Contribution towards formal sport to be spend toward improvements to sport facilities at Lindfield common.
- Contribution towards community buildings to be spent toward improvements to the Scaynes Hill Millennium centre.
- Contribution towards local community infrastructure to be spent towards a new public toilet facility at Lindfield common and or new allotment provision in Scaynes Hill.
- Contribution towards heath to be spend at the Lindfield Medical Centre and or Northlands Wood Surgery.
- Contribution towards primary education to be spent towards the co0nstruction of the primary school on the primary school land
- Contribution towards secondary education to be spent towards the expansion of Oathall Community College.
- Contribution toward libraries to be spend onwards the cost of library services at Haywards Heath library.
- A transport contribution of £100,000 (towards an agreed set of works set out in the Agreement)
- A junction contribution of £14,525 (towards specific junction works set out in the Agreement)

Apart from the two highways related contributions, the final sum of others is depended upon the final agreed mix of this reserved matters as they will be calculated on a formula set out in the agreed document, based upon the Council's

SPD (at the time of completion 2017) in relation to development infrastructure contributions.

The matters secured above were sufficient for the Inspector and Secretary of State to agree that the development would not have an unacceptable impact on the infrastructure of the local area.

In addition to the financial contributions, the county park (already covered in the previous section) and the affordable housing provision (covered earlier in the report), the S106 Agreement also secured the provision of the primary school site.

It is noted that several of the representations seek to secure the delivery of the school alongside the housing, however, the delivery of the school is the responsibility of the County Council in this case. The S106 Legal Agreement requires the transfer of freehold interest in the primary school land to the county Council prior to the occupation of the first dwelling, along with 50% of the education contributions, with the residual amounts paid on occupation of the 50th unit. The school does not form part of this application and it is not appropriate nor reasonable to seek to tie the delivery alongside the proposed housing, as this is contrary to the terms of the agreed S106 Legal Agreement associated with the outline permission for the site.

### **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 committed 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

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.

The application complies with policy DP17 of the District Plan.

### **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.'*

The application is supported by a comprehensive Sustainability Statement, which includes separate appendices containing an energy statement report, thermal control assessment and daylight and sunlight analysis. The sustainability strategy being adopted by the development is comprehensive and holistic, across all aspects of the site, with some of the main elements being;

### Fabric First

- Maximising the performance of the components and materials that make up the building fabric itself, before considering the use of mechanical or electrical building services systems.
- Reducing U-values of mass or thermal elements.
- Walls comprising sustainable non-combustible mineral wool insulation (U-value 0.15W/m<sup>2</sup>K)
- Floors - simple geometry of a footprint providing optimal P/A ratio
- Roofs (U-value 0.12W/m<sup>2</sup>K)
- Doors/windows - location and size responding to N/S orientation wherever possible
- Reducing the effects of thermal bridging

### Ventilation and Heating

- Use of a highly-efficient counterflow heat exchanger as well as a special designed heating pump that utilises the residual energy in the extracted air.
- 100% heat recovery.

### Electric Vehicle Charging points

- 33% of all parking spaces will have electric charging point provision

Policy DP42 deals with water infrastructure and water environment and in particular the water consumption requirements for new developments. The applicants have confirmed in their submissions that all the proposed dwellings will meet the water consumption standard of 110 litres per person per day through the use of water saving and flow restricting fittings, in line with policy DP42.

The above matters can be secured via condition and having regard to the above, officers are satisfied that the proposal has been sought to improve the sustainability of the development and the application is therefore in accordance with Policies DP39 and DP42 of the DP.



## **Other Matters**

In respect of ecology/biodiversity, the application is supported by a 'preliminary ecology appraisal' and a 'biodiversity net gain assessment' and while such matters were considered at the outline stage, where an ecological enhancement condition was imposed (condition 110, the submission provide indication of the applicants on-going consideration of these matters and the holistic approach they are taking to the development of the site. A formal submission in respect of condition 11 is still awaited, but it is worth noting that while there will be obvious habitat loss due to development, significant gains can be achieved in the creation and enhancement of habitats of high distinctiveness (meaning that they are of great value to wildlife), which will help enhance the ecological value of the site.

Comments regarding measures to potentially try and restrict HGV construction traffic from Lindfield High Street are noted and it is a matter that can be looked at with the Local Highway Authority and the applicants in respect of their formal submission pursuant to condition 2 (construction management plan), which is yet to be made.

The applicants have submitted as part of this application a number of technical submissions pursuant to conditions attached to the outline planning permission for officers to consider and hopefully discharge. These matters relate to drainage (conditions 3 and 4), site levels (condition 7), play areas (condition 8), road details (condition 10), lighting (condition 12), landscape management plan (condition 13), site access (condition 14), parking (condition 15), cycle parking (condition 16) and realignment of Scaynes Hill Road (condition 17). These matters are still under consideration by officers and an update will be provided at the committee however on the position with regard to these matters, however, these submissions do not form part of the recommendation before members and this is noted for members information only. Any conditions that officers consider can be discharged at this stage can be added to the decision notice, in the event that members agree the recommendation, as informatives.

## **Planning Balance and Conclusion**

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.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the Development Plan comprises the District Plan (DP) and the Lindfield and Lindfield Rural (LLRNP).

It is considered that the scheme benefits from a well-considered and thoughtful layout that, alongside the proposed contemporary approach will create a distinctive and high-quality development. The proposed scale of the buildings is appropriate to the site and its setting and it is considered that the scheme, when considered holistically alongside the comprehensive landscaping proposals, will make a positive contribution to the character and appearance of the area. It is therefore considered

the proposal complies with policies DP26 and DP37 of the DP and relevant principles of the Council's Design Guide SPD.

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 proposed internal road layout is considered acceptable and the level of car parking provided is in accordance with the Local Highway Authority's adopted guidance. The proposals therefore comply with policies DP21 and DP26 of the DP.

The proposed development will provide for an appropriate mix of dwelling types to meet the needs of the district. The proposed affordable provision is in accordance with the details secured at the outline stage via the S106 Legal Agreement and it is appropriately integrated across the site to ensure social inclusion. The applicants are proposing a further ten affordable shared ownership units on site, in addition to required 30% and it is considered that this matter should be given significant positive weight. The application complies with policies DP30 and DP31 of the DP.

The required infrastructure to serve the development has been secured by the S106 Legal Agreement that was completed when outline planning permission was granted for the development of this site and it has already been found that the development will not have a likely significant impact on the Ashdown Forest SAC or SPA. As such policies DP17 and DP20 of the District Plan are met.

It is considered that there would not be a significant adverse impact on the residential amenities of the occupiers of the properties that adjoin the site, by means of overlooking, loss of privacy, loss of light or by means of noise or light pollution. The proposal would result in a change in outlook from existing properties that adjoin the site (from an open field to housing development), however this was known at the time that the appeal was considered and taken in to account and deemed acceptable. It is not considered that the proposal would result in significant harm being caused to existing residential amenities. The application complies with policies DP26 and DP29 of the DP in respect of this matter.

The proposed dwellings will comply with national space standards and meet the required standards for accessibility. In addition, the scheme has considered sustainability in both its design and layout. The application complies with policies DP27, DP28, DP39 and DP42 of the DP.

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. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, plans and details showing the location and specification of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The number of electric charging points shall be based upon the WSCC Parking Guidance dated 2019. No dwelling associated with the charging point shall be occupied until such time as the charging point is operational.

Reason: To encourage and promote the use of electric vehicles and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

2. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, details of the proposed bridge across Northlands Brook shall be submitted to and approved in writing with the Local Planning Authority, along with a programme for its construction. The development shall only be implemented in accordance with the approved details.

