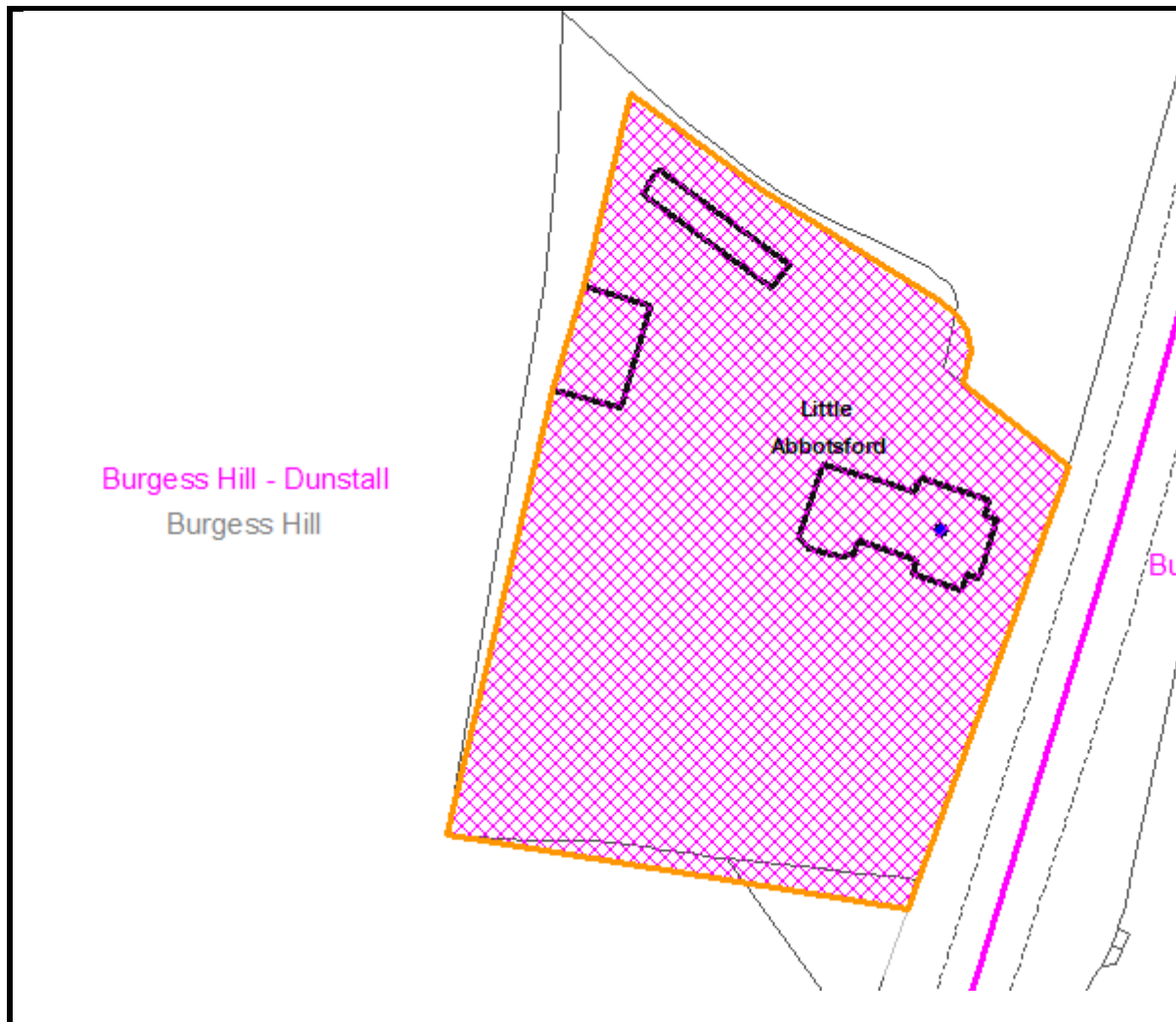


# Planning Committee

Recommended for Permission

8th February 2024

DM/23/0153



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|                   |  |
|-------------------|--|
| <b>Site:</b>      | Little Abbotsford Isaacs Lane Burgess Hill West Sussex RH15 8RA  |
| <b>Proposal:</b>  | Application for approval of Reserved Matters following S73 application ref: DM/23/0151, to vary outline approval and position of access under DM/19/3234 and the erection of nine dwellings relating to Appearance, Landscaping, Layout and Scale. Amended drawings received on 24.04.2023. Additional boundary treatment, amended landscape and site plans received 10.05.2023. Amended site plan including GIA's received on 21.07.2023. |
| <b>Applicant:</b> | Whitehall Homes LLP  |
| <b>Category:</b>  | Smallscale Major Dwellings   |

|                      |  |
|----------------------|--|
| <b>Target Date:</b>  | 12th February 2024                     |
| <b>Parish:</b>       | Burgess Hill                           |
| <b>Ward Members:</b> | Cllr Mike Kennedy / Cllr Mustak Miah / |
| <b>Case Officer:</b> | Rachel Richardson                      |

**Link to Planning Documents:**

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ROOU75KT0D200>

**1.0 Purpose of Report**

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

**2.0 Executive Summary**

2.0 This is a reserved matters application for the consideration of details in relation to the layout, scale, appearance and landscaping for nine dwellings on land at Little Abbotsford, Isaacs Lane, Burgess Hill.

2.1 Officers usually have delegated authority to determine a reserved matters application. However, in this instance Members of the planning committee previously considered the outline planning permission at the meeting on 14<sup>th</sup> April 2022 (DM/19/3234). This was due to the sensitivity of the site which adjoins the Northern Arc (now Brookleigh) land and the consideration of its access in advance of the Northern Arc proposals. The minutes of the April committee meeting confirm that the reserved matters application should also be considered at committee.

2.2 The principle of the development for nine dwellings, and the detailed consideration of its access, has been previously approved under application DM/19/3234, and subsequently under an amended application DM/23/0151, which revised the location of the access along the frontage of the site on Isaacs Lane.

2.3 Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the District Plan (DP), Site Allocations Development Plan Document (DPD).

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

2.5 The relevant planning policies are listed below but primarily relate to design and character of development given the issues reserved and for consideration under this application.

- 2.6 The layout proposed reflects the indicative layout submitted under DM/23/0151 and is supported by the Council's Urban Design Officer. It offers a more holistic use of the site through the disposition of dwellings around, about and across the site. The dominance of vehicular movement is reduced and priority is given to pedestrian footpaths and connectivity across and through the site to the west with the Northern Arc development proposals.
- 2.7 In terms of scale our Council's urban designer has commented that the proposed scale and massing is appropriate and in keeping with the future Northern Arc development taking on board heights and proportions of buildings on adjacent land.
- 2.8 The appearance of buildings recognises the mixed architectural styles and varying palette of materials and vernacular of buildings in Burgess Hill. It is considered that the proposed contemporary style and use of traditional materials will complement and be sympathetic to the locality.
- 2.9 The proposed landscaping seeks to retain existing vegetation (including hedgerows and oak trees) where possible and especially on the north and southern boundaries. It also includes a mixture of ornamental and native planting where appropriate and a mixture of hard surfacing materials to differentiate footpaths, garden areas and driveways. This is all considered to be acceptable.
- 2.10 Other issues including space standards, sustainability, residential amenity, highways, ecology, flood risk/drainage and infrastructure provision are also resolved to be acceptable and meet the criteria of adopted development plan policies, supplementary planning documents and national policy contained within the National Planning Policy Framework.

### **3.0 Recommendation**

- 3.1 That permission be granted subject to conditions listed in Appendix A.

### **4.0 Summary of Representations**

- 4.1 None received.

### **5.0 Summary of Consultees (full comments in appendix)**

#### 5.1 West Sussex County Council Highway Authority

- 5.2 No objection

#### 5.3 West Sussex County Council Fire, Water and Access

- 5.4 Gave advice and recommends planning conditions if permission is granted.

#### 5.5 MSDC Drainage Officer

- 5.6 No objection regarding layout.

#### 5.7 MSDC Urban Designer

- 5.8 No objection subject to recommendation of planning conditions for details of materials, landscaping, including boundary treatment, large scale drawings of window and door/canopy details and roof/eaves and PV panels.

5.9 MSDC Tree Officer

5.10 The layout is acceptable subject to detail.

5.11 Ecology Consultant

5.12 No objection subject to planning conditions.

5.13 MSDC Brookleigh (Northern Arc) Manager

5.14 Recommends a planning condition for all glazing at or above first floor level to be obscure glass in western elevation of plots 4B and 3B so as not to prejudice future development to the west.

