

MID SUSSEX DISTRICT COUNCIL

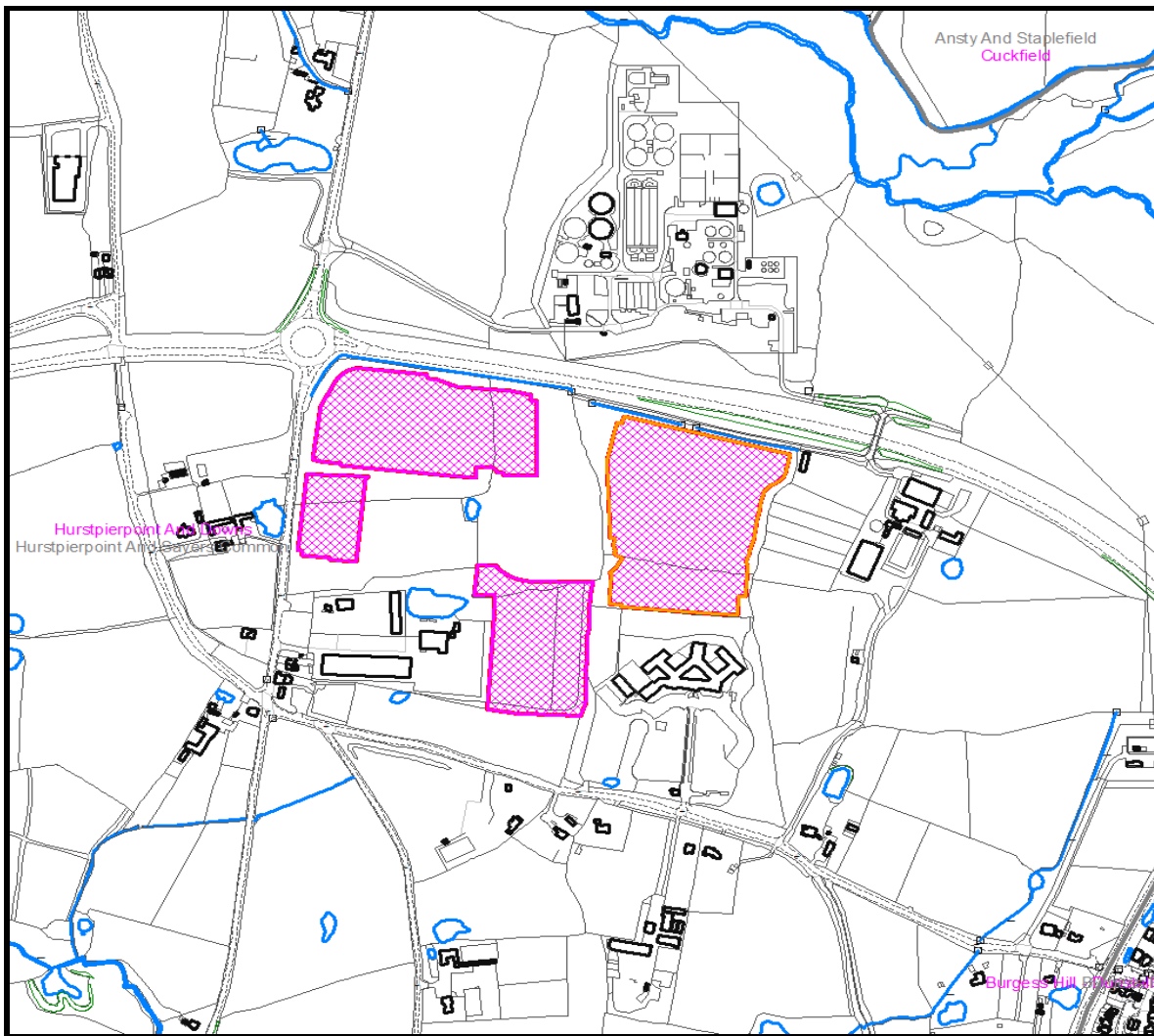
District Wide Committee

19 SEP 2019

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/19/2641



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**LAND SOUTH OF A2300 GATEHOUSE LANE GODDARDS GREEN WEST SUSSEX**

**EMPLOYMENT DEVELOPMENT COMPRISING UP TO 40,695SQM (CLASS B1(B), B1(C), B2, AND B8) WITH ANCILLARY OFFICES, CAR PARKING AND ASSOCIATED INFRASTRUCTURE. ACCESS TO BE DETERMINED.**