Reason: To ensure appropriate pedestrian and cycle connectivity and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

3. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, the following details shall be submitted to and approved in writing with the Local Planning Authority;

- 1:20 sections and front elevations of: (i) the 4B 8P - TYPE 3 house; (ii) the typical features (shown in context) of the other building types including entrance canopies/doors, balustrading, roof/eaves details, windows, brick pattern details and car ports.
- Details of the facing materials

The development shall only be implemented in accordance with the approved details.

Reason: To control the quality and appearance of the development in the interest of public amenity and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

4. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, details of the proposed boundary treatments and means of enclosure shall be submitted to and approved in writing with the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To control the quality and appearance of the development in the interest of public amenity and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

5. Notwithstanding any details shown on the approved drawings, prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, a full and detailed planting specification and schedule shall be submitted to and approved in writing with the Local Planning authority.

The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

6. The development hereby approved shall only be implemented in accordance with the details contained with the Tree Survey and Arboricultural Impact Assessment by Greengage dated July 2020 and all tree protection measures, as shown on the tree protection plans, shall be set out prior to the commencement of development and shall remain in situ until such time as the development in the vicinity has been completed., unless first agreed in writing with the Local Planning Authority.

Reason: In the interest of good arboriculture and to comply with policy DP37 of the Mid Sussex District Plan 2014-2031.

7. The development shall only be implemented in accordance with the details and measures set out in the Sustainability Statement by Baily Garner dated July 2020 unless first agreed in writing with the Local Planning Authority.

Reason: To ensure the sustainable credentials of the development and to comply with policies DP39 and Dp42 of the Mid Sussex District Plan 2014-2031.

8. 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. In respect of submission pursuant to condition 10 of the outline planning permission, the detail submitted are not approved and further details showing of the surfacing material within the carriageway, footways and casual parking areas should be submitted. Such details shall define those areas of shared surface and segregated carriageways and footways and indicate the location of raised traffic management features.

3. The submitted Odour Control Scheme should include an odour "risk assessment" and should be in line with current best practice.

### 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	WP-AHR-SO-XX-DR-A-08 100		31.07.2020
General	WP-AHR-SO-XX-DR-A-08 101	F	31.07.2020
General	WP-AHR-SO-XX-DR-A-08 102	G	31.07.2020
General	WP-AHR-SO-XX-DR-A-08 103	G	15.12.2020
Parking Layout	WP-AHR-SO-XX-DR-A-08 105	F	31.07.2020
General	WP-AHR-SO-XX-DR-A-08 107	B	31.07.2020
General	WP-AHR-SO-XX-DR-A-07 201	J	31.07.2020
Proposed Floor Plans	WP-AHR-H1-XX-DR-A-08200	F	31.07.2020
Proposed Elevations	WP-AHR-H1-XX-DR-A-08401	E	31.07.2020
Proposed Elevations	WP-AHR-H1-XX-DR-A-08402	E	31.07.2020
Proposed Elevations	WP-AHR-H1-XX-DR-A-08403	E	31.07.2020
Proposed Floor and Elevations Plan	WP-AHR-H2-XX-DR-A-08200	F	31.07.2020
Proposed Elevations	WP-AHR-H2-XX-DR-A-08401	E	31.07.2020
Proposed Elevations	WP-AHR-H2-XX-DR-A-08402	E	31.07.2020
Proposed Elevations	WP-AHR-H2-XX-DR-A-08403	E	31.07.2020
Proposed Floor Plans	WP-AHR-H3-XX-DR-A-08200	F	31.07.2020
Proposed Elevations	WP-AHR-H3-XX-DR-A-08401	E	31.07.2020
Proposed Elevations	WP-AHR-H3-XX-DR-A-08403	E	31.07.2020
Proposed Floor Plans	WP-AHR-H4-XX-DR-A-08200	C	31.07.2020
Proposed Elevations	WP-AHR-H4-XX-DR-A-08201	C	31.07.2020
Proposed Elevations	WP-AHR-H4-XX-DR-A-08401	C	31.07.2020
Proposed Elevations	WP-AHR-H4-XX-DR-A-08402	C	31.07.2020
Proposed Floor Plans	WP-AHR-H5-XX-DR-A-08200	E	31.07.2020
Proposed Elevations	WP-AHR-H5-XX-DR-A-08400	D	31.07.2020
Proposed Floor Plans	WP-AHR-H6-XX-DR-A-08200	E	31.07.2020
Proposed Elevations	WP-AHR-H6-XX-DR-A-08201	D	31.07.2020
Proposed Elevations	WP-AHR-H6-XX-DR-A-08202	C	31.07.2020
Proposed Elevations	WP-AHR-H6-XX-DR-A-08401	D	31.07.2020
Proposed Elevations	WP-AHR-H6-XX-DR-A-08402	E	31.07.2020
Proposed Elevations	WP-AHR-H6-XX-DR-A-08403	D	31.07.2020
Proposed Elevations	WP-AHR-H6-XX-DR-A-08404	A	31.07.2020
Proposed Floor Plans	WP-AHR-H7-XX-DR-A-08200	C	31.07.2020
Proposed Elevations	WP-AHR-H7-XX-DR-A-08401	C	31.07.2020
Proposed Floor Plans	WP-AHR-H8-XX-DR-A-08200	D	31.07.2020
Proposed Elevations	WP-AHR-H8-XX-DR-A-08401	C	31.07.2020
Proposed Elevations	WP-AHR-H8-XX-DR-A-08402	B	31.07.2020
Proposed Floor Plans	WP-AHR-H10-XX-DR-A-08200	F	31.07.2020
Proposed Elevations	WP-AHR-H10-XX-DR-A-08400	E	31.07.2020
Proposed Floor Plans	WP-AHR-H11-XX-DR-A-08200	C	31.07.2020
Proposed Elevations	WP-AHR-H11-XX-DR-A-08401	C	31.07.2020
Proposed Floor Plans	WP-AHR-F1-XX-DR-A-08201	D	15.12.2020
Proposed Floor Plans	WP-AHR-F1-XX-DR-A-08202	D	15.12.2020
Proposed Floor Plans	WP-AHR-F1-XX-DR-A-08203	D	15.12.2020
Proposed Floor Plans	WP-AHR-F1-XX-DR-A-08230	C	15.12.2020
Proposed Elevations	WP-AHR-F1-XX-DR-A-08401	D	15.12.2020
Proposed Elevations	WP-AHR-F1-XX-DR-A-08402	D	15.12.2020
Proposed Elevations	WP-AHR-F1-XX-DR-A-08403	D	15.12.2020

Street Scene	WP-AHR-C1-XX-DR-A-08301	A	31.07.2020
Street Scene	WP-AHR-C1-XX-DR-A-08302	A	31.07.2020
Street Scene	WP-AHR-C1-XX-DR-A-08303	A	31.07.2020
Street Scene	WP-AHR-C1-XX-DR-A-08304	A	31.07.2020
Street Scene	WP-AHR-C1-XX-DR-A-08305	A	31.07.2020
Street Scene	WP-AHR-C1-XX-DR-A-08306	A	31.07.2020
Landscaping	10840-LD-PLN100	A	31.07.2020
Landscaping	10840-LD-PLN101	A	31.07.2020
Landscaping	10840-LD-PLN102	A	31.07.2020
Landscaping	10840-LD-PLN103	A	31.07.2020
Landscaping	10840-LD-PLN104	A	31.07.2020
Landscaping	10840-LD-PLN105	A	31.07.2020
Landscaping	10840-LD-PLN106	A	31.07.2020
Landscaping	10840-LD-PLN107	A	31.07.2020
Landscaping	10840-LD-PLN108	A	31.07.2020
Landscaping	10840-LD-PLN109	A	31.07.2020
Landscaping	10840-LD-PLN110	A	31.07.2020

## APPENDIX B – CONSULTATIONS

### Parish Consultation

LRPC Oppose the application for the following reasons:

**High Quality Environment.** The LRPC has a 'Black Sky' policy seeking to reduce the impact on local amenities and intrinsically aiming to support dark landscape for our Rural Areas and consider the lighting proposals do not demonstrate this aim and therefore does not meet the requirements of DP 29 of the District Plan.