**6.0 Town/Parish Council Observations**

6.1 The Parish Council raised concerns regarding:

- Protection of species on site
- Biodiversity net gain should be given consideration in built-up areas of Burgess Hill
- There is support for indigenous trees as advised by the Tree Officer
- Lack of sustainable transport – no cycle paths, bus routes nor footpaths to the site resulting in the need for the private car.

**7.0 Introduction**

7.1 This is an application for the approval of reserved matters, for consideration of details of appearance, landscaping, layout and scale. This follows approval of a S73 application, DM/23/0151, which received permission to vary the position of the access following outline application ref DM/19/3234. DM/23/0151 included an amended indicative layout for the construction of nine dwellings following the demolition of Little Abbotsford. This RM proposal follows that illustrative layout.

**8.0 Relevant Planning History**

8.1 CD/025/99

8.2 Proposed Extension and Closure of Existing Access and Creation of New Access. Permission 15.09.1999

8.3 DM/19/3234

8.4 Proposed erection of nine dwellings with associated parking, turning areas and new access onto Isaacs Lane. All matters reserved apart from access details Revised drawings received on 29th October 2021, 14th January 2022 and 10th February 2022.

8.5 Permission 19.07.2022

- 8.6 DM/23/0151
- 8.7 Variation of conditions 2, 9 and 10 of application reference DM/19/3234 to enable a revised access position to be approved.

8.8 Permission 15.06.2023

## **9.0 Site and Surroundings**

- 9.1 The site area totals 0.25 hectares and previously consisted of an existing detached dwelling and associated garden which is to the north of Burgess Hill.
- 9.2 The site lies off the western side of Isaacs Lane (A273). The site is relatively flat and adjoins open fields to the north, south and western boundaries. There is also an open field on the opposite side of Isaacs Lane to the east. The land surrounding the site, on all side, is and will be redeveloped for housing.
- 9.3 In terms of planning policy the site lies within the built-up area as defined in the Mid Sussex District Plan (MSDP) and within the Strategic development allocation for the north and north-west of Burgess Hill under policy DP9. However, it lies outside of the site of the outline planning permission for a phased mixed use development comprising approximately 3,040 dwellings and other associated community facilities for reasons of land ownership (DM/18/5114). Details for the Northern Arc residential redevelopment of the land surrounding the application site have not yet come forward, but this application proposal has been designed having regard to the Northern Arc Masterplan and Infrastructure Delivery Plan as well as the Phasing Strategy.

## **10.0 Application Details**

- 10.1 As stated above, this application seeks permission for consideration of the matters reserved following the S73 permission (DM/23/0151) to facilitate nine dwellings at Little Abbotsford, Isaacs Lane, Burgess Hill. The details to be considered under the reserved matters application are, layout, scale, appearance and landscaping.
- 10.2 DM/23/0151 has been granted permission to amend the position of the access along the Isaacs Lane frontage following the outline permission DM/19/3234. The revised position of the access was to facilitate an amended layout, compared to an alternative layout approved under the outline permission reference DM/19/3234.
- 10.3 Layout
- 10.4 The position of the revised access has moved further north along the Isaacs Lane frontage and is now adjacent to the existing and former access serving Little Abbotsford. An access road is proposed in an east-west direction with a turning head spur to the north. Proposed plots 4A, 4B and 5 lie to the northern side of the internal road. Plot 5 fronts onto Isaac Lane, while plots 4A and 4B front into the south and central part of the site. Six houses are proposed along the southern boundary of the application site. With the exception of plot 1A which fronts onto Isaacs Lane, the remaining five dwellings face north and into the site.
- 10.5 The proposed site layout comprises a detached dwelling and four pairs of semi-detached dwellings.

- 10.6 Two parking spaces are proposed for each dwelling and an additional three spaces at the end of the turning head. With the exception of plot 5 all parking spaces are to be located in front of each dwelling.
- 10.7 Each property has a rear garden with a cycle and bin store/shed.
- 10.8 The buildings to be demolished are within the vicinity of the northern part of the site on or close to the existing dwelling and plots 4A and 4B.
- 10.9 Scale
- 10.10 The proposed development comprises nine, three storey dwellings. Indicative drawings under DM/19/3234 illustrated terraces, and the subsequent S73 application (DM/23/0151) and reserved matter (DM/23/0153) applications have split the two terraces into smaller pairings of three storey townhouses and a detached townhouse. Each dwelling has 3 to 4 bedrooms. On plan the fourth bedroom is shown as a study/bedroom.
- 10.11 Appearance
- 10.12 The pairings of proposed semi-detached townhouses are staggered in their arrangements and have a contemporary appearance with flat facades and gable fronted elevations. Paragraph 3.6 of the design and access statement confirms that the architectural form revolves around a strong brick plinth with twin storey pitched volumes above. The upper storeys will be clad in brick or tile hanging. These will consist of a simple palette of multi stock brickwork in two tones with clay tiles offset against a bronze/grey accent clad slim framed entrance porches and window frames. The windows and doors will either consist of aluminium or slim frame uPVC casements.
- 10.13 Landscaping
- 10.14 The application is accompanied by an amended landscaping plan and amended boundary treatment plan. The drawings illustrate retention of existing oak trees on the northern boundary and other existing trees within proximity but outside of the red edged boundary. Ornamental planting is proposed throughout the site to provide low level shrubs alongside footpaths and dotted in and around the driveway and parking areas. New tree planting is also proposed in places around the driveway as well as along the Isaacs Lane frontage. This will be of a mixed native species.
- 10.15 The rear gardens will be laid to lawn and each dwelling will also have a paved area at the rear. The plan shows that both the north and southern boundaries as well as in between garden boundaries, will have post and rail fencing installed within and amongst a native hedgerow. It is proposed to retain the existing shrubbery and re plant where necessary.
- 10.16 It is proposed to construct a low brick wall along the Isaacs Lane boundary set behind ornamental and tree planting. Another low brick wall would be constructed to the rear of plot 5 to separate the visitor parking from the rear garden of this dwelling. It is also shown along part of the western boundary where it is adjacent to the driveway and parking and adjoin the land to be redeveloped for housing as part of the Northern Arc Masterplan (now Brookleigh).

10.17 The access off Isaacs Lane would be finished in a tarmac surface, the driveway would be permeable block paving. Footpaths to dwellings would be concrete pavers and a compacted gravel path would be created between dwellings.

10.18 Privacy 1.8m high fencing is proposed between and at the rear of semi-detached dwellings.

## **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.

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

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

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

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

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

11.2 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.

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

11.4 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and Site Allocations DPD.

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

## **11.6 LIST OF POLICIES**

### **11.7 Mid Sussex District Plan 2014-2031**

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

DP26 Character and Design  
DP27 Dwelling Space Standards  
DP28 Accessibility  
DP29 Noise, Air and Light Pollution  
DP37 Trees, Woodlands and Hedgerows  
DP38: Biodiversity  
DP39 Sustainable Design and Construction  
DP41 Flood Risk and Drainage

11.8 Neighbourhood Plan

The site is not within an area that is covered by a Neighbourhood Plan.

11.9 Mid Sussex District Plan 2021-2039 - Submission Draft (Regulation 19)

11.10 The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current adopted District Plan 2014-2031 and its policies will have full weight.

11.11 In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

11.12 As the submission draft District Plan 2021-2039 (Regulation 19) was published for public consultation on 12<sup>th</sup> January 2024 for six weeks, and therefore at this stage the Local Planning Authority does not know which Policies will be the subject of unresolved objections, only minimal weight can be given to the Plan at this stage.

11.13 As such, this planning application has been assessed against the policies of the adopted District Plan.

DPS2: Sustainable Design and Construction  
DPS4: Flood Risk and Sustainable Drainage  
DPS6: Health and Wellbeing  
DPN1: Biodiversity, Geodiversity and Nature Recovery  
DPN4: Trees, Woodland and Hedgerows  
DPN6: Pollution  
DPN7: Noise Impacts  
DPB1: Character and Design  
DPH3: Sustainable Development – Inside the Built-up Area  
DPH11: Dwelling Space Standards

11.14 Northern Arc Masterplan (2018)

11.15 The Northern Arc Masterplan (Masterplan) was approved at the Mid Sussex District Council Cabinet Meeting on 24<sup>th</sup> September 2018 as a material consideration for all forthcoming planning applications in relation to the Northern Arc.

11.16 Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018)

11.17 The Northern Arc Infrastructure Delivery Plan (IDP) was approved at the Mid Sussex District Council Cabinet Meeting on 24<sup>th</sup> September 2018 as a material consideration for all forthcoming planning applications in relation to the Northern



Arc. The IDP identifies the infrastructure necessary to facilitate and support the development of Burgess Hill Northern Arc.

