

MID SUSSEX DISTRICT COUNCIL

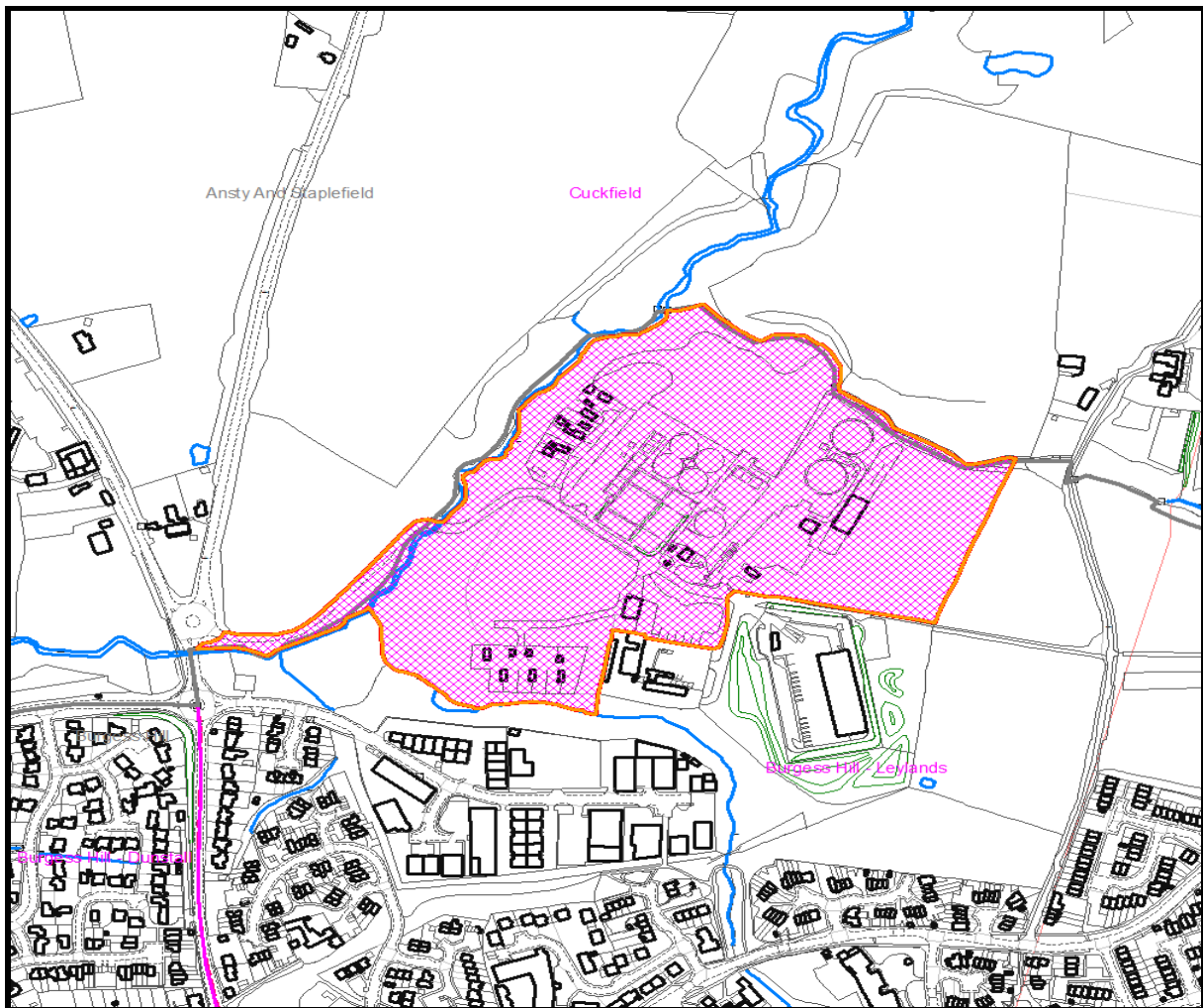
District Wide Committee

19 SEP 2019

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/19/1895



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**LAND AT AND ADJACENT TO THE FORMER SEWAGE TREATMENT WORKS FAIRBRIDGE WAY BURGESS HILL WEST SUSSEX
OUTLINE APPLICATION FOR THE DEVELOPMENT OF THE FORMER SEWAGE TREATMENT WORKS TO PROVIDE UP TO 325 DWELLINGS (USE CLASS C3) WITH ASSOCIATED ACCESS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE.**

MR COLIN WHELAN

POLICY: Areas of Special Control for Adverts / Brownfield Land / Built Up Areas / Classified Roads - 20m buffer / Flood Map - Zones 2 and 3 / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey / Tree Preservation Order /

ODPM CODE: Smallscale Major Other

8 WEEK DATE: 20th August 2019

WARD MEMBERS: Cllr Simon Hicks / Cllr Anne Eves /

CASE OFFICER: Stephen Ashdown

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

The application before members is for outline planning permission for up to 325 dwellings on the site of the former sewage works to the north of Burgess Hill. The site has been subject to the a previous planning approval (08/01644/OUT) for a similar form of development however, that permission time expired in June this year before the applicant was able to submit the reserved matters details associated with the proposed residential elements.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan (DP) and Burgess Hill Neighbourhood Plan (BHNP).

The application site lies within the built up area of Burgess Hill as defined within the Development Plan, where the principle of residential development in supported by policy DP6 of the DP. Furthermore, the site has a previous outline permission for a similar development that was approved under 08/01644/OUT but time lapsed in June this year, this is material consideration that should be given significant weight.

The application provides for a suitable vehicular access and pedestrian links to the south to connect with the existing pubic footpath network. The proposal will not give rise to any highway network capacity issues. A condition is suggested requiring the submission and approval of a residential travel plan and it is considered that application complies with DP21 (transport) of the DP.

With the imposition of suitable conditions to provide appropriate mitigation the proposal will not result in unacceptable impacts on the character and appearance of

the area or future residential amenity and provide enhancements to biodiversity. The application therefore complies with policies DP26 Character and Design, DP29 Noise Air and Light Pollution and DP38 Biodiversity.

There is considered to be compliance with a number of policies in the development (DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), DP23 Communication Infrastructure, DP28 Accessibility, Flood Risk/Drainage and DP42 Water Infrastructure and the Water Environment.

A appropriately worded S106 Legal Agreement will secure 30 per cent affordable housing, as well financial contributions to mitigate against the impacts of the development in accordance with the Council's adopted SPD's. The application in this respect complies with policies DP20 Securing Infrastructure, DP24 Leisure and Cultural Facilities and Activities and DP25 Community Facilities and Local Services.

In light of the above it is considered that the proposal complies with the Development Plan and there are no material considerations that indicate that a decision should be taken contrary to it. As such it is considered that the application should be approved.

Recommendation

Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure affordable housing and financial contributions and the suggested condition in Appendix A.

Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure payments and affordable housing by 19th December 2019 then the application should be refused at the discretion of Divisional Leader for Planning and Economy for the following reason:

The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required affordable housing. The proposal therefore conflicts with policies DP20 and DP31 of the District Plan.

SUMMARY OF REPRESENTATIONS

None received.

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

MSDC Community Leisure Officer

To be reported

MSDC Drainage Officer

To be reported

MSDC Urban Designer

The information that has been submitted seems inadequate as it lacks clarity and is too sketchy. Furthermore the vignette layouts on p13 of the DAS are inconsistent with the illustrative layout (as it picks out parts of the old 08/01644/OUT layout not the new one!).

The new layout also appears to be significantly inferior to the 08/01644/OUT consent as the public realm in the new layout, is now unacceptably dominated by parking.

MSDC Environmental Protection Officer

To be reported

MSDC Contaminated Land Officer

No comment, subject to condition in the event that previous consents no longer apply

WSCC Highways

No objection subject to conditions and S106 contributions.

WSCC Infrastructure

No objection subject to contributions being secured.

WSCC Lead Local Flood Authority

No objection.

Environment Agency

No objection

Southern Water

From our initial assessment of the existing apparatus it appears that there is limited opportunity to divert existing drainage apparatus, and therefore Southern Water objects to the proposed development. If planning permission were to be granted, Southern Water (as the statutory sewerage undertaker) would request that the Council (as the building control authority) refuse building regulations on the grounds that the building over the public sewer cannot be permitted. In order to progress the proposed development on the site, the layout must be amended.

Sussex Police

No detailed comment to make at this stage.

BURGESS HILL TOWN COUNCIL

RECOMMEND APPROVAL - concerns were raised about the location of the playground. Concerns were raised about sustainability, such as water recycling and renewable energy usage.

Electric charging points should be included.

Swift bricks should be included in the three-storey buildings.

Super-fast fibre broadband should be installed as standard to all properties.

Section 106 contributions should be allocated to community facilities and applied as required.

INTRODCUTION

The application before members is for outline planning permission for up to 325 dwellings on the site of the former sewage works to the north of Burgess Hill. The site has been subject to the a previous planning approval (08/01644/OUT) for a similar form of development however, that permission time expired in June this year before the applicant was able to submit the reserved matters details associated with the proposed residential elements.

Notwithstanding the above, the applicant has been successful in dealing with a number of important infrastructure issues associated with the site, both through detailed reserved matters submissions and the discharge of planning conditions, including the re-provision of the gypsy and traveller site, de-contamination of the site, highway works associated with the realignment of Fairbridge Way and the formation of development platform including inner loop road and associated infrastructure. The result of the works undertaken pursuant to the lapsed consent is the creation of a fully serviced development site.

In the event that this application is successful, a new outline permission would be granted that would allow for the submission of the reserved matters associated with the residential element, thus allowing the development of the site to be completed, as originally intended.

RELEVANT PLANNING HISTORY

08/01644/OUT - Development comprising the redevelopment of the former sewage treatment works to provide up to 325 residential dwellings (Class C3), the relocation of the existing residential gypsy site, a community hall with associated access and landscaping at Fairbridge Way, Burgess Hill. Such development to include the remediation of the Tip, demolition and excavation of (derelict) existing buildings and

infrastructure associated with previous use as a sewage treatment works, and the remodelling and remediation of the remainder of the site to provide for revised ground contours and development platforms; strategic landscape, realigning of existing of service infrastructure (to include the laying out of foul and surface drainage infrastructure and water attenuation), and new vehicular, cycle and pedestrian access routes, ancillary engineering and other operations. Approved 24th June 2014.

14/03959/REM - Reserved Matters application seeks the approval of details reserved by Condition 1 (Partial Discharge) and details pursuant to Condition 38 of planning permission 08/01644/OUT with regard to the relocation and provision of a gypsy site to accommodate 10 pitches. Approved 19th December 2014.

DM/18/1169 - Application for Reserved Matters for the layout and detailed design of the inner loop road, associated landscape and foul and surface water drainage to allow for serviced residential parcels to be created. Plus discharge of Planning Conditions 6, 12, 13, 15, 16, 23, 24 and 28 in respect of outline planning approval 08/01644/OUT. Approved 11th October 2018.

SITE AND SURROUNDINGS

The application site is located to the northern edge of Burgess Hill and covers approximately 10.34 ha and is made up of the previously derelict wastewater treatment works. The site has been cleared of the redundant ancillary plant, including sludge holding tanks, settlement tanks, storm tanks and administration buildings. The application site also includes the residential gypsy site, which is located on its southern edge and contains 10 pitches.

The site is accessed from the roundabout located at the junction of Issacs Lane (A273) with Cuckfield Road (B2036) and London Road (A273), which forms a major arterial route into and out of Burgess Hill. The access road to the site, Fairbridge Way, also serves the WSCC household recycling/waste transfer site and a 24hr recovery service. This road has recently been subject to realignment works.

To the north and east of the site are current open areas of agricultural land, with the River Adur demarcating the site's western boundary, beyond which, lies further agricultural land and Issacs Lane (A273). It should be noted that this area to north, east and west forms part of the strategic allocation within the District Plan known as the Northern Arc.

To the south of the application site is a small area of woodland, beyond which is the Sheddingdean Business Centre.

APPLICATION DETAILS

The application is in outline form with all matters reserved other than in respect of access. Further reserved matter applications will need to be submitted to deal with matters associated with the layout, appearance, scale and landscaping of the residential elements of the proposed development.

The proposal involves the construction of up to 325 dwellings with access taken from the newly completed realigned Fairbridge Way, which in turn exits onto the local highway network at Cuckfield Road/Isaacs Lane roundabout.

The application is supported by a 'framework' plan that identifies differing areas of land use and a 'building heights' plan which highlights that the majority of the buildings will be of two storeys. A landscape master plan is also submitted in support and it is intended that these plans are considered for approval as part of the determination of this application.

It is proposed the development will contribute 30 per cent affordable housing along with suitable financial contributions to mitigate against infrastructure impacts of the development.

LIST OF POLICIES

Mid Sussex District Plan

DP4 - Housing
DP6 - Settlement Hierarchy
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 - Securing infrastructure
DP21 - Transport
DP23 - Communication Infrastructure
DP24 - Leisure and Cultural Facilities and Activities
DP25 - Community Facilities and Services
DP26 - Character and Design
DP28 - Accessibility
DP29 - Noise, Air and Light Pollution
DP31 - Affordable Housing
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP40 - Renewable Energy Schemes
DP41 - Flood Risk and Drainage

SPD Development Infrastructure and Contributions (2018)
SPD Affordable Housing (2018)

Burgess Hill Neighbourhood Plan

S4 - parking standards for New Development
G3 - Nature Conservation and Biodiversity
G6 - Footpaths, Rights of Way and Cycle Links

National Planning Policies

National Planning Policy Framework (2019)

ASSESSMENT

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

- Principle of Development
- Access and Transport
- Impact on Character and Appearance of the Area
- Drainage
- Affordable Housing
- Residential Amenity
- Biodiversity
- Ashdown Forest
- Infrastructure
- Planning Balance and Conclusion

Principle of Development

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and the Burgess Hill Neighbourhood Plan (BHNP).

