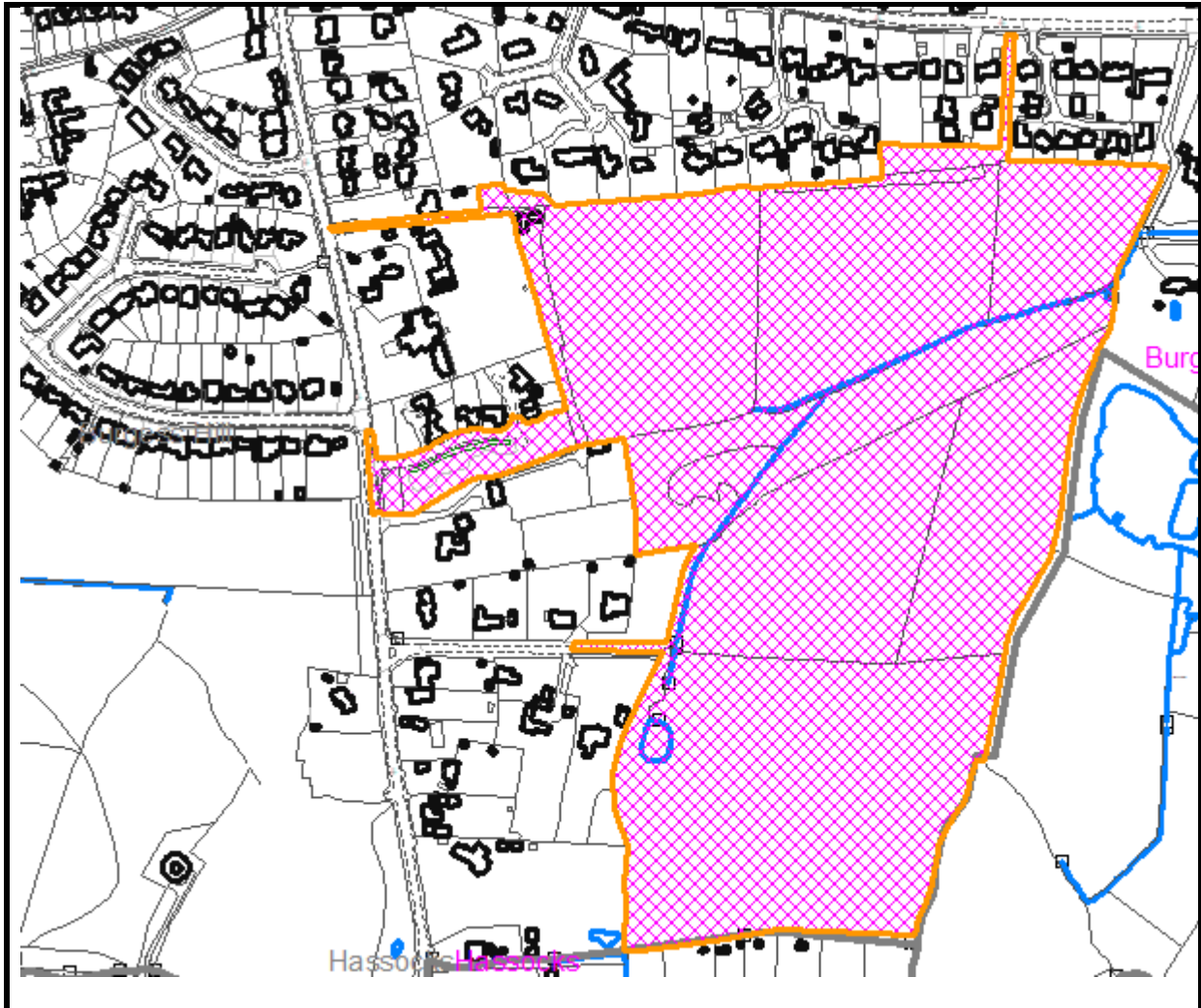


Planning Committee

Recommended for Permission

13th July 2023

DM/22/3049



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Site:	Land East Of Keymer Road And South Of Folders Lane Burgess Hill West Sussex
Proposal:	Residential development, consisting of 260 dwellings with vehicular, pedestrian and cycle access, car parking, open space, play space, ecological areas, attenuation ponds, landscaping and all other associated works. (Amended plans received 19th April relating to design and landscaping, and additional/amended supporting information relating to drainage, ecology, BNG, trees, energy and a construction management plan)
Applicant:	Charles Church Developments Ltd & Thakeham Homes Limited

Category:	Largescale Major Dwellings
Target Date:	28th July 2023
Parish:	Burgess Hill
Ward Members:	Cllr Janice Henwood / Cllr David Eggleton /
Case Officer:	Stephen Ashdown

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RJ6PHSKT0FX00>

1.0 Purpose of Report

1.1 To consider the recommendation of the Assistant Director Planning and Sustainable Economy on the application for full planning as detailed above.

2.0 Executive Summary

2.1 Full planning permission is sought for the development of 260 dwellings on land east of Keymer Road and south of Folders Lane, Burgess Hill, pursuant to policy SA13 of the Mid Sussex Site Allocation Development Plan Document (SADPD), which allocates the site for residential development for 300 dwellings.

2.2 Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the SADPD and the Burgess Hill Neighbourhood Plan.

2.3 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.

2.4 The NPPF states that planning should be genuinely plan-led. Paragraph 11 of the NPPF is clear that development proposals should be approved in accordance with an up-to-date development plan. The proposals subject of this application is for a site which was allocated for development in the SADPD adopted in 2022.

2.5 In terms of the principle, the site is located within the built-up area of Burgess Hill, as defined by the Mid Sussex District Plan, with the boundary being formally extended upon the adoption of the SADPD in 2022. As such the principle of the development is acceptable under the provisions of Policies SA13 and DP6 of the MSDP which states that development will be permitted within towns and villages with defined built-up area boundaries.

- 2.6 In this case the site is allocated for residential development of no.300 dwellings under policy SA13 which supports housing with on-site open space and children's equipped playspace, subject to a number of policy considerations. The objectives of Policy SA13 are that the development delivers a sympathetic and well-integrated extension to Burgess Hill, informed by a landscape led masterplan, which responds to the setting of the SDNP in its design creating a focal point with a central open space incorporating attractive and convenient pedestrian and cycle routes throughout the site providing good connections to local services and facilities.
- 2.7 The proposed development would result in the delivery of no.260 dwellings, including no.78 affordable units, on a site that is allocated for residential, where it is required to support the delivery of the district housing needs up to 2031. The scheme would also bring economic benefits, including additional council tax.
- 2.8 Looking at the scheme as whole, and having regard to the relevant Development Plan policies, the NPPF (particularly paragraphs 130 and 134), and the Mid Sussex Design Guide SPD, it is considered that it does represent a well-considered, landscape led, proposal that will create a high-quality environment for future residents. Subject to appropriate conditions to secure matter details, it is considered that the application complies with policy DP26 of the MSDP, policies SA Gen and SA13 of the SADPD, and the relevant sections of the NPPF.
- 2.9 The proposed layout of the scheme can be commended for retaining all the important landscape features of the site, while enabling the development to be laid out in a series of perimeter blocks, which results in the retained features forming an attractive backdrop/setting for the development. A balance has been struck between public open space and retained landscape features of importance (where public access will be restricted), and the scale and spread of the development is considered appropriate for the site. It is recognised however, that the use of standard house types has undermined the overall architectural integrity of the scheme.
- 2.10 In respect of the impact the setting of the South Downs National Park, it is considered that the design and layout of the scheme has been informed by a genuine landscape-led approach and that the final scheme has sought to avoid or minimise adverse impacts on the setting of the National Park, which are not considered to be significant. In forming this view, regard has been given to the duty under s62 of the Environment Act 1995 and to the South Downs Partnership Management Plan, National Park Local Plan and relevant adopted planning documents (notably the dark skies technical note). It is considered that the application complies with policy DP18 of the MSDP, policy SA13 of the SADPD and paragraph 176 of the NPPF, in respect of this issue.
- 2.11 In relation to highway matters, the Local Highway Authority (LHA) have not raised an objection to the proposals. The proposed access arrangements and internal road layout of the site are considered acceptable and will not give rise to any significant highway safety issues. While it has been identified that the proposed development will have an impact on some junctions within the wider highway network, in terms of additional queuing and delays, the LHA do not consider that the impact will be severe, either individually or cumulatively.
- 2.12 A package of sustainable transport improvements are proposed to pedestrian, cycling and bus stop provision within the vicinity of the site, which coupled with appropriate connectivity provision from the development itself, will help facilitate sustainable travel movements by future residents. This will be further under pinned

by a Residential Travel Plan. The proposed level of parking to serve the development as a whole is considered acceptable, although it is acknowledged that an in-balance of unallocated spaces across the site, may lead to some amenity issues for future residents. Subject to the suitable conditions and securing the Travel Plan and sustainable transport measures/contributions in the S106 Legal Agreement, it is considered that the proposal complies with policy DP21 of the MSDP, policies SA GEN and SA13 of the SADPD, policy G6 of the Burgess Hill Neighbourhood Plan and relevant sections of the NPPF.

- 2.13 In relation to biodiversity matters, the development proposes to avoid significant harm to biodiversity (both in respect of habitats and protected species) and to provide appropriate mitigation where possible and, as a last resort, to provide compensation to offset any harm which would be caused. This includes the provision of off-site BNG to address the identified c.38.42% net loss of biodiversity on the site, as a result of the development. Overall, 10% BNG is proposed in accordance with the Environment Act 2021, although it should be noted that this requirement is not mandatory until November 2023. Subject to the securing of appropriate measures through planning conditions requiring the submission of a biodiversity net gain plan and/or a Section 106 Planning Agreement, it is considered that that such matters will enable the Council to demonstrate compliance with its statutory duties including its biodiversity duty under s40 Natural Environment and Rural Communities (NERC) Act 2006. Furthermore, it is satisfied that the proposal, in the main, complies with policy DP38 of the MSDP, policies SA Gen and SA13 of the SADPD, and the relevant sections of the NPPF.
- 2.14 The development proposes to retain all category A and B trees within the development, along with the two identified veteran trees. It is considered that the retained trees will be incorporated into the layout in an appropriate manner that will limit future conflict with residents. The submitted landscape masterplan shows the intended scheme will complement and enhance the main features of the site, while softening the proposed built form, creating an attractive environment for future residents, while protecting the sensitive edges of the site. It is considered that the application in this regards complies with policies DP26 and DP37 of the MSDP and policies SA GEN and SA13 of the SADPD.
- 2.15 It is considered that the development will have a likely impact on the amenities of existing residents that either adjoin the site, or the proposed access, by means of overlooking, loss of privacy, outlook and noise and disturbance. However, in the main this harm is not considered to be significant and in this regard, the application complies with policies DP26 and DP29 of the MSDP. The only exception being an identified impact on the rear garden of Brookwood as a result of the proposed pedestrian link.
- 2.16 The proposed scheme is intended to be 'net zero' (in the operational phase) and as a result the development will significantly exceed current Building Regulations and current Development Plan requirements. This will be achieved by combining more efficient building technologies with renewable/low carbon technologies. None of the proposed dwellings will be fitted with gas boilers.
- 2.17 It considered that through the use of conditions matters associated with archaeology, drainage, accessibility, and air quality can be appropriately controlled and there would be no adverse impacts with respect to these matters.
- 2.18 The Habitats Regulations Assessment for this application concludes that the proposed development would not have an adverse effect on the integrity of the

Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

- 2.19 It has been identified that the proposals would lead to less than substantial harm to the setting of High Chimneys (a Grade II listed building), which carries 'considerable importance and weight' in accordance with s.66(1) of the Listed Building and Conservation Area (LBCA) Act 1990. The guidance in paragraph 202 of the NPPF is that the harm should be weighed against the proposal's public benefits. It is considered that the significant public benefits of the scheme (provision of new housing (including affordable housing) on a site that has been allocated for such development in the SADDP, the economic benefits including construction jobs, additional spending in the locality) do outweigh the less than substantial harm to the setting of the heritage asset in this instance.
- 2.20 Furthermore, it is considered that the proposal will not harm the setting of significance of the Grade II listed Well Cottage, or harm the significance of the non-designated heritage asset, Old Barn. In this regard, the proposal complies with policy DP34 of the MSDP and the relevant parts of the NPPF.
- 2.21 Weighing against the application, it has been identified that despite the proposed mitigation and compensation, there will be residual effects relating to the permanent loss of some habitats on site (and subsequent impact on foraging / commuting bats and invertebrates due to loss of these habitat resources) that remain unaddressed. Five nightingale territories are also likely to be lost or potentially impacted. The residual effect remains adverse and significant, at a Local level. It is considered that these impacts should be given some weight.
- 2.22 Furthermore, it has been identified there will be an impact (loss of privacy) on the rear garden of Brookwood as a result of the proposed pedestrian link to Keymer Road, which is unlikely to be fully mitigated. It is considered that this harm should be given some weight. It is accepted that the significant change in the site's character, from a greenfield to a housing development, will have a permanent and noticeable impact on those residents that adjoin the site. However, this was inevitable following the allocation of the site and it is considered little weight is attached to this issue.
- 2.23 It is for the decision maker to consider the weight that should be attached to these issues, individually and collectively. It is considered that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated for as far as possible.
- 2.24 This site is allocated in the SADPD for residential development and therefore the principle of the development has already been tested and found sound by the independent planning inspector appointed to examine the Site Allocations DPD. However, the NPPF is clear that allocated sites should only be considered 'deliverable' (and therefore included in the five year housing land supply) where there is clear evidence that housing competitions will begin on site within five years.
- 2.25 This is a full application, the site's developers are committed to early commencement, and they are intent on delivery at pace. Therefore, a positive resolution at this committee will provide robust evidence in support of the Council's 5 year housing land supply position.
- 2.26 Conversely, it is important to appreciate that development of the site in accordance with Policy SA13 will inevitably have impacts on the landscape, biodiversity and the

local road network. By implication, those impacts were accepted when the site was allocated. At 260 dwellings, this application already represents a significant reduction in the number of units (300) referred to in policy SA13. It is your officers' view that the impacts outlined in this report would be the inevitable consequence of any alternative proposal for the site. Consequently, if the application were to be refused, it would call into question the likelihood that the site could still be brought forward in the manner envisaged by Policy SA13, in which case it could be argued that it should be completely removed from the Council's housing land supply. Leaving aside the fact that such a decision would be extremely difficult to defend at appeal, this could lead to a situation in which the Council no longer had a 5 year supply of housing, at which point it would be vulnerable to speculative applications on sites which are not currently allocated, and were rejected during the local plan process on the basis that they were less suitable than the Folders Lane Site

- 2.27 Having regard to all the identified issues, while there are some areas of unresolved conflict with specific policies, it is considered that the proposal complies with the Development Plan when read as whole, which is the proper basis for decision making, and that there are no other material planning considerations that reasonably indicate an alternative conclusion should be reached
- 2.28 It is therefore recommended that planning permission be granted for this development subject to the conditions set out in Appendix A, and to the completion of a satisfactory s106 Legal Agreement.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission be approved subject to the completion of a satisfactory s106 Legal Agreement to secure affordable housing, biodiversity net gain, infrastructure contributions and highways works, and the suggested conditions in Appendix A.

Recommendation B

- 3.2 Recommend that if the applicants have not entered into a satisfactory s106 Legal Agreement to secure the affordable housing, biodiversity net gain and infrastructure payments and highway works by 15th October 2023, then the application should be refused at the discretion of Assistance Director Planning and Sustainable Economy for the following reason;

'The proposal fails to provide the required infrastructure contributions and highway works to serve the development, fails to ensure appropriate biodiversity net gain and the required affordable housing. The proposal therefore conflicts with policies DP20, DP21 and DP31 of the Mid Sussex District Plan 2014 – 2031 and policies SAGEN and SA13 of the Site Allocations Development Plan Document 2022.'

4.0 Summary of Representations

- 4.1 A total of 554 letters of objections have been received in respect of this application in respect of the original submission, and two subsequent rounds of consultation in relation to amended/additional information.

4.2 Officers are also aware that an on-line petition, against the development of the site, has accumulated 4867 signatures at the time of writing this report.

4.3 The main issues raised in the representations are summarised below, under relevant topic headings.

4.4 Principle

- Need to preserve the countryside.
- No need for this development, there has already been enough in Burgess Hill and surrounds.
- Proposed development causes unacceptable harm to the countryside.
- The proposed development is contrary to policies DP6 and DP12.
- Contrary to NPPF (sec 15) as it does not conserve or enhance the natural environment.
- The development does not enhance the character and settlement of the area
- Contrary to DP13 – it would have an unacceptable urbanising effect between Hassocks and Burgess Hill.
- There would be harm to amenity identity of separate settlements (Hassocks/Burgess Hill).
- The site was incorrectly included within the SADPD.
- The development of the site would lead to loss of a 'valued landscape' (Paragraph 109 NPPF), due to irreplaceable ecological value of the site.

4.5 Highways

- Contrary to policy DP21.
- There will be severe cumulative impacts on the high network, especially at peak times.
- Will increase congestion on existing road infrastructure.
- Junction of Willowhurst and Keymer Road is dangerous and will lead to accidents and congestion.
- Safety concerns regarding the proposed access arrangements through Willowhurst for motorists and pedestrians.
- Willowhurst should not be the sole vehicular access to the site.
- The traffic modelling is unrealistic to assume that flows in AM peak will lead to minimal queuing. Substantial queues are likely.
- Design of existing Willowhurst junction is that exiting traffic restricts the passage of incoming vehicles and leads to bunching on Ockley Lane.
- Queuing traffic will potentially hinder access for emergency vehicles.
- The local road infrastructure is poorly maintained, and 500 houses are also being built in Hassocks which use the same roads.
- Currently difficult to turn left from Willowhurst.
- A separate access should be created to the Charles Church part of the site.
- Willowhurst is a private road within no street lighting.
- Is Willowhurst going to be adopted ?
- Willowhurst has no raised kerbs, which represents a safety concern for pedestrians.
- Scheme does not provide a realistic assessment of highway safety with regard to vehicle movement.
- Proposed mitigation to improve highway safety is wholly inadequate
- Inadequate level of parking is proposed.

- Some proposed parking arrangements are poor and will encourage on-street parking.
- There is no assurance that the access/roads will be built to an adoptable standard.
- Access arrangements need to be subject to an independent road safety audit
- There should be a second permanent vehicle access to the site.
- A relief road should be provided (as suggested by Atkins 2005) before any further development is allowed.
- Proposals will have a very significant impact on Ditchling as a result of increased traffic flow through the village.
- Following recent traffic congestion issues there are question marks over the traffic modelling being used.
- Amount of on-site parking indicates that site is not sustainable
- Insufficient space for vehicles and pedestrians to share proposed link to Keymer Road.

4.6 Ecology

- Contrary to policy DP38 and paragraph 180 of the NPPF.
- Will destroy a vibrant ecosystem with many rare plants and animals.
- It is impossible for the developers to achieve 10% biodiversity net gain on this site.
- There will be substantial tree loss on site, contrary to para 131 of the NPPF.
- The development will result in a 37.94% loss in biodiversity across the site.
- The proposal does not comply with the tests set out in Environment Act 2021.
- The development will destroy the habitat that Great Crested Newts rely upon.
- Any off-site BNG compensation needs to be clearly set out, supported by a delivery plan and appropriately secured.
- Permission would undermine/break MSDC's Sustainable Economy Strategy
- Ecologically important sites such as this are protected by the NPPF, and the application needs to be judged against paragraph 7 of the NPPF.
- The site is inhabited by many priority species.
- The development is certain to cause disturbance to badgers
- Conflict between lighting requirements for bats and future residents.
- Impact on Great Crested Newts.
- The provision of BNG enhancements out of the district provides no direct benefit to species directly impacted on the application site.
- A receptor site proposed for translocated species is being put forward by the applicant for development
- The on-site ecological 'enhancements' are wholly inadequate.
- Proposals are not in the spirit of BNG principles of environmental protection and do not meet the legal requirements.

4.7 Infrastructure

- Contrary to policies DP20, DP24 and DP25.
- Lack of infrastructure to cope with additional development.
- Existing infrastructure is already over stretched.
- Proposed open space is poorly designed.
- Maintenance of open space areas not assured.

4.8 Drainage

- Proposed development is contrary to policy DP41.
- During rainfall the site becomes heavily waterlogged.
- Given slope of the site, run-off from the development will have serious consequences for the surrounding properties.
- Wellhouse Lane, and surrounds, already flood after heavy rain.
- Use of pumping foul sewage is not desirable.
- The surrounding area floods annually already, the development will just make this worse.
- Assume MSDC will take responsibility for future flooding and accept legal liability for any insurance claims.
- Fundamental issues around surface water flooding continued to be ignored/not addressed.

4.9 Residential Amenity

- Contrary to policies DP26 and DP29.
- The building works will be intrusive and noisy for existing residents.
- Unacceptable levels of noise and disturbance to existing residents.
- Proposed buildings too close to existing residential boundaries.
- Proposed lighting will be intrusive to existing residential amenities.
- The location plots 66 and 67 will significantly overcrowd existing properties. They will have an overbearing impact and result in loss of outlook.
- The location of plots 68 and 69 will significantly increase noise and disturbance both from the dwellings and the parking area.
- A larger green standoff should be created to properties in Folders Gardens.
- Increase in noise and disturbance as a result of the use of the proposed site access.
- No assessment seems to have been undertaken on the impact of queuing traffic on the existing properties in Willowhurst or on air quality in that part of the development.
- Existing properties in Willowhurst will be severely impact by additional traffic generation and any queuing traffic.
- Security and privacy of existing properties will be heavily impacted by use of Willowhurst as the access to the site.
- Proposed properties are too close to existing houses in Wintons Close
- No green buffer provided to properties in Wintons Close.
- Construction traffic will have a significant impact on the residents of Willowhurst.
- The Construction Traffic Management Plan need significant amendments and resident protects placed within it.
- Proposed houses are still too close to properties in Wintons Close.
- Footpath link to Keymer Rd at the rear of property is a security risk and not required.
- No consideration appears to have been given to this routes future maintenance
- Creation of footpath link will impact on private rights of way.
- The proposed construction traffic management plan is unworkable and will lead to highway safety/capacity issues.

4.10 South Downs National Park

- Building too close to the boundary with the National Park.

- Contrary to policy DP18 – there will be a negative impact on the settling of the national park, especially with regard to ‘dark skies policy’.
- The SDNP is some 200m from the site and the development in the southern part, which includes flats, will be visible.
- The development will clearly stand out on the horizon when viewed from the ridge of SDNP, especially in winter and at night.
- Police request for lighting contradicts the ‘dark skies’ policy.
- The impact on wildlife migrating daily between the site and the SDNP have not been considered.
- The dense cluster of housing in the southern part of the site is contrary to the Inspectors consideration of the setting of the SDNP at the examination.
- The proposal is contrary to paragraphs 176 and 177 of the NPPF.
- The proposal fails to respond to the setting of the SDNP and will cause irreparable harm to its setting.

4.11 General

- Location of affordable housing is unacceptable.
- Contract of sale for property in Willowhurst with Thakeham restricts the number of houses to 70 and does not relate to Charles Church part of the site.
- Southern part of the site looks densely packed.
- Is there sufficient water to supply the development and treat waste water ?
- The proposed plans/house designs are not in keeping with surrounding properties.
- Blocks of flats are unacceptable on this site.
- A maximum 150 dwellings more appropriate for the site.
- The site is not in a sustainable location as walking distances on a site this large will mean that residents will rely on their cars.
- Development of the site will create a massive carbon release
- The proposed development, in the building phase, will create a large amount carbon.
- Government have scrapped nationally imposed housing targets, therefore the development is not necessary/needed
- Government advocate using brownfield sites first, there are plenty of industrial estates locally
- No renewables proposed
- No consideration of water neutrality
- Some of the trees on the pathway between the site and Folders Lane are too large and need to be reduced in size.
- Reduction in units does not make a difference
- Design of the scheme is still bland
- The impact High Chimneys (listed building) has been significantly underestimated by the applicants
- As a result of the proposals, the historic context of High Chimneys will be lost forever.
- Reduction of 4 units does not address the fundamental issues with the development of this site.
- Application directly contravenes MSDC’s Sustainable Economy Strategy 2022.

4.12 A total 3 representations of support for the application have been received.

5.0 Summary of Consultees

MSDC Urban Designer

I agree with the DRP's comments, but nevertheless have my own comments to add.

As previously advised, the scheme can be commended for being laid out in a series of perimeter blocks that retains much of the important landscape features which will form an attractive backdrop to the development. The revised drawings make some improvements by providing a comprehensive network of connecting footpaths that link up the perimeter blocks and open spaces which helps compensate for the limited public access in the retained woodland areas. Furthermore, the three central blocks of flats are now appropriately grouped together, and the houses address their corner sites better across the scheme with the secondary facing materials more consistently applied to individual houses at the front, side and rear. Parking is also less dominant within the public realm and benefits from more tree planting.

Unfortunately, the useable open spaces are not centrally located within the development and the scheme consequently lacks a central community focus and, in this respect does not accord with the Site Allocations DPD objective (for site SA13).

The building design is still unimaginative and the reliance on pastiche details lacks authenticity. Furthermore, the house types appear too randomly laid out across the scheme which contributes to the different character areas being too similar to each other. As the DRP have stated it is also disappointing that sustainability has not informed the building design particularly given the development's carbon net zero target with solar PV's potentially further undermining the elevations by cluttering the roofs.

Despite these reservations I raise no objection as on balance the positive elements of the design override the negative aspects of it. However, for the reasons I state in my detailed comments (below) and to secure the quality of the design, I recommend the following conditions requiring the approval of further drawings/information:

- To ensure the scheme sufficiently accords with principles DG26 (integration of play areas), DG37 (integration of air source heat pumps) of the Mid Sussex Design Guide (MSDG) I would recommend that the landscape condition is extended by requiring detailed hard and soft landscaping including boundary treatments, the incorporation of communal air source heat pumps (ASHP's) and the provision/location of play areas.
- To ensure the scheme sufficiently accords with DG38 (application of facing materials) I would recommend that the requirement of details/samples of the facing materials also includes their application on individual buildings.
- Revised flank elevations showing additional windows facing the street corner on plots 59, 181, 184, 199, 244, 234 and 258
- Detailed 1:20 scale elevation and section drawings (shown in context) showing the incorporation of solar PV panels on the roofs
- Revised drawings that rationalise the glazing bars on plots 128-180.
- Revised drawings that feature car barns serving plots 4-6,17-20, 25.

I would also recommend a condition covering sustainability to ensure that the carbon neutral target is met.

MSDC Planning Policy

The proposed development is supported in principle however as submitted, there remain some aspects [as originally submitted] which do not fully accord with the development plan. This includes the amount/location of open space and the creation of a sense of place, as well as improvements to pedestrian/cycle connectivity through the site

MSDC Housing Enabling Officer

No objection subject to condition to secure appropriate details on the M4(3) wheelchair units.

MSDC Environmental Protection Officer

No objection, subject to conditions

MSDC Community Facilities Project Officer

No objection, subject to a condition securing the details of the layout, equipment and future management arrangements for the proposed play provision, and securing of infrastructure contributions towards formal sport and community buildings.

MSDC Tree Officer

No objection, subject to conditions

MSDC Conservation Officer

Considers that the level of harm to the setting of nearby heritage and non-heritage assets would be less than substantial, in terms of the NPPF, and as such the application needs to be considered in context of paragraphs 202 and 203 of the NPPF.

MSDC Contaminated Land Officer

No objection subject to condition

MSDC Drainage Officer

No objection subject to conditions

MSDC Ecology Consultant

No objection to the proposals either on protected species/habitats grounds or Biodiversity Net Gain (BNG). Recommend approval subject to conditions and legally securing the off-site BNG provision.

MSDC Visual Landscape Consultant

Consider that the impacts on the SDNP will not be significant and are satisfied that the inter-visibility between the wider area and the site will be limited. No objection subject to conditions. Advise of amendments/recommendations that should be taken into consideration prior to determination.

MSDC Archaeology Consultant

No objection subject to conditions

Mid Sussex Design Review Panel

The panel support the application providing changes are made to address points raised in their full comments.

WSCC Highways

No objection subject to securing s106 contribution and conditions

WSCC Local Lead Flood Authority

No objection, subject to conditions

WSCC Planning (Infrastructure)

No objection subject to securing s106 Infrastructure contributions

WSCC Minerals

No objection.

WSCC Fire and Rescue

Advise that condition is used to secure fire hydrants

South Downs National Park Authority

Object. Lack of any robust assessment methodology or assessment of the National Park's setting or effects upon it as a result of development and resultant likely negative impacts upon the National Park's setting and special qualities, contrary to the National Parks' statutory purposes.

Environment Agency

No comment

Southern Water

No objection subject to condition

Sussex Police

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. Observations set out in comments.

Sussex Police have no objection to the proposed development as submitted from a crime prevention perspective the stated observations, concerns and recommendations having been given due consideration.

NHS Sussex

No objection subject to the securing of a financial contribution to mitigate the increase in demand for services as a result of the development.

6.0 Burgess Hill Town Council Observations

6.1 Recommend Refusal.

6.2 The Committee stated that the application was contrary to the following policies;

Burgess Hill Neighbourhood Plan, Core Objective 5 – Protect and improve areas of existing landscape value and open space identified by local communities.

Mid Sussex District Plan

DP18 – Setting of the South Downs National Park, the Committee expressed concern over the effect of the development on a dark skies protection area.

DP21 – Transport, the Committee raised concerns over the date of the Road Safety Audit done by West Sussex County Council.

DP25 – Community Facilities and Local Services, the Committee expressed concern over the NHS facilities that could be offered to new residents.

DP26 – Character and Design.

DP29 – Noise, Air and Light Pollution, the Committee raised concerns over the use of air source heat pumps.

DP34 – Listed Buildings and Other Heritage Assets, the Committee raised concerns over the effect upon the countryside setting of nearby listed buildings High Chimneys and Well Cottage and Barn.

DP38 – Biodiversity.

DP40 – Renewable Energy Schemes.

Mid Sussex Design Guide

DG6 – Design to enhance biodiversity.

DG8 – Establish a clear movement network that connects with the surrounding area.

DG37 – Deliver high quality buildings that minimise their environmental impact.

DG45 – Privacy of existing and future residents, the Committee raised concerns over field three, specifically the houses in plots 86 and 92, adjacent to Wintons Close, and how the proximity of the houses would impinge on residents' privacy.

DG46 – Provide attractive and usable external amenity space for all homes.

6.3 National Planning Policy Framework (NPPF), paragraph 180, point a) 'if significant harm to biodiversity resulting from a development cannot be avoided.... then planning permission should be refused.' The Committee expressed concern that harm to the biodiversity of the area was not being mitigated correctly.

6.4 The Committee also expressed concern over poor road access to the estate.

6.5 The above represents the Town Council's latest comments on the scheme before members. Their earlier comments can be found in full in appendix B.

7.0 Introduction

7.1 Full planning permission is sought for the development of 260 dwellings on land east of Keymer Road and south of Folders Lane, Burgess Hill, pursuant to policy SA13 of the Mid Sussex Site Allocation Development Plan Document (SADPD), which allocates the site for residential development for 300 dwellings.

7.2 The application has been subject to amendments during the course of its consideration, and it is the scheme, as now amended, that is before members for determination.

8.0 Relevant Planning History

8.1 In respect of planning applications, then there has been little of relevance within the boundaries of the overall application site, in the context of the proposed development. The most recent application dates from 1986 and relates to the part of the site immediately to the rear of the Folders Lane. The details are set out below;

8.2 BH/293/86 – Outline application for the construction of 83 dwellings and associated highway improvements to Woodward Close. Refused and dismissed at appeal (April 1988).

8.3 The site is allocated under Policy SA13 of the Site Allocations Development Plan Document (SADPD), which is considered the key relevant policy of the development plan and therefore the starting point for consideration and determination of this application. The specific requirements of SA13 are addressed in detail below, but it is also important to consider the factual history leading to the allocations.

8.4 The Council commenced preparation of the SADPD in 2018, and following two formal rounds of consultation, the SADPD was, in accordance with the decision taken at the Council meeting of the 22nd July 2020, submitted to the Secretary of State on the 16th December 2020 for examination.

- 8.5 An independent Inspector was appointed by the Planning Inspectorate to assess compliance with all requirements and whether the plan was 'sound' by reference to the test of soundness with the National Planning Policy Framework (NPPF). A total of 10 hearing sessions were held between the 1st June 2021 and 16th June 2021.
- 8.6 Following the examination, the Inspector set out 22 Main Modifications, which he felt were required to make the Plan sound and these Modifications were consulted upon and all responses were submitted to the Inspector to inform his final report.
- 8.7 The Inspector submitted his report to the Council on the 30th May 2022 and concluded that, with the recommended Main Modifications, the SADPD satisfies the requirements referred to in Section 20(5)(a) of the Planning and Compulsory Purchase Act 2004 and was sound and capable of adoption.
- 8.8 Specifically, in relation to the application site (SA13) and the further nearby site in Burgess Hill (SA12), the Inspector made the following comments;
- 8.9 On highway matters;
110. *'The Systre traffic model used to inform the Plan has been accepted as fit for purpose by WSCC (the local highways authority) and has been validated by National Highways (formerly Highways England), and I see no grounds from evidence submitted at the examination to pronounce this model to be flawed.'*
117. *In summary, in relation to traffic impact, the sustainable location of the two sites [SA12 and SA13] on the edge of Burgess Hill, close to the town centre, employment opportunities, main services, railway station and bus routes, coupled with the Systra study finding that these developments would not result in unacceptable, 'severe' traffic congestion, together with the likely switch of the order of at least 1.5% to a more sustainable mode share of the traffic generated by the two allocations, amount to a compelling argument in support of these allocations within the Plan.'*
- 8.10 In respect of character and appearance;
140. *'...I consider that the visual impact of the allocations SA12 and SA13 on the character and appearance of both the nearby countryside area and also on the setting of the SDNP, whether from nearby or further afield subject to the modification MM4, would not be harmful. This amounts to a further strong argument in support of their allocations within the Plan, both in principle and in terms of their proposed quantum of development.'*
- 8.11 On the matter of ecology;
143. *'In relation to allocation SA13, the Ecological Deliverability Report states that it is considered that there are no over-riding ecological constraints to development of the site, and that the proposed development could deliver biodiversity gain overall, in accordance with paragraphs 170, 174 and 175 of the NPPF and policies DP37 and DP38 of the District Plan. The report also states that in addition to habitat protection and avoidance, habitat creation and enhancement could be delivered, providing a net gain in species-rich hedgerow, broad-leaved woodland, wetlands (including ponds) and wildflower meadow.'*

144. *On the basis of the evidence before me, I conclude that both allocations SA12 and SA13 can mitigate any ecological impact to an acceptable level.'*

8.12 Overall, the Inspector concluded;

145. *Overall, I have considered highways and traffic impact, and impact on both character and appearance and ecology, and from assessing the overall sustainability considerations in relation to these sites, I conclude that, subject to the above modifications [as set out in the Mian Modification document], both allocations SA12 and SA13 are sound.'*

(note that further detailed reference to the Inspector's report may be made, where relevant, within the Assessment section of this report)

8.13 The SADPD was adopted by the Council on the 29th June 2022 and identifies sufficient housing sites to meet the housing requirement for Mid Sussex to 2031.

8.14 The SADPD is part of the Development Plan for the district, against which planning applications need to be assessed.

9.0 Site and Surroundings

9.1 The site is located on the southern edge of Burgess Hill and covers approximately 15.5 hectares. The site is made up of seven fields, sub-divided by hedgerows and trees marking field boundaries. It is bordered on three sides by existing built development, and by fishing lakes on the fourth (eastern) side.

9.2 The site lies within the built-up area of Burgess Hill.

9.3 The northern part of the site is made up of three fields (numbered 1-3 in the applicant's submissions) and these have been recently used for grazing. Existing housing in Woodwards Close, Folders Gardens, Guild Place and Winston Close back onto the site to the north, while properties in Keymer Road and Willowhurst back onto this part of the site to the west. Existing access to this part of the site is taken via a track between properties fronting Keymer Road.

9.4 The southern part of the site is also made of three fields (numbered 5-7 in the applicant's submissions) and while this was previously used for grazing, it has been left largely unmanaged and vegetation has been left to take over the area. Existing housing to the Keymer Road and Broadlands back onto the site to the west, while properties in Wellhouse Lane lay to the south of the site. An existing field gate at the end of Broadlands provides the only current access to this part of the site.

9.5 The seventh field that makes up the site (field number 4) forms the divide between the northern and southern parcels and contains a belt of mature trees and vegetation. A ditch also runs east/west through this part of the site, before turning southwards, close to the western boundary of the site.

9.6 In terms of topography, the site gently falls from west to the east, and from north to south.

9.7 There are two Grade II listed buildings adjacent/close to the site. The first (High Chimneys) is located adjacent to the sites north western boundary, with the other,

(Well House), located some 120m from the south eastern boundary of the site, at the end of Wellhouse Lane.

- 9.8 The boundary to the South Downs National Park is approximately 140m to the south east of the application site.

10.0 Application Details

- 10.1 The proposal before members seeks full planning permission for the development of the site for 260 dwellings, with associated access and open space, and represents an amended proposal to that originally submitted, as the applicant has sought to address issues raised through the consultation process. This includes a reduction in the number of units from 264.
- 10.1 The 260 dwellings are made up of detached, semi-detached and terraced properties, along with some flats, of which 30% will be secured as affordable dwellings (this represents a total of 78 units).
- 10.2 The submitted details show that built development will be concentrated in the northern (fields 1-3) and southern parts (fields 5-7) of the application site, with the central area (field 4) kept free of built form and retained as a green infrastructure corridor/open space east/west through the site. A LEAP (Local Area of Equipped Play) is proposed in the southern part of the site, with green buffers provided around the edge of the site, and more generously provided in the most southern parcel (field 7). The layout has been informed by the LVIA and a Constraints and Opportunity Plan, which in turn have been informed by ecology and arboricultural surveys of the site.
- 10.3 The submitted details show that the proposed dwellings will be of traditional form and design, with the majority of units being two storey in height. Some limited two and a half storey dwellings are proposed in the northern part of the site, along with no.3 three storey apartment blocks. A further no.3 part three / part two and a half storey apartment blocks are located around the equipped play area in the central part of the site.
- 10.4 A new vehicular access for the site will be taken from Willowhurst, which will serve both the northern and southern parts of the development, with pedestrian and cycle links provided via Broadlands (in the southern part of the site) and to Folders Lane in the north. An additional pedestrian access is proposed towards Keymer Road in the north western corner of the site.
- 10.5 It is proposed that car parking spaces will be provided across the site, including visitor spaces, having regard to the WSCC guidance on such matters. It is also intended, that Electric Vehicle (EV) charging points will be provided in accordance with Building Regulations Approved Document S , which means each of the 260 dwellings will have access to EV charging.
- 10.6 The applicant has proposed that the development will be net zero carbon in its operational phase and that a suitable energy and sustainability measures will be incorporated into the proposed dwellings to achieve this.
- 10.7 In respect of biodiversity, the proposed development seeks to retain the areas of Habitat of Principle Importance (HPI) (woodlands, hedgerows and standing water) , which will be managed to protect and enhance their ecological value, as required by

Policy SA13 of SADPD. The applicant is committed to providing a 10% Biodiversity Net Gain (BNG), which it is proposed will be delivered via off-site mitigation.

11.0 Legal Framework and List of Policies

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

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

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

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

11.3 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.'

11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Burgess Hill Neighbourhood Plan

11.7 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)) does not form part of the development plan but is an important material consideration.

11.8 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) places a general duty on the Council in the exercising of its planning functions to have special regard, in determining planning applications, the desirability of preserving the building [listed] or its setting or any features or special architectural or historic interest which it possesses.