- 11.18 Northern Arc Design Guide (2019)
- 11.19 The Northern Arc Design Guide sets out the Design Principles to be applied across the Northern Arc. The document was approved as part of the Northern Arc Outline Planning Application (DM/18/5114). Whilst this site was not included in the Outline Planning Application, the site is part of the Northern Arc allocation in the District Plan and as such, the Northern Arc Design Guide is considered to be a material planning consideration for this application.
- 11.20 Development Infrastructure and Contributions Supplementary Planning Document (SPD)
- 11.21 Development Viability Supplementary Planning Document (SPD)
- 11.22 Mid Sussex Design Guide Supplementary Planning Document (SPD)
- 11.23 The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.
- 11.24 National Design Guide
- 11.25 Ministerial Statement and Design Guide
- 11.26 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.
- 11.27 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.
- 11.28 Technical Housing Standards Nationally Described Space Standards
- 11.29 National Planning Policy Framework (NPPF) (December 2023)
- 11.30 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'

11.31 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.'*

11.32 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.'*

11.33 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.

## **12.0 Assessment**

12.1 The principle of the development has already been approved following the grant of outline planning permission reference DM/19/3234 and subsequently DM/23/0151.

12.2 Under the outline and subsequent S73 permissions only the details for access were considered. DM/23/0151, approved the relocation of the access on Isaacs Lane further to the north.

12.3 Therefore, the main issues that need to be considered in the determination of this reserved matters application are;

- Layout
- Scale
- Appearance, and
- Landscaping.

12.4 Other issues to be addressed are:

- Space standards
- Sustainability
- Residential amenity
- Highways
- Ecology
- Flood Risk/Drainage, and
- Infrastructure Provision

12.5 Layout

12.6 Mid Sussex District Plan policy DP26 states:

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

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

12.8 Chapter 4: Site Layout, Streets and Spaces of Mid Sussex Design Guide SPD contains certain principles which are relevant to this application proposal. These are DG12: to deliver a clear and connected structure of streets and spaces, DG13: provides positive frontages to streets, DG14 provides enclosure, DG15: legibility and image, DG16: creates a positive development edge, DG17: pedestrian friendly streets and street hierarchy, DG18: integrate parking to support attractive streets and spaces, DG19: provision of off-street parking, DG21: consider and allow for servicing, refuse collection and deliveries, DG22: integrate refuse and recycling into the design of new development, DG24: plan for cyclists, DG27: integrate tree planting and soft landscape, DG30: design for everyone and look to the future.

12.9 The applicant is expected to meet the requirements of all the relevant principles or provide justification for failure to do so.

12.10 Paragraph 131 of the NPPF states that:

*'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

12.11 Paragraph 128 of the NPPF states:

'Planning policies and decisions should support development that makes efficient use of land, taking into account:

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

12.12 The Northern Arc Design Guide sets out the design principles that should be applied to development on the Northern Arc.

12.13 The outline planning permission (DM/19/3234) approved an indicative layout comprising two rows of terraced town houses with the access in more of a southerly position along the Isaacs Lane frontage. The terraces were orientated with one row fronting onto Isaacs Lane and the other facing to the northern boundary of the application site. Rear gardens were backing onto the proposed driveway and parking area concentrated on the southern half of the site. The applicant considered that the outline layout suffered from a large area of hard surfacing with a dominance of car parking, whilst also remote and resulting in an unpleasant relationship with the housing. The access to each dwelling was confused and undersized gardens were unsuccessfully addressing the public open space.

12.14 The reserved matters application now proposes a different arrangement (which reflects the indicative layout submitted under DM/23/0151) which has moved the access further north and adjacent to the existing access to Little Abbotsford. This has created a revised access and driveway which is more centrally positioned within the site and as a result brought about the opportunity for a new housing layout.

12.15 The proposed scheme offers a more holistic use of the site through the disposition of dwellings around, about and across the site. The dominance of vehicular movement is reduced and priority is given to pedestrian footpaths and connectivity across and through the site to the west with the Northern Arc development proposals. Previously there was a division between the concentration of residential development to the north-east and 'back-of-house' south side resulting in compromising amenity space around the dwellings and less attractive boundaries to the south side of the site, dominated by car parking and servicing.

12.16 The proposed scheme under the reserved matters application allows more permeability and vistas through the site whilst creating a 'sense of space' with gaps between and around townhouses.

12.17 This scheme also takes on board the comments made by the Council's Urban Designer under the outline application and has continued to set back the building line from the road to allow for a continuous row of trees and planting between the townhouses and a pedestrian cycle route along Isaacs Lane.

12.18 The re orientation of the houses, retains those fronting onto Isaacs Lane but also creates a stronger sense of community and neighbourhood from now being inward

facing which addresses the passive and passing surveillance on site and to its boundaries.

12.19 The current layout also improves the access onto the road. Moving the access point away from the future major junction of Isaacs Lane with Northern Arc Avenue and thereby improving the visibility and safety of the access. The revised access has been approved under the Section 73 application DM/23/0151.

12.20 With regards to layout our MSDC Urban Designer has commented that the proposed scheme is an improvement on the previously submitted layout and sufficiently addresses the previous concerns.

12.21 The urban designer has commented that:

*'the scheme sits within the wider Northern Arc development. The proposed Layout was designed in a way that the scheme should not have a detrimental impact on the future developments on adjacent Northern Arc sites.'*

12.22 It was also suggested that plot 4A be moved to the eastern corner of the plot it sits on, to allow for improved positive frontage to better address the future Northern Arc street and to address the concept of positive frontages. Amended drawings have been received to address this comment. The urban designer now considers that the scheme has improved passive surveillance of the pedestrian link to the Northern Arc.

12.23 It is also considered that the proposed parking layout in front of the townhouses has been sufficiently softened and addressed through appropriate landscaping, which is to be considered below in more detail. The amended layout has allowed for more organic landscaping, retention of more trees and the planting of additional trees across the site. The former layout predominantly limited planting to mainly the boundaries.

12.24 Scale

12.25 The Committee report under DM/19/3234 of the outline planning permission sets out that;

12.26 *"The outline approval for the Northern Arc land to the north of the application site indicates between 2-3 storeys in height and the land to the west and south of the application site has approved indicative heights of between 3 and 5 storeys. The scheme has indicated heights of 3 storeys and a proposed density of 45 dph compared to the adjoining Northern Arc plans which range from between 35-65 dph."*

12.27 The density of the development was accepted at outline stage.

12.28 The scale is also as proposed at the outline planning permission stage which is for nine, three storey dwellings. However, the current scheme has sought to break up the massing, now proposing four pairs of semi-detached dwellings and a detached dwelling instead of two rows of terraced townhouses.

12.29 The staggered arrangement and spaces between buildings now creates a smaller and more fragmented overall built form across the site which offers the benefit of permeability. Whilst previously the terraced townhouses would have resulted in a large mass with very flat and monolithic elevations.

12.30 Our Council's urban designer has commented that proposed the scale and massing is appropriate and in keeping with the future Northern Arc development.

12.31 Appearance

12.32 The applicants design and access statement states:

*'Currently the site is surrounded by fields, however the area will be developed to higher density. It is understood that the outline proposals for developments are yet to be submitted therefore the future immediate neighbouring building context is unknown.'*

12.33 The Design and access statement addresses the masterplan context for the Northern Arc in terms of density and scale and also the appearance and character of the locality.

12.34 Little Abbotsford was a typical example of a local artisans dwelling with features such as the use of carved wooden details found on all front porches of the terrace and small sash windows and chimneys. However on the basis that the whole context will be transformed by the Northern Arc development, the character of the area has been extended to the wider context and the townscape of Burgess Hill.

12.35 The character though is varied and in the conservation area there is a mix of Edwardian and Victorian properties. There are large townhouses along Park Road and Crescent Road with spacious gardens which contrasts with the more enclosed and high density character of Fairfield Conservation Area. The dominant materials across the conservation area are brick, clay tile hanging and render and sometimes with ornamental ridge tiles. Outside of the conservation area the mix of materials is more diverse.

12.36 The detailed design of the scheme has therefore been developed to address the issues of sustainability and to move towards a contemporary approach regarding architectural appearance so that it can be of its time whilst also complementing the local character. It aims to create a sense of place which enriches the townscape of Burgess Hill.

12.37 The visualisation drawings illustrate views of the street scene from Isaacs Lane of the resulting appearance of the development. This is also demonstrated in paragraph 3.6 of the design and access statement which discusses materials.

12.38 A simple palette of multi stock brickwork in two tones with clay tiles and bronze/grey slim framed fenestration. The built forms will comprise three storey flat gable elevations in a staggered arrangement, punctuated by planting and varying shared hard surfaces.

12.39 Our Council's urban designer has commented that,

*"The scheme benefits from crisp contemporary-designed facades set within traditional building forms/roof-profile and mostly employing natural/local facing materials that ensure the buildings respond appropriately to their setting while also being sufficiently distinctive to provide an individual sense of place."*

12.40 Given the above, in terms of appearance, it is considered that the proposed development is acceptable and accords with the criteria of the above mentioned relevant policies.