The site is located within the built up area of Burgess Hill as identified in both the DP and BHNP and while the site is not allocated for development in either plan, the time lapsed planning permission is a material consideration that should be given significant weight.

From a policy perspective, DP4 sets out the housing provision for the District for the plan period, while DP6 states that *'development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and re-development will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to character and function of the settlement'*.

Having regard to the above, the principle of the development on the site has been previously established and policies with the DP indicate that development should be permitted, subject to consideration of more detailed points that will be set out in the following sections of the report.

Access and Transport

The applicant is seeking approval of the details associated with the means of the access to the site as part of this application. To this end, it is proposed that access will be taken from Fairbridge Way that has been the subject of improvement works associated with, and approved under, the 2014 planning permission.

Policy DP21 deals with transport matters and seeks to ensure that new developments avoid severe additional traffic congestion, protects the safety of road users and pedestrians and that appropriate opportunities are provided to facilitate and promote increased use of alternative means of transport. The improvement of opportunities for alternative modes of transport, in particular the improvement of cycle and footpath facilities is reflected in policy G6 of the BHNP.

The improvements to Fairbridge Way and the main spine road serving the proposed development have already been constructed under the previous permission and have been subject to separate technical approvals by the Local Highway Authority, which includes road safety audits and as such a safe and suitable access is available to the development. The applicant has submitted these drawings as part of the application for completeness.

It is noted that the Local Highway Authority have identified that some outstanding works to the two roundabouts at the junction of A23 where it meets Fairbridge Way and Marchants Way are still to be implemented as part of the previous approval and as such it is important that these are secured as part of any planning permission issued as part of the application. The land in question, upon which these works will take place, is within the control of the Local Highway Authority and with this in mind a suitable condition is suggested to ensure that these works are completed prior to the first occupation of any dwelling.

The traffic generated by the development has been considered in-light of the planning application for the Northern Arc, and vice versa given the previous planning permission, and the Local Highway Authority have not identified that the proposed development would give rise to any serve impact on the wider highway network. In considering the application they have stated;

'In terms of Highways it should be noted that under the previous outline application 08/01644 the principle of the access road, off-site highway improvements, highway

capacity and road safety have been assessed and, subject to detailed design and Technical Approval no objection was raised. Subject to this current proposal providing all outstanding highways infrastructure as originally secured - either by planning condition or S106 Agreement - including the aforementioned S106 contributions etc., the Highway Authority would not object to the proposal.'

With respect to connectivity of the site to the surrounding area by alternative means of transport, the development, as the previous permission, provides for two pedestrian links to Marchants Way, one at the eastern end and one at the western end. Both these links are under construction and a suitably worded condition is suggested to ensure that these are completed and available for use prior to the occupation of the first residential unit.

It is accepted that the site's position and site constraints offered by a single point of vehicular access is not ideal, particularly when you are trying to encourage non car use and ensure that residents have good access to local facilities. The pedestrian links enable the site to have better linkages, in terms of distance and directness, with surrounding facilities and the site will benefit from the 'Northern Arc' development to that will come forward immediately surrounding the site. In this respect the comments of the Local Highway Authority are noted and at this stage the proposed development and framework plan does not preclude any linkages to the east to the first phase of the wider strategic development. The exact nature, in terms of its form and position, will need to be considered at the reserved matters stage of each development.

To further encourage the use of alternative modes of transport a residential travel plan for the site will need to be submitted and approved and this can be secured via a suitably worded condition.

Having regard for the above, it is considered that the application complies with policy DP21 of the DP and policy G6 of the BHNP.

Impact on Character and Appearance of the Area

The site is located within the built up area of Burgess Hill as defined with the Development Plan and given the extent of development that will come forward immediately adjacent, as part of the 'Northern Arc' development it is not considered that the site will have any significant impact on long distance views to the detriment of wider character and appearance of the area. This is the view that was reached in granting the previous permission and it is not considered that there has been any material change in circumstance, notwithstanding the change in status of the Development Plan or allocation of the 'Northern Arc', that would warrant a different view being taken in respect of this application.

The development has the potential to cause localised impacts from users of the surrounding public highway network and from within the adjacent surrounding area and proposed form of development will be an important tool to mitigate these impacts. The applicants have submitted an illustrative layout to demonstrate that up to 325 dwellings could be accommodated on the site and although the comments of the Urban Designer are noted, it will be up to future developers at the reserved

matters stage to ensure that an appropriate form of development is presented that complies with the Development Plan, including an appropriate dwelling mix, dwellings that meet the national described space standards, parking at appropriate level and an overall high quality design. The fact that the permission is up to 325 allows some flexibility to ensure that the final form of development is acceptable.

Furthermore, the applicants have also submitted a building heights plan, which shows that the majority of the site will be built out with two storey buildings. Three storey buildings are to be limited to an area surrounding a proposed public square and a small section close to the waste transfer station entrance. It is considered that these proposals allow the opportunity for some 'landmark' buildings, while ensuring that the majority of the site is 'low key', which given its elevated position when viewed from the west, will ensure help ensure that future development will not be imposing to the surrounding landscape character.

The application has been supported by a landscape master plan that that shows the proposed strategy for strategic landscaping associated with the development, a similar plan was submitted with the previous permission and some detailed landscaping elements were approved as part of the reserved matters application DM/18/1169. However, it should be noted that the new landscape master plan and the detailed elements approved under the referenced reserved matter application do not included an area of land immediately to the south of the access road adjacent to former concrete batching plant and the current 24hr recovery business. The omission of this area of land from the red line of the application is considered important, as without landscaping (as envisaged within the previous permission) there is the potential that area is not finished to an appropriate standard, which would be detrimental to the character and appearance of the area. The land is within the ownership of the applicant and it is suggested that a suitably worded landscaping condition, requiring site wide details and a programme for implementation, can ensure that all landscape elements across the site are secured in order to protect the character and appearance of the area.

It is considered, that with the suitable condition, this outline application complies with Policy DP26 of the DP.

Drainage

Policy DP41 seeks to ensure that proposals for development do not increase the risk of flooding elsewhere and that Sustainable Drainage Systems (SuDS) are implemented in all new development over 10 dwellings, unless demonstrated to be inappropriate. Furthermore policy DP42 deals with water infrastructure and the water environment relating to off-site service infrastructure and water consumption standards.

Through the partial discharge of the condition as part of reserved matter application DM/18/1169, submitted pursuant to the previous outline planning permission, the Council considered the overall drainage strategy for the site, including appropriate discharge rates. The scheme included the provision of three attenuation ponds, which are shown the submitted drawings and have been constructed on site.