11.9 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERCA) places a duty on the Council (public authorities) to conserve biodiversity in

exercising its functions. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

11.10 The Environment Act 2021 achieved Royal Assent in November 2021 and includes clauses to require all planning permissions granted in England (with a few exemptions) to deliver at least 10% Biodiversity Net Gain (BNG) from November 2023. The requirement is not yet mandatory, and the publication of the secondary legislation, which will contain more detail on the implementation of BNG, is awaited.

11.11 The following list of policies are relevant in the determination of this application;

11.12 **Mid Sussex District Plan 2014 -2031 (MSDP)**

DP4 – Housing

DP6 – Settlement Hierarchy

DP13 – Preventing Coalescence

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

DP18 – Setting of South Downs National Park

DP20 - Securing Infrastructure

DP21 – Transport

DP23 – Communication Infrastructure

DP24 – Leisure and Cultural Facilities and Activities

DP26 – Character and Design

DP27 – Dwelling Space Standards

DP28 – Accessibility

DP29 – Noise, Air and Light Pollution

DP30 – Housing Mix

DP31 – Affordable Housing

DP34 – Listed Buildings and Other Heritage Assets

DP37 - Trees, Woodland and Hedgerows

DP38 - Biodiversity

DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

DP42 – Water Infrastructure and the Water Environment

11.13 **Mid Sussex Site Allocations Development Plan Document (SADPD)**

Adopted by Council on 29th June 2020 and it is now part of the Development Plan for the District and should be afforded full weight.

SA GEN – General Principles for Site Allocations

SA13 – Land east of Ockley Lane and south of Folders Lane

SA38 – Air Quality

11.14 **Neighbourhood Plan**

The Burgess Hill Neighbourhood Plan was made on the 28th January 2016. It forms part of the development plan and policies contained within it can be given full weight.

The main application site does not fall within an areas covered by a Neighbourhood Plan.

The Burgess Hill Neighbourhood Plan boundary runs along the northern boundary of the application site, while the Hassocks Neighbourhood Plan boundary runs along the site's southern boundary.

The only areas of the red line application boundary that fall within the Burgess Hill Neighbourhood Plan boundary are the pedestrian/cycle links that link the development to Folders Lane and Keymer Road, respectively. Having regard to this, the following Neighbourhood Plan policy is relevant;

G6 – Footpaths, rights of way and cycle links.

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

- 11.15 The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period ended on the 19th December 2022. No weight can currently be given to the plan due to the very early stage that it is at in the consultation process

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.16 The Design Guide is intended to inform and guide the quality of design for all development across Mid Sussex District. It sets out the design principles to deliver high quality new development that responds appropriately to its context and is inclusive and sustainable. The SPD is a material consideration in the determination of planning applications.

Mid Sussex Development Infrastructure and Contributions SPD

- 11.17 The Development Infrastructure and Contributions SPD sets out the overall framework for planning obligations (including contributions). The SPD is a material consideration in the determination of planning applications.

Affordable housing SPD

- 11.18 The Affordable Housing SPD provides detailed information on the requirements for on-site and off-site affordable housing provision. The SPD is a material consideration in the determination of planning applications.

WSCC: Guidance on Parking at New Developments (Sept 2020)

- 11.19 This guidance sets out WSCC's approach to parking at new development (both residential and non-residential). It should be used to help determine the level of parking at new development and provides the basis for WSCC's advice to the Council on planning applications.

National Planning Policy Framework (NPPF) (July 2021)

- 11.20 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning

system needs to perform an economic objective, a social objective, and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently.

11.21 Paragraph 12 of the NPPF states;

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

11.22 Paragraph 38 of the NPPF states;

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

11.23 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.

11.24 Section 9 of the NPPF relates to 'Promoting sustainable transport' and paragraphs 110 to 113 are of particular relevance in the determination of the application and will be referred to later in the report.

11.25 Section 12 of the NPPF relates to 'Achieving well-designed places' and paragraph 126 states *'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve'*. Paragraphs 130, 131 and 134 are also of relevance to the determination of this application and will be referred to later in the report.

11.26 Paragraphs 174 and 176 deal with conserving and enhancing the natural environment, with the later specially focused national designated areas, such as National Parks, and will be referred to later in this report.

11.27 Paragraph 180 relates to the principles that local planning authorities should apply when determining planning applications having regard to habitat and biodiversity. This will be referred to in more detail later in this report.

11.28 Paragraphs 195, 197, 199 – 203 deal with proposals that affect heritage assets (e.g. listed buildings) and again will be referred to later in this report.

Ministerial Statement and National Design Guide

11.29 On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design

and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

- 11.30 The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

12.0 Assessment

- 12.1 With this in the mind the main issues that need to be considered in the determination of this application are as follows.

Principle of Development
Highways and Parking Matters
Design, Layout and Visual Impact
Impact on the setting of the South Downs National Park
Residential Amenity
Biodiversity
Impact on Heritage Assets
Tree and Landscaping
Sustainability
Housing Mix and Affordable Housing
Standard of Accommodation
Accessibility
Drainage and Water Infrastructure
Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
Infrastructure
Archaeology
Air Quality
Land Contamination
Minerals
Other Matters
Planning Balance and Conclusion

Principle of Development

- 12.2 The site is allocated for residential development as part of the SADPD, and policy SA13 refers. The policy allocates the site for housing with on-site open space and children's equipped playspace for 300 dwellings. The policy is set out in full below;

Objectives

- *To deliver a sympathetic and well-integrated extension to Burgess Hill, informed by a landscape led masterplan, which responds to the setting of the South Downs National Park in its design creating a focal point with a central open space incorporating attractive and convenient pedestrian and cycle routes throughout the site providing good connections to local services and facilities.*

Urban Design Principles

- *Comprehensively master planned development across the entire site, designing a fully integrated scheme which optimises the potential for the whole site as a*

single development, under the same planning application(s). Piecemeal development will be resisted.

- *Development shall be sympathetic to the transitional, urban edge, semi-urban to semi-rural character of Keymer Road/Folders Lane whilst protecting the landscape setting.*
- *Existing landscape features and established trees shall be integrated with enhanced green infrastructure, open space provision and movement strategy that encourages pedestrian and cycle use.*
- *Establish a strong sense of place through the creation of a main central open space to provide a focus for the development with higher density housing in close proximity to benefit from the provision with lower density development towards the southern end of the site to reflect the existing settlement pattern.*
- *Orientate development to have a positive edge to proposed open space and to the countryside by fronting onto retained field boundaries/ mature trees.*

Landscape Considerations

- *Undertake a Landscape and Visual Impact Assessment (LVIA) to inform the site layout, capacity and mitigation requirements, in order to minimise impacts on the most visible parts of the site on the wider countryside and the setting of and any potential views from the South Downs National Park to the south. Any external lighting scheme shall be designed to minimise light spillage to protect dark night skies.*
- *The LVIA will incorporate the findings of the Opportunities and Constraints Plan, paying particular attention to the increasing sensitivity moving through the site towards the south, and acknowledge its position as an edge of settlement development to Burgess Hill that reflects the characteristics of its immediate area.*
- *The design will take account of and respond to the findings of the LVIA.*
- *Ensure the design and layout of the development works with the natural grain of the landscape following the slope contours of the site, minimising cut and fill.*
- *Retain and substantially enhance existing landscape structure, particularly along the southern and eastern boundary. Safeguard mature trees and landscaping along the boundaries, within the site and along historic field boundaries, incorporating them into the landscape structure and layout of the development with new native tree planting throughout the layout, to contain new housing and limit the impact on the wider landscape.*
- *Protect the character and amenity of the existing PRow to the south of the site*

Social and Community

- *Provide a suitably managed and designed on site public open space, equipped children's playspace/kickabout area.*
- *Mitigate increased demand for formal sport to the satisfaction of the Local Planning Authority.*

Historic Environment and Cultural Heritage

- *Provide appropriate layout, design and landscaping, particularly within the north west corner of the site, to protect the rural setting of the Grade II Listed High Chimneys, ensuring development is not dominant in views from the building or its setting and by reinforcing the tree belt on the western boundary.*
- *Archaeological field evaluation (geophysical survey) shall be undertaken to inform an archaeological mitigation strategy. Biodiversity and Green Infrastructure*
- *Undertake a holistic approach to Green Infrastructure and corridors, including; retention of existing landscape features and enhancement with new native species-rich hedgerows, native tree planting and wildflower seeding in areas of open space to provide a matrix of habitats with links to the surrounding landscape.*
- *Provide a Habitat Management Plan detailing conservation and enhancement of all areas of Habitat of Principle Importance (HPI) (woodland, hedgerows and standing water); this shall include retention of a minimum of a 5 metre buffer around the HPI.*
- *Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity overall. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where it is not possible, mitigate and as a last resort, compensate for any loss.*
- *Incorporate SuDS within the Green Infrastructure to improve biodiversity and water quality*

Highways and Access

- *A Sustainable Transport Strategy will be required identifying sustainable transport infrastructure improvements, demonstrating how the development will integrate with the existing network, providing safe and convenient routes for walking, cycling and public transport through the development and linking with existing networks.*
- *Provide vehicular access onto Keymer Road and make any necessary safety improvements; access(es) shall include a pedestrian footway connecting to existing footpaths on the highway.*
- *Mitigate development impacts by maximising sustainable transport enhancements; where addition impacts remain, highway mitigation measures will be considered.*
- *Provide good permeability across the site with attractive and convenient pedestrian and cyclepath access connecting onto Folders Lane and Keymer Road to improve links to existing services in Burgess Hill.*

Flood Risk and Drainage

- *Informed by a Flood Risk Assessment (FRA), measures are required to address flood risk associated with the site and in particular the watercourse which runs across the site and down the western boundary. Avoid developing areas adjacent to the existing watercourse and those at risk of surface water flooding.*
- *Surface Water Drainage to be designed to minimise run off, to incorporate SuDS and to ensure that Flood Risk is not increased.*

Minerals

- *The site lies within the brick clay (Weald clay) Minerals Safeguarding Area, therefore the potential for mineral sterilisation should be considered in accordance with policy M9 of the West Sussex Joint Minerals Local Plan (2018) and the associated Safeguarding Guidance.*

Utilities

- *Provide necessary water infrastructure reinforcement on Keymer Road.*
- *Occupation of development will be phased to align with the delivery of necessary sewerage infrastructure, in liaison with the service provider.'*

- 12.3 It is noted that a significant number of representations refer to the site being located within the countryside (where policy DP12 would be applicable), however, this is not the case. As a part of the allocation process of the site within the SADPD, the built-up area boundary of Burgess Hill was amended to include the application site, along with the properties fronting the eastern side of Keymer Road (as far as Sixpenny Lodge), properties within Willowhurst, and properties within Broadlands. The site lies within the built-up area of Burgess Hill, and as such policy DP12 of the MSDP is not relevant to the determination of this application.
- 12.4 Policy DP6 of the MSDP, deals with settlement hierarchy and seeks to focus development to support economic, infrastructure and social needs (with the aim of fostering sustainable communities), whilst maintaining the settlement patterns. Burgess Hill is a category one settlement, along with Haywards Heath and East Grinstead, and is characterised by a comprehensive range of employment, retail, health, education and leisure services and facilities. Whilst principally focused on windfall proposals, which do not have the benefit of a Development Plan allocation, the policy has some relevance in establishing general principles in relation to the location of the development within the district, and in the context of this application, it states, inter alia (with my emphasis);
- 'Development will be permitted within towns and villages within defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'*
- 12.5 The policy sets out three criteria, which all have to be met, in relation to development outside built-up area boundaries. This part of the policy is not relevant to this application (given the nature of the site - allocated and within the built-up area of Burgess Hill).
- 12.6 While a significant number of representations received have raised concerns about the allocation of the site for development as part of the SADPD process, it needs to

be remembered that as part of that process, the site and the wording of policy SA13, were found to be 'sound' by the independent examining Inspector. Policy SA13 is now part of the adopted Development Plan, and the law requires the application to be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 12.7 Representations have made reference to comments contained with the Written Ministerial Statement made by the Secretary of State for Levelling Up, Housing and Communities on the 6th December 2022. Specifically, the comments relating to potential changes to method for calculating local housing need, which will be 'advisory'. This has been perceived as supporting the view that the housing on the site is not needed and as means of reversing the site's allocation for development.
- 12.8 As set out above in paragraphs, 11.1 – 11.5 above, there is a legislative framework within which all planning applications need to be determined, and this starts with the adopted Development Plan for Mid Sussex (see paragraph 11.12 – 11.15 above). The potential changes to the planning system that stem from the Levelling-up and Regeneration Bill currently making its way through the parliamentary process are not yet law, and there is no certainty that they will become law. Even if they do, although they may have implications for future Development Plans, it is highly unlikely that they will alter the status of adopted Plans, or the sites allocated within them. Consequently, the Levelling-up and Regeneration Bill is not considered to be a reason for reconsidering the principle of residential development on this site.
- 12.9 Given that the principle of development is established, detailed consideration will now be given to the merits of the proposal in relation to all relevant Development Plan policies and other material considerations.

Highways and Parking Matters

- 12.10 Policy DP21 of MSDP states;

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

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

To meet these objectives, decision on development proposals will take account of whether;

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport,*

including sustainable facilities for secure and safe cycle parking, have been fully explored and taken up;

- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

12.11 Policy SA GEN of the SADPD sets out the general principles applied to all the allocated sites within the document, and in relation to transport matters, its states, inter alia;

'Access and highways

- *Ensure development contributes towards delivering sustainable development and appropriate infrastructure in accordance with District Plan Policy DP21: Transport and the objectives of the West Sussex Transport Plan 2011 – 2026.*
- *Provide a Transport Assessment and Sustainable Transport Strategy to identify appropriate mitigation and demonstrate how development will be accompanied by the necessary sustainable infrastructure to support it.*
- *Highway infrastructure mitigation is only considered once all relevant sustainable travel interventions (for the relevant local network) have been fully explored and have been taken into account in terms of their level of mitigation.*
- *Identify how the development will provide safe and convenient routes for walking and cycling through the development and linking with existing networks beyond. Create a permeable road network within the site with clearly defined route hierarchies.*
- *Safeguard Public Rights of Way (PRoW) and protect their amenity.*
- *Provide adequate car parking in accordance with District Plan Policy DP21: Transport.'*

12.12 In respect of site specific policy SA13, it states, inter alia, in relation to transport;

- *'A Sustainable Transport Strategy will be required identifying sustainable transport infrastructure improvements, demonstrating how the development will integrate with the existing network, providing safe and convenient routes for walking, cycling and public transport through the development and linking with existing networks.'*
- *Provide vehicular access onto Keymer Road and make any necessary safety improvements; access(es) shall include a pedestrian footway connecting to existing footpaths on the highway.*
- *Mitigate development impacts by maximising sustainable transport enhancements; where addition impacts remain, highway mitigation measures will be considered.*
- *Provide good permeability across the site with attractive and convenient pedestrian and cycle path access connecting onto Folders Lane and Keymer Road to improve links to existing services in Burgess Hill.'*

12.13 Policy G6 of the Burgess Hill Neighbourhood Plan relates to footpaths, rights of way and cycle links, and states, inter alia;

'All existing footpaths, public rights of way and cycleways within Burgess Hill will be retained and maintained by the appropriate authorities and owners. New development will be expected to provide links to the existing network where appropriate (my emphasis). New crossings will be proposed in locations of new residential development such as the town centre, Leylands Park, Keymer Tile Works and Victoria Road.'

12.14 With regard to the NPPF section 9 deals with 'promoting sustainable transport' and paragraphs 110 – 113 directly relate to the 'consideration of development proposals', and they are set out below;

- '110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users;*
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

111. *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
112. *Within this context, applications for development should:*
- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
 - b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
 - c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
 - d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
 - e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*
113. *All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.'*

12.15 The application has been supported by Transport Assessment (TA), which includes a section on sustainable transport improvements (strategy) which will be realised with the proposed development, a draft residential plan, a highway response technical note, and a draft Construction Traffic Management Plan. All these documents have been carefully considered by the Local Highway Authority (LHA), and their comments can be found in full in appendix B to this report, and on the planning file.

12.16 There are several differing highway elements that need to be considered when determining this application; Access arrangements; Impact on highway network; Sustainable transport; and Parking. All these elements will be considered separately in the following paragraphs.

Access Arrangements

12.17 Policy SA13 of the SADPD requires access to be provided to Keymer Road, with a pedestrian footway to connect to existing footpaths on the highway network. The proposed access arrangement complies with this requirement.

12.18 Specifically, access to the site is proposed from Willowhurst, a small development of seven houses constructed under planning permission DM/16/2607, via its approved and implemented access onto Keymer Road. The proposed arrangements will see the existing 5.5m wide carriageway extended into the proposed development, along with a 2m wide footway on the northern side of the access road. This provides a continuous link to and from the proposed development to Keymer Road. A footway is

also proposed on the southern side of the access road; however, this will not extend its full length to Keymer Road.

- 12.19 A secondary connection from the proposed development to Broadlands is also proposed, however this will be primarily for pedestrians and cyclists, with use for emergency vehicles (if required). Day to day vehicular access to the development via this route *is not* proposed.
- 12.20 The comments from the LHA set out that the visibility splays provided by the access onto Keymer Road are 2.4m x 120m, which are provided in excess of the requirements of the recorded 85th percentile speeds (the speed at or below which 85 percent of the drivers travel on a road segment) for this part of Keymer Road. The LHA are satisfied that the visibility splays provided are acceptable.
- 12.21 The access onto Keymer Road has been subject to a Stage 1 Road Safety Audit, and while two issues were identified (vegetation clearance in visibility splay and recommended relocation of 30mph speed limit south of the access), the designers' response has addressed these two points. It should be noted that, in respect of the second point, given that the access was designed in keeping with recorded 85th% speeds, it is not proposed that the 30mph speed limit is moved south to include to the site access. The LHA is now content on these matters.
- 12.22 It is clear from the representations received that there are concerns regarding the safety of the proposed access arrangements, both with regard to the junction with Keymer Road and for pedestrians within Willowhurst. While these concerns are noted, there is no evidence in front of officers to sustain them. On the contrary, the transport evidence sets out that the junction to Keymer Road has been designed and constructed to the appropriate standards, with the required visibility splays, and pedestrians being separated from traffic via 2m footway (which is a common arrangement). Furthermore, the LHA have not raised any objections with regard to these matters. The LHA have not raised any objections to the proposed access arrangement, and no safety improvement have been identified as being required to facilitate the proposed access arrangements to Keymer Road.
- 12.23 It is also noted from the representations that reference has been made to the fact that Charles Church, one of the joint applicants, does not have any legal right to use Willowhurst for their part of the development. It is not for officers, or the Council, to adjudicate on private legal matters, which are between the applicants and the residents of Willowhurst. Such matters are not material to the determination of this application and have no bearing on the Council's ability to determine the application.

Internal Road Layout

- 12.24 The LHA have also considered the internal road layout and state;
- 'The internal network is laid out in line with Manual for Streets principles. a primary street from the site access, secondary streets consisting of 5.5m carriageway and 2m footways and lanes (6m) and drives (4.1m) which would operate as shared space due to the low vehicle and pedestrian flows.*
- Vehicle tracking has been provided for a fire tender, refuse vehicle, tanker (to serve the pumping stations) and for cars to access parking spaces. Whilst it is noted that the large vehicles would over run the centre line when turning into the development this is not uncommon and given the limited number of trips (weekly for bin collections) is acceptable.'*

The LHA also confirms that the internal road layout has been designed to a 20mph speed limit, with some reductions to 15mph at the edge of the development.

- 12.25 It is also noted that the internal road network will not be offered for adoption, therefore it will remain private post construction.
- 12.26 No objections have been raised by the LHA in respect of the proposed internal road layout of the development.

Impact on Highway Network

- 12.27 The LHA set out in their comments that the TA has used as an appropriate method (TRICS) for predicting the number of anticipated trips during peak times. They confirm that to ensure a robust scenario the assessment has used a 300 privately owned development as its baseline, and this is anticipated to generate 168 AM peak two-way trips and 179 two-way PM trips. This modelling represents a worst case scenario.
- 12.28 Furthermore, the LHA have also confirmed in their comments that the anticipated generated trips have been assigned to the network on the approved gravity model and census travel to work approach, which was agreed as part of the assessment on the Clayton Mills site. The result of this is that 55% of peak hour trips are routed to the north, and 45% to the south.
- 12.29 In respect of the impact on specific identified junctions within the highway network, the Transport Assessment has considered a future year scenario of 2027, and the comments of the LHA on each are set out below;

'Site Access

The junction would operate well within capacity.

Keymer Road/Folders Lane

Modelling has been provided based upon the secured mitigation from Clayton Mills (increased flaring on the northern Keymer Road arm to accommodate two lanes) The modelling provided shows that the addition of the development traffic would increase the Ratio to Flow Capacity (RFC) in the AM peak on Keymer Road south from 0.82 to 0.93, queues from 4 vehicles from 4 to 9 and delays from 29 seconds to 58 seconds. Whilst the junction is approaching capacity the level of queueing and delays would not be considered severe in line with NPPF para 111.

Folders Lane/Kings Way

No junction modelling has been provided; however, the applicant has provided information to allow a comparison of the future year scenario with the previously modelled signalisation scheme associated with the Land to the Rear of 88 Folders Lane planning application. The modelled flows are higher than those now predicted for 2027 and show the junction would operate within capacity. To date no design work has progressed on the signalisation of the junction, however, should the highway authority wish to deliver the scheme the funding exists.

Junction Road/Silverdale Road/Keymer Road/Station Road

The modelling provided indicates the junction would be operating close to capacity in the PM peak on Station Road however the addition of the development trips would only increase the RFC from 0.87 to 0.89, queues from 6 to 8 vehicles and delays from 22 seconds to 26 seconds and as such would not be considered severe. Mill Road/Station Road/Church Road mini Roundabout The modelling provided indicates the junction would operate within capacity with addition of development trips having a maximum impact of one additional vehicle queuing on any arm and an additional 4 second delay, it is however noted that the junction is currently being upgraded as part of the Burgess Hill Place and Connectivity Programme and thus the future signalisation scheme has also been modelled.

Mill Road/Station Road/Church Road Signalisation

The signalisation scheme is in the process of being delivered and provides benefits for non-motorised users level rather than capacity enhancements. The modelling provided indicates the junction would operate at capacity in the PM peak prior to the addition of development trips. With the addition of development trips the Station Road (East) approach would exceed capacity and the mean max queue would increase by 9 vehicles. The increase in the level of queuing would not be considered to be severe.

Civic Way/Station Road/McDonalds/Queen Elizabeth Rbt

The modelling provided indicates the junction would work within capacity in all scenarios.

Keymer Road/Ockley Lane

The modelling provide indicates the junction would be operating close to capacity in a 2027 scenario with development. The maximum RFC of 0.85, queues of 5 vehicles and delays of 32 seconds on the Ockley Lane approach would not be considered severe.'

- 12.30 In light of the above assessment, no junction capacity improvement mitigation works have been identified as being required.
- 12.31 It is recognised that a significant number of representations have raised concerns over the ability of the local highway infrastructure to accommodate further traffic growth, as a result of this development, due to existing congestion. They highlight issues associated with signalisation works at the Mill Road/Station Road/Church Road earlier this year as an example of the issues. On this latter point, while it is recognised that there were initial implementation issues with the new signalisation works, these have now been addressed by the LHA.
- 12.32 While local residents perception/experience of the capacity of the local highway infrastructure is appreciated, the LHA have not raised an objection to the proposed developments' impact on the highway network, individually or cumulatively (which includes consideration of other committed developments such as Clayton Mills, east of Kings Way, Keymer Brick and Tiles and The Martlets), and there is no other evidence, notwithstanding the concerns expressed in the representations, in front your officers to suggest otherwise.
- 12.33 Having regard to policy DP21 and para 111 of the NPPF, where development should only be prevented/refused on highway grounds where cumulative (residual) impacts on the local road network would be severe, your officers accept the comments of the

Local Highway Authority on this matter and are content that the proposal, on this issue, complies with policy DP21 and para 111 of the NPPF.

Sustainable Transport

- 12.34 The site is located within walking distance of number of a number of bus routes, namely no's 33, 33A, 35C, 167 and 523 services, which provide access to Burgess Hill station/town centre, a Burgess Hill circular service, Haywards Heath and Hurstpierpoint. The submitted TA sets out that the applicants did explore the possibility of diverting an existing bus route into the development with the operator, however it was not considered viable in the long term, even with funding, as there would be insufficient passengers to cover the cost of the service itself (once funding ended).
- 12.35 There is no requirement in policy SA13 of the SADPD for a bus service to the development to be provided, nor is a requirement set out in the Local Highway Authority's comments. However, it has been identified that a contribution would be appropriate to improve bus stop infrastructure, including bus stop cages, bus stop kerbing and real time passenger information at the existing bus stops on Keymer Road and Folders Lane. There is also the potential to relocate the northbound bus stop, on the west of Keymer Road, further south where there is sufficient space to provide a bus shelter.
- 12.36 The above contribution towards sustainable transport measures can be secured through a Section 106 Legal Agreement.
- 12.37 In terms of walking and cycling, the TA includes a review of pedestrian and cycle connectivity of the site to Burgess Hill town centre. As result, the Local Highway Authority confirm that a number of improvements to Folders Lane and Keymer Road have been identified, including increasing widths of footways, providing tactile paving at bell mouth crossing and the introduction of a new uncontrolled drop kerb crossing to Keymer Road. All these proposed improvements can be found on the 'Proposed pedestrian infrastructure improvements plan', which is available to view on the file.
- 12.38 In order to link the site to the existing networks in the surrounding area, a 2m wide footpath is proposed to Keymer Road from the north western corner of the site, along an existing track that provides access to the existing field that form the northern part of the site. It should be noted that this track also forms the sole access to Brockwood, a residential property set on the northern of this track. In addition, a 3m wide shared use path is proposed from the northern boundary to Folders Lane. This route runs between properties in Guild Place and Wintons Close. Additional signage has been proposed as part amendments sought during the cause of the application to add cyclists' access/egress the carriageway to continue of the road.
- 12.39 It is acknowledged that there no existing dedicated off-road routes available within the vicinity of the site and that cyclists will need to join existing carriageway to continue their journey. The proposed measures are to ensure that access/egress to the carriageway can be done safely.
- 12.40 The provision of the proposed new links from the northern section of the site to Keymer Road and Folders Lane ensures that regard has been given to providing appropriate opportunities to facilitate alternative opportunities to promote alternative sustainable modes of travel, and that they are appropriate. It is considered that the proposed layout has taken measures to provide active surveillance of these proposed routes, and that given their proposed widths, they will be attractive and

convenient for users. The comments of Sussex Police are noted, and officers are content the proposals address this as far as practical. Furthermore, it is noted the Sussex Police have not raised an objection to the application.

- 12.41 The concerns expressed from existing residents that adjoin these routes are noted, and matters relating to the residential amenity will be addressed later in the report. For the purposes of this section of the report, regard is only being given to the provision of these routes in the context of sustainable transport.
- 12.42 Notwithstanding the concerns expressed within the representations, the site is located within a sustainable location. This was recognised by the Inspector in allocating the site as part of the SADPD process (see Inspectors quotes at paragraph 8.9 above), furthermore the Inspector recognised that;

'..is realistic potential to introduce footpaths, cycleways and bus service improvements to serve these developments (SA12 and SA13), which the scheme developers aim to implement.'

The proposal includes measures that will actively improve sustainable transport infrastructure (as described in preceding paragraphs) within the vicinity of the site and ensure integration of the site with the existing network, providing safe and convenient routes for walking, cycling and public transport to serve the development.

- 12.43 The improvements of the shown the submitted drawings can be secured through an appropriately worded condition, in addition to the sustainable transport contribution requested by the LHA, which will be secured within any S106 Legal Agreement.
- 12.44 Officers are content, in light of the above, that site is sustainably located, and that the development will provide suitable sustainable transport measures to meet the requirements of policy DP21 of the MSDP, policies SA GEN and SA13 of the SADPD, policy G6 of the Burgess Hill Neighbourhood Plan, and the relevant sections of the NPPF.

Travel Plan

- 12.45 The applicants have submitted a residential travel plan to support modal shift to other sustainable modes, other than the private car. The applicants are seeking to achieve a 15% modal shift within five years of first occupation. The contents of the travel plan are considered draft at this stage and a final document will be secured through the S106 Legal Agreement, along with an appropriate monitoring fee.

Parking

- 12.46 The WSCC guidance on parking for new developments provides the basis for assessing whether the level of parking proposed to serve the needs of the development is appropriate, taking into account the accessibility of the development, the type, mix and use of the proposal and the availability and opportunities for public transport. The consideration of these matters does allow for the expected parking demand to be varied by 10% above or below the expected level.
- 12.47 The guidance also covers matters such as Electric Vehicle (EV) charging points and cycle parking provision.
- 12.48 The submitted detail show that the following level of parking is being proposed to serve the development;

- no.432 allocated parking spaces (including no.55 M4(2) / (3) spaces)
- no.34 unallocated (visitor) spaces
- no.24 garage/car barn spaces
- no.82 non countable garage/car barn spaces.

12. 49 All garages are being provided with the minimum internal dimensions of 6m by 3m (in accordance with WSCC guidance). The no.82 garages/car barn spaces noted above as 'non countable' have not been included in the applicant's assessment of proposed parking against WSCC guidance, as the submitted TA does not consider them easily available for regular parking, due to the two driveway parking spaces provided in front of these structures.
- 12.50 A total of 490 spaces are to be provided across the site, which is below the 548 spaces the WSCC guidance indicates the parking demand would be. However, the guidance does allow for 10% variation based upon supporting information, such as the range of sustainable transport measures. The proposed number of counted spaces falls just outside that 10% allowance. That said, the LHA have not raised an objection to the total number of parking spaces that are being proposed to serve the site as a whole.
- 12.51 The LHA do indicate however, that the balance of an unallocated parking spaces (or visitor spaces) is skewed towards the northern end of the site, with less provision in the south. Notwithstanding this, the LHA in their final comments have set out that the unbalanced provision would not be sufficient to warrant a reason for refusal from their perspective but may result in amenity issues for future residents. They indicate that in the event that vehicles park on the internal roads, this may result in issues for servicing/refuse collection. While this may result in some parking on internal roads, it is considered that any potential harm to future amenity as a result of this parking is unlikely to be significant, and as with all instances of on-street parking, the onus is on the individual to park in a manner that does not cause disruption to others (be it residents or other road users). However, the LHA have confirmed, in not objecting, that this would not cause a highway safety issue.
- 12.52 In terms of cycle provision, then the applicants are proposing this in line with WSCC standards, as set out in their published guidance document. Provision for individual dwellings will be on-plot, while communal provision will be made for the apartment buildings. These details can be secured through an appropriately worded condition.
- 12.53 The applicant have confirmed that the Electric Vehicle (EV) charging points provision will be made in accordance with Building Regulations, which require all new dwellings to have charging points. As this matter is controlled by other legalisation, there is no need for this to be a condition of any permission granted.

Construction Traffic Management Plan

- 12.54 A 'Construction Traffic Management Plan' has also been submitted by the applicants, which sets out how the traffic impacts of the construction of the development will be managed and mitigated. It seeks to deal with a number of matters, including volume and routing of construction vehicles. It does confirm that wherever possible construction vehicles will enter the site via Willowhurst, as Broadlands is not suitable for large vehicles. Only small construction vehicles (vans and cars) would use Broadlands.

- 12.55 The contents of the document have resulted in a number of representations being submitted raising concern over a number of aspects, including routing, number of vehicles and safety measures within Willowhurst. It is also relevant to note that the LHA have raised issues with the expressed routing of vehicles from the south through Ditchling village. These concerns are all noted, and it is not intended that this document is approved as part of the consideration of this application. It is usual that a Construction Management Plan, which would include traffic matters, is secured via a planning condition, and this is also the case in this instance.
- 12.56 It needs to be accepted that the construction process will result in disruption and inconvenience for existing residents, and while this cannot be avoided (and is not a reason to refuse planning permission), the purpose of a Construction Management Plan is to provide some mitigation to the effects, and set out a clear framework, for both the developers and local residents, of how the construction process will be managed. Officers would expect the applicants in drawing up the Construction Management Plan to address a condition imposed on any permission granted, to take into account the comments (both consultee and third parties) submitted as part of this application.

Highways Conclusions

- 12.57 In conclusion on all matters highway related, officers acknowledge that the LHA have not raised an objection to the proposals. The proposed access arrangements and internal road layout of the site are considered acceptable, and will not give rise to any significant highway safety issues. While it has been identified that the proposed development will have an impact on some junctions within the wider highway network, in terms of additional queuing and delays, it is not considered that the impact will be severe, either individually or cumulatively.
- 12.58 A package of sustainable transport improvements is proposed to pedestrian, cycling and bus stop provision within the vicinity of the site, which coupled with appropriate connectivity provision from the development itself, will help facilitate sustainable travel movements by future residents. This will be further underpinned by a Residential Travel Plan. The proposed level of parking to serve the development as a whole is considered acceptable, although it is acknowledged that an imbalance of unallocated spaces across the site, may lead to some amenity issues for future residents.
- 12.59 Having regard to the above, subject to the suitable conditions and securing the Travel Plan and sustainable transport measures/contributions in the S106 Legal Agreement, it is considered that the proposal complies with policy DP21 of the MSDP, policies SA GEN and SA13 of the SADPD, policy G6 of the Burgess Hill Neighbourhood Plan and relevant sections of the NPPF.

Design, Layout and Visual Impact

- 12.60 Policy DP26 of MSDP deals with 'Character and Design' and states;
- ' All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:*

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with building frontages facing streets and public open spaces;*
- *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;*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment;*
- *positively addresses sustainability considerations in the layout and the building design.'*

12.61 Policy SA GEN deals with general principles for site allocations within the SADPD and it states, inter alia, the following in relation to urban design matters;

'Urban design principles

- *Design new development in accordance with District Plan Policy DP26: Character and Design and with the design principles set out in the Mid Sussex Design Guide SPD.*
- *Sites within the High Weald AONB are to have regard to the High Weald Housing Design Guide.*
- *Provide a high degree of integration and connectivity between new and existing communities.*
- *Design new development at a density that is appropriate for the location.*
- *Make a positive contribution towards local character and distinctiveness.*
- *Create safe communities through appropriate design and layout that reduces the likelihood of crime and anti-social behaviour.'*

12.62 Site specific policy SA13 states, inter alia,

'Objectives

- *To deliver a sympathetic and well-integrated extension to Burgess Hill, informed by a landscape led masterplan, which responds to the setting of the South Downs National Park in its design creating a focal point with a central open space incorporating attractive and convenient pedestrian and cycle routes throughout the site, providing good connections to local services and facilities.*

Urban Design Principles

- *Comprehensively master planned development across the entire site, designing a fully integrated scheme which optimises the potential for the whole site as a single development, under the same planning application (s). Piecemeal development will be resisted.*
- *Development shall be sympathetic to the transitional, urban edge, semi-urban to semie-rural character of Keymer Road/Folders Lane, whilst protecting the landscape setting.*
- *Existing landscape features and established trees shall be integrated with enhanced green infrastructure, open space provision and movement strategy that encourages pedestrian and cycle use.*
- *Establish a strong sense of place through the creation of a main central open space to provide a focus for the development with higher density housing in close proximity to benefit from the provision, with lower density development towards the southern end of the site to reflect the existing settlement pattern.*
- *Orientate development to have a positive edge to proposed open space and to the countryside by fronting onto retained field boundaries/mature trees.*

Landscape Considerations

- *Undertake a Landscape and Visual Impact Assessment (LVIA) to inform the site layout, capacity and mitigation requirements, in order to minimise impacts on the most visible parts of the site on the wider countryside and the setting of and any potential views from the South Downs National Park to the south. Any external lighting scheme shall be designed to minimise light spillage to protect darknight skies.*
- *The LVIA will incorporate the findings of the Opportunities and Constraints Plan, paying particular attention to the increasing sensitivity moving through the site towards the south, and acknowledge its position as an edge of settlement development to Burgess Hill that reflects the characteristics of its immediate area.*
- *The design will take account of and respond to the findings of the LVIA.*
- *Ensure the design and layout of the development works with the natural grain of the landscape following the slope contours of the site, minimising cut and fill.*
- *Retain and substantially enhance existing landscape structure, particularly along the southern and eastern boundary. Safeguard mature trees and landscaping along the boundaries, within the site and along historic field boundaries, incorporating them into*

the landscape structure and layout of the development with new native tree planting throughout the layout, to contain new housing and limit the impact on the wider landscape.

- *Protect the character and amenity of the existing PRow to the south of the site.'*

12.63 The Council's Design Guide is of relevance and a number of sections relate specifically to layout and design features within proposed development. The following sections and principles are considered of particular relevance in this respect of this application;

- Section 3 – Establishing the structure;

Principles DG3 – DG9, and DG11

- Section 4 – Site layout, streets and spaces;

Principles DG12 – DG30

- Section 5 – Site optimisation and mixed use;

Principles DG34 and DG36

- Section 6 – High quality and sustainable building design;

Principles DG37 – DG40.

- Section 8 – Residential amenity;

Principles DG46 and DG47.

The specifics of the relevant principles of the Mid Sussex Design Guide will be addressed in the assessment below, where relevant.

12.64 Section 12 of the NPPF is entitled 'Achieving well-designed places' and the relevant paragraphs of relevance are;

'126. The creation of high quality, beautiful and sustainable 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

130. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
131. *Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵⁰, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.*
134. *Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*
- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
 - b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'*

12.65

The scheme has been carefully considered by the Council's Urban Designer and the Mid Sussex Design Review Panel (DRP), and their comments can be found in full on the planning file. It should be noted the scheme has been amended since the original submission, in order to try and address matters raised through the consultation process.

- 12.66 The scheme has been carefully considered by your Urban Designer and the Mid Sussex Design Review Panel (MSDRP), their comments on the proposal before members can be found in full appendix B to this report. Their responses to the scheme as originally submitted can be found on the planning file.

Layout

- 12.67 The objective of policy SA13 is set out above in paragraph 12.62 and requires development to be informed by a landscape led masterplan. The proposed site layout has been informed by the supporting Landscape and Visual Impact Assessment (LVIA), which itself has been underpinned by an updated Opportunities and Constraints Plan, following further landscape and ecology survey work, to that presented as part of the site allocation process. A landscape masterplan has been provided that identifies the key landscape and biodiversity features within the site that are to be retained and enhanced, and the areas that are appropriate for built development. This is in accordance with the policy and forms the starting point for the layout of the site.
- 12.68 One of the Design Principles established in Policy SA13 is that “*Development shall be sympathetic to the transitional, urban edge, semiurban, to semi-rural character of Keymer Road/Folders Lane whilst respecting the landscape setting.*”
- 12.69 Section 4 of the Council’s 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 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.
- 12.70 The proposed layout utilises the existing field boundaries and landscape features to subdivide the development, which is organised in a series of perimeter blocks that enable the retained landscape features to provide an attractive backdrop. The northern part of the site is denser in form, with a mix of detached, semi-detached and terraced units, as well as apartment blocks. The biggest concentration of apartments is in the central area, with the three proposed blocks grouped together to partially enclose the main recreational area of the site, where a Local Equipped Area of Play (LEAP) is to be located. The southern part of the site is mainly made up of detached properties, with a limited number of semi-detached units.
- 12.71 The main landscape features are being retained, and enhanced where appropriate, within the layout. This includes a landscape buffer along the northern and eastern boundaries of the site, existing field boundaries and mature trees, the ditch and mature trees/vegetation within field 4, veteran trees, significant landscape area to the southwestern and southern boundaries of the site. It is also noted that the layout incorporates an enlarged green buffer to High Chimneys (Grade II listed building) in the north western corner of the site.
- 12.72 The layout has been subject to amendments during the course of the application, in particularly within the central and southern parts of the site where additional pedestrian links between the development blocks have been introduced, as well as the grouping of the apartment blocks to the north and east of the proposed LEAP. This not only provides additional built enclosure from an urban design perspective, but also provides greater natural surveillance of the adjacent open space.