**Design and Character.** The LRPC considers that the design and setting of the proposed housing units do not meet the requirements of the District Plan Policy DP26. It is considered that the design is very urban and does not reflect the rural character of the adjacent Hamlet of Walstead and therefore does not protect the rural setting and promote rural character.

**Green Space and Landscaping.** The LRPC has great concerns over the future for the Country Park and Green Spaces within the development and request that binding conditions are attached to any approval to ensure they remain for public informal use and that a further condition is attached to ensure all green spaces are maintained to a high standard. LRPC would draw the LPA attention to DP37 where reference is made to valuable landscapes with the proposed county park identified as one, hence the need to apply this DP.

**Highway Issues and Sustainable Transport.** In order to meet the Sustainability test this development must provide the necessary sustainable facilities to enable residents to reach the village under safe conditions with a comprehensive footpath network and public transport. The LRPC considers it paramount that in order to have sustainable community accessibility to reach schools at all levels and health facilities when based on the known evidence local schools and Doctors Surgery are full, hence the need to ensure the proposed school to be built as part of the development to provide for children from this development.

LRPC would also like to mention issues, that whilst not constituting legitimate planning reasons; the following point should be taken into consideration:

1. To protect the country park and other open spaces LRPC in its previous reply asked that the open areas be managed by LRPC with the appropriate budget ' this has not been addressed in this latest document.

2. LRPC are concerned that the new development will be used as short cut by non-resident drivers (vans etc) going to Walstead ' who currently use other more suitable roads. What preventative measures would be in place to stop this happening as it would be a risk the residents and cycle users?

3. In the document page 12, the red boundary lines appears to include an area on the opposite side of the Lewes Road ' this is not explained in the document. Our view is that is that it should be excluded because it opens up the potential for development on the other side of the road?

## **MSDC Urban Designer**

### Summary and Overall Assessment

The Design Review Panel (DRP) considered the scheme prior to the submission of the planning application and not only agreed it was a good scheme but felt that "its quality and approach should be used as a marker for others to follow". They also commended it by saying: "the scheme successfully responds to the nuances and characteristics of the site and creates interesting routes through that connect to attractive areas on all sides of the site" and that "the building design takes a refreshing contemporary approach with a variation and mix that works well". Because the scheme was at an advanced stage and the DRP were supportive, it was not necessary for the panel to look at the application submission which is much the same as the pre-application proposal. In line with the DRP's recommendation, the parking requirements were nevertheless further reviewed by the applicants in advance of the application and the scheme demonstrates that it harmoniously accommodates parking with no adverse impact upon the design.

I agree with the DRP's comments. The scheme can be commended for its sensitive and well-considered response to this attractive rural site. In particular the proposal benefits from a bespoke architectural response with underlying design integrity and a well-planned layout that limits development to the lower lying areas of the site. The landscaping strategy and the design of the country park and other open spaces is well integrated to achieve a holistic design. The scheme also addresses the design principles in the (draft) Mid Sussex Design Guide. I therefore have no objection to this planning application. To secure the quality of the design, I would nevertheless recommend conditions requiring the approval of the following drawings/further information:

- 1:20 sections and front elevations of: (i) the 4B 8P - TYPE 3 house; and (ii) the typical features (shown in context) of the other building types including entrance canopies/doors, balustrading, roof/eaves details, windows, brick pattern details and car ports.
- Details of the soft and hard landscaping including boundary treatments.
- Details of the facing materials.

### Layout

The overall layout is based around the illustrated layout of the outline consent which I supported for the following reasons:

- The layout limited development to the lower lying areas where it will have less impact upon the wider landscape, with the rest of the land reserved as a country park.
- The perimeter block arrangement ensures that building frontages face the streets, spaces including the country park and the attractive boundaries. It also provides for private rear gardens that avoid being overshadowed by existing trees.

- The development is broken up by open spaces and landscape features. Furthermore, the impact of the scheme is softened from the point where it is most visible by the incorporation of a green threshold facing Scamps Hill Road.
- The scheme incorporates pedestrian links that connect the site from all sides including the adjacent Gravelye Lane / Heathwood Park developments.

The current layout proposal incorporates the above features and improves upon it in a number of ways:

- The central open space / wetland basin is now well-defined with taller/3-storey houses that overlook the space. This and the eye-catching design of the houses contribute to defining it as the heart of the scheme. This is reinforced by a well-considered landscape design that imaginatively accommodates some of the site's attenuation requirements. It includes a viewing platform connected by pontoon bridge that traverses the proposed wetland area and an adjacent play area that together provides the development with a community focus that should also attract activity from Heathwood Park with the proximity of the adjacent pedestrian bridge link across the western boundary.
- The Scamps Hill Road frontage now incorporates an orchard which provides this threshold with a distinct character and, as the DRP have commented, "provides an appropriate transition between the development and the wider countryside". The orchard will benefit from an existing Victorian wall that provides an attractive backdrop on the south-east boundary.
- Parking has been discreetly accommodated. Private parking is mostly incorporated at the side of houses where it does not impact on the public realm and allows for well-defined frontages that benefits from soft-landscaped thresholds and good street enclosure. The parking serving the blocks of flats is also mostly screened from the public realm by locating them within rear courts; while there is some front threshold parking in front of block C this has been softened by generous soft landscaping.
- The scheme has been divided into a series of character areas which feature building frontages with different façade treatment that together with the varying topography/landscape characteristics helps to provide diversity across the site. This together with a clear road hierarchy centred on the spine road that extends the full length of the site, provides a legible layout.

The primary school element of the outline scheme is not part of this proposal; the layout nevertheless suggests it is positioned close to and facing the road where it will be visible and contribute more positively to the development.

A community hub structure is put forward but not included in this planning application. It is unclear whether this is to be a building or a shelter. While the former would provide additional natural surveillance and community provision to complement the open space, the latter risks attracting anti-social activity (as the DRP have pointed out). Either way, its suggested position at the centre of the scheme where it will terminate the spine road access will make it highly prominent. Consequently, it will need to be carefully designed so that it complements and does not detract from the scheme's otherwise attractive design and setting.

### Elevations

The scheme benefits from crisp contemporary-designed facades set within traditional building forms/roof-profile and mostly employing natural/local facing materials that ensure the buildings respond appropriately to their setting while also being sufficiently distinctive to provide an individual sense of place. The DRP also commended the designs "because of the holistic relationship between the open planned interiors and generously glazed exteriors".



Nevertheless the 3-storey gable-fronted houses that face the wetland basin do depart from natural/local facing materials and the DRP have raised a concern that the use of "equitone" panels might appear alien to Lindfield's character. The applicant has nevertheless not changed the design, and the "equitone" finish is a high quality one and works well with the building design of the 4B 8P - TYPE 3 / 5B 8P - TYPE 2 and its contrast to the rest of the buildings (in terms of the architecture, massing and facing material) is appropriate because it helps define the centre of the development. Furthermore, this part of the scheme is on the lowest point of the site and will be mostly screened from the wider surrounds by other buildings within the development or by surrounding trees/vegetation including the retained oak tree to the south-east. For the same reasons I am comfortable about these houses rising to 3 storeys. My only reservation is that the opportunity has not been taken to incorporate window openings in the end flanks that would have addressed the corner returns. I recommend that a condition is included to secure its design quality.