12.41 Landscaping

DP37 in part states that:

*“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.”

12.42 The design and access statement mentions about the strength of the area as outlined in the Masterplan and that Isaacs Lane and the land to the north of the site is to be particularly verdant with natural green spaces.

12.43 The previous outline layout has been considered and the reserved matters application has sought to retain as many trees as possible whilst also creating

opportunities to plant new trees. It is also proposed to maintain and enhance the existing hedgerows to the southern and northern boundaries to provide an attractive amenity to rear gardens whilst reinforcing the verdant character of existing boundaries.

- 12.44 Some of the key principles of the landscape strategy are, to retain where possible existing trees and hedgerows, to reinforce boundary vegetation, including tree planting to Isaacs Lane and to create an attractive shared amenity space, which includes integrated street trees and private gardens and natural surveillance.
- 12.45 The proposed landscaping drawing illustrates new tree planting along Isaacs Lane to be of a mixed native species. Our Council's tree officer has commented that additional information is required for tree planting but that in principle the proposals are acceptable and in terms of additional information this can be conditioned. It should be noted that conditions to this effect have been included on the outline planning permission and seek to obtain protection measures for trees being retained. The tree officer has asked for detailed specifications of the trees and hedges being planted showing species, size and numbers along with a maintenance plan and schedule. Also, a method statement and tree protection plan for demolition and construction phases. The applicant has commented that this information will be provided for the planning conditions of the outline planning permission. This of course will be the S73 permission under DM/23/151 which superseded the original outline planning permission (DM/19/3234) and is the more recent permission which is to be implemented.
- 12.46 Amended drawings have been submitted by the applicant following the urban designers comments. The amended landscape plan shows a small alteration to the planting outside plot 4A to assist vehicle tracking.
- 12.47 The Council's urban designer has also commented on boundary treatment. Our urban designer has advised that low brick walls should be constructed either side of plots 4A and 4B and the western side of 3B. Also that the hedge height should be low along the northern boundary at the point of the footpath entry from adjoining land. It was suggested that brick walls be constructed around the perimeter of the southern boundary and in part along the western boundary and between plots 4A and 5.
- 12.48 The applicant has responded to this and has commented that they do not want to remove existing hedges which are between 1.8m and 2.4m high and replace these with brick walls. They have said that providing a brick wall along the southern boundary will mean the removal of well-established trees and hedgerow. Likewise, the Northeast corner contains a large established tree and hedge line, which would have to be removed. The east boundary is a similar situation, there is a well-established hedgerow. The brick walls for Plot 5, that border the parking, will conflict with the existing large tree at its northern most end. As will most (circa 50%) of plot 4B's brick wall, as has been marked up.
- 12.49 The applicant has commented that it does not feel appropriate to be removing existing well established green boundary treatments and replacing them with brick walls. Losing the trees and mature hedgerows, as well as effectively sealing all site edges with solid barriers for wildlife would be detrimental to biodiversity on site and in the wider context. The applicant is also concerned that the construction of boundary walls are likely to run through the root protection areas of mature trees which have been consistently sought to be retained.



- 12.50 Our urban designer has commented on the need for a clear visual link to future development. The applicant has commented that the landscape plan seeks to provide this with the footpath shown accessing the northern boundary.
- 12.51 The Council's tree and landscape officer has reviewed the amended landscape drawings and supports the proposals to retain all existing boundary vegetation. Our urban designer has now considered the most recent amended boundary treatment plan and has advised that her earlier comments have now been sufficiently addressed.
- 12.52 The hard surfaced area is a shared surface and the footpaths which run through the site from east to west as well as across the driveway from north to south would be clearly demarcated through the use of different materials.
- 12.53 It is considered that the footpaths would be overlooked as a result in the inward facing orientation of the dwellings. The proposed footpath from the north and to the rear of the plot 5 is directly opposite plots 2A and 2B and flanked by plot 4A. This is considered to be acceptable in terms of the landscaping arrangement and plan.
- 12.54 Overall, and in terms of landscaping detail, it is considered that the proposals are acceptable. The amended site layout allows for a more organic landscaping scheme and externally, the mature hedgerows along the southern and northern boundaries will be retained and enhanced. The existing mature oak trees and proposed planting will also contribute to the continuity of green corridors as outlined in the Northern Arc Plan vision and Masterplan. The landscaping proposals therefore meet the requirements of criteria in the relevant planning policies.
- 12.55 Space standards
- 12.56 Policy DP27 Dwelling Space Standards, of the MSDP states the following:
- 12.57 *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:*
- 12.58 *Open market dwellings and affordable housing;*
- 12.59 *The full range of dwelling types; and*
- 12.60 *Dwellings created through subdivision or conversion.*
- 12.61 *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.*
- 12.62 *The design and access statement confirms that, 'The indicative floor plans and layout have been formulated in accordance with this policy and nationally described space standards. This can be confirmed and detailed as part of an Approval of Reserved Matters application.'*
- 12.63 The Technical housing standards - national described space standards stipulates that a three storey 3 bedroom property should have a gross internal floor area (GIA) of between 90-108 sqm (and 2.5 sqm of built-in storage space), and a three storey 4 bedroom property should have a GIA of 103-130 (and 3sqm of built in storage).

- 12.64 An amended site plan drawing No. 0102 Rev P12 has been submitted listing the GIA schedule for each plot.
- 12.65 The smallest floor area proposed for a three storey house is 108.12 sq.m which is compliant with the nationally described space standards. As such, the proposed development meets the space standards requirements and is in accordance with policy DP27 and technical housing standards.
- 12.66 Sustainability
- 12.67 Policy DP39 of the District Plan states:
- 12.68 *“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.*
- 12.69 Principle DG37 of the Council's Design Guide deals with 'sustainable buildings' and states;
- “The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.”*
- 12.70 It lists a number of issues that designers should consider, including, amongst others, the incorporation of renewable energy technologies.
- 12.71 Paragraph 159 (b) of the NPPF seeks to ensure new development helps, *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* In determining planning applications paragraph 162 (b) expects new development to, *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*
- 12.72 The design proposals in relation to sustainability and construction are addressed in the design and access statement.
- 12.73 In terms of location, the application site is within the built up area as defined by the Mid Sussex District Plan, and although at present located to the north of the current

limits of Burgess Hill, it will on completion of the Northern Arc proposals, be adjacent and surrounded by the eastern community and centre of the Northern Arc. The Northern Arc proposals include facilities such as shops, community facilities, recreation and children's play areas. These will be within walking distance without the need to travel by car.

- 12.74 The detailed layout also illustrates the provision of cycle storage (within the provided garden sheds) for each dwelling to reduce the need to travel by car.
- 12.75 The proposals would aim to achieve low energy dwellings.
- 12.76 This would be achieved from a Fabric First method, creating high levels of insulation and air tightness, utilising mechanical ventilation with heat recovery (MVHR). The scheme will also provide ventilation in high stress thermal periods. The roofs are orientated to east-west for the optimum and uniform outputs from solar gain PV's during the day. The proposed design and layout which limits fenestration to side elevations and allows for passages between houses provides opportunity to locate Air Source Heat Pumps (ASHP's).
- 12.77 It is considered that the combination of insulation, air tightness, ventilation with heat recovery and renewable energy system of PV's and ASHP's would create the optimum potential for dwellings with ideal energy credentials.
- 12.78 The proposed elevations do not show the provision of PV's. However, as part of any planning permission a condition will be added to include for the submission of details of sustainability proposals to show their appearance and method of construction on the roofs.
- 12.79 In respect of water usage fixtures these will be designed to reduce general water usage by the future occupants. It is intended that measures will be integrated into the final design to ensure that water usage is limited and in accordance with MSDP policy DP42.
- 12.80 Under the outline scheme The Sustainability Statement confirmed that the scheme will assist in the mitigation and adaptation to climate change. This will be achieved by meeting or exceeding Part L of the building regulation requirements, measures to reduce car use, flood risk assessment and efforts to improve biodiversity.
- 12.81 Under Part S of the building regulation requirements each dwelling is required to have its own electric vehicle charging point or make a financial contribution.
- 12.82 Under the sustainability objectives of paragraph 8 in the NPPF, the proposed development will help to contribute towards the local economy by providing jobs for construction workers and through the acquisition of locally sourced materials and building supplies/machinery. This will support growth, innovation and improved productivity in what is currently a difficult financial climate.
- 12.83 As such, it is considered that policy requirements are met and is therefore in accordance with MSDP policy DP39.
- 12.84 The development would also need to conform with the requirements of the Building Regulations at implementation stage.