12.73 Parking is mainly provided on plots, or within rear courtyards in respect of flats. While some frontage parking is proposed, this is discreetly positioned away from the main routes through the site and additional planting has been provided to break these areas up, as well the introduction of car barns on specific plots to provide enclosure and visual relief.

12.74 In respect of the layout, your Urban Designer has made the following comments;

'As previously advised, the scheme can be commended for being laid out in a series of perimeter blocks that retains much of the important landscape features, which will form an attractive backdrop to the development. The revised drawings make some improvements by providing a comprehensive network of connecting footpaths that link up the perimeter block and open space, which helps compensate for the limited public access in the retained woodland areas. Furthermore, the three central blocks of flats are now appropriately grouped together.....Parking is also less dominant within the public realm and benefits from more tree planting.'

12.75 The MSDRP comments on the layout of the scheme generally reflect those of your Urban Designer above.

12.76 It should be noted that those matters relating to layout which the Urban Designer has suggested are conditioned, namely the introduction of car barns on specific identified plots, has now been addressed by the applicant in the scheme before members.

12.77 Similarly, within the MSDRP comments, there are layout matters which the applicants have sought to address, namely design aspects of the site entrance and the design and security of the connecting footpath link on the north eastern side of the site (adjacent to plot 180). To address the former, the applicants, on the advice of the Urban Designer, have proposed the extension of the block paving all along the carriageway from the entrance, in either direction. To address security issues, an additional window opening has been provided within the flank elevations of plots 180 and 198, to provide extra surveillance of the footpath link, however, it has not been possible to widen it further due to the need to retain a suitable vegetation buffer along the eastern part of the site.

12.78 One of the urban design principles of SA13 states;

'Establish a strong sense of place through the creation of a main central open space to provide a focus for the development with higher density housing in close proximity to benefit from the provision (my emphasis), with lower density development towards the southern end of the site to reflect the existing settlement pattern.'

In view of this the Urban Designer expresses concern about the lack of a community focused 'central open' space to anchor the layout, Whilst noting the design principles established in Policy SA13, the Policy also requires that the final layout must be informed by a Landscape and Visual Impact Assessment and landscape led masterplan. The masterplan has carefully considered the wider landscape and ecological principles and it is your officers' opinion that the retention of the important natural features of the site, which underpin the landscape led approach to the layout of the scheme, does not lend itself to the creation of open space in the centre of the site. In addition, officers note that the proposed layout does contain an open space (with a LEAP and a veteran tree) at the end of the primary route through the site, which provides a focus for the development. However, the proposed layout will, on

your officer's view, establish a strong sense of place in accordance with the above design principle.

12.79 Finally, it is acknowledged that there are also other areas of recreational space for future residents to use, particularly at the end of the entrance road from Willowhurst

12.80 It is your officer's view that the proposed layout meets the urban design objectives established in the allocation (Policy DP13) and the Council's District Wide Design Guide.

Quantum, scale and density

12.81 Policy DP26: Character and Design of the District Plan requires applicants to demonstrate how they have optimised the potential of the site to accommodate development.

12.82 Policy SAGEN is clear that the allocations must design development at a density that is appropriate for the location and SA13 sets out further principles regarding density with "*lower density development towards the southern end of the site to reflect the existing settlement pattern*".

12.83 Section 5 of the Council's Design Guide concentrates on 'Site Optimisation' 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 DG34 (managing increased density in urban extension) and DG36 (mixed communities) are of relevance. DG34 is clear that '*A range of densities, building types and forms will normally be required with higher density development in the more accessible locations and lower density development in the more peripheral locations.*'

12.84 It should be noted at this point that Inspector in allocating the site made some specific comments with regard to scale and density of development on the site, where he stated, inter alia,

'128. I agree with the opinion expressed by the Council and the site promoters that the report for Mid Sussex District Council provides an indication of the scale of development that would be acceptable in terms of landscape and visual character on all or part of a site and assesses the level of landscape suitability that would apply to that scale of development. I consider that sufficient and proportionate evidence has been prepared and submitted to the examination in relation to both the principle of the two allocations [SA12 and SA13] and the housing yields proposed.

131. Concern has been expressed that the 300 dwelling total proposed for SA13 is too high to enable the required degree of landscape integration to minimise harm to the adjacent landscape. However, allocation SA13 could accommodate around 450 dwellings, at a density of around 30 dph....The proposed density of 19.73 dph for allocation SA13, i.e. at significantly reduced density, is classified with the LUC 'low-medium' density classification, which gives a strong indication that the allocation has been prepared along landscape-led principles.'

12.85 In accordance with Policy SA13, DG34, in terms of densities, the submitted details show a mix of higher (max 44 dph) and medium (max 37 dph) are being deployed in

the northern and central parts of the site, while a lower density of 29 dph is being deployed in the southernmost part of the site.

- 12.86 In terms of building heights, it is proposed that the development will be predominantly formed of two storey buildings, with some very limited two and half storey dwellings in the northern part of the site. While two of the proposed apartment buildings in the northern part of the site will be two storey, the remaining apartment buildings will be made up of three and two and half storey elements. The three storey elements of these buildings are being used to frame important vistas within the site/form enclosure around the open space.
- 12.87 While the site is allocated for 300 dwellings, the Inspector's comment (in para 12.83 above) suggests it could have accommodated more. However, it is clear that through the preparation of the LVIA and the landscape-led masterplan, that this further detailed design has refined the scheme and reduced the quantum of development by 40 units, to the now proposed 260 dwellings. While this is unfortunate from a housing delivery point of view, it is fully appreciated, and accepted, that this a sensitive site and that the approach taken by the applicants in drawing up scheme reflects the requirements of the allocation policy. Officers consider that the number of dwellings proposed is acceptable given the landscape and biodiversity sensitives of the site.
- 12.88 The site is allocated for development and has been designed in line with the urban design principles established in the allocation (Policy SA13) and a landscape led Masterplan. In this context the quantum, scale and density of the proposed development is acceptable.

Appearance

- 12.89 Section 6 of the Councils Design Guide concentrates on 'high quality building design' and outlines the important principles that need to be considered when designing new building. 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), and DG40 (active frontages) are of relevance.
- 12.90 The applicants are proposing a 'traditional' design approach to their units, with a mix of gable fronted, hipped and half-hipped roofs, flat roof dormers and, pitched roof bay windows and porches. The submitted details show that applicants are proposing the use of two types of multi facing brick (a red and orange/red), with three tiles (a red/brown, a red and a grey slate). In terms of secondary materials, where it is be applied to various house types it will either be tile hanging or weatherboarding (three colours are proposed – off white, black and grey/brown).
- 12.91 The scheme has been organised into three different character areas – Urban Edge, Semi-Urban and Semi-Rural. In describing the approach, the applicants' Design and Access states;
- 'The design of the character areas has evolved to create three distinctive areas which give legibility, but which still provide a cohesive identity as a whole so that there is an underlying relationship between each area in terms of the house typologies and materials palette. In terms creating variation in character this has not solely been achieved by the use of materials and architectural character but is reinforced by a comprehensive approach to providing distinctive typologies*

characterised by, variations in density, scale, frontage widths, boundary treatments, formality/ informality of layout and street hierarchy.'

- 12.92 As set out more fully in the later 'Sustainability' section, the Photovoltaic (PV) panels will be incorporated into the roof slope of each property. While the exact number and location are not known at this time, it is recognised that PV panels will have an impact on the appearance of the proposed dwellings. Although both your Urban Designer and the MSDRP note this potential conflict with location of PV Panels on 'traditional' styled houses, it is accepted that such panels will become a more prominent feature within developments moving forward. A condition is proposed with regarding the details of the PV panel and their locations
- 12.93 Within the Urban Designer's and the MSDRP comments, a number of detailed matters are raised. The applicants have already addressed the majority of the points raised and all outstanding matters can be secured via appropriately worded conditions.
- 12.94 In summary on the appearance of the scheme, your Urban Designer states;
- 'The building design is still unimaginative, and the reliance of pastiche details lacks authenticity. Furthermore, the house types appear too randomly laid out across the scheme, which contributes to the different character area being too similar to each other.'*
- 12.95 While the above comments are accepted by your officer, it is important to consider the design of any scheme as a whole, and while certain aspects of the appearance of the scheme, i.e. pastiche elevations, could be improved, this does not mean that they are unacceptable, when the issue of design is considered as a whole. This is a point that is recognised by your Urban Designer who concludes;
- 'Despite these reservations (to the appearance of the scheme) I raise no objection as on balance the positive elements of the design override the negative aspects of it.'*
- In addition, there is no objection from the MSDRP.

Visual Impact

- 12.96 The site has built form to three sides. Public vantage points into the site are limited, with views possible from Broadlands and from Keymer Road at the junction of Willowhurst (Willowhurst being a private road). While views from south towards the site from the public footpath that runs along Wellhouse Lane are not anticipated, were they possible, they would be extremely limited due to intervening buildings and vegetation.
- 12.97 In line with the requirements of Policy SA13 the application is supported by a Landscape and Visual Impact Assessment (LVIA), prepared "to inform the site layout, capacity and mitigations requirements, in order to minimise impacts on the most visible parts of the site on the wider countryside and the setting of any potential views from the South Downs National Park". The LVIA has been underpinned by an updated Opportunities and Constraints Plan, following further landscape and ecology survey work, to that presented as part of the site allocation process.
- 12.98 This part of the report will focus on the visual impacts of the proposed development on the general character and appearance of the area. The impact of the proposal on the setting of the SDNP will be considered in detail in the following section.

12.99 The submitted LVIA) identifies the extent of the site's visibility in following way;

'The visual assessment found that the Site is very well contained by existing built form to the north and by housing and existing mature vegetation to the west and south. To the east, the Site is contained by the established vegetation at the Site boundary and within the neighbouring farmland and fishery. Views of the Site are generally limited to the adjoining properties to the immediate north and west.'

12.100 In terms of the extent of visual receptors, the LVIA states;

'The new houses will be visible from a number of adjoining properties to the immediate north of the Site and will be partially visible from several properties to the immediate west. Retained boundary vegetation and new structural planting to these boundaries will increasingly filter and screen these views as it matures. There will be very few opportunities for public views of the new houses, with glimpsed framed views of the new houses and access roads possible from Broadlands and Willowhurst.'

12.101 In respect of the degree of change that results from the development, the LVIA states;

'The proposals will result in a significant change in the character of the Site. These effects will mainly be confined to the existing fields within the Site, which will be replaced by new houses, infrastructure and open space. Landscape effects on local landscape character will be extremely localised and largely limited to the Site and the fields and fishing lakes which border the Site to the east.'

12.1012 It concludes as follows;

'The proposed development has adopted a landscape led approach to delivering new housing at the Site. It would provide a well contained extension to existing housing areas at the edge of Burgess Hill, set within an established landscape framework of mature trees and densely vegetated boundaries. In summary, the Site is capable of accommodating development in line with that shown on the Site Layout, without resulting in significant harm to the surrounding local landscape character..',

12.103 While the Council's Visual Landscape Consultant has raised a number of points for consideration prior to determination of the application, they have not raised an objection to the scheme, subject to conditions securing the landscaping, and the management of it. Members should note that your officers have taken into account the points raised in the consultation response, and are content that the scheme before members is a well-designed, landscaped-led scheme and further changes are not required.

12.104 Having regard to the above , it is considered that the proposals' impact on the general character and appearance of the area will be limited, particularly when considering the existing landscape features that are being retained, and enhanced where appropriate, along (and within) the site's boundaries. Although it is accepted that the significant change in the site's character, from a greenfield to a housing development, will be a permanent and noticeable to those residents that adjoin the site, this was inevitable following the allocation of the site.

Overall layout and design conclusions

- 12.105 The proposed layout of the site can be commended for retaining all the important landscape features of the site, while enabling the development to be laid out in a series of perimeter blocks, which results in the retained features forming an attractive backdrop/setting for the development. A balance has been struck between public open space and retained landscape features of importance (where public access will be restricted), and the scale and spread of the development is considered appropriate for the site. It is recognised however, that the use of standard house types has undermined the overall architectural integrity of the scheme.
- 12.106 Looking at the scheme as whole, and having regard to the relevant Development Plan policies, the Mid Sussex Design Guide SPD, and the NPPF, it is considered that the proposal is well considered, landscape led, and will create a high-quality environment for future residents.
- 12.107 Subject to appropriate conditions to secure matter details, you officer is content the application complies with policy DP26 of the MSDP, policies SA Gen and SA13 of the SADPD, the MSDC Design Guide SPD and the relevant sections of the NPPF.

Impact on the setting of the South Downs National Park

- 12.108 This section of the report looks specifically at any adverse impacts on the setting of the South Downs National Park (SDNP), the boundary of which lies approximately 139m away at its nearest point to the south-eastern boundary of the application site.
- 12.109 Section 61 of the Environment Act 1995 sets out the purposes of a National Park as follows;
- i) To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park area; and
 - ii) To promote opportunities for the understanding and enjoyment of the Park's special qualities by the public.
- 12.110 Section 62 of the Environment Act 1995 places a duty on relevant authorities, such as MSDC, to have regard to the purposes of National Parks in exercising or performing any functions to, or as to affect, land in the National Park.
- 12.111 Policy DP18 of the MSDP deals with the development within the setting of the South Downs National Park, and states;

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

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

Policy SA13 of the SADPD states, inter alia, in relation to the SDNP (and general landscape matters), the following;

'Landscape Considerations

- *Undertake a Landscape and Visual Impact Assessment (LVIA) to inform the site layout, capacity and mitigation requirements, in order to minimise impacts on the most visible parts of the site on the wider countryside and the setting of and any potential views from the South Downs National Park to the south. Any external lighting scheme shall be designed to minimise light spillage to protect dark night skies.*
- *The LVIA will incorporate the findings of the Opportunities and Constraints Plan, paying particular attention to the increasing sensitivity moving through the site towards the south, and acknowledge its position as an edge of settlement development to Burgess Hill that reflects the characteristics of its immediate area.*
- *The design will take account of and respond to the findings of the LVIA.*
- *Ensure the design and layout of the development works with the natural grain of the landscape following the slope contours of the site, minimising cut and fill.*
- *Retain and substantially enhance existing landscape structure, particularly along the southern and eastern boundary. Safeguard mature trees and landscaping along the boundaries, within the site and along historic field boundaries, incorporating them into the landscape structure and layout of the development with new native tree planting throughout the layout, to contain new housing and limit the impact on the wider landscape.*
- *Protect the character and amenity of the existing PRow to the south of the site.'*

12.112 Section 15 of the NPPF is entitled 'Conserving and enhancing the natural environment', and paragraph 174 sets the general context, and states;

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

- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in 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 ecosystems, including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland...'*

12.113 More specifically, paragraph 176 of the NPPF states;

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

important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

- 12.114 Policy DP18 states that regard should be given to the South Downs Partnership Management Plan and the National Park Local Plan. While these documents, and policies contained therein, do not have any weight in the determination of development proposals in Mid Sussex, they do provide some context, which due regard should be paid.
- 12.115 The South Downs Partnership Management Plan 2020-2025 is underpinned by a total of 57 policies, which include;
- Policy 1: Conserve and enhance the natural beauty and special qualities of the landscape and site setting, in ways that allow it to continue to evolve and become more resilient to the impacts on climate change and other pressures.*
- Policy 3: Protect and enhance tranquillity and dark night skies.'*
- 12.116 The South Downs Local Plan (2014 – 2033) has a range of policies that seek to protect the National Park from inappropriate forms of development that conflict with the overarching purpose of the Park itself. It is noted that there is a Dark Night Skies policy (policy SD8 refers), which sets out that development proposals will be permitted where they conserve and enhance the intrinsic beauty quality of the dark night skies and the integrity of dark sky core (which is identified on their proposals map). The policy also sets out a number of steps development proposals must demonstrate. It is further noted that the area of the National Park in closest proximity to the application site is identified within the second least sensitive area (behind urban zones) in relation to dark sky zone description, as identified within a published supporting technical note by the SDNP Authority.
- 12.117 The application is supported by a LVIA, which has been underpinned by an updated Opportunities and Constraints Plan, following further landscape and ecology survey work, to that presented as part of the site allocation process. Following comments received as part of the consultation process, the applicant's consultant has also submitted a landscape rebuttal note.
- 12.118 The application has been carefully considered by the Council's Visual Landscape Consultant, and their final comments are set out in full in Appendix B of this report. Their previous comments on the application as originally submitted can be found on the application file.
- 12.119 The applicant's submission recognises that the application site does share some characteristics with the landscape at the edge of SDNP, which include the small and medium scale field patterns and historic field boundaries, and that the existing tree belts/hedgerows provide ecological connections to the National Park. They consider

that the mature field boundaries (which are to be retained) and those on neighbouring fields contribute to a landscape buffer, and that the site itself plays a limited role in contributing to the setting of the National Park.

- 12.120 Furthermore, the applicants considered that the intervisibility between the site and the National Park is very limited and restricted to glimpsed views in the middle distance, where panoramic views towards Ditchling, Keymer and Burgess Hill are possible. They consider that close range views from the National Park, will be well screened by the densely vegetated land to the south and east of the Site.
- 12.121 The LVIA accepts that the proposal will result in significant change in the character of the site but the impacts of this will be extremely localised and largely limited to the site and the filled/fishing lakes to the east. Indirect landscape effects on the National Park are judged within the LVIA to be no greater than negligible adverse.
- 12.122 In terms of also considers tranquillity and dark night skies with regards to the setting of the SDNP, and states;
- '...the Site is also located adjacent to the built-up edge of Burgess Hill and perceptual qualities such as tranquillity are not strongly evident, as they are within more remote parts of the National Park. The Site is also located 2.5km from the Zone of Intrinsic Rural Darkness and is bordered by light sources within the neighbouring urban area. It does not therefore contribute materially to the intrinsic dark night skies which are a characteristic of parts of the National Park. As noted in the 2014 LUC study, the special qualities of the National Park are not particularly evident in the area of National Park adjacent to the Site, and this is also the case with the Site itself.'*
- 12.123 In concluding the LVIA states;
- 'In summary, the Site is capable of accommodating development in line with that shown on the Site Layout, without resulting in significant harm to the surrounding local landscape character, or views from the surrounding area, including the South Downs National Park.'*
- 12.124 The Council's Visual Landscape Consultant agrees with the applicant's submissions that impacts of the SDNP will not be significant.
- 12.125 The SDNP Authority have submitted objections to the proposed development and their comments can be viewed in full in Appendix B of this report. Their reasons of objections are as follows;
- i) *Lack of any robust assessment methodology or assessment of the National Park's setting or effects upon it as a result of development;*
 - ii) *Resultant likely negative impacts upon the National Park's setting and special qualities, contrary to the National Park's statutory purposes.*

- 12.126 As a result of the SDNP objection, the applicants landscape consultant submitted a detailed rebuttal note, which can be found on the application file.
- 12.127 In considering the impact of the proposal on the setting of the SDNP, regard does need to be given to the Inspectors comments in his final report on the allocation of the site, within which he states, inter alia, the following;
- '128. I agree with the opinion expressed by the Council and the site promoters that the report for Mid Sussex District Council provides an indication of the scale of development that could be acceptable in terms of landscape and visual character on all or part of a site and assesses the level of landscape suitability that would apply to that scale of development...*
- 130. I note that several representations refer to the need for the landscape sensitivities of the site to be understood before the layout is finalised. I am satisfied that policy SA13, together with the requirement in MM4 to incorporate the findings of the OCP and the LVIA, will ensure that the final layout on allocation SA13 will be genuinely landscape-led.*
- 131. Concern has been expressed that the 300 dwelling total proposed for SA13 is too high to enable the required degree of landscape integration to minimise harm to the adjacent landscape. However, allocation SA13 could accommodate around 450 dwellings, at a density of around 30 dph. It could have yielded an even greater dwelling total, given that the LUC classification of development yield extends to 50 dph for medium density developments, if the principal criterion had been to make the most efficient use of land in a typical suburban development, which itself is a national policy objective. The proposed density of 19.73 dph for allocation SA13, i.e. at a significantly reduced density, is classified as within the LUC 'low-medium' density classification, which gives a strong indication that the allocation has been prepared along landscape-led principles.*
- 135. Concerns were expressed that none of the above-mentioned visual assessments have addressed the impact of the two allocations on the setting of the National Park, as now required in paragraph 176 of the Framework (July 2021 version). However, the CSA study in relation to SA13 refers specifically to the setting of the SDNP at the end of section 4, concluding: "In terms of the Site, there is no inter-visibility from within it (i.e., site SA13) to the nearby edge of the SNDP, owing to the densely vegetated intervening land.... As a consequence, the Site itself plays a very limited role in contributing to the setting of the SDNP". From my own observations, both from locations in the intervening area between the allocations and the SDNP boundary, and from further afield, within the SDNP, I concur with the CSA study conclusions.*
- 138. Both allocations, however, are located some distance from the principal public viewpoints on higher ground on the main chalk ridge in the South Downs, such as at the Jack and Jill windmills at Clayton. Although conditions were cloudy on my accompanied site visit to this spot, the local landmark of*

Oldland Mill, a distinctive white windmill, was visible in the middle distance. I found this to be a useful reference point, about 3 km to the north/north-east of the Jack and Jill windmills. The overall impression, viewing to the north/north-east at this distance, is of a generally wooded area with buildings dotted in the landscape, especially associated with the small settlements of Keymer and Ditchling. It is not, however, a pristine, development free landscape.

139. *Sites SA12 and SA13 lie approximately 1.5 km further to the north of Oldland Mill, where any development would be set in the context of the town of Burgess Hill, forming an urban backdrop almost immediately to the north of the proposed allocations. It is clear from the above mentioned landscape studies at the proposed densities, and subject to the layouts being informed by the design and landscaping schemes required by both policies SA12 and SA13, including mitigating light spillage to protect the dark night skies and protecting the tranquillity of the area, that the proposed developments would not materially harm the setting of the SDNP. I also consider that they would merge with limited visibility into their immediate context when viewed from 5 km away on the South Downs, with effective screening from existing and proposed trees and from nearby properties.'*

- 12.128 It is important to set out the extent of comments from the Inspectors report, as above, as this provides the starting point for understanding the intentions behind the wording of policy SA13, in respect to landscape considerations and the impact on the setting of SDNP.
- 12.129 Policy SA13 clearly sets out the steps required by any submission in order for the proposed development, and layout, to be considered 'landscaped-led'. In undertaking a LVIA, the findings of the Opportunities and Constraints Plan will be incorporated, with the design (in terms of site layout, capacity and mitigation requirements) taking account of, and responding, to the LVIA, having particular emphasis is made to the increasing sensitive moving through the site to the south. As noted earlier, the applicants Opportunities and Constraints Plan has been informed by up-to-date ecological and arboricultural surveys.
- 12.130 The proposed scheme before members has responded to the policy requirements, and this can be demonstrated by the following;
- Reduction in capacity; The site allocation is for 300 dwellings, the application as originally submitted was 264 and this has been reduced further to 260 in response to measures to address concerns raised through the application process.
 - Lower density on the south; The gross density of density of the land south of field 4 is approximately 14dph, compared to an overall site density of approximately 17dph. The density of the most southern development is approximately 29dph, compared to that of 44dph in the northern most parcel.

- Retention of landscape features; including all veteran and category A and B trees, boundary features, respecting the field patterns of the site and landform / topography.
- Buffers to boundaries; offset buffers to site boundaries are proposed to reduce impact of built form.
- Significant retention / provision of open space / ecology land; a total of 46% of the site will be undeveloped.

12.131 Furthermore, sensitive/limited lighting is proposed as part of the proposed development, with limited low level lighting being accommodated, as recommended by the applicants ecology consultant. This will limit any external light spillage from the site. The details of the lighting scheme can be controlled by condition.

12.132 Notwithstanding the comments from the SDNP Authority, your officers, having regard to the above, do consider that the development has followed the landscape consideration requirements of policy SA13, and the findings of the LVIA, and the subsequent final scheme before members is a landscape-led designed scheme that seeks to minimise adverse impacts on the setting of the SDNP, as envisaged by the Inspector in allocating the site for development.

12.133 Your officers are content that the design and layout of the scheme has been informed by a genuine landscape-led approach and that the final scheme has been designed to minimise adverse impacts on the National Park. In forming this view, regard has been given to the duty under s62 of the Environment Act 1995 and to the South Downs Partnership Management Plan, National Park Local Plan and relevant adopted planning documents (including the dark skies technical note).

12.134 It is considered that the application complies with policy DP18 of the MSDP, policy SA13 of the SADPD and paragraph 176 of the NPPF, in respect of this issue.

Residential Amenity

12.135 Policy DP26 of the MSDP states, inter alia, in relation to residential amenity;

'..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 on the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see policy DP29)'

Policy DP29 states;

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

Noise pollution:

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

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

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

Light pollution:

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

Air Pollution:

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans. The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'*

12.136

Further guidance on how design and layout of the scheme can impact on residential amenity can be influenced by the design and layout of scheme can be found within the DGSPD, specifically principles DG45 (Privacy of existing and future residents), DG46 (external amenity space), DG47 (Provide homes with sufficient daylight and sunlight) and DG48 (Design to minimise the impact on noise, air and light pollution). The latter three principles are aimed at the amenity of future residents.

12.137 Given the size and nature of the site, with existing development to three sides, there are a significant number of existing residential properties that will be impacted to some degree by either the movement of traffic/pedestrians directly into and out of the site, or the physical proximity of the built development, or a mixture of both. The assessment below considers this issue separately in relation to groups of houses (identified by their roads). Individual houses will be identified where appropriate.

Folders Grange (including Wintons)

12.138 Folders Grange is made up of three detached dwellings and is located to the northeast of the application site. The closest dwelling is The Mallards, and this property is located approximately 16m from the north eastern boundary of the site. In between this property and the site boundary is the vehicular access to Wintons (a residential property) and Wintons Fisheries, which is directly accessed from Folders Lane.

12.139 It should be noted that land to the south of Wintons is subject to an extant permission for the erection of eight dwellings granted under planning permission DM/21/3311 on the 14th November 2022.

12.140 The boundary vegetation in the north-eastern part of the site is to be retained, and enhanced where applicable, and as such there is good natural screening between these properties and the proposed development. It is also proposed that a drainage attention basin will be located in this part of the development site, meaning that the proposed built form is well set well away from the eastern boundary of the site. Some filtered views into the site will be possible.

12.141 Having regard to the above, it is not considered that the proposed development would give rise to likely significant harm to the amenities of properties in Folders Grange, or Wintons, by means of overlooking, loss of privacy, loss of sunlight or loss of outlook.

Wintons Close

12.142 Wintons Close is made up of twelve, mainly detached properties, which are located to the north of the application site, at its eastern end. Seven of the properties have rear gardens that directly adjoin the northern boundary. These gardens range in depth from approximately 9m to 10m (from the main wall of the rear of property), with the rear mutual boundary to the application site made up of stock fencing. These properties currently enjoy unfettered views across the northern part of the application site.

12.143 The proposed plots (no's. 86-92) to rear of Wintons Close are all two storey dwellings and will have gardens that range in depth from approximately 10m to 12m. To rear of these gardens, and outside the proposed fence line, the applicants are proposing a screening buffer of approximately 5m in depth, to the mutual boundary to the properties in Winton Close.

12.144 It is accepted that the proposed outlook from these properties will change dramatically, from one of an open field, to one of a housing development. However, the site is allocated for residential development and as such the degree of change in outlook is inevitable and is a consequence of the allocation process. It should be noted that the Inspector did not raise this issue in this final report.

- 12.145 The nearest proposed plot (no.88) will be a minimum of 21m away from the rear wall of the nearest property in Wintons Close (no.5), with other distances ranging from approximately 22m to 24m, between proposed and existing properties. It is appreciated that the introduction of built form behind these properties in Wintons Close will result in an increase in perceived overlooking and loss of privacy, particularly of the rear gardens, from the first floor rear facing windows. However, the window to windows distances are considered to be sufficient to ensure that acceptable levels of privacy are maintained and are comparable to well established general planning principles that are applied when using planning judgement to assess the impact of a proposal. These distances are also reflected internally within the proposed development. Furthermore, the proposed back-to-back arrangement is not uncommon within built-up area locations in town and villages across the district.
- 12.146 Having regard to the distances between existing and proposed, and the orientation of the relationship, it is not considered that the proposal will lead to any significant loss of daylight/sunlight.
- 12.147 There is no evidence to suggest that the relationship between the existing and proposed properties in this location will result in any unacceptable noise, light or air pollution issues.
- 12.148 Having regard to the above, it is clear that the proposed development will have an impact on the properties within Wintons Close that share the mutual boundary of the site, however, it is not considered that significant harm will be caused to existing residential amenities by means of overlooking, loss of privacy, loss of outlook, loss of daylight/sunlight, or noise, light or air pollution.

Guild Place/Folders Lane

- 12.149 Guild Place is small cul-de-sac made up of three detached properties, two of which adjoin the northern boundary of site. The nearest property, no.2 Guild Place, is orientated parallel to the boundary.
- 12.150 The proposed built form in this area of the site is to be set well back from the site boundary, by approximately 22m, due to existing vegetation that is to be retained in this location. Given this, and the fact the proposed plots (no's 68-71 and no's 80-81) are orientated parallel to the boundary, it is not considered that there will be any significant impact on the amenities of residents within Guild Place by means of overlooking, loss of privacy, loss of daylight/sunlight, or noise, light or air pollution.
- 12.151 While there will be some loss of outlook, this is currently filtered by the existing vegetation that will be retained, and again, given the sites allocation, this was inevitable. The loss of outlook is considered acceptable.
- 12.152 No.30 Folders Lane is a detached property, with a large rear garden that adjoins the northern boundary of the site between Guild Place and Folders Garden. Given the distance of the dwelling from the site boundary, and the intervening retained vegetation, it is not considered that the proposed development will give rise to any significant harm to the residential amenities of this property.

Folders Gardens

- 12.153 Folders Gardens is a cul-de-sac made up of eleven properties, seven of which share a boundary with the application site. The nearest property is no.9 Folders Gardens, which is set approximately 13m off the site boundary. As characterised by all the

properties along the northern part of the site, boundary is made up of stock fencing, although in this instance, these properties also benefit from an existing hedge/vegetation buffer, which runs along the boundary within the application site.

12.154 The majority of the proposed properties along this part of the site are set well away from the boundary, approximately 18m, however there are some exceptions. Plot 67 is set approximately 10m off the boundary, but parallel to it. There will be a first floor bathroom window in the flank elevation. Notwithstanding this, there will still be a distance of approximately 22m to no.'s 10 and 11 Folders Garden. Plot 59 is a FOG (Flat Over Garage) and is proposed to set in approximately 7m from the site boundary. The nearest property, no.6 Folders Gardens, would be some 23m away from the rear elevation of this plot, which will have three windows at first floor level serving a kitchen, landing and bathroom.

12.155 In general, given the distances involved and existing vegetation buffer that is to be retained, the relationship between the proposed and existing residents will not give rise to likely significant harm by means of overlooking, loss of privacy, loss of daylight/sunlight, or noise, light or air pollution. However, in order to maintain appropriate levels of privacy, it is considered reasonable to condition the bathroom window in plot 67, and rear facing windows in plot 59, to be obscurely glazed up to an internal height of 1.7m and fan light opening only.

12.156 It is accepted that the proposed outlook from these existing properties will change dramatically, from one of an open field, to one of a housing development. However, the site is allocated for residential development and as such the degree of change in outlook inevitable and is a consequence of the allocation. It is considered any loss of outlook is acceptable.

Woodwards Close

12.157 Woodward Close is a cul-de-sac made up of thirteen detached properties, four of which adjoin the application site. Two of the properties, Woodward and Ashridge, do not benefit from any existing vegetation screen along their section of the site boundary.

12.158 The plots in this part of the site, are in the main set well away from the boundary, the closest being plots 41/42 (north east corner of the site) at approximately 12m. Given the relevant positions of the both the proposed and existing properties, they will be separated by a minimum of approximately 32m, and as such it is not considered that the proposal will give rise to likely significant harm by means of overlooking, loss of privacy, loss of daylight/sunlight, or noise, light or air pollution to the properties in Woodward Close.

12.159 As with others, it is accepted that the proposed outlook from these properties will change dramatically, from one of an open field, to one of a housing development. However, the site is allocated for residential development and as such the degree of change in outlook inevitable and is a consequence of the allocation. It is considered any loss of outlook is acceptable.

12.160 Furthermore, it is noted that the pedestrian link to Keymer Road will pass the rear boundary of Woodward Corner, however, given existing and proposed vegetation, it is not considered that this would give rise to any undue harm.

Keymer Road (north)

- 12.161 High Chimneys is a Grade II listed building, set to the northwest of the application site, which is set within a large garden and that shares a boundary with the site. The boundary takes the form of a vegetation screen. The area, within the site, in the immediate vicinity of this property will be landscaped and buffered further and given the relevant positions of the nearest proposed properties, and the intervening vegetation, it is not considered there will be any significant impact on the amenities of this property by means of overlooking, loss of privacy, loss of daylight/sunlight, or noise, light or air pollution.
- 12.162 While there will be some loss of outlook, this is currently filtered by the existing vegetation that will be retained, and enhanced, and again, given the sites allocation, this was inevitable. The loss of outlook is considered acceptable.
- 12.163 Brookwood, while it does not share a boundary with development site itself, it is located on the northern side of an existing access track that will form a pedestrian link to the development from Keymer Road. While existing hedging separates the property at the western of the track, the rear garden of the property is only formed of a post and rail fence. It is also noted that the property has a number of windows that face directly on to the track. High Chimneys is located on the southern side of this track, where the boundary is formed by a hedge.
- 12.164 Representations from these properties have raised security and privacy concerns about the proposed pedestrian link than will run along the existing access track immediately north of the property. It is noted that the existing track is not a public right of way and given that this is one of the connectivity routes that supports the sustainable transport measures associated with scheme, it is reasonable to assume that this route will attract use.
- 12.165 Brookwood uses the western part of the track for vehicular access, and it is not unusual for vehicles and pedestrians to share the same surface. Given that any vehicular traffic is associated with one property, the number of movements (and their speed) is low, so any likely conflict would be minimal. The LHA have not raised any concerns from a highway safety perspective in terms of this shared use.
- 12.166 It is accepted that the proposed use of the pedestrian link will have an impact on the privacy of these properties, this is particularly the case for rear garden of Brookwood, which is currently completely open to views from the track. The applicant has indicated that they could introduce additional enclosure along this part of the route, by means of hedging, the extent of which will be determined by the amount of land that is available, outside that needed for the link itself. Such details can be secured by a condition.
- 12.167 It is not considered that there is any evidence to support the fact that the proposed pedestrian link would give rise to unacceptable security risks. If this was the case, officers would have expected Sussex Police to raise an objection to the application.
- 12.168 However, even with the introduction of additional planting to the rear of Brookwood, it is recognised that there will be an impact on the amenities of this property by means of loss of privacy, as a result of use of the proposed pedestrian link. This is likely to be significant, and contrary to policy DP26. This needs to be considered in the overall planning balance.

Willowhurst

- 12.169 Willowhurst is a small development of seven properties, which is currently a cul-de-sac, although it is proposed that this forms the only vehicular access to the site. Three properties adjoin the western boundary of the site, which four properties have frontages that directly adjoin the proposed access route for the development.
- 12.170 In terms of the built form of the development, the nearest plot to the existing properties in Willowhurst, no.1, will be set approximately 9.5m from the western boundary of the site. Given the orientation, parallel to the boundary, and the distance, approximately 27m, to the nearest property (no.7 Willowhurst), it is not considered that the proposal will give rise to likely significant harm by means of overlooking, loss of privacy, loss of daylight/sunlight, or noise, light or air pollution to the properties in Willowhurst.
- 12.171 As with others, it is accepted that the proposed outlook from these properties will change dramatically, from one of an open field, to one of a housing development. However, the site is allocated for residential development and as such the degree of change in outlook inevitable, and is a consequence of the allocation. It is considered any loss of outlook is acceptable.
- 12.172 It is anticipated that the greatest impact on existing amenities within Willowhurst, is as a result of its use as the sole vehicular access into the site. This is reflected in the representations received from these properties. Setting aside highway safety concerns, which are addressed in a separate section of this report, the main issue to consider is the noise and disturbance caused by both moving/queuing traffic, air pollution and privacy issues.
- 12.173 Properties within Willowhurst that front the highway, are separated from the carriage by a 2m wide footpath, with only a small strip of low level planting between properties and back edge of the footpath itself. Many of the properties have windows serving habitable rooms facing towards the carriageway. The proposed use of the Willowhurst as the sole route into the development will clearly have an impact on the amenities of these existing residents.
- 12.174 Your Environmental Protection Officer has considered the air quality and noise information that has been submitted in support of the application and has not raised any objections with regard to the impact on existing residents as a result of these matters.
- 12.175 While it is clear that the use of Willowhurst by vehicular traffic will increase significantly as a result of being the development's sole vehicular access, and the noise and disturbance that results will be noticeable, it is not considered that this would result in likely significant harm, particularly given the position of your Environmental Protection Officer. The proximity of the properties, and their relationship, to the carriageway is not unusual within an urban environment. In allocating the site it was always anticipated that access would need to be formed from Keymer Road, and Willowhurst was identified by the applicants at that stage as the means of access.
- 12.176 While the concerns of the residents are fully appreciated, it is not considered that the impact on existing amenities is likely to be significant, which is the threshold in policy DP26 of MSDP.

Keymer Road (south)

- 12.177 There are a number of properties to the north and south of Broadlands, that front onto Keymer Road, and share a boundary with the application site. These properties are generally large, detached properties set within generous gardens. The boundary along this part of the site is generally well vegetated and the proposed layout which provides generous buffers along this area and will re-enforce planting (where appropriate). Given this, there are no properties within close proximity of the boundary, and it is not considered that the development would give rise to any likely significant harm by means of overlooking, loss of privacy, loss of daylight/sunlight, loss of outlook or noise, light or air pollution to these properties.

Broadlands

- 12.178 Within Broadlands there is only one property that directly adjoins the application site, Broadlands Grange. Having regard to the proposed layout in the vicinity of this property, which shows a significant green buffer (which will have restricted public access) and main open space, it is not considered that the development would give rise to any likely significant harm by means of overlooking, loss of privacy, loss of daylight/sunlight, loss of outlook or noise, light or air pollution to this property.

- 12.179 More generally, while Broadlands will be used as alternative pedestrian/cycle it is not considered that this would give rise to any adverse impact to existing amenities. In terms of outlook, it is accepted that it will change, from one of an open field, to one of a housing development. However, the site is allocated for residential development and as such the degree of change in outlook inevitable. It is considered any loss of outlook is acceptable.

Wellhouse Lane

- 12.180 There are a number of properties within Wellhouse Lane that adjoin the western boundary of the site, some six properties in total, with further properties located further to east. All the properties that adjoin the site are set in generous plots, with the nearest property to boundary being Primavera, at approximately 70m.
- 12.181 The proposed layout shows that the nearest property to the southern boundary would be plot 253, at approximately 15m, with a vegetation buffer being maintained to the boundary itself. Given the distances involved is not considered that the development would give rise to any likely significant harm by means of overlooking, loss of privacy, loss of daylight/sunlight, or noise, light or air pollution to properties within Wellhouse Lane.
- 12.182 It is accepted that the proposed outlook from these properties will change, from one of a densely vegetated space, to one of a landscaped housing development. However, the site is allocated for residential development and as such the degree of change in outlook is inevitable. It is considered any loss of outlook is acceptable.
- 12.183 It should be remembered in all instances, that just because you can see a development, does not make it unacceptable.

Noise

- 12.184 A noise impact assessment has been submitted in support of the application to consider the impact of any existing noise sources on the future residential properties, with the purpose of ensuring that the quality of the future residential amenity is acceptable.