While the overall strategy has been approved, there is still a requirement for the detailed drainage scheme for the residential elements to be submitted and this can be secured via condition as this will need to take into the account the layout of the scheme which is not yet known. As part of these details, further storage within the catchment area of pond 3 (275 cubic metres) will need to be provided, an informative is suggested to bring this to attention of the applicant and any future developer.

The comments of Southern Water are noted, however, it needs to be remembered that the layout of the scheme is not for consideration at this stage and will form the subject of future reserved matter submissions. The broad location of the existing sewers running across the site to the retained pumping station are shown on the submitted framework plan and there is sufficient flexibility within the wording of the relevant conditions to ensure that any layout can accommodate these existing services and still be deliverable.

There will be a requirement for any reserved matter submission(s) to demonstrate how the proposed housing will meet the water consumption standards as set out in policy DP42 of the DP.

There are no outstanding issues in respect of drainage matters that would prevent permission be granted at this stage, subject to suitable planning conditions. The application complies with policy DP41 of the DP.

Affordable Housing

Policy DP31 requires developments to provide a minimum of 30 per cent on-site affordable housing for all development of 11 or more dwellings. In the case of a development of 325 dwellings, these would equate to 98 affordable units.

In order to comply with the Council's adopted SPD, a tenure split of 75 per cent rented and 25 per cent shared ownership is secured, along with 4 per cent of the dwellings being wheelchair accessible, however, the applicants are seeking a 50 per cent split in the tenure and only 3 per cent wheelchair accessible.

The proposed affordable provision by the applicant is similar to that agreed, by means of a Deed of Variation to the original Agreement, by the Council at a meeting of District Planning Committee on the 15th June 2017, where it was considered that at that time there were specific circumstances relating to the site and its constraints that warranted such an approach.

Notwithstanding the above, officers have requested that the applicant provided further justification for their proposed approach in light of this new application and once received the it will be reviewed by the your Housing Officers before they provide their final comments on the scheme. Members will be updated at committee on this matter.

Residential Amenity

Policy DP26 seeks to protect the residential amenities of existing residents and future occupants, including taking into account impacts on privacy, outlook, noise, air

and light pollution. On the latter issues, policy DP29 is relevant particular in relation to noise where it states *'noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development'*.

Given the proximity of the proposed development to the access road serving the waste transfer station, the waste transfer station itself and the operation of Southern Recovery (a 24 hour business operation) on the south side of Fairbridge Way, there are potential noise sources that could impact on the future amenities of the residential occupiers that need to be taken into account at this stage.

Noise is a material planning consideration. The Planning Practice Guidance (PPG) states neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

The PPG advises that increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. The PPG advises that noise should not be considered in isolation to the economic, social and environmental dimensions of the proposed development.

A noise assessment has been submitted with the application, however, on review further information has been requested by your Environmental Protection Officer as it did not take into account all the potential noise sources. At the time of writing the report this additional information is still awaited and members will be updated at the meeting.

Notwithstanding the above, noise matters were considered as part of the previous permission, and the following elements were secured as planning conditions;

- Erection of an acoustic grade fence along the boundaries of the site fronting the waste transfer station and concrete batching plant.
- Restriction upon the internal layout and the provision of acoustic grade double glazing with ventilation units cited with close proximity to the concrete batching plant (identified on a plan).
- Provision of acoustic grade double glazing with ventilation units and bunding to units in an area (identified on a plan) fronting the access road.

It should be noted that acoustic fencing was provided in accordance with approved details in relation to the relocated gypsy and traveller site.

The submitted noise assessment with the application suggests the imposition of noise conditions similar to that placed on the previous permission and with such

measures in place concludes that existing noise would not cause significant disturbance to proposed future residents.

As set out earlier, the final comments of your Environmental Protection Officer are awaiting (and will be based upon additional information requested) and the report has been presented to members on the basis that this issues has been satisfactorily addressed previously and there is no reason to suggest, at the time of writing the report, that suitable condition cannot be imposed this time to ensure that future residential amenity is acceptable with regard to noise generated by existing sources.

It should be noted that while the concrete batching plant referred to in the previous permission has been removed (site cleared) noise is likely to generated by the 24 hour recovery service that operates from the adjacent site (this use forms part to the additional information requested) and appropriate mitigation measures are likely to be required to ensure that future residential amenity levels are acceptable. The Council's Environmental Protection Officers will be able to advise on the appropriate form and location of any mitigation required once the additional information has been reviewed.

At this stage, it is not considered that the proposed development would give rise to any likely significant harm to the amenities of the occupiers of the gypsy and traveller site, which is located to the south of the access road to the waste transfer station, given the distance involve. However, it will be for any future reserved matter submission to consider this issue further in light of any layout/design submitted.

On the basis of the receipt of satisfactory comments from your Environmental Protection Officer it is considered that, subject to appropriate conditions to secure noise mitigation measures, the proposed development would not give rise to likely significant harm to the amenities of future occupants. In this regard the application complies with policies DP26 and DP29 of the DP.

Biodiversity

Policy DP38 states that biodiversity will be protected and enhanced, including the protection of existing biodiversity and taking opportunities to improve, enhance and restore biodiversity and green infrastructure.

The site has been subject to ecological mitigation scheme prior to the de-contamination of the site consented under the previous permission. In part this included the translocation of the Great Crested Newt population that were present in the holding tanks that used to be present on the site. These works were done under a suitable licence obtained from Natural England.

Given these previous works, the site does not hold any ecological value at the present time that would prevent development however, there are opportunities to ensure that some biodiversity enhancement can be achieved around the margins of the site, those areas which are identified on the framework plan as developable, and a suitably worded condition is proposed to enable this to be achieved.

Having regard for the above, it is considered that the application complies with policy DP38 of the DP.

Ashdown Forest

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

The potential effects of the proposed development are incorporated into the overall results of the transport model (Mid Sussex Transport Study (Updated Transport

Analysis)), which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Other Matters

Policy DP28 requires all development to meet and maintain high standards of accessibility so that users can use them safely and easily. It is expected that developments of 5 or more dwellings will make provision for 20 per cent of the dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2). A number of exceptions are listed but are not applicable in this case. This requirement can be secured with a suitably worded condition and the applicant will need to demonstrate compliance at the reserved matters stage.

Policy DP23 of the DP seeks to encourage the incorporation of digital infrastructure in major new housing development. It is considered that a suitable worded condition can be used to require the details of this to be submitted.

Policy DP39 in the DP requires developers to seek to improve the sustainability of their developments. The policy refers to a number of measures that should be incorporated where appropriate into new development. The applicant has provided limited information with regard to the future intentions with respect to the sustainability of the development, however, given that this is an outline application with all matters reserved, part from access, it is accepted that this level of detail has not yet been considered and it will be for any future reserved matter submission to demonstrate compliance with this policy. A suitable condition is suggested. There is nothing to suggest that the proposed development cannot comply with policy DP39 and as such it is would not be appropriate to refuse the application on this basis alone.