The other buildings are more subtly varied in terms of the facing materials and brick patterning, but enough distinction is made to give each part of the scheme a distinct character and some elevational interest. This is also helped by variation in the size of the houses and their roof form especially whether they are predominantly fronted by gables or pitch roofs.

The building design neatly accommodates the awkward slopes; the detached form of the houses helps avoid awkward stepped rooflines. Despite their long frontage the blocks of flats also skilfully accommodate the slope; they can be commended too for sitting comfortably with the other buildings as their scale has been reduced by designing them as a run of terraced houses defined by their gable frontages and with each flat benefitting from their own individual entrances that reinforces the subdivision of the facade.

The recurrent use of replicated gabled elevations throughout the scheme also imbues the street frontages with rhythm, order and harmony.

### **MSDC Housing Officer**

This reserved matter application is for a development of 200 dwellings of which 60 (30%) are to be provided as S106 affordable housing dwellings in accordance with Council policy and the legal agreement for the outline permission. The affordable dwellings will provide a suitable mix of sizes and types to meet a broad range of housing needs and as stated in the Section 106 agreement will comprise 13 x 1 bedroom flats, 16 x 2 bedroom flats (two of which will be wheelchair units), 12 x 2 bedroom houses and 4 x 3 bedroom houses for rent and 7 x 2 bedroom houses and 8 x 3 bedroom houses for shared ownership. This tenure split will meet our policy requirement of 75% rented units and 25% shared ownership units. In addition, a further 10 shared ownership units are to be provided and will comprise 1 x 1 bedroom flat, 1 x 2 bedroom house and 8 x 3 bedroom houses. All of the affordable units will be distributed throughout the site with market units in between in line with our clustering policy and this will help achieve a satisfactory level of social integration and a balanced community. A tenure blind approach will also be adopted'.

### **MSDC Environment Protection**

Looking at the Lighting Strategy Final Report submitted by Williams Lighting Consultants Ltd dated 31/07/2020, and having received further information from Mr Williams, it would seem that the street lighting will comply with guidance set out in the ILP Guidance notes for the reduction of obtrusive light GN 01:2020, given that the development site has been considered under Environmental Zone E2 (low district brightness).

## **MSDC Drainage**

Thank you for highlighting the Reserved Matters for this proposed development. I have looked at:

- NP Surface Water Strategy C86145
- JNP Drawings C86145-JNP-92-00-DR-C-3000-3001
- Microdrainage Calculations

### **FLOOD RISK**

The site has a main river abutting a small section of the western edge and is situated in flood zone 1. The fluvial flood risks associated with the main river not expected to go above the bank for up to the 1:1000 event.

There are some areas of pluvial surface water flow at the site. This is mainly attributed to the valley of the main river, but there is another flow route which flows from east to west. This flow is shown to be less than 300mm in depth and is intended to be incorporated into the site design as a wetland SuDS feature and conveyance route.

FFL of buildings will be set to at least 150mm above the proposed access road levels. With the layout design ensuring that the surface water flow route will not be directed towards properties.

### **DRAINAGE**

Following the hierarchy of surface water disposal, it has been found that the most appropriate means of managing surface water is to follow a SuDS process of collecting surface water that fall on impermeable areas, attenuating the water, and then discharging it to the main river that abuts the site at a carefully controlled rate.

The proposed drainage system is to be designed to cater for the 1% AEP, plus an extra 40% for climate change predictions. The proposed rate of discharge is to be set at the QBar rate. This is acceptable and is in line with current best practice and guidance for SUDS designs.

The structure of the SUDS system will be in the form of permeable paved areas, detention areas and low-flow swales.

### **SURFACE WATER FLOOD FLOW**

The development proposes to incorporate a train of wetlands and swales to convey the existing surface water flood flow path that has been identified as possibly flowing through the site. This is a sensible approach, which adds further amenity and biodiversity to the proposed development. This flow does not form part of the SuDS attenuation that caters for the impermeable areas.

### **SUMMARY**

The MSDC Flood Risk and Drainage Engineers consider the proposed drainage as acceptable and achievable in terms of layout. The site is at low risk of Fluvial flooding; the proposed SuDS drainage is achievable and is not likely to create or exacerbate flood risk; and the forming a wetland corridor to convey the identified pluvial water flows is a well-considered and sensible approach.

The MSDC Drainage Engineers are happy for the drainage details to be managed under condition. In order to help consider the condition, we will require:

- Finalised detailed drainage layout plans for both foul and surface water, including:
  - Sections of swales
  - Outfalls
  - Basins and permeable structures
  - Supporting design calculations
  - Exceedance flow route plan that shows where water will flow
  - Evidence of communication with the Environment Agency for any Land Drainage Consents for the proposed SuDS systems outfalls into the main river, and any crossings
  - A maintenance and management plan that identifies how the drainage systems are maintained and managed for the lifetime of the development

### **MSDC Landscape Contract Monitoring Officer**

Please find as follows comments on the landscape proposals submitted as part of the reserved matters application for Land To The South Of Scamps Hill, Scaynes Hill Road, Lindfield, West Sussex (DM/20/2763). The landscape proposals and associated management are presented within the following documentation: Strategic Landscape Design Statement; the Landscape General Arrangement Plan series; the Landscape Management Plan; and the Design and Access Statement, which have been accessed / viewed on the online portal.

The landscape scheme clearly represents a well thought out approach and responds well to the character of the site. The scheme takes into account existing landscape structure / features, vegetation types and existing green infrastructure, and proposes landscape areas that would aid the integration of the scheme into the surrounding context. Careful consideration has been given to both recreational land use and wildlife / biodiversity value throughout the scheme. The scheme recognises and responds to the site, which is essentially a transition between the urban fringes of Lindfield and the more rural landscape beyond to the east.

Strategic Landscape Design Statement (10840-LD-REP-200); and Landscape General Arrangement Plan series (10840-LD-PLN-100 - 10840-LD-PLN-110)

The strategic Landscape Design Statement (10840-LD-REP-200) and The Landscape General Arrangement Plan series (10840-LD-PLN-100 - 10840-LD-PLN-110) are well put together and provide outline planting information / typologies including information as to which areas of the site these planting typologies would be applied.

At Section 3.0 of the Landscape Design Statement, 'Key Landscape Areas' within the built environment are identified including an orchard, a wetland area and green links through the development. These concept areas are considered to be effective in delivering recreational opportunity / social amenity as well as wildlife value.

At 'Section 5.0 Soft Landscape', strategic level detail for soft landscape components are provided. The 'Tree Strategy' and 'Planting Palettes' provide useful information to get an overall impression of the planting across the site. There is no detailed planting information to review (detailed planting plans / planting schedule and specification / tree pit details etc) to enable review of stock sizes, planting densities, locations of specific species in relation to buildings etc. The 'Tree Strategy' generally identifies suitable street tree species for this location, although *Quercus palustris* might not be readily available due to the current import ban on Oak trees, so it is likely that an alternative would be used. An indicative orchard

arrangement is provided with a considered mix of apple, pear and medlar trees, although details of varieties and stock sizes are not available for review. The 'Planting Palettes' provide planting typologies for areas such as play areas, residential frontages, green links and the wetland corridor - these all appear appropriate with the exception of green link areas which appear to include 'ornamental flourishes' (with images of ornamental planting such as Cornus 'Midwinter Fire' included). It is recommended that planting in these green link areas should be limited to native species to maximise the wildlife benefit and to provide a more naturalised corridor.

At Section 7.0 'Habitat Typologies' are provided for the Country Park along with proposed access and circulation. The broad brush habitat creation proposals are acceptable and would be successful in enhancing existing landscape structure / features. Again, there are no specific details provided on species selection and stock sizes for review.