- 12.185 The assessment sets out that the use of an appropriate glazing and specification will ensure that internal noise levels will comply with the required British Standard and that the external living spaces are all likely to see noise levels below 50 dB, which is below the lower guideline. In summary, the assessment concludes that there will be no adverse impact on the amenities of future residents by reason of noise.
- 12.186 Your Environmental Protection Officer agrees with the conclusions of the report and has not raised an objection to the application. It is noted that a 'soundproofing' condition is requested, however, the site and the proposed properties are not close to any significant existing noise source (i.e. trunk road / commercial unit) and as such it is not considered appropriate or necessary to apply such a condition in this instance. It is however, suggested that a condition requiring compliance with the glazing and ventilation specification set out in the assessment is attached to any permission granted.
- 12.187 It is considered that the proposed development will provide an acceptable living environment for future residents in accordance with policies DP26 and Dp29 of the MSDP.

Residential Amenity Conclusions

- 12.188 It is considered that while the development is clearly likely to have an impact on the amenities of existing residents that either adjoin the site, or the proposed access, and in the main this likely harm is not considered to be significant. Furthermore, it is considered that the development will result in an acceptable environment for future occupiers. In this regard, the application complies with policies DP26 and DP29 of the MSDP. The only exception being an identified impact on the rear garden of Brookwood as a result of the proposed pedestrian link. The harm to this property is likely to be significant and this will need to be considered in the overall planning balance.

Biodiversity

- 12.189 Policy DP38 of the MSDP deals with biodiversity and states;

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*

- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

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

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

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

12.190 Policy SA GEN of the SADPD sets out the general principles that apply to all allocated sites with the document, and in relation to biodiversity it states, inter alia;

'Biodiversity and Green Infrastructure

- *Carry out and submit habitat and species surveys at the earliest opportunity in order to inform the design and conserve important ecological assets from negative direct and indirect effects.*
- *Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity, using the most up-to-date version of the Biodiversity Metric. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where it is not possible, mitigate and as a last resort compensate for any loss. Achieve a net gain in biodiversity (measured in accordance with Government guidance and legislation), for example, by incorporating new natural habitats, appropriate to the context of the site, into development and designing buildings with integral bat boxes and bird nesting opportunities, green/brown roofs and green walling, in appropriate circumstances in accordance with District Plan Policy DP38: Biodiversity.*
- *Protect and enhance Green Infrastructure (GI) and corridors by ensuring built development avoids and integrates existing GI into the layout of the scheme, reinforcing and providing new connections to existing corridors to develop a connected network of multi-functional greenspace, including incorporating opportunities to contribute to strategic GI.*
- *Improve access to, and understanding of natural greenspace and nature conservation features, including recognising the importance and role of green infrastructure to the ecosystem, biodiversity, public rights of way, health and well-being, the water environment, community facilities and climate change. Green*

Infrastructure is to be incorporated with SuDS, where possible, to improve biodiversity and water quality.'

12.191 In relation to site specific policy SA13, it states, inter alia,

'Biodiversity and Green Infrastructure

- *Undertake an holistic approach to Green Infrastructure and corridors, including; retention of existing landscape features and enhancement with new native species-rich hedgerows, native tree planting and wildflower seeding in areas of open space to provide a matrix of habitats with links to the surrounding landscape.*
- *Provide a Habitat Management Plan detailing conservation and enhancement of all areas of Habitat of Principle Importance (HPI) (woodland, hedgerows and standing water); this shall include retention of a minimum of a 5 metre buffer around the HPI.*
- *Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity overall. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where it is not possible, mitigate and as a last resort, compensate for any loss.*
- *Incorporate SuDS within the Green Infrastructure to improve biodiversity and water quality.'*

It should be noted that there is no current policy requirement within the Development Plan to secure a 10% biodiversity net gain. The policies only require a net gain (unspecified).

12.192 Section 15 of the NPPF is titled 'Conserving and enhancing the natural environment' and paragraph 180 is of particular relevance in the determination of planning applications. It states;

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

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- b) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees)*

should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and

- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

- 12.193 The Environmental Act 2021 has amended section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and places a general duty on a public authority to conserve and enhance biodiversity. A public authority must, in exercising its functions, have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity.
- 12.194 Furthermore, the Environment Act 2021, has also amended the Town and Country Planning Act by placing a mandatory requirement for developments to provide a minimum 10% net gain in biodiversity. This will apply to a majority of planning permissions from November 2023, while a phasing for "smaller sites" will mean that they will have until April 2024 to comply with the Regulations.
- 12.195 The application has been supported by an Ecological Impact Assessment, Reptile Mitigation Strategy, Great Crested Newt Mitigation Strategy, a Landscape and Ecology Management Plan (LEMP) and a Biodiversity Net Gain Design Stage Report, amongst other documents, all of which have been carefully considered by the Council's ecology consultant. While their final comments on the scheme before members can be found in appendix B to this report, their earlier comments can be found in full on the application file.
- 12.196 There are no statutory designations within or immediately adjacent to the site, and no international statutory designations within 10km of the site.
- 12.197 There are two national statutory designations within 3km of the site, namely Ditchling Common SSSI and Bedelands Farm LNR. There are no local statutory designations within 3km of the site.
- 12.198 There are seven non-statutory designations within the 2km of the site, the nearest being Keymer Tile Work Local Wildlife Site (LWS).
- 12.199 There is no designated ancient woodland on the site, or on the immediately adjoining land.

Site baseline

- 12.200 In order to assess the impact of the proposed development on the ecology/biodiversity value of the site, it is first important to understand the baseline value. The following section sets out a summary of this in terms of habitats and species, respectively.

Habitats

- 12.201 The submitted Ecology Assessment identifies that the site is made up of broadleaved woodland (established and development), scrub and grasslands habitats, with native hedgerows, ditches and two ponds. It identifies Habitats of Principle Importance

(HPI's) that include lowland deciduous woodland, priority hedgerows and priority ponds. Two veteran trees (which are classed as irreplaceable habitats) and several notable/mature trees of high biodiversity have been identified within the on-site woodland and along the historic field boundaries.

- 12.202 A large proportion of habitats identified within the assessment have been classified as having importance at a Site level only, however, the identified HPI's are considered to have importance at a Local level, along with all ponds (both priority and non-priority) and tree lines containing mature trees. It should be noted that some of the specific grassland habitats were classified or having importance at the Site to Local level. As the veteran trees are considered to be irreplaceable habitat, they are considered to have importance at a County level.

Species

- 12.203 At least eight species of bat were recorded during site survey work, with the common pipistrelle the most abundant species. Habitats on the site provide suitable foraging conditions, particularly in the south of the site, while the boundary habitats support commuting activity. In terms of roosting, the emergence/re-emergence surveys of the barn in the north east corner of site did not observe any activity and limited roosting potential has been identified in respect of trees which are to be felled/reduce, as part of the proposals. Overall, bat assemblage on the site is valued up to Local level.
- 12.204 Evidence of badger activity of the site has been found on the site, and an active outlying sett and three well entrances to an active subsidiary sett have been identified. While badgers are provided with specific legal protection, they are considered to be a common and widespread species and therefore their presence on site is only considered important to at the Site level.
- 12.205 While the on-site hedgerows, tree lines and areas of woodland provide good structural suitability for the presence of dormice, no dormice, or evidence of them, has been found on the site during recent surveys. It is considered likely that dormice are absent from the site.
- 12.206 Having regard to the site and the habitats contained therein, it is not considered that they provide suitable habitat for riparian mammals.
- 12.207 In respect of other mammals, it is recognised that wildlife cameras installed by local residents appear to have recorded the presence of a polecat species within the woodland habitat at the south-west of the site. It is considered that this is most likely a polecat ferret *Mustela putorius x Mustela furo*. Habitats on site provide cover for the breeding and foraging of polecats. Hedgehogs have also been identified on the site. Having regard to the above, it is considered that populations present are valued at Site level.
- 12.208 The latest breeding bird surveys recorded a total of 50 species on or adjacent to the site, 46 of which were considered to be breeding. 25 priority species were recorded were recorded, 21 of which are breeding species including 6 Red, 13 Amber and 3 Green-listed species. Six of these breeders are S41 species and a single Schedule 1 (Wildlife and Countryside Act, 1981) was recorded; red kite *Milvus milvus*. Overall, activity was high across the majority of the site. The overall bird assemblage on site is valued to be at least Local level.
- 12.209 In addition, to the above the presence of Nightingales were recorded during the recent surveys and it is considered that this could be a 'probable'/'possible' breeding

territory. These birds are included on the BOCC red list and Sussex Wildlife Trust indicate that there may be up to 760 singing males in Sussex (2019). The presence of up to 5 singing males within the site forms a small percentage of projected Sussex population. Taking a precautionary approach and given the importance of declining populations it is considered that the nightingale population on-site is of up to County level importance.

- 12.210 During recent surveys slow worm, adult grass snakes and only individual common lizard and adder (count of 1 on one survey occasion) were found on the site. The populations for the former two species are calculated as 'medium to high', while it is 'low' for the latter two. The reptile populations at the site are considered to be of value at the following levels: Local level for adder (due to the National and local importance of this species; but reflecting the very low numbers recorded (peak count of one individual), Local level grass snake and slow worm (due to the medium-high populations anticipated, but relatively widespread nature of these species in Sussex / southern England) and Site level for common lizard (reflecting the very low numbers recorded (peak count of one individual) and widespread nature of this species in Sussex / southern England).
- 12.211 Given the presence of ponds on-site and within the local landscape, in addition to the relatively undisturbed and well-connected hedgerow bases and grassland, scrub and woodland mosaic throughout, the Site is considered to provide a range of suitable aquatic and terrestrial opportunities for foraging, hibernation and potentially breeding amphibians during the year and through the amphibian life cycle. Populations of common and widespread amphibian species are considered likely to be of value at the Site level.
- 12.212 In respect of Great Crest Newts (GCN) their presence has been recorded within a pond adjacent to the site access from Willowhurst. Surveys of suitable waterbodies within 500m has been undertaken, where access granted, which confirmed their presence in other nearby locations. Whilst GCN and their terrestrial and aquatic habitats are afforded protection under provisions of the Habitats Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended), and are adopted as S41 Species of Principal Importance, this species is relatively common and widespread in south-eastern England. Given the low/small population recorded locally the GCN population is considered to be of value at the Local level.
- 12.213 Whilst invertebrate survey work has not be undertaken on the site, habitats present are fairly common and widespread and whilst they may support an abundance of invertebrate fauna at certain times of year (i.e. when good pollen/nectar resources are available) and certain priority species, it is considered unlikely that the invertebrate assemblage is of value at more than the Local level.

Avoidance, Mitigation and Enhancement Measures

- 12.214 The submitted Ecological Impact Assessment sets out that wherever possible potential negative effects should be avoided through 'Mitigation by Design', as this gives greater certainty over deliverability and reflects positively on the design approach to the scheme.
- 12.215 The submitted Landscape Masterplan, while indicative at this stage, sets out how existing habitats and green corridors will be retained within the layout of the scheme. The key aspects are summarised below;

- Retention of veteran and mature trees/lines of trees and hedgerows, with appropriate buffers where possible
- Reinstating historic hedgerows (west to east) across the site, where possible and strengthening boundary features
- Retaining existing 'lowland mixed deciduous woodland' (an HPI), with the exception of a small loss for access roads and SuD's basin. Provision of a minimum 5m buffer to HPI where possible.
- Retention of 0.84ha of 'other broadleaved woodland'.
- Maintaining 'green corridors' across the site.
- No provision of external streetlighting, other than low level bollard lighting in key locations.
- Retention of provision of suitable buffer to the existing subsidiary badger sett
- Provision of 50m habitat buffer around ponds on and off site where GCN have been confirmed/likely to be present; and 30m buffer to ponds where GCN could be present (but not confirmed due to lack of access).
- Restricting of public access into retained areas of woodland and scrub, wherever possible.
- Management of HPA and retained/created habitats in accordance with an approved Habitat Management Plan.

The Ecological Impact Assessment provides a more detailed discussion on how the above measures have been incorporated into the scheme to minimise adverse effects on important ecological features. This is set out from para 5.102 of the Assessment document.

12.216 In addition to the above, the submitted Ecology Assessment set out that additional mitigation will be required, and will include;

- A Landscape Ecological Management Plan (LEMP)/Habitat Management Plan will be provided setting out the key aims and objectives for maintenance and enhancement of HPA, will ensure degradation is avoided and enhancements achieved in accordance with the Biodiversity Net Gain requirements for site.
- The outlier badger sett is to be closed under a licence from Natural England, as it is not possible to provide it with a sufficient buffer.
- Information boards to be provided to inform residents of the significance of retained areas and the importance of avoiding these areas.
- Reptile translocation will need to take place in order to avoid/mitigate for potential loss/injury of reptiles as a result of habitat loss. It is suggested a suitable reptile mitigation strategy could be a condition of any planning consent.
- Mitigation under a European Protected Species (EPS) licence will be required in respect of GCN, to ensure that the favourable conservation status of the species is secured. A GCN Mitigation Strategy has been submitted with the application.
- A selection of invertebrate boxes will be provided in retained habitats and areas of new planting. Loggeries/bug boxes will also be provided.

12.217 Taking into account the effects of the development and proposed mitigation, the Ecology Assessment identifies the following residual effects;

‘5.164 Subject to the implementation of the above mitigation, no significant residual effects in relation to designated sites, irreplaceable habitats (ancient woodland/veteran trees), HPI (lowland mixed deciduous woodland, priority hedgerows and priority ponds), lines of trees, ditches, badgers, reptiles, amphibians, and invertebrates, are anticipated to result from the construction or operation of the proposed development. Although it should be noted that this assessment is based on the ability to secure a suitable off-site reptile receptor area.

5.165 It has been determined that the proposed development will result in the permanent loss of other broadleaved woodland, native scrub and other neutral grassland habitats, effects which cannot be entirely mitigated for on-Site. As such residual adverse effects significant at the Site level will result. Such residual effects have also been identified in relation to foraging / commuting bats and invertebrates due to loss of these habitat resources, significant at the Site Level.

5.166 In addition, it has been determined that up to five nightingale territories and nesting sites for an assemblage of bird species comprising other red and amber listed species, will be likely lost or potentially impacted (through disturbance) as a result of the development; and that although suitable habitat will be retained at the site margins/along habitat corridors and disturbance to such areas to limited as far as possible, that residual effects remain adverse and significant at the Local level.’

12.218 It is identified within the applicants submissions that adverse significant effects at the Site level are predicted for the loss of other broadleaved woodland, scrub and other natural grassland due to the scale of the loss on site. While some can be mitigated on-site, the proposed development will result in the net loss of c.45.86 Habitat units (c.38.42% loss in net biodiversity). In order to fully compensate for the losses calculated, further off-setting through off-site delivery will be required. This will be set out in more detail in section below entitled ‘Biodiversity Net Gain’.

12.219 In respect of additional on-site enhancements, the Ecology Assessment sets out the following;

- Inclusion of plant species of known wildlife value
- Provision of new bat roosting opportunities
- Provision of new bird nesting opportunities
- Creation of log piles and hibernacula
- Provision of hedgehog gaps
- Provision of new invertebrate habitats

12.220 In respect of the above matters the Council’s Ecology Consultant has confirmed they support the compensation measures for GCN set out in the mitigation strategy, along with the those also set out in Reptile Mitigation Strategy. They also confirm their agreement to the measures set out in relation to bats and badgers. In respect of protected species they state;

‘We are now satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.'

12.221 They further confirm that mitigation and enhancement measures set out in the submitted documents should be secured by condition and implement in full. They state that this is necessary to conserve and enhance protect and priority species. Suitably worded conditions are set in Appendix A of this report

12.222 Furthermore, the Council's Ecology Consultant also states the following;

'We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures, including the specifications and locations of the bat and bird boxes, log piles and hibernacula and hedgehog gaps in fencing, should be identified within a Biodiversity Enhancement Layout and should be secured by a condition of any consent for discharge prior to slab level.'

This is in addition to supporting the implementation of the submitted LEMP and recommended wildlife friendly lighting strategy. Again, suitably worded conditions in relation to these matters can be found in Appendix A.

Biodiversity Net Gain

12.223 As set out at the earlier, policy DP38 of the MSDP requires development to '*protect existing biodiversity, so that there is no net loss of biodiversity*'. Policies SA GEN and SA13 of the SADPDP go further, and require '*a net gain in biodiversity*', which will be measured using the most up-to-date biodiversity metric. Given this, there is some conflict between policies, which planning law states must be resolved in favour of the policy which is contained in the last document to become part of the Development Plan, unless material considerations indicate otherwise. With this in mind, policies SA GEN and SA13 are to be used in the considering the issue of Biodiversity Net Gain (BNG). Furthermore, it is noted that these policies do not set a specific figure for net gain.

12.224 Under the Environment Act 2021, there will be a mandatory requirement for planning permissions to achieve a minimum 10% BNG from November 2023. It should be noted that the publication secondary legislation is still awaited to support the enactment of this requirement.

12.225 While not yet mandatory, the applicants are committed to achieving 10% BNG in accordance with the requirements of the Environment Act 2021.

12.226 In order to assess this element of the application, a BNG feasibility Note, a BNG Design Stage Report and a completed BNG Metric (using the latest available Biodiversity Metric calculation tool version 3.1).

12.227 It has already been acknowledged in the preceding section that taking into account proposed on-site biodiversity provision, there is still a net loss of c.38.42% (a net loss of -45.86 habitat units), and the submitted BNG evidence from the applicant's consultant indicates that 59.39 habitat units are required to the achieve the overall

10% gain. Some off-site hedgerow units are also to be provided. The applicant proposes that these units are to be provided off-site, and these have been secured at the Wiston Estate, Surrey.

12.228 It should be noted that a c.52.97% net gain in hedgerow units and c.7.36% net gain river units (as calculated using Metric 3.1) will be achieved through on-site provision. In total, taking into account total on-site net percentage change and off-site enhancements there will be a 10.30% gain in habitat units, 76.77% gain in hedgerow units and 7.36% gain in river units.

12.229 It is recognised that the provision of off-site BNG to replace biodiversity lost on-site appears a paradox, however, the Environment Act 2021 makes provision for BNG to be delivered in the following ways;

- On-site
- Off-site (on registered sites)
- Biodiversity credits (purchased nationally)

The BNG can be delivered via a blend of the above measures, as appropriate.

12.230 The applicants and the Wiston Estate (as land owner of the off-site BNG) have provided confirmation, via a signed letter, that South Downs National Park (SDNP) (the Local Planning Authority) would be willing to enter into a Planning Agreement to secure the BNG provision at the site (this would effectively register the site BNG via a conservation covenant). This would require the delivery of the BNG Plan, and for it to be maintained, managed and monitored for 30 years. The SDNP would be the monitoring authority, and also the enforcing authority (should it be necessary), as they are a local planning authority in their own right, and of course the site is located outside the boundaries of Mid Sussex.

12.231 While on-site BNG provision will be secured through the Section 106 Legal Agreement (as there are appropriate monitoring costs that need to be secured), the off-site provision can be secured through a planning condition, as envisaged through the Environment Act 2021. As part of the discharge of the suggested condition, evidence will need to be provided to confirm that the Agreement between Wiston Estate and the SDNP has been completed.

12.232 On BNG Matters, the Council's Ecology Consultant has stated;

'We welcome the Biodiversity Net Gain of 10.30% habitat units, 76.77% hedgerow units and 7.63% river units and note that the trading rules have been met (Biodiversity Net Gain Design Stage Report (CSA Environmental, April 2023), Defra Metric 3.1 V11 WB (CSA Environmental, April 2023)). We note that the long term management of the on-site habitat, over 30 years, together with objectives and responsibilities, is specified in the Landscape and Ecology Management Plan (CSA Environmental, April 2023).

We also support the 30 year management plan for the offset site at Charlton Court Farm, Wiston Estate (Biodiversity Net Gain Design Stage Report (CSA Environmental, April 2023)) subject to confirmation that this mitigation has been legally secured prior to any works on site. We understand the plan will create other natural grassland to good condition and mixed scrub to good condition; and the enhancement of other neutral grassland to good condition, other broadleaved woodland to good condition, other broadleaved woodland to lowland mixed

deciduous woodland in good condition and the enhancement of two native hedgerows to moderate/good condition (Appendix D Biodiversity Net Gain Design Stage Report (CSA Environmental, April 2023)).'

- 12.233 Having regard to the above, your officers are satisfied that 10% BNG can be achieved and secured as part of the any planning consent granted. While it is recognised that this will be off-site, and out of district, this is permitted (and expressly allowed for) under the Environmental Act 2021.

Biodiversity overview

- 12.234 The site and the proposal, and the subsequent impact on biodiversity, have been carefully considered in light of the evidence submitted in the support of the application, and the relevant policy context. Due regard has also been given to issues raised within the representations and it is fully appreciated how sensitive the site is viewed locally.
- 12.235 The development proposes to avoid (through design), significant harm to biodiversity, both in respect habitats and protected species where possible, and to provide appropriate mitigation and, as a last resort, compensation measures where harm cannot be avoided. This includes the provision of off-site BNG to address the identified c.38.42% net loss of biodiversity on the site as a result of the development, in accordance with the Environment Act 2021. The Council's Ecology Consultant has not raised any objections, subject to securing of appropriate measures through planning conditions and/or a Section 106 Planning Obligation and has confirmed that such matters will enable the Council to demonstrate compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 12.236 In relation to the above matters, then your officers are satisfied that the proposal, in the main, complies with policy DP38 of the MSDP, policies SA Gen and SA13 of the SADPD, and the relevant sections of the NPPF.
- 12.237 However, the submitted evidence does identify that despite the proposed mitigation and compensation, there will be residual effects relating to the permanent loss of some habitats on site, and subsequent impact on foraging / commuting bats and invertebrates due to loss of these habitat resources, that remain unaddressed. In addition, five nightingale territories will be likely lost or potentially impacted. The residual effect remains adverse and significant, at a Local level. This will need to be taken into account in the final planning balance.

Impact on Heritage Assets

- 12.238 The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions): *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*
- 12.239 Case law has stated that *"the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach*

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

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

12.241 Policy DP34 of the MSDP states, in relation to Listed Buildings and other heritage assets, the following;

'Listed Buildings

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

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage

Assets Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

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

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

- 12.242 Policy SA GEN sets out, inter alia, the following general principles in relation to the historic environment and cultural heritage;
- Undertake pre-determination evaluation of potential archaeological features on the site prior to any planning application being submitted, unless it can be demonstrated that such an evaluation is not appropriate for this site. Appropriate mitigation may be required depending on the outcome of that evaluation.
 - Respect listed buildings, conservation areas, scheduled monuments, the historic landscape, registered parks and gardens and their settings and look for opportunities to enhance or better reveal their significance. All heritage assets, including those that are undesignated, will need to be conserved and enhanced.
 - Provide Heritage Impact Assessments, where appropriate, to establish the significance of heritage assets and their settings, the impact of development on this significance and, if appropriate, mitigation strategies in accordance with District Plan policies DP34: Listed Buildings and other Heritage assets, DP35: Conservation Areas and DP36: Historic Parks and Gardens.
- 12.243 Site specific policy SA13 of SADPD, states the following in relation to historical heritage assets
- 'Provide appropriate layout, design and landscaping, particularly within the north west corner of the site, to protect the rural setting of the Grade II Listed High Chimneys, ensuring development is not dominant in views from the building or its setting and by reinforcing the tree belt on the western boundary.'*
- 12.244 Section 16 of the NPPF is of particular relevance in relation to the application and the most relevant paragraphs are set out below ;
- '195. Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal of heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*
- '197. In determining applications, local planning authorities should take account of:*
- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

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

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

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

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

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

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

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

12.245 The application has been considered by the Council's Conservation Officer and two listed buildings have been identified and their impact assessed, High Chimneys which is located directly adjacent to northwest corner of the site and Well Cottage (formerly Wellhouse Farm), which is located to the south east of the site, separated by a field, at the eastern end of Wellhouse Lane. The latter is not referenced in policy SA13 of SADPD.

12.246 The section below considers your Conservation Officer's position with regard to the two listed building identified;

High Chimneys

- 12.247 High Chimneys was previously known as Woodwards and is Grade II listed 18th century dwelling, which your Conservation Officer states appears to have been constructed as a country house or farmhouse of some pretension. Further detailed commentary from your Conservation Officer is made as follows;

'Although there is existing development to the north and west, the gardens to the house currently back onto open countryside forming part of the site. Evidence from the 1845 tithe map, referenced in the submitted Heritage Statement, shows that during the 19th century at least fields comprising part of the application site were in the same ownership and occupation as High Chimneys, suggesting a functional relationship, as well as one of ownership.'

High Chimneys would be considered to possess historical evidential and illustrative value as a good example of an 18th century farm or country house, as well as aesthetic value. As such the surviving rural setting of the house beyond the gardens to the east, comprising the application site, would be considered to make a strong positive contribution to the special interest of the listed building and the manner in which this is appreciated, in particular those parts of that interest which are derived from historical illustrative and aesthetic values. The historical functional relationship between the house and the site will increase its value to an understanding of the building's narrative, as will the fact that the site is the only surviving remnant of the house's direct rural setting.'

- 12.248 While your Conservation Officer acknowledges the applicants supporting Heritage Statement which suggest limited intervisibility between the site and High Chimneys due to trees and hedging along the boundary (as well as a degree of buffering and further proposed further planting to aid separation), concern is raised that this would have the effect of visually severing the listed building from the 'countryside' to the east, which forms a part of the property's historic functional relationship.

- 12.249 The Conservation Officer concludes;

'For these reasons I would consider that the proposal, which will have a fundamental impact on the character of the site, transforming it to a suburban enclave, will be detrimental to the special interest of the listed building, which will lose the last remnant of its originally rural context, and the manner in which this is appreciated. This will be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to be less than substantial at the mid-range of that scale.'

- 12.250 Given the less than substantial harm identified, paragraph 202 of the NPPF is relevant.

- 12.251 In terms of mitigation, the applicants have retained a more spacious feel to the development in proximity to the boundary with High Chimneys and are proposing additional landscaping to reinforce the boundary, as indicated in policy SA13. However, given the comments of the Conservation Officer, officers consider that a development of this scale, in this location, is likely to cause harm to the setting of the asset and any amount of mitigation is unlikely to entirely remove this negative impact.

Well Cottage

12.252 Well Cottage was formerly known as Wellhouse Farm and is a Grade II timber framed former farmhouse dating from the 17th century or earlier. Your Conservation Officer notes that *'Wellhouse Farm is recorded in the Historic Farmsteads & Landscape Character in West Sussex assessment as a historic farmstead of the Medieval period'*. It is further noted that there may be a non-designated heritage asset to west of the listed building, Old Barn, which makes a positive contribution to the setting of the former farmhouse. Further detailed commentary from your Conservation Officer is made as follows;

'The listed former farmhouse is likely to be considered to possess historical evidential and illustrative value as a good example of a 17th century Sussex farmhouse, as well as aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn. The building is likely to be considered to have group value with the Old Barn, which as above appears to a surviving part of the associated historic farmstead. Although there is existing residential development sporadically along the northern side of Wellhouse Lane, the farm still retains a sense of rural isolation due to its position at the end of the lane, and the surrounding fields. As such, the surviving rural setting of Well Cottage (which includes the site, located at a remove of one field to the north west of the listed building) will make a strong positive contribution to the special interest of the former farmhouse and farmstead (including Old Barn), and the manner in which this is appreciated. Although the intervisibility between the site and the farmstead may be limited, there are likely to be filtered views from the farmstead or its immediate garden towards the site, particularly in winter. The rural setting to either side of Wellhouse Lane, including the site to the north, also makes a positive contribution to the character of the approach to Well Cottage along the PROW which runs along the lane. The site will again be visible in filtered views looking north from the PROW.'

12.253 The Conservation Officer concludes;

... 'the proposed development will have a fundamental impact on the character of the site, which will become suburbanised. This will reverse the positive contribution which it currently makes to the setting of Wellhouse Farm [Well Cottage], its historic farmstead, and the manner in which the special interests of the farmhouse and barn are appreciated. The development will also detract from or reverse the positive contribution which the site currently makes to the character of the approach to the farmstead along the adjacent PROW, as the new housing is likely to be visible at various points looking north from the footpath.

This will be contrary to the requirements of District Plan Policy DP34, and in terms of the NPPF will cause in my opinion less than substantial harm through impact on setting to the special interest of the listed building, at the low-mid range of that scale.'

12.254 While the overall views of the Conservation Officer are noted (i.e. the less than substantial harm to this heritage asset), it is your Planning Officer's opinion that filtered views of the development from the PROW are extremely unlikely and given the distances involved, the retained vegetation and intervening existing properties between the site and Well Cottage, it is not considered that the development will impact on the setting or significance of the heritage asset.

12.255 Given the above, and notwithstanding the Conservation Officer's comments, it is considered that the proposed development would not harm the setting or significance of Well Cottage, and therefore the scheme in this regard complies with policy DP34 of the MSDP.

Non-Designated Heritage Asset

- 12.256 In assessing the impact of the proposal on Well Cottage, your Conservation Officer has noted that Old Barn, the property immediately to the west of Well Cottage, could be considered as a non-designated heritage asset. The above paragraph, 12.252, provides the context to the identified significance of linkage between the two properties, and more specifically in relation Old Barn your Conservation Officer has stated;

'In relation to the Old Barn, we have limited information in front of us concerning the building as it has not been included within the assessment carried out in the submitted Heritage Statement. On the basis of the little information that we do have, I would consider it likely that the proposal will be considered to cause a low-mid level of harm to an asset of a mid-level of significance in the local context.'

- 12.257 On the basis of the above views, it is considered that that for the purposes of determining this application, Old Barn is considered as a non-designated heritage asset of the significance identified by your Conservation Officer. Paragraph 203 is relevant in this instance.
- 12.258 In terms of mitigation, given the proximity, the same comments as those expressed above for Well Cottage are applicable here.

Assessment of Heritage Assets (designated and non-designated)

Heritage Assets

- 12.259 It is important to note, that your Conservation Officer's assessment of the impact of the proposals on the significance of the heritage assets differs from that of the applicants, whose submitted statement concludes that the proposals will preserve the significance of the two heritage assets.
- 12.260 In accordance with paragraph 199 of the NPPF '*great weight*' needs to be given to the conservation of the designated heritage assets. Although the identified harm to each is less than substantial, it should nonetheless be given considerable importance and weight in accordance with the relevant provisions of the 1990 Act. However, having regard to paragraph 202 of the NPPF, it is considered that the significant public benefits of the scheme (provision of new housing (including affordable housing) on a site that has been allocated for such development in the SADDP, economic benefits including construction jobs, additional spending in the locality and new homes bonus) do outweigh the less than substantial harm to the setting of the heritage assets outlined above. The harm should nonetheless be given considerable importance and weight in accordance with the relevant provisions of the 1990 Act.
- 12.261 Your Conservation Officer has made reference to two appeal decisions relating to development within the garden of Clayhill, a modern property located between High Chimneys and Keymer Road, where a single house was dismissed, in part due to impact on the setting of High Chimneys. While noted, each development needs to be considered on its own merits and the cases are not considered comparable, particularly as the applicant site has allocated for development through a separate development plan process. It should be noted the Inspector considering the SADPD did not raise any concerns relating to the impact on designated heritage assets as a result of the development of the application site within his final report.

- 12.262 As highlighted within this report DP34 of the MSDP states that proposals affecting non-designated heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current guidance. The NPPF (paragraph 203) is clear in how planning applications should be determined when they have an impact on a non-designated heritage asset.
- 12.263 Firstly, the effect of an application on the significance of the non-designated heritage asset should be taken into account. In this case the Council's Conservation Officer considers that it has a mid-level of significance in the local context.
- 12.264 Secondly, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this case, notwithstanding the Council's Conservation Officer comments (the proposal will have a low-mid level of harm to the asset), it is your Planning Officer's opinion that the proposal would not harm the non-designated asset, given the distances involved, the retained vegetation and intervening existing properties between the site and Old Barn.
- 12.265 In light of the above, it is considered that the proposal complies with policy DP34 of MSDP, and NPPF, in regard to the impact on the non-designated heritage assets.

Archaeology

- 12.266 As set out in policy DP34 of the MSDP, a heritage asset may be archaeological, architectural, artistic or historic, and the Council will seek to conserve it in a manner appropriate to its significance (significance can be defined as the special interest of a heritage asset).
- 12.267 Paragraph 205 of the NPPF is of relevance, and states;
- 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁶⁹. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'*
- 12.268 The application has been supported by an archaeological desk-based assessment, which has been reviewed by the Council's archaeological consultant.
- 12.269 The submitted information, which is also established by the West Sussex Historic Environmental Record (HER), that the proposed development is located in an area with the potential to contain archaeological remains. It is noted from the Council's consultant archaeologist that previous investigations to the north-east of the proposed development (at Folders Farm) discovered prehistoric pottery and associated features, while to the west of the site lies the line of a Roman road.
- 12.270 The submitted evidence supporting the application suggests that the development site was located within the informal parkland in the medieval period and that archaeological remains may survive on the site in relation to this period.
- 12.271 The Council's consultant archaeologist states;

'It is clear that any archaeological remains that are present on the site are likely to be negatively impacted by the proposed development.'

and concludes that archaeological deposits are both fragile and finite, and suggests a number of conditions be attached to any planning permission granted. Subject to this, the Council's consultants is content that the application complies with paragraph 205 of the NPPF.

- 12.272 Having regard to comments of the Council's archaeological consultant, your officers are content that with appropriate conditions, any archaeological remains can be conserved, and recorded, in the manner appropriate to their significance. As such, the proposal complies with this element of policy DP34 and paragraph 205 of the NPPF.
- 12.273 In conclusion on all matters within this section, the analysis set out above identifies that there is harm to the setting of adjacent designated, non-designated, heritage assets, and as such any harm is contrary to policy DP34 of the MSDP. In the context of the NPPF, the harm is identified as 'less than substantial' and this needs to be weighed the public benefits of the proposal. As set out above, it is your officer's view that the substantial public benefits of the proposals outweigh the '*less than substantial*' harm in this instance. In the final planning balance that needs to be undertaken, the 'less than substantial harm' needs to be given great weight.
- 12.274 It should be noted that officer's consider that the proposal complies with policy SA13 of SADPD, the NPPF and the Listed Building and Conservation Area (LBCA) Act 1990.

Trees and Landscaping

- 12.275 Policy DP37 of MSDP deals with trees, woodlands, and hedgerows, and states;

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

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*

- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and
- has appropriate protection measures throughout the development process; and
- takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and
- does not sever ecological corridors created by these assets.

Proposals for works to trees will be considered taking into account:

- the condition and health of the trees; and
- the contribution of the trees to the character and visual amenity of the local area; and
- the amenity and nature conservation value of the trees; and
- the extent and impact of the works; and
- any replanting proposals.

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

12.276 Policy SA13 states, inter alia;

'Retain and substantially enhance existing landscape structure, particularly along the southern and eastern boundary. Safeguard mature trees and landscaping along the boundaries, within the site and along historic field boundaries (my emphasis), incorporating them into the landscaping structure and layout of the development with new native tree planting throughout the layout, to contain new housing and limit the impact on the wider landscape.'

12.277 Paragraph 131 of the NPPF states;

'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵⁰, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.'

12.278 The application has been supported by an Arboricultural Impact Assessment (AIA), which contains a full site tree survey, and an Arboricultural Method Statement (AMS), which describes the arboricultural protection measures identified as necessary as part the development for the protection of retained trees. All submitted

documentation has been reviewed by your Tree Officer, whose comments can be found in full in Appendix B to this report.

- 12.279 It should be noted that none of the trees on the site are subject to a Tree Protection Order.
- 12.280 The submitted AIA sets out that the site survey identified a total of no.164 individual trees, no.42 groups of trees, and no.6 hedgerows. The survey, in-line with the required British Standards, places the identified features into four categories;
- A – High Value Features
 - B – Moderate Value Features
 - C – Low Value Features
 - U – Features Unsuitable for Retention
- 12.281 A total of 45 category A features have been identified through the survey, many of which are located centrally and towards the northern end of the site. The survey notes that these were good examples of their species and significant components of the landscape. It also sets out that they are arboricultural assets not only provide an immeasurable contribution to the site, but also provide many environmental benefits to the wider surrounding area.
- 12.282 The survey identified two veteran trees on the site, T269 and T270 (both pedunculate oaks), which are located in the centre of the site, and are adjacent to the proposed LEAP on the site layout. Veteran trees are irreplaceable habits of high conservation value. The author of the survey is of the view that these tree are of biological and ecological importance and significant assets to the site.
- 12.283 Furthermore, a further eight trees (T4, T8, T49, T53, T81, T241 and T247 – all pedunculate oaks) exhibit early veteran features. T81, T85 and T247 are particularly highlighted, as it is considered by the applicant's consultant that they stood out more in the local environment, and given their mature age and large proportions, their appropriate retention would allow their arboricultural value to increase.
- 12.284 The survey identifies a total of 58 category B features, including individual trees in the northern part of the site, as well groups of trees, including G212 which is a large linear group straddling the eastern boundary of the site.
- 12.285 In terms of category C, 103 features have been identified on the site, which include the no.6 hedgerows. The survey identifies that a large proportion of the southern part of the site is occupied by category C groups. They were identified as category C, due to their size and or condition.
- 12.286 A total no.6 features were identified as category U, which are trees that are generally irremediable and cannot be viably retained.
- 12.287 The AIA sets out the following regarding arboricultural features loss of site;
- '6.5.4 To implement the Proposed Development, there will be an overall loss of 18no. category C individual trees and 8no. category C tree groups. There is also the requirement for the partial loss of 10no. category C groups of trees and 1no. category C hedgerow.'*

6.5.5 *It is also recommended 4no. individual trees and 1no. group of trees are removed due to their poor arboricultural quality (retention category U). 2no. additional trees (1no. category C and 1no. category U) are proposed to be retained as a standing monolith features.'*

- 12.288 It should be noted that all category A and B features on the site are to be retained.
- 12.289 The AIA sets out the relative Root Protection Areas (RPA's) for the retained trees and identifies where, as a result of the development, there are limited incursions. The majority of RPA's are untouched, but where the conflict cannot be avoided, the AIA suggests that it can be mitigated using an above soil surface construction method. This detail is not contained with the AMS, but can be secured through a suitably worded planning condition.
- 12.290 It is noted that your Tree Officer has referred to ensuring that suitable protection is provided to T269 and T270 (veteran trees) and T268 (category A tree) to mitigate against any future pressure to remove these trees. This pressure usually comes from future residents as a result of inappropriate relationships between the trees and houses/garden. In this regard, all the trees are located within the open space in the central part of the site, and while there is a small incursion into the RPA of T269 (by the adjacent road surface) that can be appropriately mitigated through the use of a suitable no-dig solution. Beyond this, all development is outside the RPA's of these important three trees. Plot 243 lies immediately to the south of T268, however having regard to the fact that all front facing habitable rooms are dual aspect, and the south westerly aspect of the garden, it is not considered that this relationship would result in any undue future pressure on the tree. If your Tree Officer was overly concerned about this relationship, then an objection would have been raised.
- 12.291 Your Tree Officer has considered all the submitted information, and subject securing a suitable AMS, then no objection has been raised.
- 12.292 It is accepted that the development of the site will result in the loss of some trees, but the submitted information shows that the arboricultural features that will either be fully or partially lost, fall with category C, which means they are of low arboricultural value. While the loss of any arboricultural feature is regrettable, it is not possible to develop this site without some loss, and this would have been known at the time it was allocated. It is important to ensure that the most important arboricultural features on the site are retained in an appropriate manner, and incorporated into the layout of the site to ensure their long term retention.
- 12.293 Both policy DP37 and SA13 require the important/mature trees to be retained as part of any development, and given that all the category A and B trees on the site are to be kept, this requirement is satisfied. Your Tree Officer has no objection to the category C features that are to be removed. Furthermore, it is considered that the retained trees will be incorporated in an appropriate manner that will limit future conflict with residents. It is accepted that there are some minor incursions in the RPA of a small number of trees by development, but this can be mitigated by the use of appropriate construction techniques that can be secured by a planning condition.