**MR COLIN WHELAN**

POLICY: Areas of Special Control for Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey / Highways Agreement (WSCC) /

ODPM CODE: Largescale Major Offices

13 WEEK DATE: 2nd October 2019

WARD MEMBERS: Cllr Colin Trumble / Cllr Alison Bennett / Cllr Rodney Jackson /

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 40,695sqm of Class B1(b), B1(c), B2 and B8 commercial floor space, with associated infrastructure, on land to the south of the A2300, Burgess Hill. The site has been subject to a previous planning approval (13/01618/OUT) for up to 50,000sqm of floor space, however, that permission time expired in November 2018 before the applicant was able to submit all the reserved matters details associated with all the proposed development.

Prior to the lapse of the previous planning permission the applicant secured reserved matters approval for two phases of the development, totalling 9,305sqm of floor space. The first of the units has been completed and is occupied by DPD (Class B8 storage and distribution) with the second soon to be commenced which when completed will be occupied by ROCHE (Class B8 storage and distribution).

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 and is allocated for development as a business park as part of the Northern Arc Strategic Allocation in policy DP9 of the District Plan and policy E1 of Hurstpierpoint and Sayers Common Neighbourhood Plan. Furthermore, the site has a previous outline permission for a similar development that was approved under 13/01618/OUT but time lapsed in November last year, this is material consideration

that should be given significant weight. Furthermore, the proposal would generate a significant number of full time jobs that would contribute towards the districts economic growth and employment needs. Having regard to the above it is considered that the principle of development is acceptable and in accordance with policy DP1 of the Mid Sussex District Plan.

The application provides for a suitable vehicular access from Cuckfield Road and the proposal will not give rise to any highway network capacity or highway safety issues. A condition is suggested requiring the submission and approval of a travel plan and it is considered that the 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, Flood Risk/Drainage and DP42 Water Infrastructure and the Water Environment.

An appropriately worded S106 Legal Agreement will secure the necessary highway infrastructure contributions to mitigate against the impacts of the development.

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 highway infrastructure contributions and financial contributions and the suggested conditions in Appendix A.

#### Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the 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. The proposal therefore conflicts with policy DP20 of the District Plan.

## **SUMMARY OF REPRESENTATIONS**

Two letters of objection stating the following, with specific reference to Unit 2 / Plot 2, being the closest part to Willow Barn;

- LVIA submitted is inaccurate and misleading and a list of concerns in this regard to set out
- Important that development does impact on Willow Barn
- Height of building should be restricted
- No windows should be placed on western elevation
- Appropriate fence/vegetation screening to Cuckfield Road
- Occupational activity is time restricted
- These matters need to be appropriately conditioned at this stage

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

### **MSDC Drainage Officer**

No objection subject to condition.

### **MSDC Environmental Protection Officer**

No objection subject to conditions

### **WSCC Highways**

No objection

### **WSCC Lead Local Flood Authority**

No objection.

### **Highways Authority**

No objection subject to conditions.

### **Southern Water**

No objection.

### **MSDC Archaeological Consultant**

No objection.

## **HURSTPIERPOINT AND SAYERS COMMON PARISH COUNCIL**

**RECOMMENDATION:** Permission is granted - Strongly recommend that measures are taken to discourage HGV's over 7.5 tons from turning left at the exit to Cuckfield Road. Pedestrian access from the Bus Stop on A2300 to the proposed Units on the west side of the Development needs to be improved.

## **INTRODUCTION**

The application before members is for outline planning permission for up to 40,695sqm of Class B1(b), B1(c), B2 and B8 commercial floor space, with associated infrastructure, on land to the south of the A2300, Burgess Hill. The site has been subject to a previous planning approval (13/01618/OUT) for up to 50,000sqm of floor space, however, that permission time expired in November 2018 before the applicant was able to submit all the reserved matters details associated with all the proposed development.