Policy DP24 requires on-site provision of new leisure and cultural facilities, including the provision of play area and equipment for all new residential developments. The submitted framework plan indicates that a large play area will be provided on site and it should be noted that the previous consent made provision for a 'super' play area totalling 1400sqm. The details of the play area, including its future management arrangements, can be secured via a suitably worded condition and in this respect the application complies with policy DP24 of the DP.

Infrastructure

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy 31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

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

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

and:

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

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

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

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122, guidance in the NPPF and the material planning consideration outlined above, the infrastructure set out below is to be secured via a planning obligation;

- Affordable housing at 30 per cent (MSDC)
- Community building contribution based upon formula project to tbc (MSDC)
- Local community infrastructure contribution based upon formula project tbc (MSDC)
- Health contribution to be confirmed (MSDC)
- Primary education contribution based upon formula to be spent on new eastern primary school in Norther Arc development, Burgess Hill (WSCC)
- Secondary education contribution based upon formula to be spent on new secondary school in Northern Arc development, Burgess Hill. (WSCC)

- Further education contribution based upon formula to be spent on new 6th form college for Haywards Heath and surrounding area or expansion at St Paul's Catholic College Burgess Hill (WSSC)
- Library contribution based upon formula to be spent on additional floor space at Burgess Hill library (WSSC)
- A2300 Improvement Scheme financial contribution of £325,928.57 (WSSC)
- Place and Connectivity Programme for Burgess Hill financial contribution of £325,928.57 (WSSC)

The additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations.

Planning Balance and Conclusion

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan (DP) and Burgess Hill Neighbourhood Plan (BHNP).

The application site lies within the built up area of Burgess Hill as defined within the Development Plan, where the principle of residential development is supported by policy DP6 of the DP. Furthermore, the site has a previous outline permission for a similar development that was approved under 08/01644/OUT but time lapsed in June this year, this is material consideration that should be given significant weight.

The application provides for a suitable vehicular access and pedestrian links to the south to connect with the existing public footpath network. The proposal will not give rise to any highway network capacity issues. A condition is suggested requiring the submission and approval of a residential travel plan and it is considered that application complies with DP21 (transport) of the DP.

With the imposition of suitable conditions to provide appropriate mitigation, the proposal will not result in unacceptable impacts on the character appearance of the area or future residential amenity and provide enhancements in biodiversity. The application therefore complies with policies DP26 Character and Design, DP29 Noise Air and Light Pollution and DP38 Biodiversity.

There is considered to be compliance with a number of policies in the development (DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), DP23 Communication Infrastructure, DP28 Accessibility, Flood Risk/Drainage and DP42 Water Infrastructure and the Water Environment.

A appropriately worded S106 Legal Agreement will secure 30 per cent affordable housing, as well financial contributions to mitigate against the impacts of the

development in accordance with the Council's adopted SPD's. The application in this respect complies with policies DP20 Securing Infrastructure, DP24 Leisure and Cultural Facilities and Activities and DP25 Community Facilities and Local Services.

In light of the above it is considered that the proposal complies with the Development Plan and there are no material considerations that indicate that a decision should be taken contrary to it. As such it is considered that the application should be approved.

APPENDIX A – RECOMMENDED CONDITIONS

1. Approval of the details of the siting, design, appearance and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site, and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.

The development hereby permitted shall be begun before the expiration of 1 year from the date of the approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

2. No development shall commence until details of the play area, and future management arrangements, have been submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping and fencing of the area to be provided. No dwelling within the relevant phase shall be occupied until the play area has been provided in accordance with the approved details and made available for use by the general public.

Reason: To ensure satisfactory provisional equipment and to ensure that play areas are provided and retained within the development for use by the general public and to accord with Policy DP24 of Mid Sussex District Plan 2014 - 2031.

3. Before the completion of the first dwelling within the relevant phase, signs shall be erected within that phase of the play area, indicating the intention to provide a play area on that site. The details of such signage shall be submitted to and approved by the Local Planning Authority and maintained in accordance with such approved details until the play area is provided.

Reason: To ensure satisfactory provisional equipment and to ensure that play areas are provided and retained within the development for use by the general public and to accord with Policy DP24 of Mid Sussex District Plan 2014 - 2031.

4. No development shall take place in each phase until details of the proposed screen walls or fences, for each dwelling, have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until such screen wall/fences associated with them have been erected.

Reason: To ensure that this aspect of the development is acceptable and to accord with Policy DP26 of the District Plan 2014 - 2031.

5. No dwelling hereby approved shall be occupied until a Travel Plan has been submitted to and approved by the Highway Authority after consultation with the Local Planning Authority and the plan shall include arrangements for monitoring its implementation and effectiveness together with targets to reduce private car movements to and from the site. The implementation of such approved Travel Plan shall be within three months of the occupation of the development hereby permitted.

Reason: To seek to reduce the reliance on the use of the private motor car and to comply with Policy DP21 of the District Plan 2014 - 2031.

6. The dwellings, hereby approved, shall not be occupied until covered secure cycle parking spaces have been provided in accordance with a detailed construction plan, for each relevant phase, to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that safe access and storage is provided in a sustainable way pursuant to Policy DP21 of the District Plan 2014 -2031.

7. No dwellings hereby approved shall be occupied until the vehicular and pedestrian access routes shown on drawings 16086-101F, 16086-201-D, 16086-202-D and 216086-203-D (consented pursuant to condition 6 of planning permission 08/01644/OUT) have been constructed in full and made available for public use.

Reason: To ensure suitable access is provided and to accord with policy DP21 of the Mid Sussex District Plan 2014-2031.

8. Notwithstanding the details submitted, within 3 months of the date of this planning permission, a landscape masterplan for entire site shown within the redline associated with planning application 08/01644/OUT (for the avoidance of doubt this included land edged in blue within this application) shall be submitted to and approved in writing to the Local Planning Authority. In addition, detailed hard and soft landscaping details shall be submitted for all areas, except those identified as residential phases 1 -3 on the Framework Plan no.26403 006, shall be submitted to and approved in writing with the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These details shall include a programme for their implementation and these works shall be carried out as approved. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

9. A Landscape Management Plan, including ecological supervision and long term objectives, management responsibilities, arboricultural supervision and maintenance schedules for all landscape and open areas (as identified on the

landscape masterplan to the submitted in accordance with the above condition), other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be carried out as approved.

Reason: In the interest of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

10. No development shall be carried out, in each of the phases, unless and until samples/a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings within each of the phases have been submitted to and approved by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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

11. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority, which should have regard to the details pursuant to conditions 23 and 24 to planning permission 08/01644. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan 2014 - 2031. (This pre-commencement condition is necessary as it requires the submission of fundamental details of how the development is to be drained. Such details are necessary before the development commences.) Wording in brackets only to be used in formal notice

12. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person that the remediation scheme required and approved has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
- a) Description of remedial scheme
 - b) built drawings of the implemented scheme;
 - c) photographs of the remediation works in progress;
 - d) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition.