Landscaping

- 12.294 The application has been supported by a landscape masterplan, along with more detailed proposals for all open space areas that link to the habitat enhancements proposals for the site.

- 12.295 The masterplan proposals show that a green buffer will be retained/created along the northern boundary of the site, which will sit outside the private residential gardens of the proposed houses. In the north western corner, a larger planted buffer is proposed in the vicinity of High Chimneys (Grade II listed building), with existing vegetation retained along the length of the eastern site boundary. At the south end of the site, the retained vegetation forms a deep buffer to the properties in Broadlands/Keymer Road. Along the south boundary itself, a minimum vegetation buffer of at least 14m will be retained, and reinforced where necessary with thicket planting. Similarly, the existing vegetation will be retained and reinforced along the entire length of the site eastern boundary, with a minimum buffer of at least 5m retained (larger along the majority of its length). It should be noted the buffer areas along the western, southern and eastern boundaries, where they are required to support the biodiversity objectives of the site.
- 12.296 The central area (field 4) is to be retained as a biodiversity area and public access will be controlled with footpaths (and bridges across the stream) at the eastern and western end of this area, up to the proposed spine road. To the western side of the spine road, a mown path will provide access to dipping platform to the pond in this location, however this will be the extent of public access to this area.
- 12.297 New tree planting is show on the masterplan along the edges of the some of the retained open spaces and within the residential streets themselves, which will be important to break up the built form within the development parcels.
- 12.298 While a full landscape scheme for all aspects of the development has not been provided, the masterplan outlines the principles that are to be adopted and officers are satisfied at this stage that the applicants are intending a comprehensive landscaping scheme which will complement and enhance the main features of the site, while softening the proposed built form, creating an attractive environment for future residents, while protecting the sensitive edges of the site.
- 12.299 Having regard to the above, it is considered that the application in relation to these issues complies with policy DP37 of MSDP and policy SA13 of the SADPD.

Sustainability

- 12.300 Policy DP39 of the MSDP is titled 'Sustainable Design and Construction, and 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.'*

12.301 Policy SA GEN of the SADPD states, inter alia, in relation to sustainability;

- *'Design development to be resilient to climate change, minimise energy and water consumption and mitigate against flood risk in line with DP39: Sustainable Design and Construction, DP41: Flood Risk and Drainage and DP42: Water Infrastructure and the Water Environment.*
- *Address sustainability at the conception stage of development proposals to exploit the benefits of passive design and orientation, fabric performance, energy efficiency measures and low carbon solutions; and wherever possible include on-site low or zero carbon technologies in accordance with District Plan policies DP39: Sustainable Design and Construction and DP40: Renewable Energy Schemes.'*

12.302 Paragraph 153 of the NPPF seeks to ensure new development helps, *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* Paragraphs 157 expects new development to, *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

12.303 The application is supported by an energy statement that sets out the applicants intentions with regard to sustainability for this development. Within this statement it confirms that it is the applicants' intention to deliver the *'first net zero carbon major development in the Mid Sussex district'*. It should be noted that this intention relates to the 'operational' phase of the development (i.e. once completed/occupied) and not the 'construction' phase.

12.304 In order to achieve 'net zero', the applicant's recognise that they will need to construct their houses in excess of the requirements of the current Building Regulation standards which will mean a combination of the following;

- an energy efficient fabric
- efficient ventilation systems
- low energy lighting throughout; and
- the delivery of an air-tight build

12.305 In addition, in order to achieve net zero performance in each dwelling, the statement recognises that renewable and/or low carbon installations are necessary. The statement assesses the various options and inclusion states;

'The feasibility study has determined that solar photovoltaic panels and air source heat pumps are two feasible renewable and low carbon technologies and when used in conjunction have the capacity to deliver significant reductions in emissions. The Applicants propose to install split system air source heat pumps with solar photovoltaic panels to serve all houses and combined heat pump cylinders with solar photovoltaic panels to serve all apartments for the following reasons:

- *Capacity to deliver net zero carbon performance in all dwellings, thus responding to the 'climate emergency' and going well beyond the new standard set by AD L 2021.*
- *Avoiding fossil fuel lock-in for the development via gas boilers at a time when UK grid electricity is increasingly being decarbonised through increased supply from very low-carbon renewables such as hydro power, solar photovoltaic panels, and offshore and onshore wind. This approach also acknowledges the strong likelihood that the UK Government will impose a ban on gas boiler installations in new dwellings from as early as 2025.'*

- 12.306 As it can be seen, the applicants are not proposing to install gas boilers into any of the proposed units on the site.
- 12.307 It is accepted that there are further detailed technical calculations that still need to be made in respect of a number of aspects of the proposed sustainability strategy, to ensure that the applicants achieve their intended net zero target. Not least, the amount and location of the proposed solar photovoltaic panels. It is considered that these matters can be controlled and secured through appropriately worded planning conditions.
- 12.308 The applicants should be commended for proposing to deliver a scheme that intends to significantly exceed current Building Regulations, which will combine more efficient building technologies with renewable/low carbon technologies, to achieve a net zero development.
- 12.309 Having regard to the above, it is considered that the application complies with policy DP39 of MSDP, policies SA Gen and SA13 of the SADPD and the relevant paragraphs of the NPFF.

Housing Mix

- 12.310 Policy DP30 of the MSDP deals with housing mix and states, inter alia;
- 'To Support sustainable communities, housing development will;*
- *Provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future housing need;..'*

- 12.311 Policy DP31 deals specifically with affordable housing, and states;

'The Council will seek:

1. *the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace¹⁴ of more than 1,000m²;*
2. *for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 – 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
3. *on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*

4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and
5. free serviced land for the affordable housing.

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

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

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

12.311 The ‘Affordable Housing’ SPD is also a material consideration and identifies the Council’s technical requirements in relation to affordable housing, and supplements the policies set above.

12.312 The development proposes the following mix of dwellings;

Type of Unit	No. private tenure units	No. affordable rented units	No. first homes units
One bed	7	11	7
Two bed	35	38	13
Three bed	87	8	
Four bed	53	1	
Total	182	58	20

12.313 The above table highlights that a total of 78 affordable housing units, split between affordable rent and first homes. This represents 30% of the total number of proposed units on the site.

12.314 The submitted details show that the proposed affordable housing units will be spread across the northern and central parts of the site in appropriately sized clusters, surrounded by private dwellings. While the units will be tenure blind, the proposed clustering helps promote an integrated community.

12.315 Your Housing Enabling Officer has not raised any objection to the proposed affordable housing proposals. The affordable units will be secured within the s106 Legal Agreement, in accordance with the requirements of the ‘Affordable Housing’ SPD.

12.316 It is considered that the overall mix of the development provides for differing dwelling types, including affordable housing, that reflects the evidence within the latest Strategic Housing Market Assessment (2021) and as such it would meet the current

and future needs of the district. As such the application is considered to comply with policies DP30 and DP31 of the MSDP.

Standard of Accommodation

12.317 Policy DP27 of the MSDP deals with dwelling spaces standards, and states;

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

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

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

12.318 The Department for Communities and Local Government published the '*Technical housing standards – nationally described space standards*' in March 2015.

12.319 The submitted details demonstrate that the proposed dwellings meet the required space standards based upon their size and intended occupancy levels and as such they will provide for an acceptable quality of accommodation for future occupiers.

12.320 The application complies with policy DP27 of the Mid Sussex District Plan.

Accessibility

12.321 Policy DP28 of the MSDP states:

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

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

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

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

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

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

- 4) *Where a scheme is being proposed which is specifically intended for the needs of particular.'*

12.323 With regard to wheelchair use dwellings the policy states:

'Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time. The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.'

12.324 The submitted details show that a total of 81 units will meet M4(2) requirements, some 31% of the sites total, while four wheelchair units are to be provided to meet M4(3). These units will be secured via suitability worded conditions.

12.325 Given the above, it is clear that suitable provision is being made within the site for accessible and adaptable units in compliance with policy DP28 of the MSDP.

Drainage and Water Infrastructure

12.326 Policy DP41 of MSDP deals with flood risk and drainage, and states;

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

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development²² unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified. For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

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

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

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

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

12.327 Policy DP42 deals with water infrastructure and the water environment, and states;

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

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

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

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

Planning conditions will be used to secure necessary infrastructure provision.

Development should connect to a public sewage treatment works. If this is not feasible, proposals should be supported by sufficient information to understand the potential implications for the water environment.

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

12.328 Paragraphs 167 and 169 of the NPPF are relevant, and they state;

'167. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁵. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*

- b) *the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) *any residual risk can be safely managed; and*
- e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

169. *Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) *take account of advice from the lead local flood authority;*
- b) *have appropriate proposed minimum operational standards;*
- c) *have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) *where possible, provide multifunctional benefits.'*

12.329 The application is supported by a Flood Risk Assessment (FRA), which provides an assessment of flood risk from all sources, including surface water floor risk. It also set out the proposed strategy for dealing with surface water drainage and foul water drainage. This document has been updated during the course of the application in response to comments and issues raised by your Drainage Officer and those of the Local Lead Flood Authority (LLFA), which is West Sussex County Council. Their final comments can be found in full in Appendix B of this report.

Flood Risk

12.330 The submitted FRA sets out that the site is located within Flood Zone 1, of the published flood zone mapping by the Environment Agency, which indicates that it is outside a fluvial floodplain and has little or no chance of flooding. The site is considered to be at the lowest possible risk of flooding from fluvial sources and that guidance sets out that all forms of development are appropriate with Flood Zone 1.

12.331 In terms of the surface water flooding, the FRA identifies that the majority of the site is at 'very low' risk of flooding, however there are some areas within the site, associated with the watercourse that crosses it from the south-west to north-east, that are at greater risk. In response to the sequential test set out national guidance, all the proposed residential units and open drainage features are to be located outside the risk areas. In considering this, your Drainage Officer states;

'We accept that the developer has utilised the sequential approach to the proposed development layout site and located development, where possible, outside modelled flood extents from all sources.

Access roads are partially located within the modelled surface water flood extents as they cross watercourses. Where this occurs, the applicant proposes to raise the road above flood levels and provide culverts to ensure flow routes are maintained.'

Subject to an appropriately worded condition to ensure that details of how flood flow routes are to be maintained, along with details of other flood mitigation detail, your Drainage Officer, and WSCC LLFA, have not raised an objection in respect of flooding.

Surface Water Drainage

12.332 The FRA sets out that surface water drainage will be managed via six catchment areas, which have been determined by the natural catchment characteristics of the site, alongside the proposed layout. It also confirms that infiltration testing has taken place, which shows that infiltration drainage, such as permeable paving or soakaways, is not viable.

12.333 The proposed surface water drainage is summarised by you Drainage Officer as;

'Each catchment shall discharge surface water via a piped network to either below ground attenuation tanks or surface level attenuation ponds before discharging water into the watercourses on site. Each catchment's drainage network shall be designed to cater for the 1 in 100-year with climate change event.'

'Discharge rates into the watercourses is to be restricted to the Greenfield QBar rate for the impermeable area of each catchment up to and including the 1 in 100-year with climate change event.'

It is noted that three of the attenuation ponds (basins) will include permanently wet pools within part of their footprint, which are considered to provide additional amenity and biodiversity benefits. The detailed design of the ponds will ensure appropriate side slopes gradients.

12.334 Having regard to the proposed above strategy, the FRA concludes;

'The drainage strategy will ensure that the development will not increase run-off rates off-site, and therefore the risk of flooding from surface water will not increase to both the site and to the surrounding area. The introduction of a positive drainage system will also result in improvements to the surface water flood risk situation, by directing flows more effectively into the watercourses at restricted rates.'

12.335 Your Drainage Officer (and the LLFA) have not raised any objection to the proposed surface water drainage strategy seeks to with the issue as part of the development, subject to conditions securing final details, implementation and future management/maintenance of the system.

Foul Water Drainage

12.336 It is proposed that the development will utilise a pumped drainage system, with foul water needing to be pumped to an existing Southern Water manhole located Willowhurst, which then connects to manhole in Keymer Road.

12.337 The FRA sets out that there are three possible options regarding the management of the foul water, which either result in a single pumping station located in the northern parcel (option A) or southern parcel (option c), or the provision of two pumping stations (option B). The submitted layout drawings show that the northern pumping station is shown opposite the parking area to plots 95-101, while the southern one is located to the north of plots 180-181. The fact that they are both shown on the submitted drawing, gives the applicant some flexibility to implement the most efficient system, without impacting on approved layout for the development.

12.338 The applicants confirm within the FRA that the pumping stations will be designed in accordance with Southern Water's 'sewers for adoption' specifications and offered for adoption under Section 104 Agreement. It further states;

'Infrastructure charging means that Southern Water, as local sewerage undertaker, is obliged to accept foul water flows generated by development and fund any network improvements that may be required to provide the necessary capacity via infrastructure charges payable by the developer. As such, foul capacity should not be a constraint to development, although the timing of any network improvements may ultimately influence the programme.'

12.339 Your Drainage Officer has not raised an objection to the proposed foul water drainage strategy, subject to a condition to ensure the final design is acceptable. Furthermore, it is noted that Southern Water have also not raised an objection and it is considered that the wording of the suggested condition set out in Appendix A addresses the point raised regarding the aligning of occupations and the delivery of necessary sewage infrastructure.

12.340 It is recognised, that there is concern locally regarding the increase of flooding, particularly given the instances raised within the representations within Wellhouse Lane. While reference has been made to the comments made by the LLFA in respect of the second round of consultation, the concerns raised have been addressed with the additional information provided by the applicants, and the LLFA are now satisfied with the proposal, subject to conditions. The proposed surface water drainage strategy is designed to ensure that existing run-off rates are not exceeded, and in fact it is designed to make a positive impact of the existing situation by capturing water and directing it more effectively to watercourses at a restricted rate. There is no evidence before officers, particularly given the position of your Drainage Officer and the LLFA, that suggest the development will result in increased flood risk to either the site itself, or the surrounding area.

Water Supply

12.341 In accordance with policy DP42, the applicants have provided evidence, in the form of a letter from South East Water, that the site can be supplied with water. It is noted that this will require off-site reinforcement prior to any connection being made, but this falls under legislation that sits outside planning, and is a matter between the applicant and the water supplier to ensure that it is provided within the appropriate timescale.

12.342 Having regard to all the above points, it is considered that the application complies with policies DP41 and DP42 of the MSDP and policies SA GEN and SA13 of the SADPD.

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

12.343 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).

12.344 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

12.345 A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

12.346 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.

12.347 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in 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.

12.348 The proposed development is outside the 7km zone of influence and as such, *mitigation is not required.*

Atmospheric pollution

12.349 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.

12.350 The proposed development was modelled in the Mid Sussex Transport Study as a development allocated through the Site Allocation Development Plan Document such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

12.351 The Habitats Regulations 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.

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

12.353 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.

Infrastructure

- 12.354 Policy DP20 of the MSDP seeks to ensure that development is accompanied by the necessary infrastructure. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:
- A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
 - An Affordable Housing SPD
 - A Development Viability SPD
- 12.355 Policy DP23 deals with communication infrastructure and states, inter alia, *'the Council will encourage the incorporation of digital infrastructure including fibre to premises, in major new housing, employment and retail development'*.
- 12.356 Policies SA GEN and SA13 of the SADPD also reflect the requirements of MSDP policy and require developments to make appropriate contributions in accordance with the adopted SPD's.
- 12.357 The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 55 and 57 which state:
- '55 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'*
- and:
- '57 Planning obligations must only be sought where they meet all of the following tests:*
- necessary to make the development acceptable in planning terms;*
 - directly related to the development; and*
 - fairly and reasonably related in scale and kind to the development.'*
- 12.358 These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).
- 12.359 Having regard to the above policies, the impacts of the proposed development and consultation responses received, the following matters are proposed to be secured via a s106 Legal Agreement

West Sussex County Council Provisions

- Primary Education; A financial contribution of £979,146 towards additional facilities at Birchwood Grove Community Primary school or the new primary school planned for Ockley Park in Hassocks (should the County Council nominate to build the school which is depends on the future overall need in the Burgess Hill/Hassocks area)
- Secondary Education; A financial contribution of £1,053,804 towards additional facilities at The Burgess Hill Academy or the secondary phase of the school

proposed for Burgess Hill Northern Arc, currently in development and known as Bedelands School.

- 6th Form Education; A financial contribution of £246,859 towards additional facilities at St.Paul's Catholic College.
- Libraries; A financial contribution of £105,886 towards providing additional facilities at Burgess Hill library
- Sustainable Transport; A financial contribution of £831,172 towards sustainable transport movements between the site and Burgess Hill
- Travel Plan; Securing a Travel Plan and financial contribution of £3,500 towards auditing of the Travel Plan

Mid Sussex District Council Provisions

- 30% affordable housing (a total of 78 units) to include a tenure split of 75% rented and 25% first homes, in accordance with policy DP31 of the MSDP
- Formal sport; A financial contribution of £281,774 towards formal sports and ancillary facilities at the Centre for Outdoor Sport, the Triangle Leisure Centre and/or St Johns Park, Burgess Hill
- Community Buildings; A financial contribution of £169,336 towards improvements to the Cherry Tree and/or the Park Centre and/or St Johns Park pavilion and/or The beehive (Royal British Legion building) in Burgess Hill
- Local Community Infrastructure; A financial contribution of £181,382 towards upgrade public toilets at St Johns Park Pavilion
- Health; A financial contribution of £394,108 to be spent towards increasing capacity at the Silverdale GP and/or the Brow and/or another GP Practice within Burgess Hill, including a new premises site.
- Biodiversity Net Gain; On-site monitoring costs will be secured.

12.360 In relation to digital infrastructure, as required by policy DP23 of MSDP, details of this provision can be secured via a condition and a suitable wording is set out in Appendix A.

12.361 The concerns raised in the third party representations about the effects of the development on local infrastructure are acknowledged. It is accepted that the additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will help mitigate these impacts.

12.362 As Members will know developers, are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

12.363 Subject to the signing of a satisfactory s106 Legal Agreement, the proposal accords with policies DP20, DP23 and DP31 of the Mid Sussex District Plan 2014-2031,

policies SA GEN and SA13 of the Site Allocations DPD, the relevant SPDs, Regulation 122 and guidance in the NPPF.

Air Quality

- 12.364 Policy SA38 of the SADPD has replaced policy DP29 of MSDP in respect of air quality and it requires, inter alia, that;

'applicants to demonstrate that there is no unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.'

- 12.365 The application has been supported by an Air Quality Assessment, which considers the air quality impacts from the construction phase and once the proposed development is fully operational. In respect to this matters, the findings are summarised as follows;

'For the construction phase, the most important consideration is dust. Without appropriate mitigation, dust could cause temporary soiling of surfaces, particularly windows, cars and laundry. The mitigation measures provided within this report should ensure that the risk of adverse dust effects is reduced to a level categorised as 'not significant'.

For the operational phase...pollutant concentrations are predicted to be well within the relevant health-based air quality objectives at the façades of both existing and proposed receptors. Therefore, air quality is acceptable at the development site, making it suitable for its proposed uses. The operational impact of the Proposed Development on existing receptors is predicted to be negligible taking into account the changes in pollutant concentrations and absolute levels. Using the criteria adopted for this assessment together with professional judgement, the operational air quality effects are considered to be 'not significant' overall.'

- 12.366 The application has been reviewed by your Environmental Protection Officer who states;

'The location is to the SW of Burgess Hill and is set back from Folders Lane and Keymer Road. Having taken note of the Air Quality and Acoustic Assessments we broadly accept the findings. This site is low risk with regard to noise and the air quality impacts are found to be classified as not significant.'

No objection is raised, subject to condition securing an air quality mitigation scheme.

- 12.367 Having regard to the above, your officers are content that the proposed development will not have an unacceptable impact on air quality, and with appropriate conditions, the application complies with policy SA38 of the SADPD.

Contaminated Land

- 12.368 In respect of the policy position, paragraph 183 of the NPPF states;

'Planning policies and decisions should ensure that:

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

12.369 The application has been supported by a 'Desk Study and Ground Appraisal Report' from July 2022, along with a previous 'Ground Investigation Report' from 2015. This information has been considered by your Land Contamination Officer, who concludes;

'Based on the information submitted no remediation of the site is required for the proposed end use. It does however remain possible the unexpected ground conditions may be encountered during ground works for the proposed. Therefore, a discovery strategy should also be attached, so that in the event that contamination is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.'

No objections are raised, and planning conditions are recommended.

12.370 In light of the evidence provided, the views of the Council's Contaminated Land Officer are accepted, and no specific ground remediation is required for the intended end use of the development. However, suitably worded conditions are suggested in Appendix to address the discovery of unexpected contamination during construction works. Officers are content that the application complies with paragraph 183 of the NPPF.

Minerals

12.371 Policy M9 of the West Sussex Joint Minerals Local Plan (WSJMP) states:

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

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

The site is within a brick clay Mineral Safeguarding Area.

12.372 Policy SA13 states, inter alia,

'The site lies within the brick clay (Weald clay) Minerals Safeguarding Area, therefore the potential for mineral sterilisation should be considered in accordance with policy M9 of the West Sussex Joint Minerals Local Plan (2018) and the associated Safeguarding Guidance.'

12.373 The applicants submissions set out that given the size and nature of the site, sterilisation of the mineral is not considered to have a likely significant effect on its availability across the County. Furthermore, any attempt to extract the mineral would have a significant impact on the environment, and that the delivery of housing is of strategic importance, which in their view overrides the safeguarding of brick clay.

12.374 The Minerals and Waste Authority, WSCC have commented on the application and state, inter alia,

'While it is appreciated that sterilisation of the mineral resources will occur as a result of the change of use of the land, the MWPA considers the safeguarding of the brick clay resource to be of somewhat low-priority given its relative abundance within the county (although it is noted that all sites should be assessed on their own merits) and the requirement for the applicant to demonstrate the proposal would meet the requirements of SA13, which emphasises the importance of a landscape-led development should one be produced.'

'Therefore, subject to the LPA being satisfied that the applicant has demonstrated that prior extraction is not environmentally feasible or economically practicable and that the overriding need for the development outweighs the safeguarding of the mineral resource, the MWPA would offer no objection to the proposed development.'

12.375 Your officers accept that the prior extraction of the resource would not be environmentally feasible, given the proximity of sensitive receptors (residents and SDNP) and the delivery of 260 dwellings on a site allocated for development within an adopted Development Plan Document represents an overriding need that outweighs the safeguarding of the mineral resource.

12.376 Given the above, the Minerals and Waste Authority do not raise an objection to the application and officers are content that the application complies with policy SA13 of SADPD and policy M9 of the West Sussex Joint Minerals Local Plan 2018.

Other Matters

12.377 The comments of the WSCC Fire and Rescue have been noted, along with the suggested condition. The applicants have raised concerns about whether such a condition meets the relevant tests set relating to the use of planning conditions, particularly as the need/location of fire hydrants to serve the development is covered by Building Regulations, for which the development will need to comply with. Given this, and the fact that the planning permission would not be refused if such a proposed pre-commencement condition was not applied, in this instance it is not proposed to take forward the requested condition.

13.0 Planning Balance and Conclusion

- 13.1 Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Burgess Hill Neighbourhood Plan.
- 13.2 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.
- 13.3 The NPPF states that planning should be genuinely plan-led. Paragraph 11 of the NPPF is clear that development proposals should be approved in accordance with an up-to-date development plan. The proposals subject of this application is for a site which was allocated for development in the Site Allocations DPD adopted in 2022.
- 13.4 In terms of the principle, the site is located within the built-up area of Burgess Hill, as defined by the Mid Sussex District Plan, with the boundary being formally extended upon the adoption of the Site Allocation Development Plan Document (SADPD) 2021. As such the principle of the development is acceptable under the provisions of Policy DP6 of the Mid Sussex District Plan which states that development will be permitted within towns and villages with defined built-up area boundaries.
- 13.5 In this case the site is allocated for residential development of 300 dwellings under policy SA13 of the SADPD. The policy supports housing with on-site open space and children's equipped playspace, subject to meeting a number of criteria. The fact that the site is allocated for residential development should be given substantial weight.
- 13.6 The proposed development would result in the delivery of 260 dwellings, including 78 affordable units, on a site that is allocated for residential, where it is required to support the delivery of the district housing needs up to 2031. The scheme would also bring economic benefits, including additional council tax.
- 13.7 In relation to highway matters, the Local Highway Authority (LHA) have not raised any objection to the proposals. The proposed access arrangements and internal road layout of the site are considered acceptable and will not give rise to any significant highway safety issues. While it has been identified that the proposed development will have an impact on some junctions within the wider highway network, in terms of additional queuing and delays, it is not considered that the impact will be severe, either individually or cumulatively.
- 13.8 A package of sustainable transport improvements is proposed to pedestrian, cycling and bus stop provision within the vicinity of the site, which coupled with appropriate connectivity provision from the development itself, will help facilitate sustainable travel movements by future residents. This will be further underpinned by a Residential Travel Plan. The proposed level of parking to serve the development as a whole is considered acceptable, although it is acknowledged that an imbalance of

unallocated spaces across the site, may lead to some amenity issues for future residents. Subject to the suitable conditions and securing the Travel Plan and sustainable transport measures/contributions in the S106 Legal Agreement, it is considered that the proposal complies with policy DP21 of the MSDP, policies SA GEN and SA13 of the SADPD, policy G6 of the Burgess Hill Neighbourhood Plan and relevant sections of the NPPF.

- 13.9 The proposed layout of the scheme can be commended for retaining all the important landscape features of the site, while enabling the development to be laid out in a series of perimeter blocks, which results in the retained features forming an attractive backdrop/setting for the development. A balance has been struck between public open space and retained landscape features of importance (where public access will be restricted), and the scale and spread of the development is considered appropriate for the site. It is recognised however, that the use of standard house types has undermined the overall architectural integrity of the scheme.
- 13.10 Looking at the scheme as a whole, and having regard to the relevant Development Plan policies, the NPPF (particularly paragraphs 130 and 134) and the Mid Sussex Design Guide SPD, it is considered that it does represent a well-considered, landscape-led proposal that will create a high quality environment for future residents. Subject to appropriate conditions to secure matter details, it is considered that the application complies with policy DP26 of the MSDP, policies SA Gen and SA13 of the SADPD, and the relevant sections of the NPPF.
- 13.11 In relation to biodiversity matters, wherever possible the development proposes to avoid (through design), significant harm to biodiversity, both in respect of habitats and protected species, and to provide appropriate mitigation and (as a last resort) compensation measures where harm is avoidable. This includes the provision of off-site BNG to address the identified c.38.42% net loss of biodiversity on the site as a result of the development, in accordance with the Environment Act 2021. Subject to the securing of appropriate measures through planning conditions and/or a Section 106 Planning Agreement, it is considered that such matters will enable the Council to demonstrate compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Furthermore, officers are satisfied that the proposal, in the main, complies with policy DP38 of the MSDP, policies SA Gen and SA13 of the SADPD, and the relevant sections of the NPPF.
- 13.12 The proposal seeks to retain all category A and B trees within the development, along with the two identified veteran trees. It is considered that the retained trees will be incorporated into the layout in an appropriate manner that will limit future conflict with residents. The submitted landscape masterplan shows the intended scheme will complement and enhance the main features of the site, while softening the proposed built form, creating an attractive environment for future residents, while protecting the sensitive edges of the site. It is considered that the application in this regard complies with policies DP26 and DP37 of the MSDP and policies SA GEN and SA13 of the SADPD.
- 13.13 The site is considered to be well contained, with limited opportunities to obtain public vantage points. Private views are available at close quarters from properties that adjoin the site. Having regard to this context, it is considered that the proposed visual impact of the proposed development on the general character and appearance of the area, will be limited, particularly as existing landscape features are being retained, and enhanced where appropriate, along (and within) the site boundaries.

- 13.14 In respect of the impact the setting of the South Downs National Park, it is considered that the design and layout of the scheme has been informed by a genuine landscape-led approach and that the final scheme has sort to avoid or minimise adverse impacts on the National Park, which is considered not to be significant. In forming this view, regard has been given to the duty under s62 of the Environment Act 1995 and to the South Downs Partnership Management Plan, National Park Local Plan and relevant adopted planning documents (notably the dark skies technical note). It is considered that the application complies with policy DP18 of the MSDP, policy SA13 of the SADPD and paragraph 176 of the NPPF, in respect of this issue.
- 13.15 It is considered that while the development will clearly have a likely impact on the amenities of existing residents that adjoin the site, or the proposed access, by reason of overlooking, loss of privacy, outlook and noise and disturbance. However, in main this harm is not considered to be significant and in this regard, the application complies with policies DP26 and DP29 of the MSDP. The only exception being an identified impact on the rear garden of Brookwood as a result of the proposed pedestrian link.
- 13.16 The proposed scheme is intended to be 'net zero' (in the operational phase) and as a result the development will significantly exceed current Building Regulations and current Development Plan requirements. This will be achieved by combining more efficient building technologies with renewable/low carbon technologies, to achieve the net zero aim. The proposed dwellings will not be fitted with gas boilers.
- 13.17 It considered that through the use of conditions matters associated with archaeology, drainage, accessibility, and air quality can be appropriately controlled and there would be no adverse impacts with respect to these matters.
- 13.18 The Habitats Regulations Assessment for this application concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.
- 13.19 It has been identified that the proposals would lead to less than substantial harm to the setting of High Chimneys (a Grade II listed building), which carries 'considerable importance and weight' in accordance with s.66(1) of the Listed Building and Conservation Area (LBCA) Act 1990. The guidance in paragraph 202 of the NPPF is that the harm should be weighed against the proposal's public benefits. it is considered that the significant public benefits of the scheme (provision of new housing (including affordable housing) on a site that has been allocated for such development in the SADDP, the economic benefits including construction jobs, additional spending in the locality and new homes bonus) do outweigh the less than substantial harm to the setting of the heritage asset in this instance.
- 13.20 Furthermore, it is considered that the proposal will not harm the setting of significance of the Grade II listed Well Cottage or harm the significance of the non-designated heritage asset, Old Barn. In this regard, the proposal complies with policy DP34 of the MSDP and the relevant parts of the NPPF.
- 13.21 Weighing against the application, it has been identified that despite the proposed mitigation and compensation, there will be residual effects relating to the permanent loss of some habitats on site (and subsequent impact on foraging / commuting bats and invertebrates due to loss of these habitat resources) that remain unaddressed.

Furthermore, five nightingale territories are likely lost to be lost or potentially impacted. The residual effect remains adverse and significant, at a Local level. It is considered that these impacts should be given some weight.

- 13.22 It has been identified there will be a likely significant harm on the rear garden of Brookwood (by means of loss of privacy), as a result of the proposed use of the pedestrian link to Keymer Road, which is unlikely to be fully mitigated. It is considered that this harm should be given some weight.
- 13.23 Furthermore, it is accepted that there will be a significant change in the sites character, from a greenfield to a housing development, will have a permanent and noticeable impact on those residents that adjoin the site. However, this was inevitable following the allocation of the site and it is considered little weight is attached to this issue.
- 13.24 While it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively, it is considered that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated for as far as possible.
- 13.25 Having regard to all the identified issues, while there are some areas of unresolved conflict with specific policies, it is considered that the proposal complies with the Development Plan when read as whole, which is the proper basis for decision making, and that there are no other material planning considerations that reasonably indicate an alternative conclusion should be reached.
- 13.26 It is therefore recommended that planning permission be granted for this development subject to the conditions set out in Appendix A and to the completion of a satisfactory s106 Legal Agreement.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. No development shall take place, including any works of site clearance, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall include, and not be restricted to, the following matters;
 - (a) the anticipated number, frequency and types of vehicles used during construction,
 - (b) the method of access and routing of vehicles during construction,
 - (c) the parking of vehicles by site operatives and visitors,
 - (d) the loading and unloading of plant, materials and waste,
 - (e) the storage of plant and materials used in construction of the development,
 - (f) details of both construction working hours and construction delivery times
 - (g) the erection and maintenance of security hoarding,

- (h) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (i) measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- (j) measures to control noise or vibration affecting nearby residents,
- (k) any artificial illumination
- (l) details of public engagement both prior to and during construction works.
- (m) measures to monitor and control noise and vibration affecting nearby residents
- (n) pollution incident control and site contact details in case of complaints

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety and to accord with Policies DP21, DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

3. A Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in each respective phase of the approved 'phasing plan', and strictly in accordance with the approved details.

Reason: To protect the ecological value of the site during construction and to comply with policy DP38 of the Mid Sussex District Plan 2014-2031 and policies SA GEN and SA13 of the Site Allocations Development Plan Document 2022.

4. Before the development is commenced, a scheme for the offsetting of biodiversity impacts at the site shall be submitted to and approved in writing by the Local Planning Authority. This should be supported by a biodiversity metric for the site, and appropriate legal agreements to secure any third party delivery of ongoing habitat management requirements.

The Offsetting scheme shall include:

- i. Identification of receptor site,
- ii. Details of the offsetting requirements of the development in accordance with Defra biodiversity metric (3.1), which has been calculated at 59.39 Biodiversity Units, 9 hedgerow units and 0.19 river units;

iii. The provision of evidence of arrangements to secure the delivery of offsetting measures; and

iv. A management and monitoring plan, to include for the provision and maintenance of the offsetting measures for a period of not less than 30 years from the commencement of the scheme, and details of the monitoring authority.

The management and monitoring plan is to include:

a. Description of all habitats(s) to be created/restored/enhanced within the scheme including expected management condition and total area;

b. Review of Ecological constraints;

c. Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur);

d. Detailed design and working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location or proposed works;

e. Type and source of materials to be used, including species list for all proposed planting and abundance of species within any proposed seed mix;

f. Identification of persons responsible for implementing the works;

g. A timetable of ecological monitoring to assess the success of all habitats creation/enhancement. Ecological monitoring reports should be submitted to the relevant monitoring authority every 5 years.

h. The inclusion of a feedback mechanism to the relevant monitoring authority, allowing for the alteration of working methods/management prescriptions, should the monitoring deem it necessary.

The arrangement necessary to secure the delivery of the offsetting measures shall be executed prior to written approval by the Local Planning Authority. The offsetting scheme shall thereafter be implemented in accordance with the requirements of the approved scheme.

Reason; To ensure a biodiversity net gain and to accord with policy DP38 of the Mid Sussex District Plan 2014-2031, and policies SA GEN and SA13 of the Site Allocations Development Plan Document 2022.

5. The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence unless and until details of a Great Crest Newt Mitigation Strategy has been submitted to, and approved in writing in Local Planning Authority.

The development will thereafter only be implemented in accordance with the approved Mitigation Strategy.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to

accord with policy DP38 of the Mid Sussex District Plan and policies SA gen and SA13 of the Site Allocations Development Plan Document 2022.

6. The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence, unless and until details of a Reptile Mitigation Strategy has been submitted to, and approved in writing in Local Planning Authority.

The development will thereafter only be implemented in accordance with the approved Mitigation Strategy.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to accord with policy DP38 of the Mid Sussex District Plan and policies SA gen and SA13 of the Site Allocations Development Plan Document 2022.

7. The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence, unless and until details of a Landscape and Ecology Management Plan has been submitted to, and approved in writing in Local Planning Authority.

The development will thereafter only be implemented in accordance with the approved Mitigation Strategy.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to accord with policy DP38 of the Mid Sussex District Plan and policies SA gen and SA13 of the Site Allocations Development Plan Document 2022.

8. The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence, unless and until details of a Habitat and Management and Monitoring Plan has been submitted to, and approved in writing in Local Planning Authority.

The development will thereafter only be implemented in accordance with the approved Mitigation Strategy.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to accord with policy DP38 of the Mid Sussex District Plan and policies SA gen and SA13 of the Site Allocations Development Plan Document 2022.

9. The development hereby permitted shall not commence unless and until details of the proposed flood risk management, to include detailed calculations, construction drawings including cross sections of the proposed crossings and associated flood compensation areas (ensuring water can flow freely in and out of the areas), and a detailed construction method statement (which ensures protection of the ordinary watercourse), have been submitted to and approved in writing by the local planning authority. The details shall also include a timetable for its implementation, per phase, and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. No building shall be occupied until all the approved flood risk management works, per phase, have been carried out in accordance with

the approved details. Maintenance and management in perpetuity should be in accordance with the approved details.

Reason: In the interests of protecting the natural environment and ensuring flood risk is not increased on or off site and to comply with policy DP41 of the Mid Sussex District Plan 2014-2031.

10. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The details for each phase shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management in perpetuity should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and policy DP41 of the Mid Sussex District Plan 2014-2031 and policy SA13 of the Site Allocations Development Plan Document 2022.

11. No development shall take place, per phase as defined on the approved 'phasing plan', unless and until details of the existing and proposed site levels, of that particular phase, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

12.
 - i) No development or preliminary groundworks of any kind shall take place, per phase as defined on the approved 'phasing plan', until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation, for that particular phase, which has been submitted by the applicant, and approved in writing by the Local Planning Authority.
 - ii) For each respective phase, no development or preliminary groundworks of any kind shall take place until the completion of the programme of geophysical survey and archaeological trial-trenching evaluation identified in the Written Scheme of Investigation defined in Part (a) and confirmed by the Local Planning Authority's archaeological advisors.
 - iii) A mitigation strategy, for each respective phase, detailing the excavation / preservation strategy shall be submitted to the Local Planning Authority following the completion of the archaeological evaluation.
 - iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.
 - v) The applicant will submit to the local planning authority a post excavation assessment for each respective phase (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Local

Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To protect the archaeological value of the site and to accord with policy DP34 of the Mid Sussex District Plan 2014-2031.

13. Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to the value calculated in Appendix C of the submitted RPS Air Quality Assessment (ref JAR02981, Aug 2022). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect air quality and to accord with policy SA38 of the Site Allocations Development Plan Document 2022.

14. No development, in each respective phase of the approved 'phasing plan', shall be carried out unless and until samples of materials and finishes to be used for external walls and roofs of the proposed buildings, have been submitted to and approved by the Local Planning Authority.

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

15. The development hereby permitted shall not commence, per phase as defined on the approved 'phasing plan', until such time as an Arboricultural Method Statement, for that particular phase, has been submitted to, and in approved in writing by, the Local Planning Authority. The Method Statement shall include, but not be restricted to, measures to put in place to protect retained trees and hedgerows during construction and details of how work within RPA's will be undertaken. The development shall only be implemented in accordance with the approved details.

Reason: To protect to the retained vegetation of site and to accord with policy DP37 of the Mid Sussex District Plan 2014-2031 and policy SA13 of the Site Allocations Development Plan Document 2022.

16. In each respective phase of the approved 'phasing plan', no development above ground floor slab level shall commence until details of the photovoltaic panels to be installed as part of the construction process on approved the dwellings have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall include the location, specification of the panels and a typical 1:20 detailed cross section drawing of the panel within the roof. The dwellings shall thereafter only be built in accordance with the approved details.

Reason: In the interest of visual amenity and to accord with policy DP26 of the Mid Sussex District Plan and policy SA13 of the Site Allocations Development Plan Document 2022.

17. In each respective phase of the approved 'phasing plan', no development above ground floor slab level shall commence until full details of a hard and soft

landscaping scheme have been submitted to, and approved in writing, by, the Local Planning Authority.

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and policy SA13 of the Site Allocations Development Plan Document 2022.

18. In each respective phase of the approved 'phasing plan', no development above ground floor slab level shall commence until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with policy DP38 of the Mid Sussex District Plan 2014-2031 and policies SA GEN and SA13 of the Site Allocation Development Plan Document 2022.

19. Prior to the commencement of construction of any dwellings or building above ground floor slab, in each respective phase of the approved 'phasing plan', details of the proposed means of enclosure for residential properties and retained spaces in that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to accord with policy DP26 of the Mid Sussex District Plan 2014-2031 and policy SA13 of the Site Allocations Development Plan Document.