Prior to the lapse of the previous planning permission the applicant secured reserved matters approval for two phases of the development, totalling 9,305sqm of floor space. The first of the units has been completed and is occupied by DPD (Class B8 storage and distribution) with the second soon to be commenced which when completed will be occupied by ROCHE (Class B8 storage and distribution).

While this is a new outline planning permission, it is essentially seeking to bring forward the remaining balance of the development consented under the previous permission that has since time expired.

## **RELEVANT PLANNING HISTORY**

13/01618/OUT - Employment development comprising up to 50000sqm (Class B1(b), B1(c), B2, and B8) with ancillary offices, access, car parking and associated infrastructure. Access to be determined. Approved 10th November 2015

DM/16/0007 - Reserved Matters application for landscaping only, relating to planning permission 13/01618/OUT. Approved 21st April 2016.

DM/16/5637 - Reserved Matters application for the approval of the appearance, landscaping, layout and scale pursuant to outline permission 13/01618/OUT for the erection of 4,076 sqm for B1b B1c B2 and B8 employment uses with ancillary office, car parking, service yard areas, landscaping and enabling works. Approved 15th September 2017.

DM/18/4588 - Application for approval of reserved matters of landscape, appearance, layout and scale pursuant to outline permission 13/01618/OUT for the erection of 1 industrial unit of 5,229 sq m (GIA) for B1c, B2 and B8 employment uses with gatehouse, ancillary office, car parking, service yard areas, landscaping and enabling works. Approved 21st March 2019.

## **SITE AND SURROUNDINGS**

The application site is located to the south of the A2300, east of Cuckfield Road and north of Gatehouse Lane. It is broadly 'T' shaped and covers almost fifteen hectares. The site was formally made up of six fields, with field boundaries formed by trees/hedgerows and/or fencing, however, development under a previous planning permission has commenced and delivered a 5,00sqm building (occupied by DPD), with associated access and infrastructure. The site measures a maximum of approximately 500 metres from east to west and 400 metres north to south. It has a

slight incline, dropping approximately twelve metres from south east to north west. There is a pond towards the centre of the site.

To the south east of the application site is The Dene, a hospital providing mental health care. The closest residential properties lie to the west, on the opposite side of Cuckfield Road, and to the south along Gatehouse Lane. The nearest house to the west is approximately 40 metres from the site's western boundary (across Cuckfield Road) and to the south is approximately 80 metres away. Between the houses to the south and the application site are a builder's merchant (Jewson) and a scrap metal yard (G E Richardson). Immediately to the north, across the A2300, is the Goddards Green Waste Water Treatment Works. The area to the east is farmland.

The site lies within the built up area of Burgess Hill, as defined within the Development Plan, and the application site and the area to the east form part of the Northern Arc strategic allocation within the District Plan.

## **APPLICATION DETAILS**

The application seeks outline permission up to 40,695sqm of Class B1(b) [research and development], B1(c) [light industry], B2 [general industry] and B8 [storage and distribution] commercial floor space, with associated infrastructure, on land to the south of the A2300, Burgess Hill.

Access will be taken from Cuckfield Road via entrance arrangements approved and constructed pursuant to the previous planning permission (13/01618/OUT), all other matter (layout, appearance, scale and landscaping) are reserved and will be subject to future considered under a separate application(s) process.

The red line of the application is drawn tightly around the developable areas of land that have not come forward under the previous planning permission, and the submitted parameter plan identifies 4 specific plots in this regard. The plan also identifies that the maximum floor area if any units would be 14,000sqm, up to an overall total of 40,956sqm, which maximum buildings heights of 15m from finished floor levels.

The application is supported by a number of documents including, but not restricted too, a Planning Statement, Landscape and Visual Statement, Transport Statement and Noise Statement. All the supporting documents are available to view on the planning file.