Reason: To ensure that the remediated site has been reclaimed to an appropriate standard and to accord with Policy DP41 of the Mid Sussex District Plan 2014-2031

13. No development on any phase shall commence until details of the method of piling foundations for the buildings in that phase have been submitted to and approved in writing by the Local Planning Authority. The piling shall be undertaken in accordance with the approved details.

Reason: To safeguard the amenity of adjacent occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031. (This pre-commencement condition is necessary as it requires details to be submitted and approved which are fundamental to the construction of the development. This work needs to be carried out before construction of the development starts.)

14. No construction work to commence pursuant to this permission until there has been submitted to the local planning authority verification by a competent person that the initial remediation phase has been completed. Additionally detailed proposals for gas protection will need to be submitted and approved by the Local Planning Authority.

Reason: To safeguard the amenity of future occupiers and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031. (This pre-commencement condition is necessary as it requires details to be submitted and approved which are fundamental to the construction of the development. This work needs to be carried out before construction of the development starts.)

15. Prior to first occupation of dwellings in area A or C, as identified on drawing 16468/012, details of an acoustic grade fence shall be submitted to, and approved in writing by the Local Planning Authority. The acoustic grade fence shall be of such specification and height so to reduce the level of noise from adjoining industrial uses to a value not exceeding 52 dBLAeq, 16 hour, free field in enclosed gardens or enclosed amenity area at dwellings in areas A and C. The acoustic grade fence shall be located as indicated on drawing 16468/012 and must be erected prior to the occupation of the affected dwellings. The scheme shall only proceed in accordance with the approved details.

Reason: To protect future residential amenity and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

16. The reserved matters pursuant to condition 1 submitted in respect of any dwellings falling within area A shall be accompanied by a noise insulation scheme to ensure that external noise (from night time) does not result in an internal environment for bedrooms in excess of threshold values from the World Health Organisation (Guidelines of Community Noise, 1995/1999) when bedrooms are closed. The submitted scheme shall comprise controls on the internal layout, acoustic double glazing and alternative means of ventilation. The scheme shall be implemented and an independent report submit to the Local Planning Authority, prior to occupation of the dwellings, in order that it can be demonstrated that the required threshold values have been meet.

Reason: To protect future residential amenity and to accord with Policy DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

17. The reserved matters in respect of any dwelling falling within area B, as identified on drawing 16468/012, shall be accompanied by a noise insulation scheme to ensure that external noise (from night time traffic) does not result in an internal environment for bedrooms in excess of threshold values from the WHO

(1995/1999), when windows to bedrooms are closed. The submitted scheme shall comprise acoustic double glazing and alternative means of ventilation.

The submitted scheme shall also provide details of a landscape earth mound between dwellings in area B and the access road servicing the batching plant and the waste transfer station. The scheme shall be implemented and a independent report submit to the Local Planning Authority, prior to occupation of the dwellings, in order that it can be demonstrated that the required threshold values have been meet.

Reason: To protect future residential amenities and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

18. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These shall be identified in any subsequent reserved matters submissions and be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority. Unless an exception is otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

19. Any Reserved Matter application(s) shall be supported by a Sustainability Statement demonstrating how the proposal will comply with the requirements of Policy DP39 of the Mid Sussex District Plan. The development will thereafter be constructed in accordance the submitted and approved details.

Reason: To improve the sustainability of the development and to accord with Policy DP39 of the Mid Sussex District Plan 2014-2031

20. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to throughout the construction period. The Construction Management Plan shall provide and give details for:
- a timetable for the commencement, construction, occupation and completion of the development
 - the anticipated number, frequency and types of vehicles used during construction
 - the method of access and routing of vehicles during construction and directional signage for the purposes of such
 - the siting and layout of site compounds and welfare facilities for construction workers
 - the provision of parking of vehicles by site operatives and visitors
 - the provision for the loading and unloading of plant, materials and removal of waste
 - the provision for the storage of plant and materials used in construction of the development

- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders
- a scheme to protect existing neighbouring properties from dust and noise emissions
- a noise management plan, to include consideration of vibration from construction work including the compacting of ground
- contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014-2031.

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

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

INFORMATIVES

1. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
3. 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
4. Prior to the commencement of works within the public highway, associated with the site access, the applicant shall obtain the appropriate Agreement from West Sussex County Council, as Highway Authority. This Agreement will be dealt with under the provisions of a Section 278 / Section 38 Agreement of the Highways Act, 1980, details of which can be obtained by contacting the Highways Planning Services team, Highways and Transport Unit of the County Council at Chichester.

5. The County Council requires the developer to apply for Approval in Principle by following the appropriate procedure set out in the Design Manual for Roads and Bridges in order to comply with the requirements of the County Council.

In relation to approvals for the proposed structures the developer is advised to contact the Implementation Team Leader at an early stage in order to commence liaison over the content of the legal agreement and to enable the County Council to have some influence over the design of the highway link and associated structures from the beginning rather than be presented with a fait accompli at the end of the design process. Contact the Implementation Team, Highways Planning Services, West Sussex County Council, Northleigh, Tower Street, Chichester, West Sussex, PO19 1RH

6. The applicant is advised that as the estate roads are to remain private/unadopted, the Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and casual parking are properly constructed, surfaced and drained, and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.
7. The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
8. Temporary directional signs to housing developments (Major apps only 10 units +) The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporary-development-signs/#overview>
9. The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with any required TROs (temporary or permanent) - i.e. waiting restrictions, removal of parking bays, provision of loading bay, etc. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.
10. Depending on level of traffic, the applicant may be required to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that might result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to discuss this process.

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
Highways Plans	16086-101	F	26.06.2019
Highways Plans	16086-201	D	26.06.2019
Highways Plans	16086-202	D	26.06.2019
Highways Plans	16086-203	D	26.06.2019
Location Plan	001		17.05.2019
General	006		17.05.2019
General	008		17.05.2019
Planning Layout	018	A	17.05.2019
Landscaping	P19-0678_01		17.05.2019
Tree Survey	BHA_266_01		17.05.2019
Tree Survey	BHA_266_02		17.05.2019

APPENDIX B – CONSULTATIONS

Parish Consultation

RECOMMEND APPROVAL, concerns were raised about the location of the playground. Concerns were raised about sustainability, such as water recycling and renewable energy usage.

Electric charging points should be included.

Swift bricks should be included in the three-storey buildings.

Super-fast fibre broadband should be installed as standard to all properties.

Section 106 contributions should be allocated to community facilities and applied as required.

MSDC Contaminated Land Officer

As outlined in the Ground Conditions Statement, contamination is already being dealt with under 08/01644/OUT and DM/16/4509, and remediation works are already underway on site.

There is still a requirement under DM/16/4509 for phased verification reports to the councils in terms of showing the agreed remediation has been carried out.

Provided condition 26 of 08/01644/OUT remains in force, Environmental Protection have no comment on this application.