20. Prior to the commencement of construction of each of the four M4(3)(2)(b) dwellings final detailed plans for these four dwellings and their associated car parking spaces demonstrating compliance, shall be submitted to and approved in writing, by the Local Planning Authority. The units shall only be constructed in accordance with the approved details.

Reason: To ensure that the units are fully wheelchair accessible and to accord with policy DP28 of the Mid Sussex District Plan 2014-2031.

21. Prior to the commencement of construction of any dwellings or building above ground floor slab, details of the means of protecting the rear garden of Brookwood from users of the proposed pedestrian link to Keymer Road shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be completed in full prior to the pedestrian link being made available for first use.

Reason: To mitigate the impact on residential amenities of Brookwood and to accord with policy DP26 of the Mid Sussex District Plan 2014-2031.

22. Prior to the commencement of construction of any dwellings or building above ground floor slab, within the southern land only (as identified on the approved phasing plan), details of the proposed play equipment and layout (including enclosure) of the LEAP, future management arrangements and timetable for its implementation, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure that satisfactory play provision is provided and to accord with policy DP24 of the Mid Sussex District Plan 2014-2031.

23. Prior to the commencement of construction of any dwellings or building above ground floor slab, a programme for the construction of the works shown on drawing no.14-205/215 Rev B 'Proposed Pedestrian Infrastructure' shall be submitted to and approved in writing with the Local Planning authority. The development shall only be implemented in accordance with the agreed programme.

Reason: To provide alternative travel options to the use of the car and to accord with policy DP21 of the Mid Sussex District Plan 2014-2031 and the policies SA GEN and SA13 of the Site Allocations Development Plan Document 2022.

24. No dwelling hereby approved shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing no 14-205/205G 'Proposed Keymer Road site access'.

Reason: In the interest of road safety and to accord with policy DP21 of the Mid Sussex District Plan 2014-2031 and policy SA13 of the Site Allocations Development Plan Document 2022.

25. No dwelling(s) shall be occupied until the car parking space(s) serving the respective dwelling(s) have been constructed and made available for use in accordance with the approved plans. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to accord with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy SA13 of the Site Allocations Development Plan Document.

26. No dwelling(s) shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with policy DP21 of the Mid Sussex District Plan 2014-2031 and policy SA13 of the Site Allocations Development Plan Document 2022.

27. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

Reason: In the interests of health of future occupiers and to accord with paragraph 183 of the National Planning Policy Framework.

28. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to accord with policy DP21 of the Mid Sussex District Plan 2014-2031 and policy SA13 of the Site Allocations Development Plan Document 2022.

29. No dwelling, in any phase, shall be first occupied until a verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme for that phase), has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanisms. The verification report should clearly identify the individual plot numbers to which the details relate in order to allow these plots to be occupied, whilst other dwellings within the same phase are still under construction.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with the NPPF and policy DP41 of the Mid Sussex District Plan 2014-2031.

30. The following windows shall be permanently maintained as obscurely glazed up to an internal height of height of 1.7m and fan light opening;
- Plot 59 - first floor rear facing kitchen, bathroom and landing windows
 - Plot 67 - first floor flank elevation bathroom window.

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

31. The development hereby permitted shall only be implemented in accordance with the details contained Ecological Impact Assessment Revision E (CSA Environmental, December 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with policy DP38 of the Mid Sussex District Plan 2014-2031 and the policies SA GEN and SA13 of the Site Allocations Development Plan Document 2022.

32. The development hereby permitted shall only be implemented in accordance with the details set out in the 'Energy Statement' by Southern Energy Consultants dated the 18th April 2023.

Reason: To achieve the stated aim of 'net zero' and improve the sustainability of the development, and to accord with policy DP39 of the Mid Sussex District Plan 2014-2031.

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

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

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

3. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

4. Temporary directional signs to housing developments (Major apps only 10 units +) The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here

<https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporarydevelopment-signs/#overview>

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	LP-01	B	20.12.2022
Proposed Elevations	P.241-SR.e	B	19.04.2023
Proposed Floor Plans	P.241-SR.p	A	19.04.2023
Proposed Elevations	P.242-SR.e	B	19.04.2023
Proposed Floor Plans	P.242-SR.p	A	19.04.2023
Proposed Elevations	P.243-SR.e	B	19.04.2023
Proposed Elevations	P.243-SR.p	A	19.04.2023
Proposed Elevations	P.244-SR.e	B	19.04.2023
Proposed Floor Plans	P.244-SR.p	B	19.04.2023
Proposed Elevations	P.245-SR.e	A	19.04.2023
Proposed Floor Plans	P.245-SR.p	A	19.04.2023
Proposed Elevations	P.246-247-SR.e	A	19.04.2023
Proposed Floor Plans	P.246-247-SR.p	A	19.04.2023
Proposed Elevations	P.248-SR.e	B	19.04.2023
Proposed Floor Plans	P.248-SR.p	A	19.04.2023
Proposed Elevations	P.249-SR.e	A	19.04.2023
Proposed Floor Plans	P.249-SR.p	A	19.04.2023
Proposed Elevations	P.250-SR.e	A	19.04.2023
Proposed Floor Plans	P.250-SR.p	A	19.04.2023
Proposed Elevations	P.251-SR.e	A	19.04.2023
Proposed Floor Plans	P.251-SR.p	A	19.04.2023
Proposed Elevations	P.252-SR.e	A	19.04.2023
Proposed Floor Plans	P.252-SR.p	A	19.04.2023
Proposed Elevations	P.253-SR.e	A	19.04.2023
Proposed Floor Plans	P.253-SR.p	A	19.04.2023
Proposed Elevations	P.254-SR.e	A	19.04.2023
Proposed Floor Plans	P.254-SR.p	A	19.04.2023
Proposed Elevations	P.255-SR.e	A	19.04.2023
Proposed Floor Plans	P.255-SR.p	A	19.04.2023
Proposed Elevations	P.256-SR.e	B	19.04.2023
Planning Layout	CSL.01	E	19.04.2023
Block Plan	BP.01	A	20.12.2022
Planning Layout	SL.01	E	19.04.2023
Block Plan	BP.02	A	20.12.2022

Site Plan	DP.01	F	20.12.2022
Site Plan	UMP.01	B	20.12.2022
Site Plan	MP.01	B	20.12.2022
Lighting Layout/Light Pollution	LPP.01	B	20.12.2023
Parking Layout	PAL.01	D	08.06.2023
Site Plan	RCL.01	C	19.04.2023
Site Plan	SHP.01	B	20.12.2022
Site Plan	TP.01	B	19.04.2023
Proposed Elevations	P.1-2-UE.e	A	20.12.2022
Proposed Floor Plans	P.1-2-UE.p	A	20.12.2022
Proposed Elevations	P.3-4-UE.e	A	20.12.2022
Proposed Floor Plans	P.3-4-UE.p	A	20.12.2022
Proposed Elevations	P.5-6-UE.e	A	20.12.2022
Proposed Floor Plans	P.5-6-UE.p	A	20.12.2022
Proposed Elevations	P.7-UE.e	A	20.12.2022
Proposed Floor Plans	P.7-UE.p	A	20.12.2022
Proposed Elevations	P.8-UE.e	A	20.12.2022
Proposed Floor Plans	P.8-UE.p	A	20.12.2022
Proposed Roof Plan	P.8-UE.rp	A	20.12.2022
Proposed Elevations	P.9-UE.e	A	20.12.2022
Proposed Floor Plans	P.9-UE.p	A	20.12.2022
Proposed Elevations	P.10-11-UE.e	A	20.12.2022
Proposed Floor Plans	P.10-11-UE.p	A	20.12.2022
Proposed Roof Plan	P.10-11-UE.rp	A	20.12.2022
Proposed Elevations	P.12-13-UE.e	A	20.12.2022
Proposed Floor Plans	P.12-13-UE.p	A	20.12.2022
Proposed Roof Plan	P.12-13-UE.rp	A	20.12.2022
Proposed Elevations	P.14-UE.e	A	20.12.2022
Proposed Floor Plans	P.14-UE.p	A	20.12.2022
Proposed Elevations	P.15-UE.e	A	20.12.2022
Proposed Floor Plans	P.15-UE.p	A	20.12.2022
Proposed Elevations	P.16-17-UE.e	A	20.12.2022
Proposed Floor Plans	P.16-17-UE.p	A	20.12.2022
Proposed Elevations	P.18-20-UE.e1	A	19.04.2023
Proposed Floor Plans	P.18-20-UE.e2	A	19.04.2023
Proposed Elevations	P.18-20-UE.p	A	19.04.2023
Proposed Roof Plan	P.18-20-UE.rp	A	19.04.2023
Proposed Elevations	P.21-22-UE.e	A	20.12.2022
Proposed Floor Plans	P.21-22-UE.p	A	20.12.2022
Proposed Elevations	P.23-25-UE.e	A	20.12.2022
Proposed Floor Plans	P.23-25-UE.p	A	20.12.2022
Proposed Elevations	P.26-UE.e	A	20.12.2022
Proposed Floor Plans	P.26-UE.p	A	20.12.2022
Proposed Elevations	P.27-30-UE.e	A	20.12.2022
Proposed Floor Plans	P.27-30-UE.p	A	20.12.2022
Proposed Floor Plans	P.121-UE.p	A	19.04.2023
Proposed Elevations	P.122-123-UE.e	B	19.04.2023
Proposed Floor Plans	P.122-123-UE.p	B	19.04.2023
Proposed Elevations	P.124-125-UE.e	B	19.04.2023
Proposed Floor Plans	P.124-125-UE.p	B	19.04.2023
Proposed Elevations	P.126-UE.e	B	19.04.2023
Proposed Floor Plans	P.126-UE.p	B	19.04.2023
Proposed Elevations	P.127-128-UE.e	B	19.04.2023
Proposed Floor Plans	P.127-128-UE.p	B	19.04.2023
Proposed Elevations	P.129-139-UE.e1	F	19.04.2023

Proposed Floor Plans	P.129-139-UE.e2	F	19.04.2023
Proposed Floor Plans	P.129-139-UE.p1	D	19.04.2023
Proposed Floor Plans	P.129-139-UE.p2	D	19.04.2023
Proposed Elevations	P.140-141-UE.e	B	19.04.2023
Proposed Floor Plans	P.256-SR.p	A	19.04.2023
Proposed Elevations	P.257-SR.e	B	19.04.2023
Proposed Floor Plans	P.257-SR.p	A	19.04.2023
Proposed Elevations	P.258-SR.e	B	19.04.2023
Proposed Floor Plans	P.258-SR.p	B	19.04.2023
Proposed Elevations	P.259-SR.e	A	19.04.2023
Proposed Floor Plans	P.259-SR.p	A	19.04.2023
Proposed Elevations	P.260-SR.e	B	19.04.2023
Proposed Floor Plans	P.260-SR.p	B	19.04.2023
Proposed Floor and Elevations Plan	BCS FB-E.pe	C	19.04.2023
Proposed Floor and Elevations Plan	GAR.01-CC.pe	C	19.04.2023
Proposed Floor and Elevations Plan	GAR.02-CC.pe	C	19.04.2023
General	KR_PP_01_Phasing Plan		19.04.2023
Landscaping Details	CSA/6098/116	N	19.04.2023
Proposed Roof Plan	P.27-30-UE.rp	A	20.12.2022
Proposed Elevations	P.31-32-UE.e	A	20.12.2022
Proposed Floor Plans	P.31-32-UE.p	A	20.12.2022
Proposed Elevations	P.33-34-UE.e	A	20.12.2022
Proposed Floor Plans	P.33-34-UE.p	A	20.12.2022
Proposed Elevations	P.35-UE.e	A	20.12.2022
Proposed Floor Plans	P.35-UE.p	A	20.12.2022
Proposed Elevations	P.36-UE.e	A	20.12.2022
Proposed Floor Plans	P.36-UE.p	A	20.12.2022
Proposed Elevations	P.37-38-UE.e	A	20.12.2022
Proposed Floor Plans	P.37-38-UE.p	A	20.12.2022
Proposed Elevations	P.39-UE.e	A	20.12.2022
Proposed Floor Plans	P.39-UE.p	A	20.12.2022
Proposed Elevations	P.40-UE.e	A	20.12.2022
Proposed Floor Plans	P.40-UE.p	A	20.12.2022
Proposed Elevations	P.41-42-UE.e	A	20.12.2022
Proposed Floor Plans	P.41-42-UE.p	A	20.12.2022
Proposed Elevations	P.43-44-UE.e	A	20.12.2022
Proposed Floor Plans	P.43-44-UE.p	A	20.12.2022
Proposed Elevations	P.45-46-UE.e	A	20.12.2022
Proposed Floor Plans	P.45-46-UE.p	A	20.12.2022
Proposed Elevations	P.47-48-UE.e	A	20.12.2022
Proposed Floor Plans	P.47-48-UE.p	A	20.12.2022
Proposed Elevations	P.49-50-UE.e	A	20.12.2022
Proposed Floor Plans	P.140-141-UE.p	B	19.04.2023
Proposed Elevations	P.142-UE.e	B	19.04.2023
Proposed Floor Plans	P.142-UE.p	B	19.04.2023
Proposed Elevations	P.143-UE.e	B	19.04.2023
Proposed Floor Plans	P.143-UE.p	B	19.04.2023
Proposed Elevations	P.144-145-UE.e	B	19.04.2023
Proposed Floor Plans	P.144-145-UE.p	B	19.04.2023
Proposed Elevations	P.146-147-UE.e	B	19.04.2023
Proposed Floor Plans	P.146-147-UE.p	B	19.04.2023
Proposed Elevations	P.148-160-UE.e1	D	19.04.2023
Proposed Elevations	P.148-160-UE.e2	D	19.04.2023
Proposed Floor Plans	P.148-160-UE.p1	B	19.04.2023

Proposed Floor Plans	P.148-160-UE.p2	B	19.04.2023
Proposed Floor Plans	P.148-160-UE.p3	B	19.04.2023
Proposed Floor Plans	P.148-160-UE.p4	B	19.04.2023
Proposed Elevations	P.161-161-UE.e	B	19.04.2023
Proposed Floor Plans	P.161-162-UE.p	A	19.04.2023
Proposed Elevations	P.163-UE.e	B	19.04.2023
Proposed Floor Plans	P.163-UE.p	B	19.04.2023
Proposed Elevations	P.164-166-UE.e	C	19.04.2023
Proposed Floor Plans	P.164-166-UE.p	C	19.04.2023
Proposed Elevations	P.167-168-UE.e	B	19.04.2023
Proposed Floor Plans	P.167-168-UE.p	B	19.04.2023
Proposed Elevations	P.169-170-UE.e	B	19.04.2023
Proposed Floor Plans	P.169-170-UE.p	B	19.04.2023
Proposed Elevations	P.171-172-UE.e	B	19.04.2023
Proposed Floor and Elevations Plan	P.171-172-UE.p	B	19.04.2023
Proposed Elevations	P.173-UE.e	B	19.04.2023
Proposed Floor Plans	P.173-UE.p	B	19.04.2023
Proposed Elevations	P.174-175-UE.e	B	19.04.2023
Proposed Floor Plans	P.174-175-UE.p	B	19.04.2023
Proposed Elevations	P.176-UE.e	B	19.04.2023
Proposed Floor Plans	P.176-UE.p	B	19.04.2023
Proposed Elevations	P.177-178-UE.e	B	19.04.2023
Proposed Floor and Elevations Plan	P.177-178-UE.p	B	19.04.2023
Proposed Elevations	P.179-UE.e	B	19.04.2023
Proposed Floor Plans	P.179-UE.p	B	19.04.2023
Proposed Elevations	P.180-181-SU.e	A	19.04.2023
Proposed Floor Plans	P.180-181-SU.p	A	19.04.2023
Proposed Elevations	P.182-183-SU.e	A	19.04.2023
Proposed Floor Plans	P.182-183-SU.p	A	19.04.2023
Proposed Elevations	P.184-185-SU.e	A	19.04.2023
Proposed Floor Plans	P.184-185-SU.p	A	19.04.2023
Proposed Elevations	P.186-187-SU.e	A	19.04.2023
Proposed Floor Plans	P.186-187-SU.p	A	19.04.2023
Proposed Elevations	P.188-189-SU.ep	A	19.04.2023
Proposed Floor Plans	P.188-189-SU.p	A	19.04.2023
Proposed Elevations	P.190-SU.e	A	19.04.2023
Proposed Floor Plans	P.190-SU.p	A	19.04.2023
Proposed Elevations	P.191-SU.e	A	19.04.2023
Proposed Floor Plans	P.191-SU.p	A	19.04.2023
Proposed Elevations	P.192-SU.e	A	19.04.2023
Proposed Floor Plans	P.192-SU.p	A	19.04.2023
Proposed Elevations	P.193-SU.e	A	19.04.2023
Proposed Floor Plans	P.193-SU.p	A	19.04.2023
Proposed Elevations	P.194-SU.e	A	19.04.2023
Proposed Floor Plans	P.194-SU.p	A	19.04.2023
Proposed Elevations	P.195-SU.e	A	19.04.2023
Proposed Floor Plans	P.195-SU.p	A	19.04.2023
Proposed Elevations	P.196-SU.e	A	19.04.2023
Proposed Floor Plans	P.196-SU.p	A	19.04.2023
Proposed Elevations	P.197-198-SU.e	A	19.04.2023
Proposed Floor Plans	P.197-198-SU.p	A	19.04.2023
Proposed Elevations	P.199-SU.e	A	19.04.2023
Proposed Floor Plans	P.199-SU.p	A	19.04.2023
Proposed Floor Plans	P.49-50-UE.p	A	20.12.2022
Proposed Elevations	P.51-58-UE.e	C	19.04.2023

Proposed Floor Plans	P.51-58-UE.p1	D	19.04.2023
Proposed Floor Plans	P.51-58-UE.p2	C	19.04.2023
Proposed Elevations	P.59-UE.e	B	19.04.2023
Proposed Floor Plans	P.59-UE.p	B	19.04.2023
Proposed Elevations	P.60-61-UE.e	A	20.12.2022
Proposed Floor Plans	P.60-61-UE.p	A	20.12.2022
Proposed Elevations	P.62-63-UE.e	A	20.12.2022
Proposed Floor Plans	P.62-63-UE.p	A	20.12.2022
Proposed Elevations	P.64-UE.e	A	20.12.2022
Proposed Floor Plans	P.64-UE.p	A	20.12.2022
Proposed Elevations	P.65-UE.e	A	20.12.2022
Proposed Floor Plans	P.65-UE.p	A	20.12.2022
Proposed Elevations	P.66-67-UE.e	A	20.12.2022
Proposed Floor Plans	P.66-67-UE.p	A	20.12.2022
Proposed Elevations	P.68-70-UE.e	A	20.12.2022
Proposed Floor Plans	P.68-70-UE.p	A	20.12.2022
Proposed Elevations	P.71-UE.e	A	20.12.2022
Proposed Floor Plans	P.71-UE.p	A	20.12.2022
Proposed Elevations	P.72-79-UE.e	D	19.04.2023
Proposed Floor Plans	P.72-79-UE.p1	C	19.04.2022
Proposed Floor Plans	P.72-79-UE.p2	C	19.04.2023
Proposed Elevations	P.80-81-UE.e	C	19.04.2023
Proposed Floor Plans	P.80-81-UE.p	C	19.04.2023
Proposed Elevations	P.82-85-SU.e	A	20.12.2022
Proposed Floor Plans	P.82-85-SU.p	A	20.12.2022
Proposed Roof Plan	P.82-85-SU.rp	A	20.12.2022
Proposed Elevations	P.86-88-SU.e	A	20.12.2022
Proposed Floor Plans	P.86-88-SU.p	A	20.12.2022
Proposed Roof Plan	P.86-88-SU.rp	A	20.12.2022
Proposed Elevations	P.89-90-SU.e	A	20.12.2022
Proposed Floor Plans	P.89-90-SU.p	A	20.12.2022
Proposed Elevations	P.91-SU.e	A	20.12.2022
Proposed Floor Plans	P.91-SU.p	A	20.12.2022
Proposed Elevations	P.92-SU.e	A	20.12.2022
Proposed Floor Plans	P.92-SU.p	A	20.12.2022
Proposed Elevations	P.93-95-SU.e	A	20.12.2022
Proposed Floor Plans	P.93-95-SU.p	A	20.12.2022
Proposed Roof Plan	P.93-95-SU.rp	A	20.12.2022
Proposed Elevations	P.96-101-SU.e	D	19.04.2023
Proposed Floor Plans	P.96-101-SU.p	C	19.04.2023
Proposed Elevations	P.102-UE.e	A	20.12.2022
Proposed Floor Plans	P.102-UE.p	A	20.12.2022
Proposed Elevations	P.103-UE.e	A	20.12.2022
Proposed Floor Plans	P.103-UE.p	A	20.12.2022
Proposed Elevations	P.104-UE.e	A	20.12.2022
Proposed Floor Plans	P.104-UE.p	A	20.12.2022
Proposed Elevations	P.105-UE.e	A	20.12.2022
Proposed Floor Plans	P.105-UE.p	A	20.12.2022
Proposed Elevations	P.106-UE.e	A	20.12.2022
Proposed Floor Plans	P.106-UE.p	A	20.12.2022
Proposed Elevations	P.107-UE.e	A	20.12.2022
Proposed Floor Plans	P.107-UE.p	A	20.12.2022
Proposed Elevations	P.108-UE.e	A	20.12.2022
Proposed Floor Plans	P.108-UE.p	A	20.12.2022
Proposed Elevations	P.200-SU.e	A	19.04.2023

Proposed Floor Plans	P.200-SU.p	A	19.04.2023
Proposed Elevations	P.201-SU.e	A	19.04.2023
Proposed Floor Plans	P.201-SU.p	A	19.04.2023
Proposed Elevations	P.202-SU.e	A	19.04.2023
Proposed Floor Plans	P.202-SU.p	A	19.04.2023
Proposed Elevations	P.203-SU.e	A	19.04.2023
Proposed Floor Plans	P.203-SU.p	A	19.04.2023
Proposed Elevations	P.204-SU.e	A	19.04.2023
Proposed Floor Plans	P.204-SU.p	A	19.04.2023
Proposed Elevations	P.205-SU.e	A	19.04.2023
Proposed Floor Plans	P.205-SU.p	A	19.04.2023
Proposed Elevations	P.206-216-SR.e1	F	19.04.2023
Proposed Elevations	P.206-216-SR.e2	F	19.04.2023
Proposed Floor Plans	P.206-216-SR.1p	E	19.04.2023
Proposed Floor Plans	P.206-216-SR.p2	D	19.04.2023
Proposed Elevations	P.217-218-SR.e	A	19.04.2023
Proposed Floor Plans	P.217-218-SR.p	A	19.04.2023
Proposed Elevations	P.219-SR.e	A	19.04.2023
Proposed Floor Plans	P.219-SR.p	A	19.04.2023
Proposed Elevations	P.220-SR.e	A	19.04.2023
Proposed Floor Plans	P.220-SR.p	A	19.04.2023
Proposed Elevations	P.221-SR.e	A	19.04.2023
Proposed Floor Plans	P.221-SR.p	A	19.04.2023
Proposed Elevations	P.223-SR.e	A	19.04.2023
Proposed Floor Plans	P.223-SR.p	A	19.04.2023
Proposed Elevations	P.224-SR.e	A	19.04.2023
Proposed Floor Plans	P.224-SR.p	A	19.04.2023
Proposed Elevations	P.225-226-SR.e	A	19.04.2023
Proposed Floor Plans	P.225-226-SR.p	A	19.04.2023
Proposed Elevations	P.227-SR.e	A	19.04.2023
Proposed Floor Plans	P.227-SR.p	A	19.04.2023
Proposed Elevations	P.228-229-SR.e	A	19.04.2023
Proposed Floor Plans	P.228-229-SR.p	A	19.04.2023
Proposed Elevations	P.230-SR.e	B	19.04.2023
Proposed Floor Plans	P.230-SR.p	A	19.04.2023
Proposed Elevations	P.231-SR.e	A	19.04.2023
Proposed Floor Plans	P.231-SR.p	A	19.04.2023
Proposed Elevations	P.232-SR.e	B	19.04.2023
Proposed Floor Plans	P.232-SR.p	A	19.04.2023
Proposed Elevations	P.233-SR.e	A	19.04.2023
Proposed Floor Plans	P.233-SR.p	A	19.04.2023
Proposed Elevations	P.234-SR.e	B	19.04.2023
Proposed Floor Plans	P.234-SR.p	B	19.04.2023
Proposed Elevations	P.235-SR.e	A	19.04.2023
Proposed Floor Plans	P.235-SR.p	A	19.04.2023
Proposed Elevations	P.236-SR.e	A	19.04.2023
Proposed Floor Plans	P.236-SR.p	A	19.04.2023
Proposed Elevations	P.237-SR.e	A	19.04.2023
Proposed Floor Plans	P.237-SR.p	A	19.04.2023
Proposed Elevations	P.238-SR.e	A	19.04.2023
Proposed Floor Plans	P.238-SR.p	A	19.04.2023
Proposed Elevations	P.239-240-SR.e	A	19.04.2023
Proposed Floor Plans	P.239-240-SR.p	A	19.04.2023
Proposed Elevations	P.109-UE.e	A	20.12.2022
Proposed Floor Plans	P.109-UE.p	A	20.12.2022

Proposed Elevations	P.110-UE.e	A	20.12.2022
Proposed Floor Plans	P.110-UE.p	A	20.12.2022
Proposed Elevations	P.111-112-UE.e	A	20.12.2022
Proposed Floor Plans	P.111-112-UE.p	A	20.12.2022
Proposed Elevations	P.113-UE.e	A	20.12.2022
Proposed Floor Plans	P.113-UE.p	A	20.12.2022
Proposed Elevations	P.114-115-UE.e	A	20.12.2022
Proposed Floor Plans	P.114-115-UE.p	A	20.12.2022
Proposed Elevations	P.116-117-UE.e	A	20.12.2022
Proposed Floor Plans	P.116-117-UE.p	A	20.12.2022
Proposed Roof Plan	P.116-117-UE.rp	A	20.12.2022
Proposed Elevations	P.118-119-UE.e	A	20.12.2022
Proposed Floor Plans	P.118-119-UE.p	A	20.12.2022
Proposed Roof Plan	P.118-119-UE.rp	A	20.12.2022
Proposed Elevations	P.120-UE.e	A	20.12.2022
Proposed Floor Plans	P.120-UE.p	A	20.12.2022
Proposed Floor and Elevations Plan	GAR.01-TH.pe	B	20.12.2022
Proposed Floor and Elevations Plan	GAR.02-TH.pe	B	20.12.2022
Proposed Floor and Elevations Plan	CP.01-TH.pe	C	19.04.2023
Proposed Floor and Elevations Plan	BCS FB-B	C	19.04.2022
Proposed Floor and Elevations Plan	BS FB-C	B	20.12.2022
Proposed Elevations	P.121-UE.e	A	19.04.2023

APPENDIX B – CONSULTATIONS

Burgess Hill Town Council

Comments received 1st February 2023

The Committee were concerned with the inadequacies of the MSDC Planning Portal. They expressed concern as they were unable to access older documents for the application. Newer documents that had been added referenced older documents, which were inaccessible. Please can this be investigated by the Planning Officer.

The Committee felt that due to the high density of homes, and the heights of the proposed flats, it was gross overdevelopment of the site.

They raised the following environmental concerns:

- that the site included an ancient field system of greenfield land;
- was adjacent to Wells Cottage, Well House Farm;
- would have a detrimental impact on the character of that site;
- that the Sussex Biodiversity Record Centre had detected protected species of bats, birds, dormice and vegetation.

The Committee stated that the application was contrary to the following Design Guide (DG) and District Plan (DP) policies:

DP32 - Rural Exception Sites

DP38 - Biodiversity
DP37 - Trees, Woodland and Hedgerows
DG6 - Design to enhance biodiversity
DG25 - Enhance the environment and sense of place through open spaces
DG26 - Integrate space for play into the design
DG37 - Deliver high quality buildings that minimise their environmental impact

The Committee expressed concern over the layout and road system of the site. They stated it was contrary to the following Design Guide Policies:

DG8 - Establish a clear movement network that connects with the surrounding area
DG9 - Reduce reliance on the private car

The Committee raised concerns that there was no provision of cycle paths along Keymer Road or Folders Lane ' especially due to the width restrictions of Keymer Road. They found the connectivity of cycle paths to be inadequate with the rest of the town infrastructure.

The Committee raised additional concerns over the impact to Keymer Road, due to the 400+ homes due to be built South at Ockley Park.

The Committee expressed concern over the site of Field 3, Plots 86 ' 92, adjacent to the houses in Wintons Close. The houses in the close had 7-metre-long gardens adjacent to the site, with no boundary landscaping in between. The Committee objected to the proximity of Plots 86 - 92, to these gardens, and stated that it was contrary to the following District Plan and Design Guide policies:

DP26 - Character and Design
DG45 - Privacy of existing and future residents
DG46 - Provide attractive and usable external amenity space for all homes.

Comments received 9th November 2022

Recommend Refusal

The Committee supported the objections that had been raised in the Urban Designer's report, stating that the development did not respond to the setting of the South Downs National Park, as required in the Site Allocations DPD and Inspector's Report. They also expressed concern that the development was too dense at the southern boundary. They expressed concern that there would be net biodiversity, as there was no provision for net biodiversity gain and no environmental report.

The Committee believed that the application was in contravention with the following;

DP26 - Character and Design; DG4 - Establish a landscape and green infrastructure network;
DG8 - Establish a clear movement network that connects with the surrounding area;
DG9 - Reduce reliance on the private car;
DG12 - Deliver a clear and connected structure of streets and spaces;

DG13 - Provide positive frontage to streets; DG18 - Integrate parking to support attractive streets and spaces;
DG20 - Integrate on-street parking; DG25 - Enhance the environment and sense of place through open spaces;
DG26 - Integrate space for play into the design;
DG38 - Design building with architectural integrity and a sense of place;
DG39 - Deliver appropriately scaled buildings; DG40 - Design buildings that respond to and animate the street space.

The Committee also stated that the application needed to show that it met DG37 - Deliver high quality buildings that minimise their environmental impact.

MSDC Urban Designer

Summary and Overall Assessment

I agree with the DRP's comments, but nevertheless have my own comments to add.

As previously advised, the scheme can be commended for being laid out in a series of perimeter blocks that retains much of the important landscape features which will form an attractive backdrop to the development. The revised drawings make some improvements by providing a comprehensive network of connecting footpaths that link up the perimeter blocks and open spaces which helps compensate for the limited public access in the retained woodland areas. Furthermore, the three central blocks of flats are now appropriately grouped together, and the houses address their corner sites better across the scheme with the secondary facing materials more consistently applied to individual houses at the front, side and rear. Parking is also less dominant within the public realm and benefits from more tree planting.

Unfortunately, the useable open spaces are not centrally located within the development and the scheme consequently lacks a central community focus and, in this respect does not accord with the Site Allocations DPD objective (for site SA13).

The building design is still unimaginative and the reliance on pastiche details lacks authenticity. Furthermore, the house types appear too randomly laid out across the scheme which contributes to the different character areas being too similar to each other. As the DRP have stated it is also disappointing that sustainability has not informed the building design particularly given the development's carbon net zero target with solar PV's potentially further undermining the elevations by cluttering the roofs.

Despite these reservations I raise no objection as on balance the positive elements of the design override the negative aspects of it. However, for the reasons I state in my detailed comments (below) and to secure the quality of the design, I recommend the following conditions requiring the approval of further drawings/information:

- To ensure the scheme sufficiently accords with principles DG26 (integration of play areas), DG37 (integration of air source heat pumps) of the Mid Sussex Design Guide (MSDG) I would recommend that the landscape condition is

extended by requiring detailed hard and soft landscaping including boundary treatments, the incorporation of communal air source heat pumps (ASHP's) and the provision/location of play areas.

- To ensure the scheme sufficiently accords with DG38 (application of facing materials) I would recommend that the requirement of details/samples of the facing materials also includes their application on individual buildings.
- Revised flank elevations showing additional windows facing the street corner on plots 59, 181, 184, 199, 244, 234 and 258
- Detailed 1:20 scale elevation and section drawings (shown in context) showing the incorporation of solar PV panels on the roofs
- Revised drawings that rationalise the glazing bars on plots 128-180.
- Revised drawings that feature car barns serving plots 4-6,17-20, 25.

I would also recommend a condition covering sustainability to ensure that the carbon neutral target is met.

Overall Layout / Landscaping

The organisation of the development into a series of perimeter blocks is supported in principle as it provides outward facing frontages and enables the tree-lined field boundaries and open spaces to be revealed to the public realm to provide an attractive backdrop to the scheme.

The natural environment nevertheless needs to be balanced with resident's recreational needs. Although much of the site is being kept as open space, a large proportion of this is to be cordoned off with no public access for ecological reasons. While the latter is supported in principle, the combination of retained natural landscape and requirement for attenuation ponds leaves comparatively little recreational space for a large development. This is especially the case because the site is umbilically linked to the existing built-up area and nearby recreational facilities are beyond a convenient walking distance.

In particular, the play areas would benefit from being enhanced and better integrated so they help provide a community focus and create a critical mass of activity within the open spaces (as set out in principle DG26 of the MSDG). Currently the play in the northern parcel is too small and the one in the southern parcel is incidentally positioned and poorly overlooked. I feel this needs to be addressed by: (a) incorporating a LEAP (rather than a LAP) in the more accessible and overlooked open space in the northern part of the site; (b) ensuring that clear sight lines are achieved around the LEAP in the southern area from the surrounding houses (on plots 220, 230, 243, 235-6).

By incorporating a network of pathways, the revised site plan has demonstrated that the perimeter block layout now benefits from pedestrian connectivity which was a major omission with the original layout; however, it is unclear whether these pathways will also

accommodate cyclists. It is also a shame that none of the roads complete a loop around the blocks necessitating reversing vehicles/turning heads and contributing to a less legible layout. Further to the DRP's concern about the lack of natural surveillance along the new pedestrian link between plots 181 and 199 on the eastern boundary, the opportunity should also be taken to widen the pathway and incorporate windows in the flank of 181 and add further windows in the flank of 199.

The incorporation of additional pedestrian links connecting with Folders Lane and Keymer Road is supported (and does accord with DG8). While I have concerns about the lack of natural surveillance along them, the redesigned house at plot 41 will provide more overlooking as it now faces the pedestrian link to Keymer Road.

Car parking is generally discreetly accommodated with most of the parking serving houses incorporated tucked away at the side, while most of the parking for the apartment blocks is hidden from the road frontages in rear courts. Right angle parking unfortunately still dominates the street frontage area in the development parcel to the north of the main site entrance. While the revised drawings have provided more tree planting that should soften this, I would also recommend that car barns are introduced to help reduce the dominance of the car by incorporating them in the side parking areas serving plots 4-6,17-20, 25. Elsewhere on plots 185-188, front forecourt parking has been dispensed with in favour of side parking allowing both a consistent building line and space for the creation of a pedestrian link on the nearby eastern boundary.

To address the issues that the DRP have raised about the layout at the site entrance, I would recommend that the block paving is extended along all the carriageway that bounds the open space on the east side of the central spine road ie. extending from plot 14 to plot 144/180 to achieve more integration between the roads and landscape (as the DRP commented in October 2022).

Elevations

The revised drawings have helpfully included more coloured long street elevations as well as full elevations of the terraced and semi-detached houses. While this makes it easier to understand the scheme, it also reveals the random juxtapositions of many of the buildings and facing materials throughout the scheme that contributes (along with the lack of much difference in the density) to the character areas being difficult to distinguish from each other.

Although the secondary facing materials are more consistently applied at the front, side, and back of buildings, there are still too many houses that lack elevational interest and feature brick-only facades; which would be helped with more use of secondary facing materials. The application of materials would also benefit from being more consistently grouped within each street with more contrast in materials between the different streets and different character areas, and I am therefore recommending a condition to cover this, and the issues raised below.

I agree with the DRP's assessment that the elevations lack integrity both because the solar PV's sit uncomfortably on the traditional styled houses and because the fake chimneys and fake glazing bars undermine the authenticity of the architecture. Consideration needs to be

given to omitting the latter and discreetly accommodating the solar PV's; this can be helped by avoiding a contrasting roofing tile on prominent street frontages as well as ensuring that the panels are inset within the roof profile.

The corner houses now generally address both return street elevations. However, there are a few instances of blank flank gables on corner houses; this includes 59, 181, 184, 244, or largely blank such as 234, 258. While some houses have been given a single side window, there are still houses not on a street corner with drab blank flanks that are visible because of wide separation gaps in the street frontages (which is made worse if there is just a single facing material as is common).

The opportunity to give underlying rhythm to the terraced houses on and 165-167 has been taken, but not with plots 68-70 where the canopies also appear unduly dominant and too high in relation to the entrances.

The apartment blocks have been revised and block C has been especially improved through reinforcing its symmetry. While raising the eaves line avoids multiple downpipes (previously generated by semi-dormer windows that broke through the eaves line), without this element of detail the three storey elements appear particularly bland on block E in particular and the fake window bars further detract. Elsewhere reducing the extent of the 3 storey frontages by extending the 2 storey element has nevertheless allowed the blocks to sit better with the houses.

MSDC Planning Policy

Thank you for consulting the planning policy team on the planning application for: 'Residential development, consisting of 264 dwellings with vehicular, pedestrian and cycle access, car parking, open space, play space, ecological areas, attenuation ponds, landscaping and all other associated works.' The policy team would like to make the following comments which focus predominantly on the site specific policy requirements for site allocation SA13 in the Site Allocations Development Plan Document (DPD).

Planning applications should be determined in accordance with the Development Plan unless other material considerations dictate otherwise. The Development Plan comprises the Mid Sussex District Plan 2031, which is currently under review, the Burgess Hill Neighbourhood Plan (Made January 2016) and the Site Allocations DPD (Adopted June 2022) and a series of Supplementary Planning Documents. This site is allocated for residential development within the Site Allocations DPD.

National Planning Policy Framework

Paragraphs 7 and 8 of the Framework highlight the purpose of the planning system to contribute towards achieving sustainable development. Paragraph 11 goes on to state that decisions should apply a presumption in favour of sustainable development and approving development proposals that accord with an up-to-date development plan without delay.

Mid Sussex District Plan

The District Plan was adopted in March 2018 and is under review, the process of which commenced in 2021; the draft Regulation 18 version of the plan (October 2022) demonstrates a direction of travel at this stage. The review process is a method to ensure that a Plan and the policies within it remain effective. At the fifth anniversary of the adoption of the Plan (March 2023), the District Plan will not be out-of-date automatically, as policies age at different rates. It is important to note that, whilst the emerging draft District Plan contains updated policies – no decision has been made as to whether any existing adopted policy are currently considered “out-of-date”. Therefore, the policies within the adopted District Plan carry full weight at this stage, with draft policies within the draft District Plan holding little weight but gives an indication of the direction of travel.

The Site Allocations Development Plan Document (Sites DPD), is the ‘daughter’ document to the District Plan; it identifies additional housing allocations to meet the residual housing requirement, as well as employment allocations and other strategic policies. The Sites DPD was adopted on 29 June 2022 and identifies sufficient housing sites to provide five year housing land supply to 2031. The Council however published a 5 Year Housing Land Supply Statement (June 2021), as at 1 April 2021, and supporting Housing Land Supply Trajectory (June 2021), conclusions of which confirm the Council has a five Year Housing Land Supply (5YHLS) of 5.59 (with a 5% buffer) which was confirmed in the Inspector’s Report for the recently adopted Sites DPD (May 2022). As such, the housing policies within the District Plan have full weight in the decision making process.