12.85 Residential Amenity

- 12.86 Policy DP26 seeks to protect residential amenity and states that new development will not be permitted if significant harm to the amenities of existing nearby residents and future occupants of new dwellings, when considering matters such as overlooking, loss of privacy and noise/disturbance, amongst other potential issues.
- 12.87 Policy DP29 deals specifically with noise pollution, as well as air and light, and seeks to protect the quality of people's life from unacceptable levels of noise. It states that the residential development '*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 a development*'.
- 12.88 Mid Sussex Design Guide provides guidelines for the protection of residential amenity. Principles DG45 addresses issues of privacy, DG46 - External Amenity Space, DG47 - Daylight and Sunlight, DG48 - Noise, Air and Light Pollution. It acknowledges that the design of new development can have a direct impact on the quality of life.
- 12.89 NPPF (Dec 2023) also states at paragraph 135 (f) that decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 12.90 Paragraph 3.7 of the Design and Access Statement states that the site is surrounded by fields at present but will in the future Northern Arc development proposals be developed to a higher density. The outline proposals for developments on the adjoining land are yet to be submitted therefore the future immediate neighbouring context is unknown.
- 12.91 In this scheme, the orientation of windows has been considered to ensure the scheme does not have a detrimental impact on future developments at the adjacent land. The larger areas of glazing are generally facing into the site, albeit there are windows over gardens. However, the gardens are about 9-10m deep and this is considered to be a reasonable relationship for development in the built up area.
- 12.92 Within the site there is a separation distance (front to front) between plots 3A/3B and 4A/4B of about 21m and 16m between 1A/1B and plot 5 where plots 1A/1B are facing the side elevation of 5. Again, this is an acceptable relationship in terms of distance for houses in a built up residential area.
- 12.93 The Northern Arc Strategic Development Delivery Manager has also requested that a planning condition be added to any planning permission granted, for obscure glazing at first floor and above in the western elevations of 3B and 4B so as not to compromise future development on the adjoining land to the west.
- 12.94 It is therefore considered that in terms of residential amenity in this location, the proposed development is acceptable and in accordance with the criteria of policy DP26 and the principle contained within the Mid Sussex Design Guide, as well as national policy within the NPPF.

12.95 Highways

12.96 Policy DP21 of the District Plan deals with transport matters and sets out criteria against which decisions on development proposals will be assessed. It states:

12.97 *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.*

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*

12.99 *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.*

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

12.101 *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.*

- 12.102 Paragraph 115 of the NPPF states that:
- 12.103 *'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 12.104 The details for the access were considered and approved at the April planning committee in 2022. An amendment to the position of the access has been subsequently approved under DM/23/0151. The approved access is further north along the Isaacs Lane boundary fronting the site.
- 12.105 The detailed design and the required visibility splays have been formulated having regard to the location of the proposed access onto Isaac's Lane, the likely traffic flows and the transport proposals accompanying the wider Northern Arc planning application.
- 12.106 Two car parking spaces are proposed for each house and there are three parking spaces for visitors. These parking bays are located to the front of proposed dwellings and the visitor bays are between houses to the north.
- 12.107 The dominance of vehicular movement is also reduced by designing a shared surface to prioritise pedestrian access throughout site. This approach is considered more appropriate, especially due to the location of the site in relation to the new neighbourhood centre as outlined in the Northern Arc Masterplan. Furthermore, the proposed main drive and pedestrian access weaves through the site in a westerly direction, creating an opportunity to join up with the adjacent site.
- 12.108 West Sussex County Council Highway Authority has commented that the proposed 18 car parking spaces meets the guidance and sufficient space remains on site for cars to turn so they can exit to Isaacs Lane in a forward gear. As such, The Highway Authority has no objection.
- 12.109 It is therefore considered that from a highways issue, this application is acceptable and meets the criteria of relevant policies.
- 12.110 Ecology
- 12.111 MSDP policy DP38: Biodiversity states the following:
- 12.112 *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.*

- 12.113 *Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.*
- 12.114 *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.'*
- 12.115 Policy DP38 seeks to ensure that new developments protect and enhance existing biodiversity and create new green infrastructure and ecological networks to ensure a net gain in biodiversity.
- 12.116 NPPF (Dec 2023) paragraph 180 (d) formerly 174 (d), seeks to minimise impacts on and provide net gains for biodiversity.
- 12.117 The applicants ecological impact assessment (Lizard Landscape Design and Ecology) dated 28.11.2022 concluded at para's 7.3 and 7.4, that:
- 'Phase 2 protected species surveys found day roost of common pipistrelle and brown long-eared bats on site. In addition, reptiles are known to be present on site, while the site also offers suitable habitat for nesting birds and hedgehogs.*
- 12.118 *Avoidance, mitigation and compensation measures with regard these species have been built into the scheme in accordance with the mitigation hierarchy and BS42020: 2013.*
- 12.119 *Once avoidance, mitigation and compensation measures have been taken into account, the impacts of the planned development upon biodiversity will be negligible.'*
- 12.120 As such a planning condition (15) was added to the S73 planning permission reference DM/23/0151 to protect these habitats through mitigation and compensatory measures.
- 12.121 There has been a delay in this reserved matters application coming to the planning committee because of the ecology related matters. The applicant cleared the site and removed all of its vegetation and buildings prior to the requirements of planning condition 15 and any mitigation/compensatory measures being put in place. Condition 15 asked for updated scoping surveys and any phase 2 surveys for any protected/notable species where identified in the scoping survey.
- 12.122 Notwithstanding this, and in order to move forward and resolve the issue, the applicant was advised to carry out an ecological impact assessment to update the conclusions to date after clearance works on site and to support planning condition 15 of the outline permission. They were advised to take the biodiversity baseline as

that immediately prior to site clearance and this will be accounted for in the decision making.

12.123 The applicant has now done this work.

12.124 The Council's ecology consultant has commented that:

12.125 *'We are now satisfied that there is sufficient ecological information available for determination of this reserved matters application and discharge of Condition 15 of DM/19/3234.*

*This provides certainty for the LPA of the likely impacts from clearance on designated sites, protected and Priority species & habitats and, with appropriate mitigation, compensation and enhancement measures secured, the development can now be made acceptable.*

*The mitigation, compensation and enhancement measures identified in the Ecological Impact Assessment (EclA) (JWK Wildlife surveys, 16 Nov 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.*

*We also support the proposed reasonable biodiversity enhancements in Section 7 of the Ecological Impact Assessment (EclA) (JWK Wildlife surveys, 16 Nov 2023), which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Compensation and Enhancement Strategy and should be secured by a condition of any consent.*

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

*Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.'*

12.126 As such, the Council's ecology consultant has confirmed that they withdraw their post site clearance objection.

12.127 In addition to the above, the applicant has also submitted an application with NatureSpace for a licence in order to address the great crested newt issue. The site has now been assessed on the ecological impact assessment that was undertaken prior to clearance. NatureSpace Partnership has no objection subject to the recommendation of planning conditions for any planning permission and informatives to remind the applicant of their ecological responsibilities.

12.128 Given the above, it is considered that DP38 and para 180 of the NPPF has been complied with.

12.129 Flood Risk/Drainage

12.130 Policy DP41 of the MSDP deals with flood risk and drainage matters and states the following:



*'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.'*

12.131 The application site is not subject to any flood risk area and given the size of the development Sustainable Drainage System will be implemented.

12.132 The applicant has commissioned a SuDS and Foul Sewage Report which concludes:

*'The development of the site will be used as an opportunity for environmental enhancement and the sustainable management of surface water runoff at source, including a 40 % allowance for climate change, through the provision of SuDS.*

*Furthermore, formal consultation with Southern Water has confirmed that there is capacity within the local adopted foul sewer network to accommodate the anticipated foul water flow from the 10 new dwellings and identified the closest permissible connection point.*

*In light of the above, the principle of the proposed development is deemed acceptable on drainage grounds and will provide a positive contribution to the sustainable management of surface water runoff and foul water flows from the scheme.*

*Drainage details can be the subject of an approval of reserved matters application. However, WSCC Lead Local Flood Authority has raised no objection to this application.'*

12.133 Following receipt of this report, the Council's drainage officers have raised no objection.

12.134 As such, it is considered that at this outline stage of the planning application process, the proposed development does comply with DP policy DP41 in terms of flood risk and drainage issues.

12.135 Infrastructure provision

12.136 MSDP Policy DP20 advises that developers will be expected to provide for or contribute towards the infrastructure provision within the Northern Arc and mitigation measures made necessary by their development proposals in the form of appropriate on-site mitigation and infrastructure provision, the use of planning obligations and CIL when it is in place.