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

- DP1 - Sustainable Development
- DP7 - General Principles for Strategic Development at Burgess Hill
- DP9 - Strategic Allocation to the north and north-west of Burgess Hill
- DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP20 - Securing infrastructure

DP21 - Transport  
DP23 - Communication Infrastructure  
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)

## **Hurstpierpoint and Sayers Common Neighbourhood Plan**

E1 - Business Park

### **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
- Residential Amenity
- Noise and Air Pollution
- 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 Hurstpierpoint and Sayers Common Neighbourhood (HSCNP).

Policy DP9 of the DP allocates land to the north of and north-west of Burgess Hill for strategic development that will provide for approximately 3,500 dwellings (and associated neighbourhood centres), two new primary schools, a centre for community sport, provision for gypsy and traveller pitches, highway network improvements and *25 hectares of land for use as a high quality business park south of the A2300.*

Policy DP7 of the DP sets out a list of general principles that all strategic development in Burgess Hill is required to support. Of particular relevance in relation to the application proposal it states provide additional, high quality employment opportunities including suitably located Business Park development accessible by public transport'.

Furthermore policy E1 of the HSCNP states that *proposals for the development of a Business Park providing high quality employment at Goddards Green as part of the Northern Arc Development Plan will be supported. Land at Goddards Green, as shown on the Proposals Map, is safeguarded for this use'*. The proposals map refers to the site subject to this application.

In addition to the above, the fact that the site has been subject to a previous planning permission that has resulted in part development of a business park is a material consideration that should be given significant weight.

Policy DP1 of the District Plan deals with Sustainable Economic Development and sets out that the total number of additional jobs required within the district over the plan period is estimated to be an average of 543 jobs per year and this will be achieved by a number of supportive objectives. Furthermore, the policy sets out that the provision of new employment land/premises will be made by incorporating employment provision within large scale housing development as part of a mixed use development where it is appropriate.



The proposed development will generate a significant number of full time jobs that that will make a positive contribution to towards meeting the employment needs of the district, in accordance the policy DP1.

Having regard to the above, the principle of the development on the site has been previously established and is supported by policies within the Development Plan, at both district and parish level.

### **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 Cuckfield Road, where new access arrangements were approved and constructed under the previous 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 provides appropriate mitigation to support on the local and strategic road network.

The application is supported by a Transport Statement that details that the proposed development is a committed scheme and that its traffic effect has already been included and taken into account in the assessment of the strategic Northern Arc development and the in the design of the proposed A2300 duelling scheme. Moreover, it sets out that the predicts traffic effect has been shown be satisfactorily mitigated by the previously proposed and approved improvements to two junctions, that are secured by Section 106 Agreement (in relation to the permission 13/01618/OUT).

The Local Highway Authority have been consulted on the on the application and the have stated the following;

*'The highway authority has no objection to the application.*

*One land parcel on the site has already been built out and occupied, and for the another parcel occupation is expected in 2019. The present application is to renew consent for the remaining four plots, which lapsed on 10th November 2019. As the transport statement says, the application is "effectively an application to reinstate the outline permission for the remaining areas within the previous site boundary". The proposed development is identical to that in the outline consent under 13/01618/OUT.*

*Transport impact, access and off-site highway works have been dealt with under the outline consent'.*

In addition to the Local Highway Authority comments, Highways England has also raised no objection to the proposals, subject to conditions.

Officers wish to draw members' attention to two elements of the Highways England's comments. The first is a suggested condition that restricts the amount of

development that can be brought into use before the completion of the A2300 improvement scheme. There is no evidence in front of officers that suggest such a condition is unreasonable. The second matters relates to the informative regarding the need for the applicant to provide a financial contribution towards the A2300 improvement scheme. On this point, members should note that the existing S106 Agreement does make provision for a financial contribution towards A2300/Cuckfield Road improvements and it is the intention that such contribution equally applies in this instance. There is no justification for the need of a further contribution beyond this.

The comments of the Parish Council are noted with regard to a trying to discourage/restrict the weight of HGV's using Cuckfield Road, however, the Local Highway Authority have not raised an issue in relation to the issue and it is not something that can be restricted using a planning condition.