### The Landscape Management Plan

The Landscape Management Plan provides details of the ongoing long-term maintenance of the site with clear descriptions, objectives, and management prescriptions for each landscape component (existing and proposed). Under 'Managed Scrub' at page 20, a rotational cutting regime is rightly prescribed. It is stated though that: 'no more than 50% of the retained scrub should be cut in a year.' It is recommended that greater structural diversity / age range would be achieved by a longer rotation, cutting considerably less than 50% every few years. Also, the plan states that 'Cutting should take place between September and February to avoid the bird breeding season' - it is further recommended that the plan specifies that work on berry-bearing scrub is best delayed until after December, leaving valuable autumn and winter fruits and seeds as food for wildlife.

The Landscape Management Plan provides useful Maintenance Schedules summarising the management prescriptions which will aid the end user / reader of this document. Under the 'Implementation, Monitoring and Review' section it is noted that the management responsibility would fall to a Management Company for the main development area, while the Country Park would be transferred to a charity organisation such as The Land Trust (who shall be approved by MSDC) to manage the areas in accordance with the Landscape Management Plan.

### **WSCC Highways**

With respects to the comments previously made by WSCC Highways, no issues were raised with the geometry of the proposed layout. As such, there are no issues that necessitate changes to the layout. The significant majority of the issues related to the use of materials and how these define the nature of the road to different users. Regardless of whether the internal roads are adopted as public highway or retained under private maintenance, the use of materials and extents of shared surfaces would need to be reviewed. A planning condition would be required to enable the use of materials within the proposed highway to be further considered. This condition would also cover the extent and location of the raised table outside the proposed school.

The provision of electric vehicle charging can be secured via condition.

The response relating to the spacing of visitor parking is noted. Ideally further defined visitor parking bays would be provided along the spine road through the site. Carriageway widths throughout the development are such that these can reasonably accommodate on-street parking without it creating an obstruction or resulting in vehicles parking partly on the footway. There wouldn't be a safety issue through the non-provision of additional bays.

Notwithstanding the need to review the use of materials within the carriageway, there would be no highway objections.

The following conditions are recommended.

No dwelling shall be first occupied until plans and details showing the surfacing materials within carriageways, footways, and casual parking areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall define those areas of shared surface and segregated carriageways and footways and indicate the location of raised traffic management features.

Reason: In the interests of road safety.

No dwelling shall be first occupied until plans and details showing the location of electric vehicle charging points have been submitted to and approved in writing by Local Planning Authority. The number of electric vehicles charging points shall be based upon the WSCC Parking Guidance dated 2019.

Reason: To encourage and promote the use of electric vehicles.

#### Summary of original comments dated 29th September 2020

The principle of the layout is accepted but there are aspects that need to be reviewed. The full comments can be found on the application file.

#### **MSDC Visual Landscape Consultant**

National Planning Policy context

The NPPF Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 170 states that:

'Planning policies and decision 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;

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'.

The proposals

The proposed design and layout for the development secures the retention and protection of existing landscape features including mature trees, hedges, water features and wetland areas. This should help ensure that the proposed development will have an acceptable impact on local landscape and views.

The landscape masterplan has identified areas of distinct character within the development which will help to create a sense of place. The landscape masterplan is supported by a detailed landscape design statement for each part of the development and this is welcomed.

The Landscape Design Statement, LUC July 2020, provides a framework for the landscape setting of the proposed development. The detailed design proposals for both hard and soft landscape treatments throughout the development are acceptable and can be supported.

It is recommended that the landscape masterplan and detailed landscape proposals can be supported as they would help to ensure that the development has an acceptable impact on local landscape character and views.

## **Environment Agency**

### Environment Agency Position

We have reviewed the flood risk information and have no objection as the proposed development is situated wholly within Flood Zone 1, as described in Paragraph 4.10 of the Walstead Park Design & Access Statement (July 2020).

### Advice to Local Planning Authority/Applicant

#### Environmental permit

Please note, as the site is adjacent to the Northlands Wood Stream, which is designated a main river watercourse, a Flood Risk Activity Permit will be required for any works in/under/over, or within 8m of the watercourse, including but not limited to: paths, bridges, surface water outfalls, and planting regimes.

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

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

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

## **Sussex Police**

Thank you for your correspondence of 15th September 2020, advising me of a reserved matter planning application for approval of the appearance, layout, scale and landscaping relating to outline application DM/15/2763 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 and Building Control Departments in England (Part Q Security - Dwellings), 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 always be considered.

A Design and Access Statement (DAS) submitted in support of this application details this application as a Reserved Matters application for the development of land south of Scamps Hill, Scaynes Hill Road, Lindfield, I was pleased to note from the masterplan / design and layout submitted in support of this application, that the applicant's agent has clearly demonstrated their understanding of the Secured by Design scheme and its requirements by incorporating;

- Back to back gardens that have eliminated vulnerable rear garden pathways,
- Created good front demarcation of dwellings with defensible space,
- The presence of robust rear fencing,
- Secure cycle storage,
- Street lighting,
- Overlooked streets and natural surveillance into the development.

However, I do have some concerns over the proposed external pedestrian links into and through the development that have created excessive unnecessary permeability.

I do not have any concerns over the routes within the development that lead out to the adjacent proposed country park and eventually the Ouse Valley Way Public Right Of Way. These will benefit the development's residents, enabling them to access the country park and beyond. What concerns me are the 3 proposed external routes that run through the development;

1. The north to south access from Walstead Green through the development to Lyoth Lane.
2. A west to east route from Heathwood Park via the proposed new bridge through the centre of the development to the country park.
3. Another west to east route through the development from the existing footbridge to the Country Park.

These three proposed routes that all originate externally and enter into and run through the development, bring a high level of unnecessary permeability from members of the public who are not residents, wishing to access the country park and have to do it through the development. There is also the additional potential footfall through the development from the east from the walkers using the OUSE PROW to consider.

In order to remove this potentially high level of footfall transiting through the development on a regular basis, I suggest that an external pathway is created from the north at Walstead Green that skirts the proposed primary school and leads to the country park in the east. Equally a western path can be created to take foot traffic from the access point of the

development at the new and existing bridge locations on the western boundary of the development, skirting the development and leading to Lyoth Lane. From Lyoth Lane a direct link through the country park to the Ouse PROW in the east can be created. Please see SBD Homes 2019 para 8.8 for details of safe and secure footpaths their design and attributes.

This solution allows the development's resident's easy access to the park whilst providing an interesting circular route around the development for visitors and walkers to the area/ country park, removing excess permeability through the development as this has been proven to generate crime.

Whilst I have no concerns over the proposed play areas as these have good natural surveillance over them from dwellings and capable guardians. To ensure the safety of users and the protection of equipment which can be vulnerable to misuse, I direct the applicant's agent to SBD Homes 2019 V2 para 9 where further advice on communal areas and play spaces can be found.

It will be important to maintain the good level of visibility across the play areas and the development in general, therefore 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 play location where possible they are surrounded with railings with self-closing gates to provide a dog free environment.

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. West Sussex, (hereinafter referred to as Walstead Park) to accommodate 200 dwellings including a 9.54ha country park.