Key relevant policies – list is not exhaustive:

- DP4: Housing
- DP5: Planning to Meet Future Housing Need
- DP6: Settlement Hierarchy
- DP13: Preventing Coalescence
- DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP18: Setting of the South Downs National Park
- DP20: Securing Infrastructure
- DP21: Transport
- DP24: Leisure and Cultural Facilities and Activities
- DP26: Character and Design
- DP27: Dwelling Space Standards
- DP28: Accessibility
- DP29: Noise, Air and Light Pollution
- DP30: Housing Mix
- DP31: Affordable Housing
- DP34: Listed Buildings and Other Heritage Assets
- DP37: Trees, Woodland and Hedgerows DP38: Biodiversity
- DP39: Sustainable Design and Construction
- DP41: Flood Risk and Drainage
- DP42: Water Infrastructure and the Water Environment

It is noted that advice has been sought from the Council's Housing Officer regarding the affordable housing offer in respect of policy DP31. Comments made by the Design Review Panel in respect of policy DP39 and Design Guide Principle DG37 are noted and although the development is not required to deliver net zero housing, efforts to achieve this goal are supported.

Site Allocations Development Plan Document (Sites DPD)

The application site is allocated for housing in the sites DPD under site allocation SA13 for 300 dwellings, including on site open space and children's equipped playspace. The allocation includes detailed site specific policy requirements which should be taken account of along with Policy SA GEN: General Principles for Site Allocations, Policy SA38 in respect of air quality and other relevant policies in the Development Plan, which also carry full weight in the balancing of any decision.

The Planning Policy Team fully support a comprehensive proposal for the whole site as a single application along with efforts to retain and enhance existing green infrastructure, as these are specific policy requirements. The yield is below the allocated figure however the justification for reducing the number of dwellings on the site to 264 is considered sound and the Policy Team do not object in this regard. However, there are some key elements of the policy requirements for SA13 which appear not to be met. SA13 Objective: The core objective for the allocation includes delivery of a development which is landscape led, creating a focal point with a central open space, incorporating attractive and convenient pedestrian and cycle routes throughout the site. The full policy requirements set out how these elements should be delivered.

Urban design:

It is noted that the character areas within the development have been informed by the need to respond to the traditional nature of the site and clear efforts have been made to integrate existing and enhanced landscape features and green infrastructure into the layout of the development. There does however seem to be some difficult conflict between protecting and boosting ecological value areas and making provision of publicly accessible open space. The full extent of open space which is publicly accessible is difficult to determine from the plans and should be clarified.

The requirement to provide a central open space is twofold, to provide a focal point for the development and usable amenity space for the community. The central space 'Field 4' however is substantially constrained by flooding and ecological aspects and access appears therefore to be limited to narrow pathways which provide limited substantially passive use for the community. Field 7 however appears to be less constrained and may be able to provide wider benefits as an area of open space which can actively be used by the community which also creates a focal point for the development and makes an ecological contribution. The success of this area requires careful planning and design to optimise the use of the space and ensure it will better serve the community and help create a sense of place for the development. Comments should be sought on the proposed LAP and LEAP design and locations to ensure they are appropriate and consideration should be given to the proximity

of the apartment blocks, which with no private amenity space of their own, have the potential to make the most use of this area.

Highways and Access:

The Planning Policy Team acknowledge and support the Urban Designer and Design Review Panel's views regarding the core objective to deliver convenient and attractive pedestrian and cycle access through the site which has not been successfully demonstrated in the current layout. To address the potential of the development being dominated by car movements, pedestrian and cycle access should be significantly improved to support and promote safe active travel throughout the site. It is noted that advice is being sought from the Highway Authority.

Biodiversity:

A follow up policy comment will be provided in respect of Biodiversity Net Gain.

Other matters:

It is noted that advice has been sought from the Council's Conservation Officer in respect of the impact on heritage assets along with views from the Council's Ecologist and the South Downs National Park Authority.

Burgess Hill Neighbourhood Plan (NP) Made January 2016

- Policy S4 - Parking Standards for New Developments
- Policy G3 - Nature Conservation and Biodiversity
- Policy G6 - Footpath and Cycle Links
- Policy H3 – Protect Areas of Townscape Value

Officer Comments

Regarding Policy S4, advice should be sought from the Highway Authority in respect of the parking provision. The Council's Ecologist advice should be sought to determine if appropriate improvements to the habitat network have been made in accordance with Policy G3. Policy G6 is addressed in part through the provision of pedestrian and cycle connections onto Keymer Road and Folders Lane. Development site lies outside and to the south of a defined area of townscape value, focused along Folders Lane and Keymer Road.

Summary

The proposed development is supported in principle however as submitted, there remain some aspects which do not fully accord with the development plan

MSDC Housing Enabling Officer

The applicant is proposing a development of 260 units comprising a mix of 1 and 2 bed flats and 2, 3 and 4 bed houses which, in line with District Plan Policy DP31, gives rise to a minimum onsite affordable housing requirement of 30% (78 units). 25% (20) of the total number of affordable housing units are to be provided as First Homes and the remaining 75% (58) are to be provided for social or affordable rent. The proposed mix below will be acceptable, since it will meet our tenure, occupancy and minimum floor area requirements.

NUMBER OF DWELLINGS	DWELLING TYPE	TENURE OF DWELLINGS (Affordable Rented / First Homes)
8	1 Bed / 2 Person Apartment @ a minimum of 50m ² excluding any staircase & hallway	First Homes
9	1 Bed / 2 Person Apartment @ a minimum of 50m ² excluding any staircase & hallway	Affordable Rented
3	1 Bed / 2 Person Wheelchair Accessible Apartment with an area of private garden space @ a minimum of 60m ²	Affordable Rented
12	2 Bed / 4 Person Apartment @ a minimum of 70m ² excluding any staircase & hallway	First Homes
13	2 Bed / 4 Person Apartment @ a minimum of 70m ² excluding any staircase & hallway	Affordable Rent
24	2 Bed / 4 Person House @ a minimum of 79m ² (2 storey)	Affordable Rent
1	2 Bed / 4 Person Wheelchair Accessible House @ a minimum of 103m ²	Affordable Rent

7	3 Bed / 5 Person House @ a minimum of 93m ² (2 storey) or 99m ² (3 storey)	Affordable Rent
1	4 Bed /6 Person House @ a minimum of 106m ² (2 storey) or 112m ² (3 storey)	Affordable Rent

The OT's comments on the plans for the four wheelchair accessible units have been sent to you separately for forwarding to the applicant, and the points raised will need to be addressed and the final detailed plans for these units and their associated car parking spaces approved as a condition of the planning consent using the wording below. This is in order to ensure that the wheelchair accessible dwellings comply with all of the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended.

"Prior to the commencement of construction of any dwelling or building, including the construction of foundations, final detailed plans for the four M4(3)(2)(b) units & their associated car parking spaces demonstrating compliance, shall be submitted to and agreed in writing by the Local Planning Authority. The units shall only be constructed in accordance with the approved details.

Reason: To ensure that the units are fully wheelchair accessible and accord with policy DP28 of the Mid Sussex District Plan 2014-2031."

MSDC Environmental Protection Officer

I have read the construction management plan by Odyssey, dated the 18th of April 2023. Given the proposed times of work, as well as the dust and noise management details included in the document, I am satisfied with the proposed plan and would suggest that a condition be attached to the proposed application, stating that all work for the site must be carried out in accordance with the plan.

Other than the construction management plan, comments a recommend conditions made by Mr. Bennett on the 2nd of November 2011 still stand.

Comments from 02/11/2022

The location is to the SW of Burgess Hill and is set back from Folders Lane and Keymer Road. Having taken note of the Air Quality and Acoustic Assessments we broadly accept the findings. This site is low risk with regard to noise and the air quality impacts are found to be classified as not significant.

Air Quality

It should be noted Section C.6 of the Air Quality Assessment states that as the AQA found the overall impact upon AQ to be negligible then no mitigation measures are necessary. This is not correct and is not in accordance with the Sussex Air Guidance; the damage cost calculation is based on emissions and is to offset the additional health burden caused. An AQ Mitigation scheme to the calculated value of £23,034 should be agreed with MSDC and this is conditioned below. Additionally, existing residents of Willowhurst have requested clarification of the AQ impact upon them, of vehicles regularly queueing to leave the

development once it is occupied. Whilst the likely volume and duration of traffic in Willowhurst does not suggest any significant effects, it is requested that the applicants provide this additional information quantifying the predicted AQ impacts during the operational phase upon a receptor location closest to the junction in Willowhurst.

Noise

The findings of the report are broadly accepted and the recommendation for an acoustic design statement which should demonstrate “careful consideration of the positioning of the proposed properties together with thoughts being taken as to internal layouts to minimise noise sensitive rooms facing onto dominant noise sources within the local areas”. The condition below includes this.

Accordingly I recommend the following conditions should the proposed development be granted permission:

Conditions

Air Quality:

Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to the value calculated in Appendix C of the submitted RPS Air Quality Assessment (ref JAR02981, Aug 2022). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Informative – In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council’s Air Quality Officer.

Reason: To preserve the amenity of local residents regarding air quality and emissions.

Construction Management:

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures in accordance with those recommended in the RPS Air Quality Assessment; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Soundproofing (Environmental Noise):

No development shall take place until a scheme for protecting the residential and other noise sensitive units from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area (as per ProPG 2017) shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00 hours, post construction unless otherwise agreed in writing with the LPA. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period unless otherwise agreed in writing. All works that form part of the scheme shall be completed before the noise sensitive development is occupied.

Construction and Deliveries (Operational):

Unless otherwise agreed in writing with the LPA, no construction plant or machinery shall be used and no commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours of 08:00 - 18:00 Hours Monday – Friday, 09:00 - 13:00 Hours Saturday, and no work permitted on Sundays or Bank/Public Holidays

MSDC Community Facilities Project Officer

Thank you for the opportunity to comment on the revised plans for 260 dwelling with access, parking and associated landscaping on Land East Of Keymer Road And South Of Folders Lane, Burgess Hill. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

CHILDRENS PLAYING SPACE

The developer has indicated that they intend to provide a range of play facilities on site including a LEAP with equipment suitable for older children. Full details regarding the layout, equipment and on-going maintenance of the play provision will need to be agreed by condition.

FORMAL SPORT

In the case of this development, a financial contribution of £281,774 is required toward formal sports and ancillary facilities at the Centre for Outdoor Sport, the Triangle Leisure Centre and/or St Johns Park, Burgess Hill

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £169,336 is required to make improvements to the Cherry Tree and/or the Park Centre and/or St Johns Park pavilion, and/or The Beehive (Royal British Legion building) in Burgess Hill

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

MSDC Trees Officer

My original comments re method statement etc apply. A detailed planting plan should also be conditioned.

I note the open space proposals include *Sorbus aucuparia* and *Fagus sylvatica*, which do not succeed on a heavy clay soil. However, as previously stated, shrubs and trees re generally appropriate and endemic to the area. *Fagus* could be replaced with more *Quercus robur*, which are a feature of the surrounding land.

I note the loss of T207. I do not object.

Comments from 27/10/2022

I note the intention to retain the best trees on the site. 33 Cat C trees are to be lost and a number of U Cat trees.

I do not generally object, however, my main concern is for T268, T269 and T270 in particular. All are cat A trees. Two of these are veteran trees and there is a 5m requirement from the edge of the canopy. This needs to be clearly demonstrated by way of a plan. I am also concerned about future pressure on trees. Could consideration be given to moving the development or rearranging the built structure to ensure the trees are retained in the long term ?

The Arb report refers to the 20% allowance for incursion into RPAs. This refers to hard surfacing only. Please could this be clarified. I note in particular T207 has a 31% incursion. The default position is that development is not advisable within RPAs.

Landscaping is generally acceptable and native trees and hedges predominate the perimeter of the site. Street trees are generally acceptable with the exception of *Prunus avium* 'Plena', which should be substituted for the straight species.

Other details should be planting/management plans and method statement for incursion with RPAs where this is unavoidable. Some of these details my be secured by condition.

MSDC Conservation Officer

The application site is an area of fields and woodland, with intervening trees and hedgerows, located to the east of Keymer Road and the south of Folders Lane, on the southern edge of Burgess Hill. To the west and north the site adjoins existing residential development; to the south are the more sporadic houses along Wellhouse Lane, and to the east the site largely borders on open fields.

Among the houses to the west and south of the site are a pair of listed buildings: High Chimneys is located directly adjacent to the site on Keymer Road, and Well Cottage (formerly Wellhouse Farm) is positioned to the south east of the site, separated by a field, at the eastern end of Wellhouse Lane. A public right of way (PROW) runs west-east along Wellhouse Lane past Well Cottage and into the open countryside beyond.

The current proposal, which has been subject to amendment, is for 260 new dwellings with vehicular, pedestrian and cycle access, car parking, open space, play space, ecological areas, attenuation ponds, landscaping and all other associated works.

High Chimneys (previously known as Woodward's) is a Grade II listed 18th century dwelling, which appears to have been constructed as a country house or farmhouse of some pretension. Although there is existing development to the north and west, the gardens to the house currently back onto open countryside forming part of the site. Evidence from the 1845 tithe map, referenced in the submitted Heritage Statement, shows that during the 19th century at least fields comprising part of the application site were in the same ownership and occupation as High Chimneys, suggesting a functional relationship, as well as one of ownership.

High Chimneys would be considered to possess historical evidential and illustrative value as a good example of an 18th century farm or country house, as well as aesthetic value. As such the surviving rural setting of the house beyond the gardens to the east, comprising the application site, would be considered to make a strong positive contribution to the special interest of the listed building and the manner in which this is appreciated, in particular those parts of that interest which are derived from historical illustrative and aesthetic values. The historical functional relationship between the house and the site will increase its value to an understanding of the building's narrative, as will the fact that the site is the only surviving remnant of the house's direct rural setting.

The Heritage Statement suggests that there is limited intervisibility between the site and High Chimneys due to trees and hedging along the boundary, and notes that the proposal includes a degree of buffering and further planting between the site and the listed building. However, as is recognised in the relevant Historic England guidance (GPA Note 3), screening of this nature may prove ephemeral, and even if entirely effective would have the adverse effect of visually severing the listed building from the countryside to the east.

For these reasons I would consider that the proposal, which will have a fundamental impact on the character of the site, transforming it to a suburban enclave, will be detrimental to the special interest of the listed building, which will lose the last remnant of its originally rural

context, and the manner in which this is appreciated. This will be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to be less than substantial at the mid-range of that scale.

I would also draw attention to two recent appeal decisions (AP/18/0035 and AP/18/0063) relating to development to the west of High Chimneys, within the garden of Clayhill, a modern property located between High Chimneys and Keymer Road. Both appeals were dismissed. In dismissing the appeals the Inspector found that the spacious character of the gardens to Clayhill made a positive contribution to the setting of the adjacent listed building. He found that development which adversely affected that spacious character would detract from the setting of High Chimneys. This decision may have relevance to consideration of development on the proposed site as its currently open and rural nature would be fundamentally affected.

Well Cottage (formerly Wellhouse Farm) is a timber framed Grade II listed former farmhouse dating from the 17th century or earlier. Wellhouse Farm is recorded in the Historic Farmsteads & Landscape Character in West Sussex assessment as a historic farmstead of the Medieval period. The property immediately to the west of the listed building Old Barn appears to retain at least part of the original barn and outshots to the farmstead and although unlikely to be regarded as curtilage listed may be regarded as a non-designated heritage asset (NDHA) making a positive contribution to the setting of the former farmhouse.

The listed former farmhouse is likely to be considered to possess historical evidential and illustrative value as a good example of a 17th century Sussex farmhouse, as well as aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn. The building is likely to be considered to have group value with the Old Barn, which as above appears to a surviving part of the associated historic farmstead. Although there is existing residential development sporadically along the northern side of Wellhouse Lane, the farm still retains a sense of rural isolation due to its position at the end of the lane, and the surrounding fields. As such, the surviving rural setting of Well Cottage (which includes the site, located at a remove of one field to the north west of the listed building) will make a strong positive contribution to the special interest of the former farmhouse and farmstead (including Old Barn), and the manner in which this is appreciated. Although the intervisibility between the site and the farmstead may be limited, there are likely to be filtered views from the farmstead or its immediate garden towards the site, particularly in winter. The rural setting to either side of Wellhouse Lane, including the site to the north, also makes a positive contribution to the character of the approach to Well Cottage along the PROW which runs along the lane. The site will again be visible in filtered views looking north from the PROW.

As above, the proposed development will have a fundamental impact on the character of the site, which will become suburbanised. This will reverse the positive contribution which it currently makes to the setting of Wellhouse Farm, its historic farmstead, and the manner in which the special interests of the farmhouse and barn are appreciated. The development will also detract from or reverse the positive contribution which the site currently makes to the character of the approach to the farmstead along the adjacent PROW, as the new housing is likely to be visible at various points looking north from the footpath.

This will be contrary to the requirements of District Plan Policy DP34, and in terms of the NPPF will cause in my opinion less than substantial harm through impact on setting to the special interest of the listed building, at the low-mid range of that scale. Paragraph 202 will therefore apply. In relation to the Old Barn, we have limited information in front of us concerning the building as it has not been included within the assessment carried out in the submitted Heritage Statement. On the basis of the little information that we do have, I would consider it likely that the proposal will be considered to cause a low-mid level of harm to an asset of a mid-level of significance in the local context.

MSDC Contaminated Land Officer

I have read the desk study and ground appraisal report by IBEX consulting Engineers Limited, dated July 2022, ref: ICE0053-GAR-JUL22.

I have also read the previous Ground Investigation Report by Geo-Environmental, Dated April 2015, ref: GE10684 ' GIRv1JK160415

In terms of soil contamination, the reports show that testing Geo-Environmental undertaken by found no exceedances for chemical determinates of contamination, adopted from the Suitable 4 Use Levels (S4ULs) and Category 4 Screening Levels (C4SLs).

Limited ground gas monitoring has also been undertaken, showed no ground gas protection is needed.

Based on the information submitted no remediation of the site is required for the proposed end use. It does however remain possible the unexpected ground conditions may be encountered during ground works for the proposed. Therefore, a discovery strategy should also be attached, so that in the event that contamination is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with the following condition:

1) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

MSDC Drainage Officer

FLOOD RISK

Information

[The Planning Practice Guidance for Flood Risk and Coastal Change](#) requires all sources of flood risk to be considered consistently with how fluvial and tidal flood risk is considered within the [National Planning Policy Framework](#). This means that surface water flood risk extents should be considered comparable to flood zones when assessing a development's vulnerability to flooding and the need for a site-specific flood risk assessment.

For clarity Mid Sussex District Council's Flood Risk and Drainage Team (in line with advice from West Sussex Lead Local Flood Authority) utilise the below table when considering flood risk.

Annual exceedance	Flood Zone	Surface Water Flood Risk
Greater than 3.3% (>1:30-year)	3b	High
Between 1% and 3.3% (1:100-year and 1:30-year)	3a	Medium
Between 0.1% and 1% (1:1,000-year and 1:100-year)	2	Low
Less than 0.1% (<1:1,000-year)	1	Very Low

Application specific comment

Following previous consultation response, the applicant has submitted further information in support of this application. It is understood that this additional information relates to address other consultee comments on the proposed development. Due to the alterations to the proposed development the Flood Risk Assessment has been updated and the relevant revision is now Issue G, dated December 2022. It is understood that this revision also includes information relating to comments within our earlier consultation response.

We accept that the developer has utilised the sequential approach to the proposed development layout site and located development, where possible, outside modelled flood extents from all sources.

Access roads are partially located within the modelled surface water flood extents as they cross watercourses. Where this occurs, the applicant proposes to raise the road above flood levels and provide culverts to ensure flow routes are maintained.

The Flood Risk and Drainage team have recommended a pre-commencement flood management condition. This is to ensure details of how flood flow routes are to be maintained across the site and all other flood mitigation methods are submitted and approved by Mid Sussex District Council prior to construction starting on site.

Surface water drainage

The BGS infiltration potential map shows the site to be in an area with moderate and low infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or

soakaways is unlikely to be possible on site. The applicant states infiltration testing has been undertaken on site which showed infiltration was not viable on the site.

It is proposed that the development will manage surface water drainage via six drainage catchments, based on the natural catchment characteristics of the site alongside the development layout.

Each catchment shall discharge surface water via a piped network and/or permeable paving to either below ground attenuation tanks or surface level attenuation ponds before discharging water into the watercourses on site. Each catchment's drainage network shall be designed to cater for the 1 in 100-year with climate change event.

Discharge rates into the watercourses is to be restricted to the Greenfield QBar rate for the impermeable area of each catchment up to and including the 1 in 100-year with climate change event.

The principle of the surface water drainage strategy is considered acceptable at this stage of planning. Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section. This level of information will be required to address the recommended drainage condition.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required in relation to local and national policy, guidance, and climate change etc prior to undertaking detailed design.

Foul water drainage

It is proposed that the development will utilise a pumped foul water drainage system with connection to the public foul sewer network. The applicant states that it is currently unknown whether the site would be served by one or two foul pumping stations.

The principle of the foul water drainage strategy is considered acceptable at this stage of planning. Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required prior to undertaking detailed design.

CONDITION RECOMMENDATION

Flood risk management

The development hereby permitted shall not commence unless and until details of the proposed flood risk management have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved flood risk management works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance

plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: In the interests of protecting the natural environment and ensuring flood risk is not increased on or off site.

Foul and surface water drainage

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

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

Works within 3.5m of drain or watercourse

No part of any concrete foundations, drainage feature, boundary treatment or construction activities shall be within 3.5 metres of any drain or watercourse without prior approval in writing by the local planning authority.

Reason: In the interests of protecting the natural environment.

Surface water verification report

No building is to be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a competent Engineer, has been submitted to the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

Reason: To ensure that the constructed surface water drainage system complies with the approved drainage design and is maintainable.

MSDC Ecology Consultant

Recommend Approval subject to conditions

Summary

We have reviewed the Landscape and Ecology Management Plan (CSA Environmental, April 2023), Reptile Mitigation Strategy (CSA Environmental, April 2023), Biodiversity Net Gain Design Stage Report (CSA Environmental, April 2023), Defra Metric 3.1 V11 WB (CSA Environmental, April 2023), Ecological Impact Assessment Revision E (CSA Environmental, December 2022), Great Crested Newt Mitigation Strategy (CSA Environmental, December 2022), Landscape Masterplan Drawing No. CSA/6098/116 Rev B (CSA Environmental, September 2022) and the Biodiversity Net Gain Feasibility Note (CSA Environmental, September 2022), supplied by the applicant, relating to the likely impacts of development on protected & Priority species and habitats with identification of proportionate mitigation.

We note that Great Crested Newt (GCN) are present in Ponds 1, 8 and 16 and therefore a European Protected Species licence from Natural England will be required (Great Crested Newt Mitigation Strategy (CSA Environmental, December 2022)). We support the compensation measures for GCN terrestrial and aquatic habitat losses and damage, including habitat creation and enhancement of hedgerows, grassland, scrub and woodland; aquatic planting in ponds 1 and 7; and three SUDS basins with permanently wet cores and planting of marginal vegetation (Great Crested Newt Mitigation Strategy (CSA Environmental, December 2022)).

We note that update emergence/re-entry bat surveys of the barn (Building B1) recorded no emergences or re-entries of bats (Ecological Impact Assessment Revision E (CSA Environmental, December 2022)) and we therefore agree that no further surveys of the barn are required. In addition, we note that the only trees to be removed are T45 and T99 with moderate bat roost potential, T43 with low bat roost potential and trees T44, T54 and T73 with negligible bat roost potential (Ecological Impact Assessment Revision E (CSA Environmental, December 2022)). As the update bat surveys found no evidence of roosting bats in trees T45 and T99 (Ecological Impact Assessment Revision E (CSA Environmental, December 2022)), we agree that no further surveys are required for bats in relation to trees.

We note that a subsidiary Badger sett will be retained, but an outlier Badger sett will need to be closed under licence from Natural England and we therefore agree that a detailed method statement will be needed to inform the licence application (Ecological Impact Assessment Revision E (CSA Environmental, December 2022)).

We support the implementation of the Reptile Mitigation Strategy (CSA Environmental, April 2023) as the Ecological Impact Assessment Revision E (CSA Environmental, December 2022) recorded populations of Slow-worm, Common Lizard, Grass Snake and Adder on site. The Reptile Mitigation Strategy should be secured by a condition of any consent and implemented in full.

We are now satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation and enhancement measures identified in the Landscape and Ecology Management Plan (CSA Environmental, April 2023), Reptile Mitigation Strategy (CSA Environmental, April 2023), Ecological Impact Assessment Revision E (CSA Environmental, December 2022) and Great Crested Newt Mitigation Strategy (CSA Environmental, December 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures, including the specifications and locations of the bat and bird boxes, log piles and hibernacula and hedgehog gaps in fencing, should be identified within a Biodiversity Enhancement Layout and should be secured by a condition of any consent for discharge prior to slab level.

We also support the implementation of the Landscape and Ecology Management Plan (CSA Environmental, April 2023). The LEMP should be secured by a condition of any consent and implemented in full.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Impact Assessment Revision E (CSA Environmental, December 2022)). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

We welcome the Biodiversity Net Gain of 10.30% habitat units, 76.77% hedgerow units and 7.63% river units and note that the trading rules have been met (Biodiversity Net Gain Design Stage Report (CSA Environmental, April 2023), Defra Metric 3.1 V11 WB (CSA Environmental, April 2023)). We note that the long term management of the on site habitat, over 30 years, together with objectives and responsibilities, is specified in the Landscape and Ecology Management Plan (CSA Environmental, April 2023).

We also support the 30 year management plan for the offset site at Charlton Court Farm, Wiston Estate (Biodiversity Net Gain Design Stage Report (CSA Environmental, April 2023)) subject to confirmation that this mitigation has been legally secured prior to any works on site. We understand the plan will create other natural grassland to good condition and mixed scrub to good condition; and the enhancement of other neutral grassland to good condition, other broadleaved woodland to good condition, other broadleaved woodland to lowland mixed deciduous woodland in good condition and the enhancement of two native hedgerows to moderate/good condition (Appendix D Biodiversity Net Gain Design Stage Report (CSA Environmental, April 2023)).

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Landscape and Ecology Management Plan (CSA Environmental, April 2023), Reptile Mitigation Strategy (CSA Environmental, April 2023), Biodiversity Net Gain Design Stage Report (CSA Environmental, April 2023), Ecological Impact Assessment Revision E (CSA Environmental, December 2022) and Great Crested Newt Mitigation Strategy (CSA Environmental, December 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

“A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Landscape and Ecology Management Plan (CSA Environmental, April 2023), Reptile Mitigation Strategy (CSA Environmental, April 2023), Ecological Impact Assessment Revision E (CSA Environmental, December 2022) and Great Crested Newt Mitigation Strategy (CSA Environmental, December 2022), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

MSDC Visual Landscape Consultant

Supportive subject to attached recommendations and/or conditions.

Overall, we generally agree with the methodology and support the majority of the landscape and visual effects judged. If minded for approval, we would advise further consideration for veteran tree buffer zones is included and development within these areas is removed.

Context As part of this consultation, we have reviewed the following additional and amended documents:

- Arboricultural Impact Assessment (Ref. 220817 1493 AIA V1a)
- Boundary and Dwelling Materials Layout (Dwg no. BDML.01 Rev. C)
- Colour Street Elevations (Dwg no. CONS220540) o 01 (Dwg no. CSE.01) o 02 (Dwg no. CSE.02) o 03 (Dwg no. CSE.03)
- Density Plans (Dwg no. DP-01 Rev. F)
- Ecological Impact Assessment (Ref. CSA/6098/03)
- Flood Risk Assessment (Dwg no. 013_8210962_CS Rev. G)
- Landscape Masterplan (Dwg no. CSA/098/116 Rev. I)
- Lighting Position Layout (Dwg no. LPP.01 Rev. B)
- Location Plan (Dwg no. LP01 Rev. A)
- Movement Plan – 01 (Dwg no. MP-01 Rev. B)
- Parking Allocation Layout (Dwg no. PAL.01 Rev. B)
- Proposed Pedestrian Infrastructure Improvements (Dwg no. 14-205/215 Rev. B)
- Site Layout (Dwg no. SL01 Rev. B)
- Surface Water Flood Risk Map (Ref: 013_8210962_CS)
- Topographical Survey (Dwg no. 013_8210962_CS)

The application has an amended layout to change 264 dwellings to 260 dwellings.

Review of submitted information

Whilst an updated Landscape and Visual Appraisal (LVA) has not been submitted alongside the amended layout plans, the concluding judgements on visual and landscape impact and overall stance would not be affected by the internal layout amendments, and it is therefore not deemed necessary to require an updated LVA submission.

Therefore, we stand with our previous conclusion that we do agree that impacts on the SDNP will not be significant and are satisfied that inter-visibility between the wider LCA and the Site will be limited.

We welcome the revised layout of the houses located to the centre and centre-right of the development and have made the judgement that the amended proposal better accords with the requirements of Policies DP12, 18 and 26.

We do however advise that the following amendments and recommendations are taken into consideration prior to determination:

- Whilst we are pleased to see that the amended proposal has removed 4 no. dwellings from the total development and the housing arrangement has been improved to the centre of the development, the existing road layout has not been altered and therefore our original concerns regarding the proximity of the built envelope to the southern and eastern boundaries have not been addressed. We do however acknowledge that the amended proposal has provided an improved network of connecting informal walking routes, notably adjacent to Plot 174, between Plot 172 and 192, and adjacent to Plots 184/202, and within the southern public open space, which is supported. • For apartments, communal gardens must be provided. They should be screened by above-eye-level walls or hedges and must contain a sitting-out-area that receives sunshine during at least part of the day. Its quality and management should encourage a sense of ownership and pride. Unusable strips of space between car parks or roads and buildings will not be counted as part of the communal garden provision.
- Whilst the amended Landscape Masterplan now shows a larger offset from veteran trees, which is welcomed, we would expect that no development of any type, including hard surfaces, are proposed within the veteran tree buffer. We would therefore expect the Layout / Masterplan to be amended accordingly.
- We welcome the proposal of additional footpaths located across the scheme, which has been reflected in the submitted Landscape Masterplan and AIA. However, we would expect no-dig solutions to be proposed where the new footpaths are located within the RPAs of trees (i.e. the footpath to the south-east corner).

If minded for approval, we would advise the following conditions should also be considered:

ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: SOFT LANDSCAPING SCHEME.

No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities.

The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: HARD LANDSCAPING SCHEME

No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN (LMP)

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan for a minimum of 5 years. This should include:

- a) Drawings showing:
 - a. The extent of the LMP; ie only showing the areas to which the LMP applies, areas of private ownership should be excluded

- b) Written Specification detailing:
 - a. All operation and procedures for soft landscape areas; inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter,

removal of temporary items (fencing, guards and stakes) and replacement of failed planting.

- b. All operations and procedures for hard landscape areas; inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges, and painted or finished surfaces.
 - c. Furniture (Bins, Benches and Signage) and Play Equipment
 - d. All operations and procedures for surface water drainage system; inspection of linear drains and swales, removal of unwanted vegetative material and litter.
- c) Maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.

Summary of comments made 18/11/2022

Further information required prior to determination

Overall, we generally agree with the methodology and support the majority of the visual effects judged. We do have concerns regarding the impacts on landscape character and compliance with policy and therefore would advise that a number of recommendations are taken into consideration prior to determination.

MSDC Archaeology Consultant

Recommend Approval subject to attached conditions

As established by both the submitted desk-based assessment and the West Sussex Historic Environment Record (HER), the proposed development is located in an area with the potential to contain archaeological remains.

An archaeological investigation to the north-east of the proposed development, at Folders Farm, has previously uncovered prehistoric pottery and associated features including boundary ditches, pits and postholes (HER MWS9092).

To the west of the site lies the line of a Roman Road, identified by previously excavations across its route and located within an Archaeological Notification Area (HER DWS8680).

The DBA suggests that the development site was located within informal parkland in the medieval period, and archaeological remains may survive onsite related to this, including agricultural remains and those associated with subsistence activity and land management.

It is clear that any archaeological remains that are present on the site are likely to be negatively impacted by the proposed development.

Archaeological deposits are both fragile and finite and the following conditions are therefore recommended, in accordance with the National Planning Policy Framework, paragraph 205:

RECOMMENDATION: Archaeological geophysical survey, followed by a programme of trial-trenching and open area excavation of deposits identified

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of geophysical survey and archaeological trial-trenching evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the local planning authorities archaeological advisors.
3. A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
4. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.
5. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

The work should be undertaken by qualified archaeological contractors and will initially comprise a programme of geophysical survey across the development site. The results from this survey will be used to inform a programme of archaeological trial-trenching, carried out in advance of the commencement of the development. If significant archaeological remains are uncovered by these evaluations a further stage of archaeological excavation and/or monitoring will be required.

Mid Sussex Design Review Panel

The panel agreed the scheme had been improved in the following respects:

- More continuous connected pathways linking up the perimeter blocks that helps pedestrian permeability across the site.
- The apartment blocks are better positioned together in a central group.
- Introduction of trees in parking areas

- The houses address the corners better with the inclusion of fully fenestrated facades on both return elevations.

The panel were nevertheless disappointed that the aspiration of net carbon zero has not been carried through by integrating it in the overall design approach. Instead, the architectural approach appears to have been decided beforehand with the sustainability measures retrofitted afterwards (that gives the impression that the buildings appearance has been prioritised over the net carbon zero target). This is especially demonstrated through the applicant's approach to renewable energy:

- The solar PV's risk looking particularly out of place and stark on clay-tiled and traditionally shaped roofs (NB: they are more discreet on grey/slate roofs). At the moment the position and number of PV's on a roof appear to have been determined by the architectural approach and decision to position PV's on the east slope (to make it less visible from the road) even though they would be less efficient than if they were on the west slope. The variation between buildings could result in very different energy performances resulting in some poorly performing houses. There was also concern that there may need to be more PV's than shown (to meet the carbon zero target) which would further clutter the roofs (especially if they have a staggered arrangement to work around hips and gables).
- Air Source Heat Pumps (ASHP's) have not been accommodated within the layout. The apartment blocks are likely to require a significant amount of space and the machinery required usually generates noise that is likely to be a potential nuisance necessitating acoustic screening that will need more space.

Furthermore, there is still a lack of supporting evidence to back up the carbon zero target; this should be demonstrated through calculations. Without it the panel were concerned that the sustainability aspirations may be watered down; at present the Energy Statement is little more ambitious than the 2021 Building Regulation minimum standards.

The architecture is still too reliant on standard house types and the design suffers from a lack of integrity; as well as the uncomfortable relationship of the solar PV's on traditionally designed roof forms, the architecture is let down by fake features such as chimneys and UPVC windows which look especially unconvincing where the windows are shown subdivided into small panels.

The character areas are still insufficiently distinct from each other in terms of architecture, landscape, and density. This not helped by the range of different building typologies that characterise most of the streets that make it difficult to distinguish between them. There was also more scope for varying the landscaping between the character areas.

While the carriageways benefit from more at grade block paving (and less tarmac), further consideration needs to be given to achieving a more imaginative layout for the T-junction nearest the main entrance to create a pleasant arrival to the site.

The connecting pathway adjacent to the north east boundary would benefit from being widened to provide better sight lines; it is also important that natural surveillance is provided by windows in the gable flanks of the adjacent houses.

Overall Assessment

The panel support this application providing changes are made that address the above comments.

WSCC Highways

This is the 2nd WSCC Highways response and responds to further information contained within the Highways Response Technical Note to address three issues raised in the initial comments:

- Cycle connectivity onto Folders Lane Following discussions with the applicant further signing and lining is to be provided on Folders Lane as shown on Drawing 14-205/215B to highlight the route. Options such as jug handles to support a right turn into the cycle lane were discussed with other officers and discounted due to land availability and useability.
- Approach to visibility splays across residential frontages Section 2.1.4 confirms

"It is confirmed that there would be suitable covenants placed on any property where a required forward visibility splay crosses the respective plot's land, such that the sight lines are kept clear at all times. "

- Redistributed visitor/unallocated parking The amended plans show a reduction in the number of dwellings to 260 and a reduction parking from 493 to 487 of which 32 spaces are for visitors/unallocated. The submitted parking plan again shows an unbalanced concentration of parking near the site access with limited amounts to the southern boundary of the site. The unbalanced provision would not be sufficient to result in a reason for the highway authority's perspective by may result in amenity issues for future residents and should vehicle park on the internal roads may result in issues for servicing/refuse collection.

Comments on Travel Plan

The following comments are provided on the travel plan,

- A TPC should be identified as soon as possible to work with relevant officers and the community on Active Travel and promotion.
- There is no data for potential pedestrian movements and the vehicle movements are based on 300 units (the development is for 264 homes)

Conclusion

No objection is raised to the application subject to the following S106 and conditions

S106

Contribution of £831,172 (as calculated utilising the TAD methodology) towards sustainable transport improvements between the site and Burgess Hill

Travel Plan - £3,500 towards auditing of the travel plan

Conditions

Footway and cycleway works

Delivery of works shown on drawing ref: PROPOSED PEDESTRIAN INFRASTRUCTURE IMPROVEMENTS and numbered 14-205/215 Rev B

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

Access (Access to be provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled PROPOSED KEYMER ROAD SITE ACCESS and numbered 14-205/012.

Reason: In the interests of road safety.

Access (Access to be provided in accordance with agreed timetable) (or phasing plan to be provided)

No part of the development shall be first occupied until such time as a timetable covering the construction of the vehicular and non-vehicular accesses serving the development has been submitted to and approved in writing by the Local Planning Authority. The accesses shall thereafter be constructed in accordance with the approved.

Reason: In the interests of road safety.

Car parking space (details approved – for larger sites)

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

Reason: To provide car-parking space for the use

Cycle parking (for larger sites)

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

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

Construction Management Plan

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

entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

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

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

Informative

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

Works within the Highway – Implementation Team

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Temporary directional signs to housing developments (Major apps only 10 units +)

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

Original comments dated 28th November 2022

The application is for the development of 264 dwellings at Land East of Keymer Road and South of Folders Lane, Burgess Hill. Pre application discussions with the application were undertaken in October 2020 and August 2022.

Background and Policy

The site is allocated within the MSDC Site Allocation Development Plan 2022 for 300 new dwellings. The allocation is required to provide a

- *A Sustainable Transport Strategy will be required identifying sustainable transport infrastructure improvements, demonstrating how the development will integrate with the existing network, providing safe and convenient routes for walking, cycling and public transport through the development and linking with existing networks.*
- *Provide vehicular access onto Keymer Road and make any necessary safety improvements; access(es) shall include a pedestrian footway connecting to existing footpaths on the highway.*
- *Mitigate development impacts by maximising sustainable transport enhancements; where addition impacts remain, highway mitigation measures will be considered.*
- *Provide good permeability across the site with attractive and convenient pedestrian and cyclepath access connecting onto Folders Lane and Keymer Road to improve links to existing services in Burgess Hill.*

The consideration of the site was supported by a transport assessment.

Vehicular Access

Access is to be provided via the approved and implemented access from the Greenacres development (Willowhurst) ref DM/16/2607 onto Keymer Road. The access provides a 5.5m wide carriageway and would be extended into the development with a 2m footway north of the access.

Visibility splays of 2.4m x 120m are provided in excess of recorded 85th% speeds. The previously recorded speeds have been checked against other survey data available in the vicinity of the site access including further south into the derestricted area where speeds would be expected to be higher.

A Stage 1 Road Safety Audit has been undertaken on the access and 2 issues are identified. A completed Designers Response has been provided to the applicant in 2020 which agreed the clearance of vegetation from the visibility splays (either in the applicants ownership or adopted highway) and provides visibility splays in keeping with recorded 85th% speeds and as such would not require the moving of the 30mph limit southwards to incorporate the site access.

A connection would be made to Broadlands as an emergency access and would also provide pedestrian and cyclist connectivity.

Ped and Cycle Access

In addition to the pedestrian accesses alongside the Vehicular accesses, a 2m wide footpath is proposed to the north west corner of the site onto Keymer Road and a 3m wide shared use path onto Folders Lane. Further details are requested to show how cyclists would

access/egress the carriageway to continue on road (as the site provided route does not link with any off road routes).