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

a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations

- b) An Affordable Housing SPD
- c) A Development Viability SPD

12.138 The NPPF sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

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

and:

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

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

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

12.142 In this instance the applicant has, on the 18<sup>th</sup> July 2022, entered into a S106 Obligation. The financial contributions are therefore secured and set out in the second schedule of that agreement.

12.143 As such, policy DP20 has been complied with.

### **13.0 Planning Balance and Conclusion**

13.1 This is a reserved matters application for the consideration of details in relation to the layout, scale, appearance and landscaping for nine dwellings on land at Little Abbotsford, Isaacs Lane, Burgess Hill.

13.2 Officers usually have delegated authority to determine a reserved matters application. However, in this instance Members of the planning committee previously considered the outline planning permission at the meeting on 14<sup>th</sup> April 2022 (DM/19/3234). This was due to the sensitivity of the site which adjoins the Northern Arc (now Brookleigh) land and the consideration of its access in advance of the Northern Arc proposals. The minutes of the April committee meeting confirm that the reserved matters application should also be considered at committee.

13.3 The principle of the development for nine dwellings, and the detailed consideration of its access, has therefore, been previously approved by committee Members under application DM/19/3234, and subsequently under an amended application DM/23/0151, which revised the location of the access along the frontage of the site on Isaacs Lane.

13.4 Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the District Plan (DP), Site Allocations Development Plan Document (DPD).

- 13.5 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.
- 13.6 The relevant planning policies are listed below but primarily relate to design and character of development given the issues reserved and for consideration under this application.
- 13.7 The layout proposed reflects the indicative layout approved under DM/23/0151 and is supported by the Council's Urban Design Officer. It offers a more holistic use of the site through the disposition of dwellings around, about and across the site. The dominance of vehicular movement is reduced and priority is given to pedestrian footpaths and connectivity across and through the site to the west with the Northern Arc development proposals.
- 13.8 In terms of scale our Council's urban designer has commented that the proposed scale and massing is appropriate and in keeping with the future Northern Arc development taking on board heights and proportions of buildings on adjacent land.
- 13.9 The appearance of buildings recognises the mixed architectural styles and varying palette of materials and vernacular of buildings in Burgess Hill. It is considered that the proposed contemporary style and use of traditional materials will complement and be sympathetic to the locality.
- 13.10 The proposed landscaping seeks to retain existing vegetation (including hedgerows and oak trees) where possible and especially on the north and southern boundaries. It also includes a mixture of ornamental and native planting where appropriate and a mixture of hard surfacing materials to differentiate footpaths, garden areas and driveways. This is all considered to be acceptable.
- 13.11 Other issues including space standards, sustainability, residential amenity, highways, ecology, flood risk/drainage and infrastructure provision are also resolved to be acceptable and meet the criteria of adopted development plan policies, supplementary planning documents and national policy contained within the National Planning Policy Framework.
- 13.12 Therefore, in conclusion, this application is recommended for approval and planning permission should be granted.

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## APPENDIX A – RECOMMENDED CONDITIONS

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

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

2. 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.

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.

3. Prior to the first occupation of any dwelling 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.

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.

4. 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 ensure an acceptable level of car parking and to ensure highway safety in accordance with Policy DP21 of the District Plan.

5. 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 Policy DP39 of the District Plan.

6. All glazing at or above first floor level must be obscure glazed in the western elevations of plots 4B and 3B and thereafter maintained unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that these units do not prejudice future development to the west in accordance with policy DP26 of the Mid Sussex District Plan and national policy contained within the National Planning Policy Framework..

7. Prior to the commencement of any development above slab level, the following shall be submitted to and approved by the Local Planning Authority:

b) Details of the solar PV's and a detailed section showing their relationship with the proposed roof parapet,  
The development shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: In the interests of visual amenity in accordance with DP9, DP26 of the District Plan.

8. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in Section 5 of the Ecological Impact Assessment (EclA) (JWK Wildlife surveys, 16 Nov 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may 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 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).

9. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY COMPENSATION AND ENHANCEMENT STRATEGY

"A Biodiversity Compensation and Enhancement Strategy for protected and Priority species as detailed in Sections 6 and 7 of the Ecological Impact Assessment (EclA) (JWK Wildlife surveys, 16 Nov 2023) to be prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation and enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed compensation and enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the compensation and enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained and managed in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023, s40 of the NERC Act 2006 (Priority habitats & species) and Policy DM36 of the Mid Sussex District Plan (2014-2031).

10. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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).

11. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136, or a 'Further Licence') and with the proposals detailed on plan "Little Abbotsford: Impact Plan for great crested newt District Licensing (Version 1)", dated 13th December 2023.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

12. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR136, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

13. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR136 (or a 'Further Licence') and in addition in compliance with the following:
- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
  - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
  - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

## 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. It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.
3. It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.
4. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR136, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

5. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

### 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 |
|----------------------|-------------------------------|---------|----------------|
| Site Plan            | P22066-RFT-00-XX-DR-A-0102_S2 | P12     | 21.07.2023     |
| Landscaping Details  | P22066-RFT-00-XX-DR-A-0103    | P05     | 10.05.2023     |
| Landscaping Details  | P22066-RFT-00-XX-DR-A-0104_S2 | P01     | 10.05.2023     |
| Proposed Floor Plans | P22066-RFT-00-00-DR-A-0200    | P07     | 24.04.2023     |
| Block Plan           | P22066-RFT-00-XX-DR-A-0101    | P05     | 24.04.2023     |
| Proposed Elevations  | P22066-RFT-01-ZZ-DR-A-0300    | P07     | 24.04.2023     |
| Proposed Elevations  | P22066-RFT-03-ZZ-DR-A-0300    | P06     | 24.04.2023     |
| Proposed Elevations  | P22066-RFT-04-ZZ-DR-A-0300    | P06     | 24.04.2023     |
| Proposed Elevations  | P22066-RFT-04-ZZ-DR-A-0300    | P06     | 24.04.2023     |
| Proposed Elevations  | P22066-RFT-02-ZZ-DR-A-0300    | P06     | 24.04.2023     |
| Proposed Floor Plans | P22066-RFT-00-00-DR-A-0200    | P09     | 24.04.2023     |
| Proposed Floor Plans | P22066-RFT-00-02-DR-A-0200    | P07     | 24.04.2023     |
| Other                | P22066-RFT-00-XX-VS-A-3000    | P07     | 24.04.2023     |
| Other                | P22066-RFT-00-XX-VS-A-3002    | P07     | 24.04.2023     |
| Location Plan        | P22066-RFT-00-XX-DR-A-0100    | P03     | 18.01.2023     |
| Highways Plans       | REDW-3473-110                 | -       | 18.01.2023     |

## APPENDIX B – CONSULTATIONS

### Parish Consultation

The Committee considered the application last night and it is listed as item number 37 in the attached minutes. The Committee's recommendation is as follows;

RECOMMENDATION: The Committee noted the following concerns:

The Committee agreed with the officer's report on rare and endangered creatures on the site and requested that all opportunities to protect species in situ be taken.

They stated the biodiversity net gain should be focused in the build-up areas of Burgess Hill.

The Committee agreed with the tree officers report and supported the need to use indigenous trees.



They noted a lack of sustainable transport prior to Brookleigh's infrastructure being completed and added that there were no bicycle paths, no bus routes and no footpaths to the site, and that would create a car-centric environment.

### **MSDC Tree and Landscape Officer**

#### **Amended comments**

I note Sarah commented previously on some details which were lacking, including details of trees and hedgerows, lack of a maintenance schedule and a method statement and tree protection plan.

I note that these details, with the exception of a specification of hedgerow species and details of a tree planting pit, do not appear to have been provided.

Hedgerow species are appropriate, and I do not object to the proposal, however, full details, as above are required. You may wish to condition these matters. The illustrative plan appears to show birch trees. I would favour a more long lived species and a mix of species indigenous to the area.

I have no objections to the ornamental plantings within the site.

I note the retention and addition of hedges which are appropriate to the site's rural locality.

#### **Original comments**

I have had a look at the Landscape Plan for the above application. In principle the layout is fine, however it doesn't provide the detail I would expect. Furthermore I cannot find any protection measures for the trees being retained.

Please can we request the following:

- Detailed specifications of the trees and hedges being planted showing species, size and numbers, along with a maintenance plan/schedule.
- Method Statement and tree protection plan for demolition/ construction phases.

### **MSDC Drainage Officer**

The MSDC Flood Risk and Drainage team have no concern with the proposed layout of the development. There should be sufficient space to install an attenuation system capable of managing surface water run-off, which will need to adhere to the latest changes to climate change guidance set by the Environment Agency. This is likely to mean that the development will need to cater for the 1 in 100 rainfall event plus 45% capacity for climate change. This may be above the original design capacity set out under the original outline application.