However if for any reason the conditions of application 08/01644/OUT will no longer apply, it is recommended to place a phased verification condition on this application. Such conditions would need to be phased if the site was to be developed in sparse parcels. The exact wording would likely need to be agreed but in principle such conditions would cover the following areas:

- 1) No construction work to commence pursuant to this permission until there has been submitted to the local planning authority verification by a competent person that the initial remediation phase has been completed. Additionally detailed proposals for gas protection will need to be submitted and approved by Environmental Protection
- 2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person that the remediation scheme required and approved has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
 - a) Description of remedial scheme
 - b) built drawings of the implemented scheme;
 - c) photographs of the remediation works in progress;
 - d) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition.

Recommendation:

No Comment

WSSC Highways

Summary.

This application has been considered by West Sussex County Council as local Highway Authority.

Comments in response to other specialist (non-highway) areas should be sought directly from those departments.

The applicant is advised that, should the Local Planning Authority be minded to approve such an application the proposed development would attract service and infrastructure contributions (both highways and non-highways) that must be secured through a Section 106 Agreement.

Other than the highways amounts set-out in this document, no other contribution amounts have been included at this stage. This is because the current outline application proposes 325 residential units but does not provide detail of the numbers, mix tenure etc of the units. As such WSSC are not able to determine contribution amounts for non-highways matters. Should the proposals progress to detailed design/reserved matters applications, S106 contributions will be calculated in accordance with the WSSC policy and appropriate formulae.

With regard to highways, there is no objection raised in relation to the proposed residential development subject to a S106 Agreement to secure highways infrastructure, contributions and suitable highway-related conditions being attached to any consent granted.

In terms of Highways it should be noted that under the previous outline application 08/01644 the principle of the access road, off-site highway improvements, highway capacity and road safety have been assessed and, subject to detailed design and Technical Approval no objection was raised. Subject to this current proposal providing all outstanding highways

infrastructure as originally secured - either by planning condition or S106 Agreement - including the aforementioned S106 contributions etc., the Highway Authority would not object to the proposal.

However, there are a series of areas where the County Council will require more information through detailed design/reserved matters applications - including an updated or new Travel Plan.

Therefore there would be no objection to the principle of residential development in highway terms subject to the satisfactory provision of details set out later in this report at reserved matters stage.

Recommendation.

The current application is for the remodelling of the site and construction of 325 residential units.

The application form does not provide a breakdown of the mix and tenure or parking provision on site.

Based on analysis of the TA provided with the development it is acknowledged that the proposed residential development would result in traffic impact on the local highway network. The proposed highway improvements associated with the site would accommodate the likely increase in traffic from the residential development on the immediate highway network and, alongside suitable financial contributions to the wider area - namely £325,928.57 towards the A2300 Improvements

Scheme and the same (£325,928.57) for The Place and Connectivity Programme for Burgess Hill (so total £651,857.14). Both are consistent with other contributions from large-scale/strategic development in the locality. All these would be considered appropriate to mitigate the impact of the scheme.

It should also be noted that the likely traffic generation from the residential development does not account for any likely reductions in private car travel that would result from the implementation of an effective Travel Plan for the site. Given the time lapsed between the earlier 08 application, a new Travel Plan should form part of any reserved matters submissions prior to any residential occupations taking place on-site.

The current application provides an indicative site layout plan. While no objection is raised to the principle of the development the applicants will be required to provide additional detail through Reserve Matters, subject to Local Planning Authority approval, to further satisfy the County Council in terms of the layout of the site. These will include the following details:

- Details on the housing number, mix and tenure.
- Details regarding the parking provision on site including a parking strategy to ensure parking demand is met to avoid unsightly and obstructive on-street parking.
- Details regarding the cycle parking provision on site.
- Details of pedestrian infrastructure and any shared use space and opportunities to provide sustainable linkages to/from other adjacent sites and locations.
- Appropriate tracking plots to demonstrate typical refuse and service vehicles can safely access and service the site.
- For areas to be offered for adoption as publicly maintainable highway, Stage 1 Road Safety Audit + Designers Response in accordance with current WSCC Safety Audit Policy.
- Long sections and Drainage Philosophy for the site.
- Indication of the Street Lighting strategy for the site.
- Detailed Residential Travel Plan for the site.

Conditions:

Access roads and off-site highway works

No development shall take place unless and until details of the layout and specification of and construction programme for the roads, footpaths, highway works, surface water drainage and means of disposal have been submitted to and approved by the Local Planning Authority after consultation with the Highway Authority.

Reason - In the interest of road safety and good design.

Car parking

No dwelling, hereby approved, shall be occupied until the car parking spaces have been provided, surfaced and marked out in accordance with a detailed construction plan to be submitted to and approved by the planning authority. These spaces shall thereafter be retained at all times for their designated use.

Reason - To provide satisfactory car parking for the development.

Cycle parking

No dwelling, hereby approved, shall be occupied until covered secure cycle parking spaces have been provided in accordance with a detailed construction plan to be submitted to and approved by the planning authority.

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

Construction Management Plan (CMP)

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

Travel Plan

No development, hereby approved, shall commence until a Travel Plan has been approved to the satisfaction of the Highway Authority, and implemented in accordance with the requirements of the Business Travelwise Officer, Andy Moulard, (tel. 01243 642105).

Reason - For reasons of sustainability.

Informatives:

S38/278 Agreements.

Prior to the commencement of works within the public highway, associated with the site access, the applicant shall obtain the appropriate Agreement from West Sussex County Council, as Highway Authority. This Agreement will be dealt with under the provisions of a Section 278 / Section 38 Agreement of the Highways Act, 1980, details of which can be obtained by contacting the Highways Planning Services team, Highways and Transport Unit of the County Council at Chichester.

Approval in Principle (AiP).

The County Council requires the developer to apply for Approval in Principle by following the appropriate procedure set out in the Design Manual for Roads and Bridges in order to comply with the requirements of the County Council.

In relation to approvals for the proposed structures the developer is advised to contact the Implementation Team Leader at an early stage in order to commence liaison over the content of the legal agreement and to enable the County Council to have some influence over the design of the highway link and associated structures from the beginning rather than be presented with a fait accompli at the end of the design process. Contact the Implementation Team, Highways Planning Services, West Sussex County Council, Northleigh, Tower Street, Chichester, West Sussex, PO19 1RH

Private roads.

The applicant is advised that as the estate roads are to remain private/unadopted, the Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and casual parking are properly constructed, surfaced and drained, and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.

Temporary works required during construction.

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

Temporary Developer Signage.

Temporary directional signs to housing developments (Major apps only 10 units +) The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporary-development-signs/#overview>

Traffic Regulation Orders.

The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with any required TROs (temporary or permanent) - i.e. waiting restrictions, removal of parking bays, provision of loading bay, etc. The applicant would be responsible for meeting all costs associated with this process.

The applicant should note that the outcome of this process cannot be guaranteed.

Section 59 of the 1980 Highways Act - Extra-ordinary Traffic.

Depending on level of traffic, the applicant may be required to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that might result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to discuss this process.