Having regard for the above, no access or highway issues have been identified by either the Local Highway Authority or Highways England that would prevent the proposed development from coming forward. Subject to appropriate conditions, the application complies with policy DP21 of the DP.

### **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 subject to an allocation for development, as part of the Northern Arc Strategic Allocation, as set out in policy DP9. In addition, the site has been deemed acceptable for development based upon a similar level and form of development and these are factors that set the context for consideration of this issue at this stage of the planning process.

The application has been supported by a Landscape and Visual Impact Assessment which sets out the following;

- Development would retain key landscape characteristics identified in national and local landscape character assessment and although the landscape character of the site would change as result of the proposals, the overall landscape character of wider area would remain unchanged.
- Visibility of the development is limited to short sections of A2300 and Cuckfield Road; the roundabout adjacent to the northwest of the site; partial and glimpsed views may be experienced from a small number of locations on the PRoW network. Road users at the aforementioned locations would experience close range, direct but transient views of the development .
- Where more distant views from the PRoW network are possible, the development is not considered to be a dominant feature and would be seen in the context of the existing development on the site
- It considers that the proposed development could be successfully accommodated and assimilated into the surrounding landscape without causing substantial or evident change to the landscape character or visual amenity associated with the area.

In considering this issue, the context of the sites allocation and the previous planning permission needs to be taken into account and have regarding to the parameters plan, the overall developable area and the building height limit (15m) are the same as that previous considered acceptable.

The concerns raised in the representations received are noted but it needs to be remembered that the layout, appearance, scale and landscaping of the proposed development in relation to the each of the four parcels identified in the plans will be submitted for consideration under future reserved matter application(s). It will be for this latter process to consider the detail of each of the parcels impact on the visual amenity of the area and there is no evidence at this stage to suggest that appropriate development cannot be achieved with regard to this issue.

The site is not located in an area of designated landscape, such as an Area of Outstanding Natural beauty, is subject to an allocation for development and has been subject to a planning permission that has resulted in part of the site being developed. Subject to appropriate conditions and consideration of the scheme's detailed design at reserved matters stage, officers are satisfied that no adverse visual impact warranting refusal would result from the scheme. This conclusion is the same reached in respect of planning permission 13/01618/OUT.

It is considered that 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.

The application is supported by a Flood Risk and Drainage Statement that indicates the development, in respect of surface water drainage, will utilise a mix of previously approved (pursuant to permission 13/01618/OUT) and constructed attenuation structures and on-site attenuation. All surface water will be discharged to the local water systems.

In respect of foul water drainage, a Section 98 Application was made to Southern Water Services for connection to the foul drainage network and a connection was made to their network within the boundary of the development site. A pump station has been constructed, is operational and is in its maintenance period, at the end of which, it will be adopted by Southern Water Services. It has been sized to have capacity to deal with all phases of the development.

The application has been considered by your Drainage Officer and no objection has been raised in relation to surface water and foul water drainage, subject to a condition securing details of the later phases associated with the development contained within this application. Furthermore, it is considered that the proposed development is appropriate in terms of flood risk.

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

### **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.

In this case, the most sensitive neighbours are The Dene Hospital to the south-east and the various houses to the west and south and south east of the application site. The nearest of these is Willow Barn (Cuckfield Road) which is located approximately 40m from the western boundary of the site. The main likely impacts are due to the bulk and proximity of the buildings, traffic movements, noise and air quality.

The relationship, in the main, between these existing neighbouring residences remains as previously considered under 13/01618/OUT, where it was not considered that the development would give rise to likely significant harm to existing residential amenities. While some changes have occurred through the implementation of the previous planning permission it needs to be remembered that this is an outline planning application and matter associated with the design and layout of the buildings will be subject to reserved matter application(s), where the impact can be assessed having regard to details contained within it.

It is acknowledged that occupiers of the Willow Barn have raised objections to the proposal, within which they express concern about the in relation to the relationship between their property and any building that may be constructed along the frontage of the Cuckfield Road. The previous planning permission established that a building of up to 15m tall could be accommodated on the site without causing significant harm in respect of existing amenities of this property, and others adjoin the site, and there is no material change in circumstance that would warrant a different view being taken in respect of this application, especially given the position with regard to future reserved matter application(s).