Sustainable Transport

Walking

A review of the pedestrian and cycle connectivity of the site to Burgess Hill town centre has been provided. The audit identifies a number of improvements to Folders Lane and Keymer Road including increasing the widths of footways, providing tactile paving at bell mouth crossings and introducing new uncontrolled drop kerb crossings on Keymer Road; and is shown on Drawing 14-205/215A.

A section of footway is also proposed on the west side of Keymer Road from Greenlands Road to a relocated northbound bus stop and dropped kerbs on the southern side of the development access.

Cycling

There are no dedicated cycle facilities within the vicinity of the site, the cyclist provision provided within the site would be required to allow cyclists to safely join/exit the carriageway.

Public Transport

The site is located within walking distance to the 33,33A,35C,167,168 and 523 services providing access to Burgess Hill Station and town centre, a Burgess Hill circular service, Haywards Heath and Hurstpierpoint. The relocated bus stops would be provided with a bus stop cage, kerbing and a contribution secured towards Real Time Information.

Development Impact

The development has utilised trip rates from the approved Clayton Mills development and to ensure robustness a newer TRICS assessment has been undertaken which shows a lower level of trips. A development of 300 privately owned dwellings has been assessed to provide a robust scenario and the development would be anticipated to generate 168 AM peak two-way trips and 179 two way PM peak trips.

Trips have been assigned to the network based on the approved gravity model and census travel to work approach agreed as part the Clayton Mills development. This would result in 55% of peak hour trips routing to the north and 45% to the south.

Junction Modelling

It is noted that an allocation of 300 dwellings was modelled in the MSDC site allocations and utilised traffic surveys from the nearby Clayton Mills development (DM/18/4979). The submitted TA is based on traffic surveys undertaken on the 7th of July 2022. The TA includes committed developments of Hassocks Golf Club, Keymer Tiles, East of Kingsway, Clayton Mills and has adjusted TEMPRO growth rates accordingly.

A future year scenario of 2027 has been provided and is acceptable (an End of Local Plan 2031 scenario has previously been considered as part of the site allocations process) Site

Access

The junction would operate well within capacity.

Keymer Road/Folders Lane

Modelling has been provided based upon the secured mitigation from Clayton Mills (increased flaring on the northern Keymer Road arm to accommodate two lanes) The modelling provided shows that the addition of the development traffic would increase the Ratio to Flow Capacity (RFC) in the AM peak on Keymer Road south from 0.82 to 0.93, queues from 4 vehicles from 4 to 9 and delays from 29 seconds to 58 seconds. Whilst the junction is approaching capacity the level of queueing and delays would not be considered severe in line with NPPF para 111.

Folders Lane/Kings Way

No junction modelling has been provided, however, the applicant has provided information to allow a comparison of the future year scenario with the previously modelled signalisation scheme associated with the Land to the Rear of 88 Folders Lane planning application. The modelled flows are higher than those now predicted for 2027 and show the junction would operate within capacity. To date no design work has progressed on the signalisation of the junction, however, should the highway authority wish to deliver the scheme the funding exists.

Junction Road/Silverdale Road/Keymer Road/Station Road

The modelling provided indicates the junction would be operating close to capacity in the PM peak on Station Road however the addition of the development trips would only increase the RFC from 0.87 to 0.89, queues from 6 to 8 vehicles and delays from 22 seconds to 26 seconds and as such would not be considered severe.

Mill Road/Station Road/Church Road mini Roundabout

The modelling provided indicates the junction would operate within capacity with addition of development trips having a maximum impact of one additional vehicle queueing on any arm and an additional 4 seconds delay, it is however noted that the junction is currently being upgraded as part of the Burgess Hill Place and Connectivity Programme and thus the future signalisation scheme has also been modelled.

Mill Road/Station Road/Church Road Signalisation.

The signalisation scheme is in the process of being delivered and provides benefits for non motorised users level rather than capacity enhancements. The modelling provided indicates the junction would operate at capacity in the PM peak prior to the addition of development

trips. With the addition of development trips the Station Road (East) approach would exceed capacity and the mean max queue would increase by 9 vehicles. The increase in the level of queuing would not be considered to be severe.

Civic Way/Station Road/McDonalds/Queen Elizabeth Roundabout

The modelling provided indicates the junction would work within capacity in all scenarios.

Keymer Road/Ockley Lane

The modelling provide indicates the junction would be operating close to capacity in a 2027 scenario with development. The maximum RFC of 0.85, queues of 5 vehicles and delays of 32 seconds on the Ockley Lane approach would not be considered severe.

Mitigation

The Mid Sussex Infrastructure Delivery Plan | Site Allocations DPD document <https://www.midsussex.gov.uk/media/4385/site-allocations-development-plan-infrastructure-delivery-plan.pdf> indicates the site is to provide contributions based upon the Total Access Demand methodology towards the provision of additional sustainable transport infrastructure.

Layout

The internal network is laid out with in line with Manual for Streets principals. a primary street from the site access, secondary streets consisting of 5.5m carriageway and 2m footways and lanes (6m) and drives (4.1m) which would operate as shared space due to the low vehicle and pedestrian flows.

Vehicle tracking has been provided for a fire tender, refuse vehicle, tanker (to serve the pumping stations) and for cars to access parking spaces. Whilst it is noted that the large vehicles would over run the centre line when turning into the development this is not uncommon and given the limited number of trips (weekly for bin collections) is acceptable.

The site has been designed with a 20mph design speed with some reductions to 15mph at the edge of the developments. It is noted that in four locations the forward visibilities run across private frontages and as such either the plans should be amended or alternative controls (condition or covenant) restricting planting above 60cm in these areas.

It is noted that the internal network of the development is unlikely to be offered for adoption.

Parking

A total of 493 including 34 unallocated/visitor parking spaces are to be provided. The WSCC parking calculator indicates a total of 546 spaces should be provided however the guidance

does allow a 10% variation based on supporting information such as the range of sustainable transport measures. It should also be noted that the 80 garages (which count as 0.5 of a space (40 total spaces) are not included in the calculations due to double parking spaces in front of them.

The balance of unallocated parking provision is slightly skewed towards the northern parcel of the development and could benefit from a level of redistribution.

EV parking is to be provided in line with Building Regulations Cycle Parking is to be provided in line with WSCC standards

Travel Plan

A residential travel plan has been provided and is currently being considered by the Travel Plan team so additional comments will be provided at a later date. The travel plan would be secured by S106 and require an auditing fee of £3,500.

Conclusion

Further Information is requested upon

- Cycle connectivity onto Folders Lane
- Approach to visibility splays across residential frontages
- Redistributed visitor/unallocated parking

WSCC Local Lead Flood Authority

Thank you for your consultation on the above site, received on 25/04/2023. We have reviewed the application as submitted and wish to make the following comments.

This is a full planning application for the construction of 260 dwellings with associated works including attenuation ponds.

Following a review of the revised information the details are in accordance with NPPF and Local Planning Policies subject to the following conditions:

Condition 1

All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (Revision: REV I, dated April 2023), unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and local planning policies.

Condition 2

Prior to the construction of the development hereby permitted, detailed calculations, construction drawings including cross sections of the proposed crossings and associated flood compensation areas (ensuring water can flow freely in and out of the areas), and a

detailed construction method statement (which ensures protection of the ordinary watercourse) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be constructed in accordance with the approved drawings, method statement and Micro drainage calculations prior to the first occupation of the development hereby approved. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and ensure that that the flood risk is adequately addressed for each new dwelling, and not increased in accordance with the NPPF and local planning policies.

Condition 3

The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- i) A timetable for its implementation,
- ii) Details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
- iii) A table to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues; and
- iv) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability continues to be maintained as agreed for the lifetime of the development and to comply with the NPPF and local planning policies.

Condition 4

No dwelling shall be first occupied until a verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with the NPPF and local planning policies.

Condition 5

Prior to the commencement of the development hereby permitted, construction drawings of the surface water drainage network, associated sustainable drainage components, flow control mechanisms and a detailed construction method statement (which ensures

protection of the surface water drainage system through the whole of the construction as well as ensuring no debris/silt or sediment enters the surface water drainage system), have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be constructed in accordance with the approved drawings, method statement and Micro drainage calculations prior to the first occupation of the development hereby approved. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and Local Planning Policies.

WSSC Minerals

Recommendation: No objection

West Sussex Joint Minerals Local Plan (July 2018)

The site is within the brick clay Mineral Safeguarding Area and would occupy some 15.5ha of land. The applicant has provided a statement with regard to Policy M9 of the JMLP within their submitted planning statement, which opines that the site would be unsuitable for prior extraction given its strategic need as an allocated site for residential development (SA13), as identified within the Mid Sussex District Plan (2014), and that the depth of excavations required for the prior extraction of the brick clay mineral would necessitate significant alterations to the natural topography of the site which, if extracted, would reduce the feasibility for a landscape-driven development.

While it is appreciated that sterilisation of the mineral resources will occur as a result of the change of use of the land, the MWPA considers the safeguarding of the brick clay resource to be of somewhat low-priority given its relative abundance within the county (although it is noted that all sites should be assessed on their own merits) and the requirement for the applicant to demonstrate the proposal would meet the requirements of SA13, which emphasises the importance of a landscape-led development should one be produced.

Therefore, subject to the LPA being satisfied that the applicant has demonstrated that prior extraction is not environmentally feasible or economically practicable and that the overriding need for the development outweighs the safeguarding of the mineral resource, the MWPA would offer no objection to the proposed development.

WSCC Planning (Infrastructure)

Summary of Contributions

Education			
School Planning Area	Burgess Hill		
Population Adjustment	595.4		
	Primary	Secondary	6th Form
Child Product	6.9147	6.9147	3.7340
Total Places Required	48.4031	34.5736	7.4679
Library			
Locality	Burgess Hill		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£105,886		
Contribution towards East Grinstead/Haywards Heath	£0		
Population Adjustment	595.4		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	260		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	595.4		
Net Parking Spaces	478		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£979,146
Education - Secondary	£1,053,804
Education - 6th Form	£246,859
Libraries	£105,886
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£831,172
Total Contribution	£3,216,866

Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the *National Planning Policy Framework, 2019*.

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

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

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 260 net dwellings, and an additional 478 car parking spaces.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the West Sussex County Council website (<http://www.westsussex.gov.uk/s106><http://www.westsussex.gov.uk/s106>).

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.

- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2023. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary/Further Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.
- e) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

The contributions generated by this proposal shall be spent on additional facilities at Birchwood Grove Community Primary school or, the new primary school planned for Ockley Park in Hassocks should the County Council nominate to build the school which depends on the future overall need in the Burgess Hill/Hassocks area.

The contributions generated by this proposal shall be spent on additional facilities at The Burgess Hill Academy or, the secondary phase of the school proposed for Burgess Hill Northern Arc, currently in development and known as Bedelands School.

The contributions generated by this proposal shall be spent on additional facilities at St. Paul's Catholic College.

The contributions generated by this proposal shall be spent on providing additional facilities at Burgess Hill Library.

The Total Access Demand requirement is being dealt with separately by the Highways case officer.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and include indexation arrangements whereby all financial contributions will be index linked from the date of this consultation response to the date the contributions become due.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus require re-

assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

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

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

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

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as TPR- Total Places Required). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (cost multiplier).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

TPR = (No of year groups) x (child product)

Year groups are as below:

- Primary school- 7 year groups (aged 4 to 11)
- Secondary School- 5 year groups (aged 11 to 16)
- Sixth Form School Places- 2 year groups (aged 16 to 18)

Child Product is the adjusted education population multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

Child Product = Adjusted Population x 14 / 1000

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2022/2023, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £20,229 per child
- Secondary Schools- £30,480 per child
- Sixth Form Schools- £33,056 per child

2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The local floorspace demand (LFD) figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

Square Metre Demand = (Adjusted Population x LFD) / 1000

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,928 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2022/2023 period.

3. TAD- Total Access Demand

The methodology is based on total access to and from a development. An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The Sustainable Transport Contribution is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2022/2023 is £1,549 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£773).

c) Sustainable transport contribution = (net car parking – occupancy) x 773

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

WSCC Fire and Rescue

This application has been dealt with in accordance with the statutory obligation placed upon Fire and Rescue Service by the following act;

***Fire and Rescue Services Act 2004
Part 5, 38: Duty to secure water supply etc.***

- 1) *A fire and rescue authority must take all reasonable measures for securing that an adequate supply of water will be available for the authority's use in the event of fire.*

This proposal has been considered by means of desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC mapping and Fire and Rescue Service information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments:

- 1) Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
- 2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 – 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

South Downs National Park Authority

Although the application site is located outside of the National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination. The statutory purposes and duty of the National Park are:

- Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

The National Park's comments on the development are as follows:

I note the layout changes within the site and that a revision of the LVIA was submitted in December, followed by a rebuttal to the SDNPA's Landscape objection in January 2023.

Nevertheless, the proposals do not appear genuinely landscape led and the SDNPA therefore maintains our objection as set out in our comments of 28th November 2022, with particular regard to the landscape and ecological impacts of the proposed development within the southern parcel.

Comments from 28/11/2022

Thank you for your correspondence received 18 October 2022, consulting us as a neighbouring authority on the above noted development proposals. Although the application site is located outside of the National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination.

The statutory purposes and duty of the National Park are:

- Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

The National Park's comments on the development are as follows:

Thank you for consulting the SDNPA on this application. The Authority wishes to object to the application proposals as set out in our response below.

The development site is located to the south of Burgess Hill some 130m to the north of the National Park boundary. In its current, undeveloped state the site makes a strong and positive contribution to the National Park's setting.

Section 62 of the Environment Act 1995 requires all relevant authorities including neighbouring local planning authorities to have regard to National Park statutory purposes, the first of which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. Development within the setting of a national park should be consistent with the section 62 duty, and Paragraph 176 of the NPPF now includes specific reference to the setting of National Parks: "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while any development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas." It is therefore important to consider direct and indirect effects upon the National Park designated landscape and its setting as well as its special qualities.

The site is allocated under policy SA13 of the Mid Sussex Local Plan for 300 dwellings, and it is a matter of record that the SDNPA raised strong concerns with regard to the potential for

harmful visual and landscape impacts upon the National Park's setting, and impacts on ecology and biodiversity that would result from the provision of housing in such high numbers.

At examination stage the wording of SA13 was amended by the Inspector to address the SDNPA's concerns in requiring the delivery of a "sympathetic and well-integrated extension to Burgess Hill, informed by a landscape led masterplan, which responds to the setting of the South Downs National Park in its design creating a focal point with a central open space incorporating attractive and convenient pedestrian and cycle routes throughout the site providing good connections to local services and facilities." To avoid harm to the landscape designation, it is therefore critical that any proposal complies with the requirement for a landscape led master plan.

A landscape-led approach, utilising comprehensive, high quality, well-interpreted and well-understood evidence, will ensure the sensitivities and Special Qualities of the landscape and setting of the National Park can be conserved and enhanced. Without this information, the site's true capacity cannot be understood, negative effects cannot be avoided, mitigation cannot be well-considered and harm, which might have been otherwise avoidable, will likely occur. Without a comprehensive baseline the design will also not be sufficiently bespoke to respond to local evidence and character, resulting in a poorly integrated, 'anywhere' scheme.

The SDNPA Landscape officer has already provided the applicant with significant amount of guidance on both the LVIA process and landscape-led design, including the particular sensitivities of the site that are expected to be conserved and enhanced through the scheme. The SDNPA Landscape officer has also provided comments on a draft but very similar proposed layout.

The Landscape officer has reviewed the submitted details has advised that little of this guidance and advice has been heeded, resulting in a scheme that the SDNPA is unable support, for two reasons:

- i) Lack of any robust assessment methodology or assessment of the National Park's setting or effects upon it as a result of development;
- ii) Resultant likely negative impacts upon the National Park's setting and special qualities, contrary to the National Park's statutory purposes.

Setting

It is acknowledged that Landscape setting is not a term defined in the National Planning Policy Framework (NPPF), Mid Sussex Council (MSDC) Local Plan or South Downs National Park (SDNP) Local Plan or their Management Plan. This is because setting cannot be defined due to every site and its setting being unique.

The importance of setting to protected landscapes, including the South Downs National Park, is set out in a number of places, including the NPPF 2021 (see extract above) and Policy 18 of the MSDC Local Plan, summarised in the submitted LVIA as stating that "development on land which contributes to the setting of the National Park will only be

permitted where it does not detract from the visual and *special qualities (including dark skies), tranquillity and essential characteristics of the National Park. It states that development should not adversely affect transitional open green spaces between the site and the boundary of the National Park, and the views, outlook and aspect of the National Park by virtue of its location, scale, form or design.*" The italicised text indicates elements of the policy that the current application has failed to meet.

The setting of this part of the National Park has been slowly eroded through piecemeal development and some larger allocations. The result is that the impact of new development is now likely to be even more harmful as a result of this cumulative impact. The LVIA cites from the NPPG regarding the need for cumulative impacts of development on the landscape need to be considered carefully, but then proceeds to ignore it because cumulative impacts have not been considered at all.

The Scheme

Changes are needed to make the scheme acceptable and reduce negative impacts upon the National Park and its setting. In particular, but perhaps not limited to the southern parcel. Currently it is likely to create unacceptable negative effects upon the essential characteristics, condition, special qualities and function of the setting of the National Park. However, none of these have been assessed in the LVIA or accounted for in the 'landscape-led' masterplan.

Contrary to the NPPF, little effort has been made to determine or assess the setting and then avoid negative impacts upon it by for example, locating and designing dwellings sensitively, respecting the characteristics of the site and considering the National Park's Special Qualities etc. Best practice also advises landscape specialists work to the mitigation hierarchy - *avoiding* harm first. The amount of significant negative ecological and landscape effects demonstrate this has not happened.

The scheme has not achieved the guidance set out in the various independent LCA studies which exist to demonstrate how new development can positively contribute to landscape character.

The site has a number of different characteristics which the scheme fails to respond to, contrary to a landscape-led approach. For example, significantly more rural character is experienced as you travel south through the site, with a corresponding increase in ecology and a reduction in influence of the built environment and associated noise and light implications. In very basic terms it is expected these characteristics would directly inform the location, amount, type and design of development. Instead the proposed scheme creates pockets of development which fail to reflect the character or pattern of settlement of Burgess Hill or a more rural character/pattern of settlement. Leaving field boundaries mostly intact in no way means that the scheme is automatically landscape-led; landscape character needs to be expressed in every element of the proposal.

The following examples, all of which demonstrate negative effects arising from design choices made, indicate how far off the scheme is in terms of being landscape led:

Process

- The setting to the National Park has not been defined, either in landscape, perceptual qualities or functional terms.
- The layout has failed to reflect the different sensitivities expressed through the site, or the positive influence of the SDNP at the southern parcels.
- Layout fails to reflect a characteristic pattern of development. Instead creating enclaves/estates, isolated from the rest of Burgess Hill. Neither speaking to the town, or the countryside.
- Layout shows little restraint by pushing housing right up along the boundary of the site, closest to the SDNP.

Details

- Oversized roads - highway dominated, with pavements, and too much road - fails to contribute positively to a rural character.
- Perimeter blocks create a suburban, repetitive character inappropriate to a rural location in the setting and directly abutting the SDNP. Unnecessary curving routes accentuate this.
- (Sub)urban materials (e.g. concrete block)
- The reference under Character Areas by the Urban Design consultee picks out perfectly significant concerns around standard house-type or 'anywhere' design which are then expressed throughout the site with no uplift or changes to express rural quality close to the SDNP.
- Repeating housing types with poor quality materials, and faked diversity fails to acknowledge the positive characteristics of built form in this part of the Low Weald.
- Ubiquitous ornamental non-natives fail to celebrate the site's ecological richness, or rural character.
- The design relies upon visual screening - acknowledged on CSA drawing 6098/116 - with no demonstrable layout changes to account for known character and sensitivity within SDNP setting.

LVIA

The submitted LVIA is a poorly evidenced document that makes an early judgement about the site's value and contribution to the National Park's setting. The baseline evidence lacks the detail required, and fails to consider a number of key evidence sources including arboricultural, ecological, roads/access, drainage and soils, landscape history (including time-depth), cultural heritage and perceptual qualities (including Dark Skies and Tranquillity.) All of these evidence sources will inform the site's opportunities and constraints, and its overall capacity for development.

The findings of the LVIA are largely not supported and due to its inadequate baseline and methodology, effects upon the National Park are missed and effects upon the site are underestimated. It also shows that not all aspects of this landscape have been adequately understood - therefore it is not possible for the scheme to be landscape-led. Despite SDNPA providing direct and clear advice to the contrary, the LVIA continues to make the wholly inadequate assumption that because the site is not visible from SDNP, then no harm will

occur. The LVIA is inexplicably dismissive of the National Park's setting, and suggests (without any supporting evidence) that the site makes no or 'very limited' contribution to it. The SDNPA strongly disagrees with this wholly inadequate assessment. Furthermore, there is currently insufficient evidence to be able to determine the extent of the setting or nature of any impacts upon the National Park itself.

The setting of the National Park in this location is primarily driven by shared landscape, perceptual characteristics and likely ecological function (linked important habitats). The site now, exhibits shared levels of important and valued wildlife, landscape history (a complex of surviving medieval assart fields) and rural character with its associated levels of tranquillity (which was notable on site), these help it contribute positively to the setting of the National Park. All of these positive characteristics will be negatively affected by the proposal.

Whilst the LVIA continues to suggest the site plays no role in the National Park's setting at all it concludes 'The proposals will result in a significant change in the character of the Site.' This is agreed and it is the main reason for the harm to the landscape setting of the National Park and landscape objection.

The application demonstrates that the site, with its many ecological and landscape sensitivities, does not have the capacity for this number of dwellings in this layout without causing unacceptable negative effects. These effects would be largely avoidable if a high quality landscape-led scheme had been devised in accordance with Policy. Restraint is needed in particular in this southern parcel of land in order to avoid these effects. For a smaller amount of development it is possible to develop a rural Wealden character where roads, housing, spaces etc. speak of and are appropriate to this landscape. A sensitive, landscape-led approach ensures key characteristics are used to inform every aspect of design. This has not occurred here. The site will be experienced as another anywhere development which fails to celebrate Mid Sussex's landscape or the National Park's Special Qualities of significant wildlife, landscape history and tranquillity. Development within this setting of the SDNP should be high quality, maintaining the quality of landscapes beyond the National Park and ensuring more people are able to benefit from its designation.

Environment Agency

The Environment Agency has no comments because this consultation falls outside of our consultation checklist.

Southern Water

No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. As previously advised Southern Water seeks to limit the timescales to a maximum of 24 months from a firm commitment of the development.

Should the applicant wish to offer the sewers for adoption under section 104 of the Water Industry Act, the drainage design should comply with the Sewerage Sector Guidance

(water.org.uk/sewerage-sector-guidance-approved-documents/) standards and Southern Water's requirements. Please note that non-compliance with the Sewerage Sector Guidance standards will preclude future adoption of the foul sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. Applications for adoption of sewers by Southern Water can be made via the online service, Get Connected: developerservices.southernwater.co.uk.

All other comments in our response dated 24/01/2023 remain unchanged and valid.

Comments from 24/01/2023

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul sewer within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalized.

- The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water. - No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water will liaise with the developer in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for more complex applications our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24 month period:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required). - Detailed design, including land negotiations.
- Construction.

Southern Water hence requests the following condition to be applied: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

The submitted drainage details indicate the SuDS to be maintained within private ownership and maintenance.

However, under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119)

Sussex Police

I have had the opportunity to examine the detail within the application and I have no concerns over the reduction in dwellings from 264 to 260. I have viewed the changes as detailed within Amended Plan covering letter submitted in support of the amended application. Whilst there have been some changes to the design and layout, in the main I have concluded that no further crime prevention advice will be necessary at this stage.

My previous comments within my correspondence of PE/MID/22/18/A dated 03/11/2022 remain extant I thank you for allowing me the opportunity to comment.

Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations having been given due consideration. 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.

Previous comments dated 03/11/2022

Thank you for your correspondence of 05th January 2023, advising me of an amended planning application for a residential development, consisting of 260 dwellings with vehicular, pedestrian and cycle access, car parking, open space, play space, ecological areas, attenuation ponds, landscaping, and all other associated works. (Amended plans received 20th December showing a reduction in the number of dwellings (now 260), design and layout changes and additional/amended supporting information) 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 I have no concerns over the reduction in dwellings from 264 to 260. I have viewed the changes as detailed within Amended Plan covering letter submitted in support of the amended application. Whilst there have been some changes to the design and layout, in the main I have concluded that no further crime prevention advice will be necessary at this stage.

My previous comments within my correspondence of PE/MID/22/18/A dated 03/11/2022 remain extant.

I thank you for allowing me the opportunity to comment. Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations having been given due consideration.

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.

Comments dated 3rd November 2022

Thank you for your correspondence of 18th October 2022, advising me of a full planning application for a residential development, consisting of 264 dwellings with vehicular, pedestrian and cycle access, car parking, open space, play space, ecological areas, attenuation ponds, landscaping, and all other associated works 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 using Crime Prevention Through environmental Design (CPTED) principle and 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

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 – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

With the level of crime and anti-social behaviour in the 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 and I would like to raise the following observations.

Where communal parking occurs, it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

It is important that the boundary between public and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls, fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings, timber picket fencing or defensive planting. Whereas vulnerable areas such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow greater surveillance such as the proposed rear garden pathways. Close boarded fencing of 1.5m high topped with 300mm of trellis can be useful in such circumstances. This solution provides surveillance from the garden into an otherwise unobserved area (pathway) and a security height of 1.8m.

Where gates are being provided to access the rear gardens, they must be placed at the entrance to the garden as near to the front building line as possible to remove any recess for loitering. This will ensure that attempts to climb them will be in full view of the street. They are to be same height as the adjoining fence so as not to reduce the overall security of the dwelling's boundary. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges.

With regard to the blocks of multiple dwellings. From a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. SBD recommends specific requirements for

access control and door entry systems depending on the quantity of dwellings within each block. Please see SND Homes 2019 V2 chapter 27 respectively. Tradesperson buttons are not recommended as they have been proven to be the cause of anti-social behaviour and unlawful access to communal development. For multiple block of multiple dwellings serving 10 dwellings or more please see chapter 27.14. More robust construction.

With respects to mail delivery for block of multiple dwellings. There are increasing crime problems associated with eth delivery of post to buildings containing multiple dwellings or bedrooms. Therefore, mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence if not recommended. Facilities should eb provided that enable mail to be delivered to safe and secure areas. See SBD Homes 2019 V2 chapter 32.

I recommend the postal arrangements for the flat is through the wall or external secure post boxes. I strongly urge the applicant not to consider letter apertures with the flats' front doors. The absence of the letter aperture removes the opportunity for local manipulation, fishing and arson attach and has the potential to reduce unnecessary access to the block.

Where there is a requirement for a door-set to be both fire and security rated, e.g., flat or apartment entrance door-sets, interconnecting garage door-sets and door-sets aiding security compartmentation, the manufacturer or fabricator supplying the finished product to site is required to present independent third-party dual certification form a single UKAS accredited certification body for both elements. This is in order to minimise the likelihood of a door-set being presented in two differing configurations for separate fire and security tests and then later being misrepresented as one product meeting both requirements. This would apply to windows as well.

Where cycle security is being provided within garages and cycle sheds with the gardens, and communal cycle stores for the block of multiple dwelling. I would like to direct the applicant to SBD Homes v2 document chapter 56 for advice on cycle security and chapter 21.9 and 54 for increasing security of the garage vehicle door-set or the interconnecting to the dwelling where applicable. SBD offers specific specification advice to shed construction in order to provide a secure environment for the cycles.

Communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour. Care should be taken to ensure that a lone dwellings will not be adversely affected by the location of the amenity space, and it should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and disturbance.

Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access Para 9 SBD Homes 2019 V2.

Central to the design approach for this development is a landscape led green infrastructure that responds to the distinctive setting and site characteristics. The linear network of green corridors provides significant areas of linear open space and incorporates natural play with the site. *It will be imperative that these corridors are design in such a way that they do not encourage criminality into the development by providing legitimacy for access.*

When introducing public footpaths into development caution should be used, as the introduction of a footpath into or through a development has the potential to generate crime if not adequately designed. Chapter 8.3 of SBD Homes 2019 V2 states; *'Whilst is accepted that through routes will be included within the development layouts, the designer must ensure that he security of the development is not compromised by excessive permeability, for instance, by allowing the criminal legitimate access to the rear of side boundaries of dwellings or by providing toom any or unnecessary segregated footpaths.'*

Chapter 8.10 Footpath Design. *'SBD have identified that public footpaths should not run to the rear of gardens as this has have proven to generate crime. Where a segregated footpath is unavoidable, for example a public right of way, and ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they area as straight as possible – wide- well lit (within BS 5489-1:2020) – devoid of potential hiding places – overlooked by surrounding buildings and activities – well maintained so as to enable natural surveillance along the path and its borders.'*

SBD Homes 2019 V2 chapter 8.12 *'Where isolated footpaths are unavoidable, and where space permits, they should be at least 3m wide (to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles, and mobility vehicles). If footpaths are designated as an emergency access route, they must be wide enough to allow the passage of emergency and service vehicles and have lockable barriers.'*

SBD Homes 2019 V2 chapter 13.1 states; *' research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house.'*

In order to ensure that there is as much natural surveillance across the development as possible, ground planting should be no higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area. This will allow for the interaction of capable guardians across the site to observe and report any incidents and occurrences. A capable guardian has a 'human element', that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a crime. However, a capable guardian could also be CCTV, providing that someone is monitoring it at the other end of the camera at all times.

Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary, to identify a route they could take to avoid such a potential. Recent events that have made national news and become the focus of concern over safety in public places means that there is merit in recognising the enormous value people place on being able to move around in public places at night under high quality lighting systems.

I recommend that the dwelling's exterior lighting is switched by dusk till dawn lighting as opposed to PIR. Secured by Design has not specified PIR activated security lighting for a number of years following advice from the ILP and police concern regarding the increase in the fear of crime (particularly amongst the elderly) due to repeated PIR lamp activations. Research has proven that a constant level of illumination is more effective at controlling the night environment. For blocks of multiple dwellings, I recommend that the main entrance lobbies are lit with dusk till dawn switched lighting with the stairwells having PIR operated lighting. Additionally, I recommend that vandal resistant, dusk till dawn, energy efficient switched lighting is introduced into the car ports in order to provide a safe and secure environment for the users and their vehicles.

It is recognised that some local authorities have 'dark sky' policies and deliberately light some of their rural, low crime areas to very low levels of illumination. If this is the case, it is acceptable. However, where lighting is implemented and it is recommended for this application, it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

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

Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations having been given due consideration.

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.

NHS Sussex

Overview

Current Estate is at capacity in Burgess Hill. With housing developments in this area of Mid Sussex rising. As such, NHS Sussex (NHS commissioning) has worked with the District Valuer and District Council on both strategic plans and more local factors. For Burgess Hill GP's, there are circa 50,000 current registered people. The impact of new people coming to the area requires more places for GP attendances and as such the NHS is requesting financial contributions to support growth from housing and supporting NHS infrastructure.

Development proposal

NHS Sussex predicts that new residents will register at the Silverdale GP practice and/or Brow/other GP practice. The new homes are in the catchment area of 3+ GP practices. Residents may be supported by other sites, dependent upon choice (as noted) – but all are at capacity. Thus, NHS Sussex requests a contribution to enable support of the growing new housing population – work is under way for expanding capacity at the GP practices, subject to the s106 funding. This includes a new premises site (at business case submission, aligning housing fund contributions to enable progress) and the option to expand an existing site.

Additional population generated by this development will place an increased demand on existing primary healthcare services to the area. The application did not include any provision for health infrastructure on site (as this is not a strategic site) and so a contribution towards health infrastructure off-site via financial obligation is being sought.

The planning permission should not be granted Without an appropriate contribution to local health infrastructure to manage the additional load on services directly incurred as a consequence of this proposed development. Without associated infrastructure, NHS Sussex would be unable to sustain sufficient and safe services provided in the area and would therefore have to OBJECT to the development proposal.

NHS Sussex requests a contribution from the applicant of £394,108, as quantifiably in the tariff section, which will be used most likely towards supporting Silverdale practice / new site / site extension/growth – this will be considered after the Covid19 pandemic ‘working update’ is driven from NHSE). Funding will not be duplicated. NHS Sussex will consider the proportional use of these funds coupled with the other Burgess Hill and area developments so as to give best benefit to patient care. Safe and primary care supporting infrastructure is the objective to support this housing development.

The Tariff formula has been independently approved by the District Valuer

Assessment & request

NHS Sussex has undertaken an assessment of the implications of growth and the delivery of housing upon the health need of the District serving this proposed development, and in particular the major settlements in the district where new development is being directed towards. We have established that in order to maintain the current level of healthcare services, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and acknowledge as a fundamental requirement to the sound planning of the District.

The additional population generated by the development will inevitably place additional demand upon the existing level of health provision in the area. In the absence of developer contributions towards the provision of additional health infrastructure the additional strain placed on health resources would have a significant detrimental impact on District wide health provision.

Health utilises the legal advice outcomes and industry professional inputs from other public funded area, such as the Police service. With the direct impact of new housing and house

growth plans on registered patients, the submission that follows captures the necessary, directly related and fair/reasonable contributions required that relate to the associated house build volumes. The tried and tested formula used has been in use for many years and is annually reviewed.

Current Primary Healthcare Provision in Burgess Hill

Primary Care services in Burgess Hill are provided by a number of GP practices, funded from NHS funds for providing Primary health care. Some sites are purpose built in prior decades and some are re-worked sites. However, all sites were set to a size (estate area) for a population that has gone above optimal or possible working remits. This is due to housing growth.

The proposed development will need to have Primary Care infrastructure in place in order to care for the population increase. This contribution requested will be for the necessary infrastructure to cater for the site development at the most local GP service site(s) and encompass all the necessary components of patient need, whether at the GP practice or neighbouring service area.

As noted, this is the current position. COvid19 and/or other pandemic may require additional estate for the new housing population growth. We envisage that this will be supported centrally (NHS) in part. This current development response just related to new housing growth. NHS Sussex works closely with Mid Sussex District council, and as such we are continually looking at options and emerging opportunities. Our strategy is to work alongside stakeholders to deliver at scale where possible. Where this is not pragmatic for an area, then developing an existing site (building on existing great NHS services and thus optimising workforce) is another preferred option. Burgess Hill has a planned new site and increasing access at other sites.

To clarify, Primary Care provision in Burgess Hill is strong, but physical premises (and to some degree workforce) are required to meet the new residents in housing developments. GP's have list sizes (and catchment areas) of over 10,000 on average, and the aim is for larger scale where possible. Hence, in this instance, the plan is for developer contributions to support infrastructure.

Contribution Sought and Methodology

The funding will be a contribution of £394,108 for the infrastructure needs of NHS GP service site(s) of the currently named Silverdale GP practice, part of Burgess Hill PCN – Primary Care Network (all with planned site expansion plans). With recent Covid impacts, the NHS is reviewing how population need can be best supported premises wise. Funds will only be asked for on a proportionate level for the directly related services.

NHS Sussex, in line with NHS services and Commissioning across England, uses a service-demand and build-cost model to estimate the likely demand of increasing populations on healthcare provision and the cost of increasing physical capacity to meet this demand.

This service-demand and build-cost model is ideal for estimating the likely impact of future residents arising from a new development on health infrastructure capacity and the cost implications this will have on the commissioner, through the need to build additional physical capacity (in the form of new/expanded GP surgeries). The model has been used by CCGs in the southeast for over 10 years and is accepted by local planning authorities across West Sussex.

Service-load data is calculated on a square-metre-per-patient basis at a factor of 0.1142sqm/person. This factor is based on the average size of typical GP practices ranging from 1 to 7 doctors, assuming 1600 patients per doctor.

Build-cost data has been verified by the District Valuer Service (last update July 2022) and assumes £5,950/sqm, 'sense-checked' against recent building projects in West Sussex. The cost inputs refers only to capital construction costs; the commissioner funds the revenue cost of running the GP practices in perpetuity including staffing costs, operational costs and medical records etc.

Occupancy data, used to calculate the number of future patients-per-dwelling, is derived from 2011 Census Data and confirmed by West Sussex County Council (last update July 2015).

Finally, the specific dwelling size and mix profile for the proposed development is input into the model to provide a bespoke and proportionate assessment of the likely impact on health infrastructure arising from the development.

The output of this model for the proposed development is an estimated population increase of 580 new residents (weighted) with a consequential additional GP surgery area requirement of 66.24m². This equates to a direct cost of £394,108 for additional health infrastructure capacity arising from the development. The council is requested to ensure this contribution is index-linked within the S106 agreement at a basis that meets house build cost growth.

Compliance with National Policy and CIL regulations

The Community Infrastructure Levy Regulations in 2010 imposed new legal tests on local planning authorities to control the use of planning obligations (including financial contributions) namely through Section 106 agreements as part of the granting of planning permission for development.

The three legal tests were laid down in Community Infrastructure Levy Regulation 122: "A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- i. Necessary to make the proposed development acceptable in planning terms

Health infrastructure is an important material planning consideration in the determination of planning applications and the Council must take into account the positive or negative impact of development proposals on health infrastructure

when granting planning permission and associated section 106 agreements. There is no dedicated Government funding to cover new housing developments. Unless contributions from developments are secured, at worst there will be practices that would be forced to close as there would not be safe healthcare provision. In the least, there will be wait times (mainly driven by no estate / rooms to see patients in) would not be suitable for adequate healthcare.

Mid Sussex local plan has increasing incremental annual growth assumptions for housing development with certain strategic sites are potentially going to deliver in excess of 2,500 homes in this area over the current planning horizon and in excess of 13,000 homes in Mid Sussex. The pace of delivery and volume of new build housing and its subsequent occupancy will have a negative impact on the availability and capacity of health infrastructure causing a strain on existing services; the required additional infrastructure will comprise: clinical rooms for consultation/examination and treatment and medical professionals (and associated support service costs and staff).

NHS Sussex seeks to include these necessary and additional works as part of the solution to estate need for Burgess Hill.

ii. Directly related

It is indisputable that the increase in population of approximately 580 people living in the new development (with associated health needs) at GP practice or associated facility will place direct pressure on all organisations providing healthcare in the locality, in particular primary care provided by the NHS Sussex. Put simply, without the development taking place and the subsequent population growth there would be no requirement for the additional infrastructure.

The proposed developer contribution is therefore required to enable a proportionate increase to existing health infrastructure, to maintain its current level of service in the area. The infrastructure highlighted and costed is specifically related to the scale of development proposed. This has been tried and tested and has District Valuer support, in terms of the value of contribution.

iii. Fair and reasonably related in scale and kind to the proposed development

The developer contribution is to help achieve a proportionate increase in health infrastructure, thus enabling health to maintain its current level of service. Utilising a housing size as a reasonable proportion of infrastructure scale allows for fairness to all new housing developments, including the sites that are also strategic in nature.

The model uses robust evidence including local census data, build cost estimates (and actual) verified by the District Valuer Service and population projections verified by West Sussex County Council. A review of the police CIL compliance and their review of education and library compliance underlie the fair and reasonable approach of the health tariff – which is in turn in line with the other public sector areas.

Conclusion

In summary, the contributions sought by NHS Sussex are well-evidenced, founded in adopted development plan policy and comply with the legal tests of the CIL Regulations and NPPF. The contribution will be used to provide additional capacity in primary care facilities in the vicinity of the development, directly linked to this development, to support its future residents. To reiterate, without this essential contribution, planning permission should not be granted. As noted, this is the current position. Covid19 and/or other pandemic may require additional estate. We envisage that this will be supported centrally (NHS). This current development response just related to new housing growth.

Thank you for the continued support in securing health infrastructure contributions to enable the population of Mid Sussex to have access to the health care that it needs now and for future generations.