In addition, the in-principle drainage solution set out in the outline application identified a small roadside ditch on third party land as a possible point of discharge for the development. This small section of ditch now operates as a filter drain for the adjacent land and 'Eastern Bridge Link Road' with Isaacs Lane, and is no longer an open ditch (approved under Ordinary Watercourse Consent). This may have a technical implication for how the proposed development at Little Abbotsford discharges its surface water. However, just like the open ditch option presented at outline, connection to the section of filter drain, this will likely require third party agreement between the two landowners.

## MSDC Urban Designer

### Amended comments

I had a look at the updated boundary treatment plan, and I can confirm my previous comments were sufficiently addressed.

### Further comments

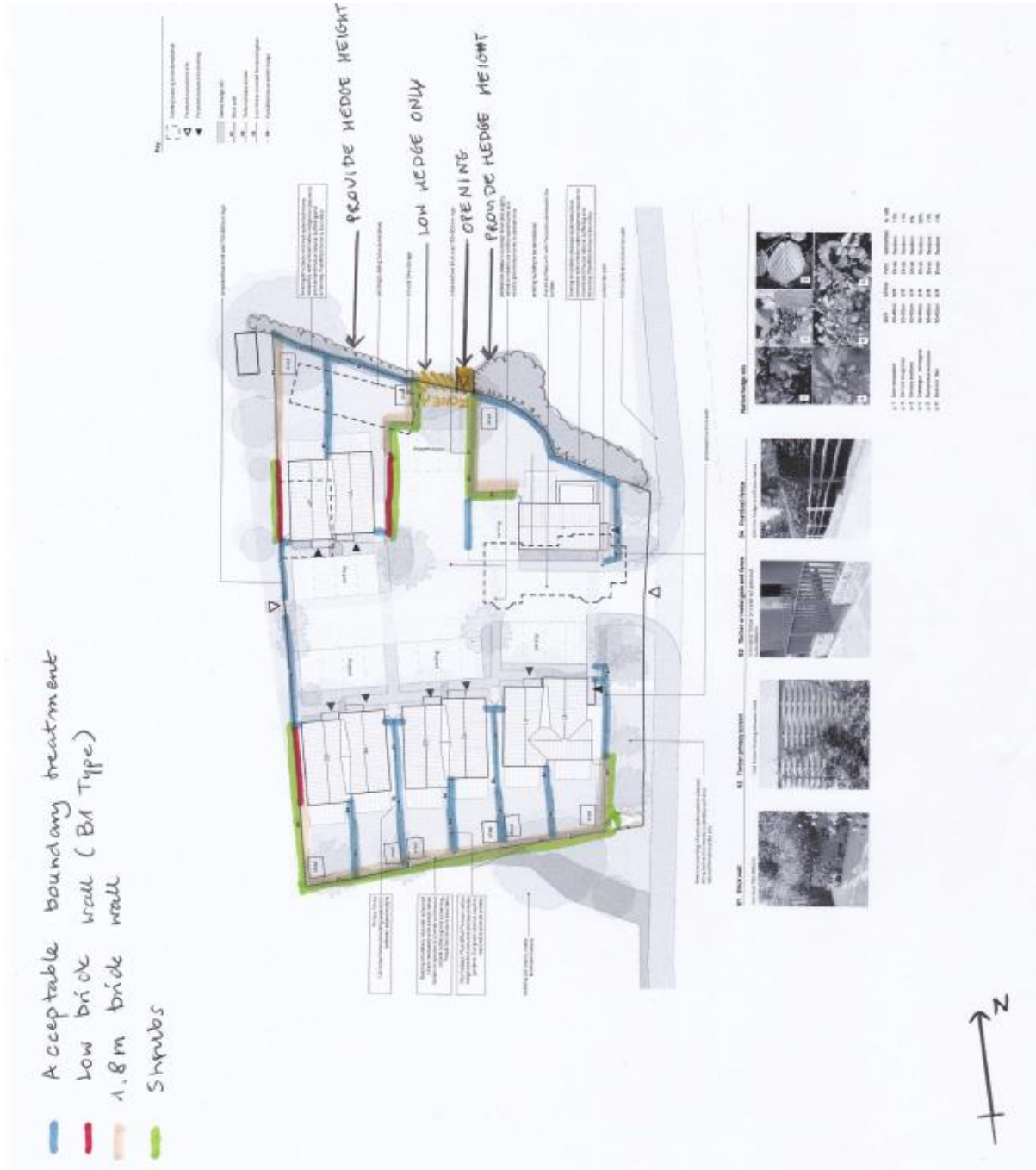
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Regarding boundary treatment please see comments below:

- Not all boundary treatment is acceptable in this setting.
- To protect future development planned and to provide higher level of passive surveillance I would suggest some changes to boundary to the west (as per sketch).
- Clarification needs to be provided on the height of the north boundary hedges.
- Zone A (as marked on sketch) should have clear visual link to future development (as marked on sketch and as per figure 89 attached).
- 1.8 brick walls would be more suitable in places to prevent users of unit 5 and 4A from building timber fences in their back gardens to have enough privacy.
- 1.8 brick walls would be more suitable in places to protect future development planned.

AKD/15/05/23





16.02.2023

**Original comments**  
**Summary and Overall assessment**

The proposed scheme is an improved version of the previously submitted layout and sufficiently addresses previous concerns raised. I raise no objections to the scheme.

More detailed comments and suggestions for further possible improvements are listed below:

### **Layout and Scale**

The scheme sits within the wider Northern Arc development. The proposed Layout was designed in a way that the scheme should not have a detrimental impact on the future developments on adjacent Northern Arc sites.

Although the submitted layout is acceptable, it would be beneficial if house no.4A (possibly mirrored version of the plan) would be repositioned to the east corner of the plot it sits in – that would provide more positive frontage and would better address the new N Arc future street (please refer to suggested perimeter block as set out in fig 89 of the N Arc Design Guide, showing positive frontages of a new development planned). This change in layout would also allow for better passive surveillance of the pedestrian link to N Arc.

The massing of the proposed buildings is appropriate and fitting with future N Arc development.

Threshold parking in front of houses has been sufficiently softened by soft landscaping. Introducing Vehicle Charging Stations to parking layout would be beneficial.

Boundary treatment on the south, east and west side of the site needs to be designed clearly and better defined. Solid brick walls need to be introduced in those locations to help prevent any detrimental impact on the future developments on adjacent Northern Arc sites. Walls need to be screened/softened by soft planting on the outer edge facing future developments.

### **Appearance**

The scheme benefits from crisp contemporary-designed facades set within traditional building forms/roof-profile and mostly employing natural/local facing materials that ensure the buildings respond appropriately to their setting while also being sufficiently distinctive to provide an individual sense of place.

### **Landscaping**

Movement Link marked on plans as “potential location of footpath between developments” needs to be designed clearly, better defined, and much wider. This will make it more visible and inviting. The existing tree could sit in the middle of this link. The definition of this link should be changed from “potential” to “proposed”.

This footpath needs to be better overlooked by adjacent buildings to make it more integrated. This can be done by suggested changes to layout; or at a later stage when looking at details of N Arc design.

### **Suggested conditions:**

Further conditions should include:

- details and samples of facing materials.
- details of soft and hard landscaping drawings including boundary treatment.
- 1:20 sections and front elevations of typical house and the typical features (shown in context) of the other building types including entrance canopies/doors, railing, roof/eaves details, windows, doors, PV panels.

## **MDSC Northern Arc Strategic Development Delivery Manager**

FYI – please see below comments from Homes England regarding Little Abbotsford. In relation to the comment regarding the EBLR/Isaacs Lane junction, I don't have the most recent plan to which they refer, I am awaiting an updated plan so I will let you know if this raises any concern, however, I am not aware of any significant changes to the junction.

Please can you attach a condition requiring all glazing at or above first floor level to be obscure glazed in the western elevations of plots 4B and 3B to ensure that these units do not prejudice future development to the west.

### **Homes England -**

We've had a look at the Little Abbotsford applications noted in the email below, and don't see any issues with these proposals for Homes England's delivery of the wider Brookleigh scheme.

Re: DM/23/0151, the movement of the site access to the north, away from the EBLR junction on Isaac's Lane, is welcome. The proposals accord with the EBLR/Isaac's Lane junction design. However, we note that the applicant's drawing REDW-3473-110\_Highway Access Plan refers to EBLR Drawing Ref EBLR-TGEE-XX-DR-C-002-Rev 02 (submitted with planning application DM/21/4355). We are aware of Rev 03 of this plan provided by SISK, which we assume relates to the scheme submitted to WSCC for Technical Approval.

Re: DM/23/0153, there aren't wider issues associated with the proposed layout/designs. The layout proposes two pedestrian routes between this development and the adjoining Brookleigh development parcels, P2.7 to the west and P3.5 to the north (yellow arrows on plan below – west at top). The access that they show to the west is not very important, but it would be good if the future developer of P2.7 ties into it. This can be confirmed as a requirement in the developer technical pack/design appendix.