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



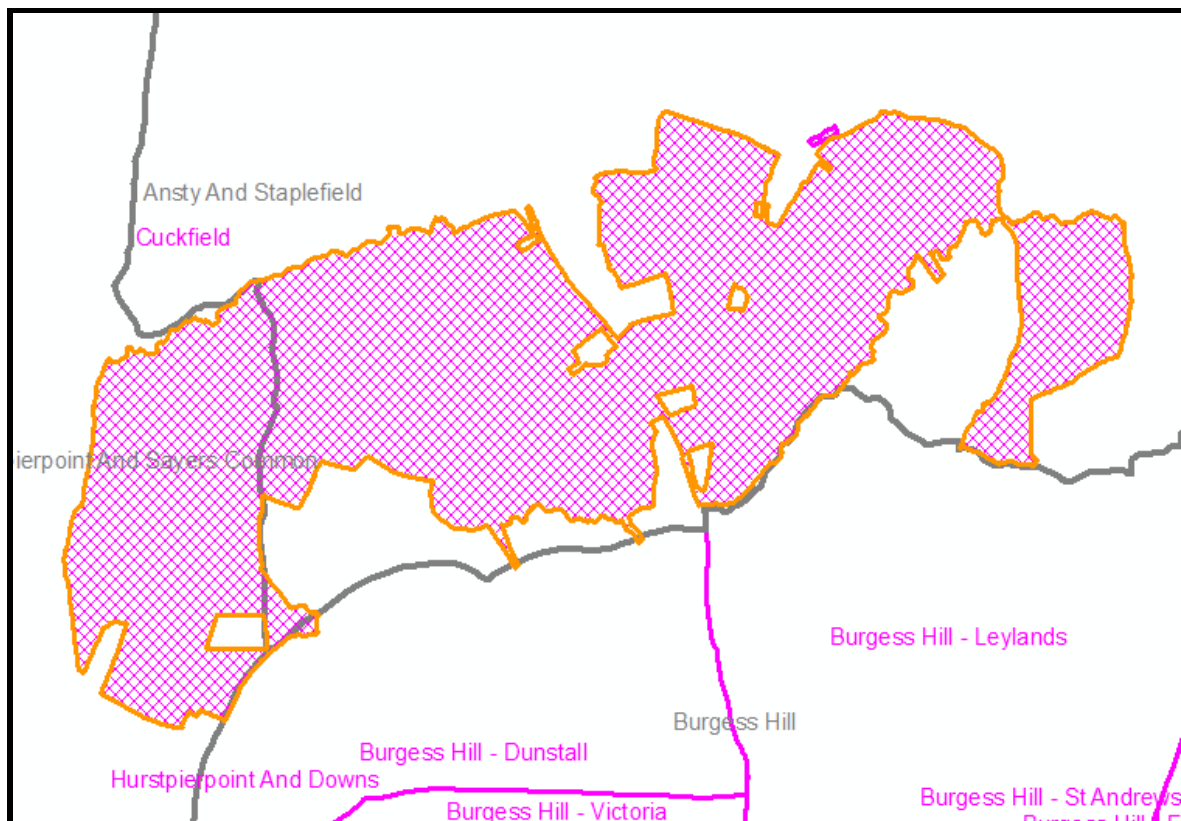
MID SUSSEX DISTRICT COUNCIL

District Committee

14 JAN 2021

OTHER MATTERS

DM/20/4178



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## Purpose of the report

1. To ask the District Planning Committee to consider and agree proposed variations to the Legal Agreement secured as part of the Outline Planning Permission (DM/18/5114) on the Northern Arc.

## Summary

2. Homes England has requested changes to the provisions in the S106 legal agreement, agreed as part of Outline Application DM/18/5114. The Northern Arc is the largest development scheme in the District and the legal agreement is extremely complex. The changes are requested following work to develop a more detailed programme for delivery.
3. The variations proposed to the legal agreement are all minor in nature and are considered reasonable having regard to the more informed delivery trajectory. None

of the changes unacceptably alter the quality or quantity of infrastructure provided, and the infrastructure will still be delivered at an appropriate rate in relation to housing delivery, in order to mitigate the impact of the development. The changes do not materially affect the planning considerations assessed at the time of the original decision, including those assessed as part of the Environmental Impact Assessment. ~~(b)~~ The delivery of infrastructure at an accelerated rate would not be compromised as a result of the amendments.

4. None of the changes unacceptably alter the quality or quantity of infrastructure provided, and the infrastructure will still be delivered at an appropriate rate in relation to housing delivery, in order to mitigate the impact of the development on existing infrastructure in Burgess Hill.

## Recommendation

5. That the District Planning Committee **approve** the proposed variations to the Legal Agreement.

## Proposal

6. The requests seeks the following changes to the legal agreement:
  - Timings for agreement of certain design elements
  - Open space parcel boundaries
  - Timings for the transfer of the Adur Open Space
  - Timings for the delivery of community facilities, including the removal of the requirement for a temporary community building due to the acceleration of the first permanent community building
  - Timing of the health centre delivery/financial contribution for health
  - Timings of highways improvements
  - Primary and Secondary parcel boundaries
7. Full details of the changes are set out in the considerations section below.

## Background

8. The Northern Arc was allocated as a strategic development site in the Mid Sussex District Plan (March 2018) to deliver approximately 3,500 additional homes, associated new neighbourhood centres, business park, primary schools, secondary school, a Centre for Community Sport, permanent pitches for settled Gypsies and Travellers and a Link Road.
9. In September 2018 the Council approved a Masterplan and Infrastructure Delivery Plan, as required by the above allocation. These documents outlined the main requirements the Northern Arc development should include.
10. In July 2019 Outline Planning Permission was granted by the District Planning Committee for the following development (DM/18/0509) "Freeks Farm":
  - residential development comprising up to 460 dwellings
  - public open space, recreation areas, play areas,
  - associated infrastructure including roads, surface water attenuation and associated demolition.

11. Following this in October 2019, Outline Planning Permission was granted for a comprehensive, phased, mixed-use development (DM/18/5114) comprising:
  - approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3)
  - 13 permanent gypsy and traveller pitches
  - 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),
  - 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
  - Associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works.Together these applications form the largest and most complex development site in the south east of England.
12. Both of these applications were subject to legal agreements to ensure the required infrastructure is delivered alongside the development. The variation to the legal agreement that the committee are being asked to consider relates to the larger outline application (DM/18/5114).
13. In January 2020 full planning permission was granted for the first phase of the spine road that will run through the entire site. The Eastern Bridge and Link Road will connect the Freeks Farm development with Isaacs Lane. This road will provide the main road infrastructure that will serve all the residential parcels to the east of Isaacs Lane, the Eastern Neighbourhood Centre, the first primary school, the secondary school and the eastern neighbourhood park.
14. In July 2020, reserved matters were granted for the Western Link Road, which will connect Jane Murray Way with the A2300. This road will provide the main road infrastructure that will serve the Centre for Outdoor Sports, the Western Neighbourhood Centre and housing to the west of the A2300.
15. Since then, a large number of applications have been agreed for obligations required by the legal agreements and details required by condition.
16. Construction has commenced on Freeks Farm with the first section of link road completed and house construction well underway. Construction is due to commence on the Eastern Bridge and Link Road and the Western Link Road early this year.

17. The Northern Arc makes a significant contribution towards meeting the District's housing need. Current housing projections set out the following housing delivery for the next 5 years (numbers are for all of the Northern Arc, including Freeks Farm):

Financial Year (1 <sup>st</sup> April – 31 <sup>st</sup> March)	Proposed Completions Per Financial Year	Proposed Completions Cumulative
2021/22	160	160
2022/23	255	415
2023/24	277	692
2024/25	317	1009
2025/26	335	1344

## Policy Context

18. The following are Material Considerations in the determination of this request:
- Mid Sussex District Plan (2018), particularly Policies:
    - DP1 Sustainable Economic Development,
    - DP4 Housing,
    - 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,
    - DP24 Leisure & Cultural Facilities and Activities,
    - DP25 Community Facilities and Local Services,
    - DP26 Character and Design,
    - 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) & West Sussex Waste Local Plan (2014).
  - Burgess Hill Neighbourhood Plan 2015-2031 (2016), Hurstpierpoint & Sayers Common Neighbourhood Plan 2014-2031 (2015) & Ansty, Staplefield & Brook Street Neighbourhood Plan 2015-2031 (2017).
  - National Planning Policy Framework (NPPF) (February 2019) & National Planning Policy Guidance (NPPG).
  - Northern Arc Masterplan (2018) & Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018).
  - Burgess Hill Town Wide Strategy (2011) & Burgess Hill Public Transport Strategy (2016).
  - MSDC Developer Infrastructure & Contributions SPD (2018).