WSSC Local Lead Flood Authority

West Sussex County Council (WSSC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

Flood Risk Summary

Current surface water flood risk based on 30year and 100year events	Moderate risk
<p>Comments:</p> <p>Current surface water mapping shows that the site is at moderate risk from surface water flooding. The majority of the site is at low risk but there is higher risk within the central area of the site and along the site boundaries associated with the watercourses/main river.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p>	

Modelled groundwater flood hazard classification	Low risk
<p>Comments:</p> <p>The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled</p>	

data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Ordinary Watercourses nearby?	Yes
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Comments:

Current Ordnance Survey mapping shows ordinary watercourses/main river in close proximity to the site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any historic flooding within the site?	Yes
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Comments:

We have one record of historic surface flooding within the confines of the proposed site. This was reported to the Fire Service and occurred on 20/12/2012. This should not be taken that this site has not suffered from flooding on other occasions, only that it has never been reported to the LLFA.

Future development - Sustainable Drainage Systems (SuDS)

The Flood and Drainage Strategy Statement included with this application state that detention ponds with a restricted discharge to the main river/watercourse would be used to control the surface water runoff from the site. This strategy has been previously agreed with the District Council Drainage Engineers.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and

approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

WSCC S106 Infrastructure Requirements

Without prejudice to the informal representations of the County Council in respect of the above planning proposal, I am writing to advise you as to the likely requirements for contributions towards the provision of additional County Council service infrastructure, other than highways and public transport that would arise in relation to the proposed development.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

The advice is as follows:

1. School Infrastructure Contribution

1.1 The Director for Children and Young People's Services advises that it appears that at present primary/secondary/further secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested. However, the situation will be monitored and further advice on all of the main education sectors, (i.e. Primary/Secondary/Further Secondary) should be sought if this planning application is to be progressed.

1.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings, with a 33% discount, for occupation by persons already residing in the education catchment area; the County Council's adopted floorspace standard for education provision; and the estimated costs of providing additional education floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the School Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$(\text{DfE figure (Primary)} \times \text{ACP} = \text{Primary Education Contribution}) + (\text{DfE figure (Secondary)} \times \text{ACP} = \text{Secondary Education Contribution}) + (\text{DfE figure (Further Secondary)} \times \text{ACP} = \text{Further Secondary Education Contribution}) = \text{Education Contribution where:}$

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of Housing Units, less any allowance for Affordable Housing Units, as approved by a subsequent reserved matters planning application. The current occupancy rates are as follows:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

Using the latest published occupancy rates from the census statistics published by the Office for National Statistics to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 7 year groups for primary (years R to 6) and 5 for secondary (years 7 to 11). For Sixth Form, a factor of 0.54 is applied to the Child Product figure as this is the average percentage of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

DfE Figure = Department for Education (DfE) Secondary/Further Secondary school building costs per pupil place) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2019/2020 is £18,370 - Primary, £27,679 - Secondary; £30,019 for Further Secondary, updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.3 The primary contributions generated by this proposal shall be spent on the new eastern primary school located in the Burgess Hill Northern Arc Development.

The secondary contributions generated by this proposal shall be spent on the new secondary school located in the Burgess Hill Northern Arc Development.

The further secondary contributions shall be spent on a new sixth form for Haywards Heath and the surrounding area, or towards expansion at St Paul's Catholic College Sixth Form should the new sixth form not progress.

1. Library Infrastructure Contribution

2.1 The County Librarian advises that the proposed development would be within the area served by Burgess Hill Library and that the library would not currently be able to adequately serve the additional needs that the development would generate.

However, a scheme is approved to provide additional floorspace at the library. In the circumstances, a financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

2.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development; the County Council's adopted floorspace standard for library provision; and the estimated costs of providing additional library floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Libraries Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$L \times AP =$ Libraries Infrastructure Contribution where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of Open Market Units and shared Ownership Affordable Housing Units as approved by a subsequent reserve matters planning application. Using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

L = Extra library space in sqm. per 1,000 population x the library cost multiplier (which currently for the financial year 2019/2020 are [30/35 sqm] and £5,384 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on library facilities serving the Burgess Hill Northern Arc Development and surrounding area.

3. Transport (TAD) Contribution

3.1 The Total Access Demand Contribution will be calculated by the County Council in accordance with the following formula:

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution = (C - D) x E, where:

C (Total Access) = (A (number of dwellings) x B (Occupancy per dwelling)) using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

D = Parking Spaces provided by the residential development element of the Proposed Development

E = Standard multiplier of £703

Infrastructure Contribution = D x F, where:

D = Parking Spaces provided by the residential development element of the Proposed Development

F = Standard multiplier of £1407

Where affordable dwellings are involved, the appropriate discount is applied to the population increase (A x B) before the TAD is formulated.

The contributions generated by this proposal shall be spent on;

- a. The A2300 Improvements Scheme; and
- b. The Place and Connectivity Programme for Burgess Hill.

General points

Please ensure that the applicants and their agents are advised that any alteration to the housing mix, either size, nature or tenure, may generate a different population and require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Review of the contribution towards the provision of additional County Council services should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

Appropriate occupancy rates using the latest available Census data will be used.

Should you require further general information or assistance in relation to the requirements for contributions towards the provision of County Council service infrastructure please contact, in the first instance, the Planning Applications Team officer, named above.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid

design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

Environment Agency

As the aim of this planning application is to secure the ability to approve the layout of residential parcels beyond 24 June 2019 (deadline on current outline planning permission to submit all reserved matters), and all the proposed residential dwellings will be located outside the design flood level with an allowance for climate change, we have no objection to the proposal.

It is our understanding that matters relating to drainage, land contamination, ecology and landscaping have been already approved.

Environmental permit - advice to applicant

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

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

Southern Water

To be added

Sussex Police

Thank you for your correspondence of 29th May 2019, advising me of an outline planning application for development of the former sewage treatment works to provide up to 325 residential dwellings (Use class C3) in association with detailed access proposals approved under 08/01644/OUT and DM/18/1169, the retention of the gypsy site approved under 14/03959/REM, continuation of land remediation and ground conditions works approved under DM/16/4509, retention of foul and service drainage works approved under DM/18/1169 and landscaping proposals approved under DM/18/1169, seeking approval for access with all other matters reserved at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments. Due to the application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific needs should be considered.

Given that this outline application is only to determine the means of access and to seek approval in principle, I have no detailed comment to make at this stage. At the reserved matters stage I would encourage the applicant to update the Design and Access Statement to include appropriate measures for crime prevention and community safety using the principles of Secured by Design and the attributes of safe, sustainable places. These are;

- Access and movement - places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.
- Structure - places that are structured so that different uses do not cause conflict.
- Surveillance - places where all publicly accessible spaces are overlooked.
- Ownership - places that promote a sense of ownership, respect, territorial responsibility and community.
- Physical protection - places that include necessary, well designed security features.
- Activity - places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- Management and maintenance - places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

I thank you for allowing me the opportunity to comment.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

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