The pedestrian access on the north, into P3.5, is positive. The Brookleigh scheme should include a narrow strip of green space at this location between Little Abbotsford and Brookleigh. The requirement to tie into the pedestrian access can be set out in the P3.5 developer technical pack/design appendix.

We envisage development in P2.7 and P3.5 providing backs to the Little Abbotsford scheme, but Homes England could provide flexibility to future plot developers to respond to the context provided by the Little Abbotsford scheme.



Plan view of site access

## Ecology Consultant

### Amended comments

Recommended Temporary Holding Objection pending further information on protected and Priority species and habitats

No ecological objections

Recommended Approval subject to Yes  
attached conditions

Recommended Discharge of condition

### Summary

Further to our comments dated 13 October 2023, we have reviewed the recently submitted Ecological Impact Assessment (EclA) (JWK Wildlife surveys, 16 Nov 2023) to update the conclusions after clearance works on site.

This has been submitted to support condition 15 (Ecological Impact Assessment report) of the outline consent for DM/19/3234 as well as this Reserved Matters application.

Based on the lack of any significant onsite natural habitat and limited potential for any protected /

notable species or habitats, the focus of the new EclA is on compensation and enhancement measures. However we also welcome the mitigation measures recommended to minimise the potential negative effects arising from further construction works, including precautionary

measures to avoid impacting retained hedgerow and tree areas, foraging and commuting bats and nesting birds.

We welcome that pre-clearance baseline survey data (Lizard Landscape Design and Ecology, 2022) will be used to establish suitable compensation and enhancement measures for habitats and species present to ensure the development results in overall biodiversity gains. As the 2022 EclA confirmed bat roosts in Buildings 1 and 4 on site at that time, we particularly welcome the compensation measures for bats in Section 6 of the Ecological Impact Assessment (EclA) (JWK Wildlife surveys, 16 Nov 2023).

We are now satisfied that there is sufficient ecological information available for determination of this reserved matters application and discharge of Condition 15 of DM/19/3234.

This provides certainty for the LPA of the likely impacts from clearance on designated sites, protected and Priority species & habitats and, with appropriate mitigation, compensation and enhancement measures secured, the development can now be made acceptable.

The mitigation, compensation and enhancement measures identified in the Ecological Impact Assessment (EclA) (JWK Wildlife surveys, 16 Nov 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

We also support the proposed reasonable biodiversity enhancements in Section 7 of the Ecological Impact Assessment (EclA) (JWK Wildlife surveys, 16 Nov 2023), which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Compensation and Enhancement Strategy and should be secured by a condition of any consent.

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

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that 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 measures and/or works shall be carried out in accordance with the details contained in Section 5 of the Ecological Impact Assessment (EclA) (JWK Wildlife surveys, 16 Nov 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.*

*This may 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 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 ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY COMPENSATION AND ENHANCEMENT STRATEGY**

*“A Biodiversity Compensation and Enhancement Strategy for protected and Priority species as detailed in Sections 6 and 7 of the Ecological Impact Assessment (EclA) (JWK Wildlife surveys, 16 Nov 2023) to be prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.*

*The content of the Biodiversity Compensation and Enhancement Strategy shall include the following:*

- a) Purpose and conservation objectives for the proposed compensation and enhancement measures;*
- b) detailed designs or product descriptions to achieve stated objectives;*
- c) locations, orientations and heights of proposed compensation and enhancement measures by appropriate maps and plans (where relevant);*
- d) persons responsible for implementing the compensation and enhancement measures;*  
*and*
- e) details of initial aftercare and long-term maintenance (where relevant).*

*The works shall be implemented in accordance with the approved details shall be retained and managed in that manner thereafter.”*

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023, s40 of the NERC Act 2006 (Priority habitats & species) and Policy DM36 of the Mid Sussex District Plan (2014-2031).

## **3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

*“Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:*

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

*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).



## **Original comments**

Recommended Temporary Holding                      Yes  
Objection pending further information on  
protected and Priority species and  
habitats  
No ecological objections  
Recommended Approval subject to attached conditions  
Recommended Discharge of condition

## **Summary**

We maintain our holding objection for this application as the Ecological Impact Assessment (Lizard Landscape Design and Ecology, November 2022), submitted to support condition 15 in the decision notice for DM/19/3234, does not provide sufficient ecological information as the site has been cleared.

We understand that none of the mitigation measures detailed within the the Ecological Impact Assessment (Lizard Landscape Design and Ecology, November 2022) have been, or can be, enacted due to complete site clearance at some point between June and 20th July 2023. The applicant needs to submit an updated Ecological Impact Assessment, which will now need to include compensation measures, particularly for bats.

It is not possible to apply Schedule 14 of the Environment Act 2021 until the Secretary of State confirms that biodiversity net gain is mandatory.

Please note that we have been instructed to leave comments on Great Crested Newts to the NatureSpace Partnership.

We are therefore unable to support this reserved matters application. We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.

## **NatureSpace Partnership**

### **Amended comments**

I can confirm all documents are correct. There are 3 conditions within the report that must be included on the decision notice, the second of these conditions will need to be discharged through submission of their NatureSpace certificate.

### **Further comments**

Thank you for sending through the EcIA for the Abbotsford site. The EcIA outlines that the developer should join the District Licence scheme and I can confirm that they have made an application, however have not yet made payment to obtain their NatureSpace report. Once they have received this, they will be able to submit this to yourself as a planning document and it will contain the appropriate District Licence conditions for the decision notice.

Please consult me to check they report documents they submit and if you have any further questions please get in touch.

## **Original comments**

I am happy to help with the case outlined below. I can confirm that the developer enquired with NatureSpace in mid July and were provided with a quote and information on joining the District Licence scheme, however they have not progressed this any further. This quote was provided on the EclA undertaken earlier in the year and pre site clearance.

As the site has been cleared without the appropriate mitigation measures in place, they must compensation for the habitat lost based on Schedule 14 of the Environment Act. This states:

*“If—*

*(a) a person carries out activities on land on or after 30 January 2020 otherwise than in accordance with—*

*(i) planning permission, or*

*(ii) any other permission of a kind specified by the Secretary of State by regulations, and*

*(b) as a result of the activities the biodiversity value of the onsite habitat referred to in paragraph 5(1) is lower on the relevant date than it would otherwise have been, the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.”*

As such the application should be taking the biodiversity baseline as that immediately prior to site clearance and account for this in decision making.

The applicant has the option of joining the District Licence scheme and the site can be assessed on the EclA that was undertaken prior to clearance.

Should there be further investigation from the reporting of a wildlife crime, we are happy to cooperate with any information that might be needed.

## **WSCC Highways**

### **Amended comments**

No objection.

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been re-consulted on reserved matters for approval DM/19/3234 (9 x dwellings). The LHA raised no objection in comments dated 8 February 2023.

Amended plans have been provided. Site Plan rev. P12 does not show house type/bedroom no. for plot 4b. However, using email correspondence it would appear that the housing mix is now 4 x 4-bed and 5 x 3-bed. WSCC Guidance would require 2.2 space per 4-bed and 1.7 space per 3-bed unit (total 17/18 spaces). 18 x spaces are shown with an additional 3 x visitor spaces. The parking therefore meets the guidance and sufficient space remains on site for cars to turn so they can exit to Isaacs Lane in a forward gear.

### **Original comments**

No Objection

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been consulted on approval of reserved matters for permission DM/19/3234 (9 x dwellings).

Access was approved, subject to conditions, under the original application and therefore this application seeks matters for approval internally, mainly layout, car and bicycle parking. A Highways Technical Note (TN) has been provided which mainly addresses the

proposed access relocation. It should be noted that this application comments on reserved matters only and the access relocation will be commented on under variation of condition application DM/23/0151.

Swept path tracking diagrams show that the amended internal layout is workable for refuse collection and fire tender vehicles to turn within the site in order to exit in a forward gear. The amended layout allows a total 22 x car parking spaces to be provided (4 of which are visitor spaces). WSCC Guidance on Parking at New Developments would require a total 22.3 (22) spaces for the development of 5 X 4-bed and 4 X 3-bed. Ideally additional visitor parking should be provided at 0.2 space per unit (2 x visitor spaces). However, the constraints within the site are acknowledged in terms of additional space for parking being available and this slight shortfall would not cause reason for highways objection to the scheme.

The pedestrian paths within the site are noted and these are segregated from the main estate road where higher vehicle movements are anticipated. Potential locations for footpath connections to future developments are also noted.

Each plot has separate garden with shed at the rear which could be used for bicycle storage if required.

## **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 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.*