## Consultation

19. The request to amend the legal agreement has been advertised by site notice and the Town and Parish Councils have been notified.
20. One comment has been received from Ansty and Staplefield Parish council, stating the following:

“The Parish Council object to this application and are disappointed to see the developer seeking to change the terms of the s106 legal agreement. The

infrastructure should be provided at the agreed time or demand will exceed supply for several years. For example, delaying the provision of a school will create logistical problems for the residents of the new development and many will need to drive their children to school which will increase road traffic and adversely affect the environment.”

21. The Committee should note that the proposed amendments to the legal agreement do not include any change to the delivery dates for the proposed schools. Changes to infrastructure delivery triggers include the Sussex Way/Jane Murray Way Highways Improvements, the healthcare facility and the community facilities, full details of which are provided below. None of these changes are considered to unacceptably delay infrastructure provision to an extent that demand would exceed supply.

## **Consideration**

22. Section 106A of the Town and Country Planning Act allows for a planning obligation to be modified. The NPPG states that planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so.
23. The main outline application for the Northern Arc (DM/18/5114) included a high-level parameter plan detailing that the development of the site would be split into 4 phases. However, due to the scale and complexity of the development, detailed information in relation to delivery of housing within each phase was not included with the application and was reserved for approval as part of an obligation in the legal agreement. As such, the triggers in the legal agreement were based on a series of assumptions and required a large amount of information to be agreed with MSDC and WSCC in advance of commencement of development on site.
24. Since the outline application was granted, a large amount of work has progressed on the scheme as a whole. Further feasibility work has been carried out and the phasing of the development has been further refined since the application. Officers now have a greater understanding of how the development will be built out and a more mature understanding of the interrelationships between various parcels.
25. The feasibility work carried out since the decision on the outline application has refined the exact boundaries of certain development parcels, there are very minor changes proposed to the boundaries of the primary and secondary school boundaries, as well as certain open space parcels. None of these changes materially affect the quality or quantity of delivery of these pieces of infrastructure.
26. This feasibility work carried out has enabled Homes England to commit to the accelerated delivery of parcels on the eastern side of the site (east of Isaacs Lane), this has also enabled the accelerated delivery of the first permanent community centre, negating the requirement to provide a temporary community facility whilst this is constructed.
27. Due to this acceleration of the eastern parcels, the trigger for some of the highways improvements on the western side is proposed to be amended to relate to the delivery of housing on the western side of the site. The current trigger for providing these improvements is linked to the site wide delivery of homes. The acceleration of housing delivery would require these improvements to come forward earlier, which is considered to be unnecessary and would divert from progress being made on the eastern side of the site.

28. The feasibility work carried out has also resulted in a better understanding of how the drainage infrastructure would be provided for the entire site. Underground storage and swales would be provided as part of the drainage infrastructure. These pieces of infrastructure will be provided on land that will be transferred to MSDC and have a greater maintenance cost than the drainage infrastructure that was initially envisaged. As a result, the formula for calculating drainage maintenance costs payable to the District has been amended to reflect the increased costs.
29. Although a considerable amount of work has been undertaken to progress delivery, the Legal Agreement as currently drafted, requires further detailed feasibility work to be carried out early in the process. In addition, much of the information required, overlaps with information that will be required as part of reserved matters submissions. It therefore makes sense to assess this at the same time as reserved matters submissions. This will enable amendments required because of officer assessment, consultation responses or neighbour comments to be responded to in both the specification requirements and the reserved matters applications concurrently. This is more efficient as it will avoid the potential need to go back and revisit details that have been agreed in advance of reserved matters. Therefore, officers consider that it is not reasonable to require all of this detailed work to be carried out at this stage.
30. If the current triggers are maintained for detailed information on all parts of the site to be agreed in advance of commencement, Homes England's accelerated delivery programme would be impacted.
31. Finally, ongoing discussions are taking place with the CCG regarding health provision on the Northern Arc, and the trigger for making a decision as to how health infrastructure has been provided has been pushed back to enable these discussions to continue. At the current point in time the CCG are unable to commit to the agreement for an on-site health facility.
32. The following table sets out the specific changes proposed, the issues associated with the change and the consideration of acceptability of the change.

<b>Proposed Amendment</b>	<b>Rationale/Issues</b>	<b>Officer Comment</b>
<p>Areas of <b>Lowlands Farm Open Space</b> (OS1.1a and OS1.1b) amended</p> <p>OS1.1a is now proposed to total not less than 13.03 hectares (previously 11.9 hectares)</p> <p>OS1.1b is now proposed to total not less than 1.93 hectares (previously 2.34 hectares)</p>	<ul style="list-style-type: none"> <li>Proposed to incorporate Freeks Lane (proposed cycle route). This will be transferred to MSDC as part of the Lowlands Open Space</li> <li>Switch in area between OS1.1a and OS1.1b to reflect how the two open space parcels will be developed separately.</li> </ul>	<ul style="list-style-type: none"> <li>Total area of the two open spaces combined would be 14.96 hectares, 0.72 hectares more than in the original S106.</li> </ul>

<p><b>Area of Adur Open Space (OS1.2)</b> divided into 2 sections north and south</p> <p>The area to the north (OS1.2N) will be transferred prior to the occupation of 25% of the dwellings in Sub-phases P1.5 and P1.6 instead of prior to first occupation of the Dwellings within any of Sub-Phase P1.5, Sub-Phase P1.6, Sub-Phase P1.7 and Sub-Phase P1.8</p> <p>The area to the south will be transferred prior to the occupation of 25% of the dwellings in Sub-phases P1.5 and P1.6 instead of prior to first occupation of the Dwellings within any of Sub-Phase P1.5, Sub-Phase P1.6, Sub-Phase P1.7 and Sub-Phase P1.8</p>	<ul style="list-style-type: none"> <li>• The Adur Open Space could be developed by 2 separate developers and dividing this space into 2 will prevent any delays from one developer impacting on the provision of the whole area.</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Total area of the two open spaces will remain the same.</li> <li>• Amendment to trigger for the two areas will enable the acceleration of homes on the residential parcels east of Isaacs Lane as the first residential dwellings can be developed alongside the Adur open space improvements.</li> <li>• Residents in these parcels who occupy dwellings prior to this open space being completed will have easy access to open space to the east on Freeks Farm.</li> <li>• Cycle routes in the open space will link to cycle routes along the Eastern Bridge and Link Road if one area is transferred before the other.</li> <li>• Access to the northern section would be by the eastern bridge and link road and access to the southern section will be provided by the eastern cycle superhighway bridge and link. Once both spaces are completed they will link together.</li> </ul>
<p><b>Primary School 1</b> design agreed within 26 months of Planning Permission, rather than 12.</p>	<ul style="list-style-type: none"> <li>• Current trigger requires design agreement by October 2020.</li> <li>• Amended trigger allows design to be agreed by December 2021.</li> </ul>	<ul style="list-style-type: none"> <li>• The design of the school will be agreed in advance of the reserved matters for this primary school parcel and allows sufficient time for delivery of the school in line with the existing programme.</li> <li>• WSCC (Education Authority) has agreed to the amendment.</li> </ul>
<p><b>Primary School 1</b> site boundary amended</p>	<ul style="list-style-type: none"> <li>• Minor change to site boundaries to reflect detailed feasibility work</li> </ul>	<ul style="list-style-type: none"> <li>• No change to quality/quantity of provision.</li> <li>• WSCC (Education Authority) has agreed to the amendment.</li> </ul>
<p><b>Primary School 2</b> design agreed within 6 years of permission rather than 12 months.</p>	<ul style="list-style-type: none"> <li>• Current trigger requires design agreement by October 2020.</li> <li>• Amended trigger allows design to</li> </ul>	<ul style="list-style-type: none"> <li>• The design of the school will be agreed in advance of the reserved matters for this primary school parcel and allows sufficient time for delivery of the school in line with the existing programme.</li> </ul>

	be agreed by October 2025.	<ul style="list-style-type: none"> <li>WSCC (Education Authority) has agreed to the amendment.</li> </ul>
<b>Secondary School</b> site boundary amended	<ul style="list-style-type: none"> <li>Minor change to site boundaries to reflect detailed feasibility work</li> </ul>	<ul style="list-style-type: none"> <li>No change to quality/quantity of provision</li> <li>WSCC (Education Authority) has agreed to the amendment.</li> </ul>
<b>Sussex Way/Jane Murray Way Highways Improvements</b> delivered prior to occupation of western plots rather than prior to 400 <sup>th</sup> dwelling	<ul style="list-style-type: none"> <li>The improvements include a footway extension, the relocation of the existing bus stop and the provision of a toucan crossing on Sussex Way to the east of the roundabout with Jane Murray Way. These improvements are required to mitigate impact of development on western side of the Northern Arc. Delivery of dwellings on Eastern Side are accelerating and the improvements are not required for these dwellings.</li> </ul>	<ul style="list-style-type: none"> <li>Retaining the original trigger could impact on the accelerated delivery timetable for the homes on the eastern side.</li> <li>The highways improvements are required to mitigate impact of homes on western side and therefore more logical to tie the trigger for delivery into western side.</li> <li>WSCC (Highway Authority) has agreed to the amendment.</li> </ul>
<b>Centre for Community Sport</b> references replaced with Centre for Outdoor Sport	<ul style="list-style-type: none"> <li>MSDC request to reflect change in name.</li> </ul>	<ul style="list-style-type: none"> <li>No impact on delivery of this piece of infrastructure.</li> </ul>
<b>Drainage Maintenance contribution</b> amended to increase contributions where swales/underground storage included	<ul style="list-style-type: none"> <li>Revised formula amended as Homes England would like to introduce underground storage and swales which are more expensive to maintain than</li> </ul>	<ul style="list-style-type: none"> <li>Protects the public purse</li> <li>Providing some underground storage and swales allows more flexibility for landscape and other above ground development, which is a design benefit.</li> <li>MSDC Drainage Officer has no concerns with this amendment.</li> </ul>



	over-ground flood storage.	
<b>Community Facility Temporary Building</b> requirement removed	<ul style="list-style-type: none"> <li>No longer required due to acceleration of the permanent community facilities (see below amendment)</li> </ul>	<ul style="list-style-type: none"> <li>Demonstrates Homes England's commitment to ensuring place making and delivering infrastructure early in the programme.</li> </ul>
<b>Community Building 2</b> transfer to be amended to prior to the occupation of the 292 <sup>nd</sup> dwelling instead or prior to 50% of dwellings in phase P1.7	<ul style="list-style-type: none"> <li>Building to be constructed sooner than anticipated and therefore transfer would be 1 year earlier than originally envisaged.</li> </ul>	<ul style="list-style-type: none"> <li>Demonstrates Homes England's commitment to ensuring place making and delivering infrastructure early in the programme.</li> <li>The MSDC Communities Team has no concerns with this amendment.</li> </ul>
<b>Community Building 2 specification</b> trigger to be agreed prior to commencement of sub phase P1.7 instead of prior to commencement of development	<ul style="list-style-type: none"> <li>Current trigger requires design agreement by October 2020.</li> <li>Amended trigger allows design to be agreed in advance of the reserved matters for the phase in which the community building is going.</li> </ul>	<ul style="list-style-type: none"> <li>This revision ensures delivery in advance of the original timetable.</li> <li>The revised trigger allows sufficient time to ensure MSDC secures an acceptable community facility and it is transferred to MSDC in an appropriate form.</li> <li>The MSDC Communities Team has no concerns with this amendment.</li> </ul>
Provision of <b>Community Building 1</b> trigger to be amended from provision prior to the provision of 50% dwellings in Sub-Phase P1.4 to prior to the completion of 1004 dwellings	<ul style="list-style-type: none"> <li>Amendment to trigger to tie it to site wide provision rather than just sub-phase P1.4</li> </ul>	<ul style="list-style-type: none"> <li>The MSDC Communities Team has no concerns with this amendment.</li> </ul>
Trigger for determining whether the <b>Healthcare provision</b> will be in the form of an on-site facility or a financial contribution to be spent off site on existing facilities to be prior to the occupation of 150 dwellings instead of 6 months from the	<ul style="list-style-type: none"> <li>This pushes back the date when the CCG have to make a decision about whether they want on-site healthcare provision or a financial contribution to</li> </ul>	<ul style="list-style-type: none"> <li>There has been ongoing discussions with the CCG who are still working on an overarching strategy for provision across Burgess Hill. Flexibility introduced by the change in trigger ensures that the CCG has sufficient time to complete its work.</li> </ul>

anticipated first occupation of the development.	off-site provision.	
Trigger for providing <b>On-site healthcare facility or financial contribution</b> to be amended to 1,400 from 300 dwellings.	<ul style="list-style-type: none"> <li>• Trigger amended to reflect the above change.</li> </ul>	<ul style="list-style-type: none"> <li>• The CCG have confirmed that existing GP facilities in Burgess Hill would be able to meet the demand from these residents until a permanent solution is determined.</li> </ul>
<b>Open Space specification</b> triggers amended to be submitted alongside reserved matters applications and agreed prior to the commencement of the Sub-Phase in which they are located.	<ul style="list-style-type: none"> <li>• Current wording requires the agreement of specifications early in the programme, in advance of reserved matters applications. Amending the trigger so that they are agreed alongside the reserved matters approval means that concerns with either the reserved matters applications or the specification can be amended together where they impact on each other.</li> <li>• Local residents will be consulted on the reserved matters applications, where necessary local concerns can be dealt with in both the specifications and the reserved matters applications at the same time.</li> </ul>	<ul style="list-style-type: none"> <li>• Still allows MSDC control over how the space will be designed to ensure it is suitable for the transfer of land.</li> <li>• No delays in delivery of open space</li> </ul>

## **Equality Implications**

33. None of the proposed amendments have any equalities implications and the conclusions of the Outline Planning Application report in relation to equalities remain.

## **Environmental Impact Assessment Implications**

34. None of the proposed amendments alter the conclusions of the Environmental Statement submitted with the Outline Planning Application. The planning considerations for all the environmental issues set out in the Committee Report for the Outline Planning Application remain unaltered.

## **Conclusion**

35. Whilst the above amendments alter various triggers in the original legal agreement and remove the requirement for a Temporary Community Building, they do not alter the overall conclusions of the original planning report. None of the changes unacceptably alter the quality or quantity of infrastructure provided, and the infrastructure will still be delivered at an appropriate rate in relation to housing delivery, in order to mitigate the impact of the development.
36. As such, it is recommended that the Planning Committee accept the proposed amendments.

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