In respect of the impact of additional traffic movements, the previous report (13/01618/OUT) stated;

*'The proposed development will increase traffic flows, primarily on Cuckfield Road and the A2300, in relatively close proximity to houses to the west. Most additional traffic would move north/south to or from the A2300 though. The relationship of nearby houses to the access road/junction is not uncommon in larger scale developments and it is not considered that significant harm would arise to their residential amenities as a result.'*

It is your officers' view that this assessment of the issue is still relevant and there is no alternative evidence that would warrant a different view being reached in respect of this application.

It is considered in conclusions on this matter that the proposal, at this stage, is unlikely to give rise to any significant harm to existing residential amenity and as such the application complies with policy DP26 of the DP.

### **Noise and Air Quality Impacts**

Policy DP29 of the DP deals with noise and air pollution matters. It sets out that the quality of people's life will be protected from unacceptable levels of noise, light and air pollution. Development will only be permitted where, in respect of noise pollution, *it is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and surrounding the area*'. Development should also not cause unacceptable levels of noise pollution.

The application has been supported by an air quality statement and noise statement, both of which have been considered by you Environmental Protection Officers.

The air quality statement sets out that during the course of construction the impact (from dust effect) is likely to be short in duration and with the introduction of mitigation measures (secured through a construction management plan) the likely effect is categorised as 'not significant'. Detailed atmospheric dispersion modelling demonstrates the operational impact post development can be considered as 'negligible'.

The noise statement identifies potential noise sources from the development as night time HGV activity, noise from internal activities and noise from fixed plant. It is suggested that with appropriate conditions requiring a noise management plan for each phase of development and the setting of noise criteria for fixed plant, the proposed development would cause significant impact on the health and life of local residents in accordance with the national policy aims contained within the NPPF.

Your Environmental Protection Officer has not raised an objection to the proposal, subject to proposed conditions and with this in mind your Officer is content that the application complies with policy DP29 of the DP and will not give rise to unacceptable levels of noise or air pollution.

### **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 application is supported by an Ecology Statement that sets out, in summary, that *'the development site currently provides no opportunities for any notable or protected species. The previously recorded ecology constraints have been addressed through the implementation of agreed mitigation strategies. There are no further ecological constraints associated with the site coming forward for development'*. It concludes by stating that *'is no reason from an ecology and nature conservation perspective why the outline planning permission being sought should not be granted'*.

It should be noted as a result of the previous planning permission, and the associated conditions attached to it, the applicants undertook a Great Crested Newt translocation programme under licence from Natural England, with all captured animals released into the onsite receptor site, that is subject to future monitoring and management. This represented the major ecological barrier to development of the site.

Given these previous works, and having reference to a suitable condition requiring an ecological enhancement scheme for proposed development parcels, it is considered that biodiversity value of the site will be protected and enhanced, where appropriate, and there is no overriding ecological constraint that should prevent the current development proposals coming forward.

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 an increase in commercial floor space 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 DP23 of the DP seeks to encourage the incorporation of digital infrastructure in major new commercial 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, apart 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 would not be appropriate to refuse the application on this basis alone.

### **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).

The applicant has submitted a Unilateral Undertaking with their application seeking to secure the following;

- A2300/Cuckfield Road improvement scheme contribution of £418,000 or the provision of physical works as shown on drawing G1-08007-PL011 revision A. No more than 24,000sqm. of the B1b/c or B2 elements of the development or 34,000sqm. of total floor space can be occupied until the improvement scheme is completed.
- Cuckfield Road access scheme works as shown on drawing G1-08007-PL010 revision A which includes the widening of Cuckfield Road, the construction of the site access, bus stop works and signage. These works are required before any part of the development is occupied.
- Gatehouse Lane cycle/footway link as shown on drawing 30425-PL-106. These works are required before any part of the development is occupied.



- A23/A2300 improvement scheme contribution of £168,631 for undefined improvement works. No more than 10,000sqm of development can be occupied until this has been paid.

The above represents the position secured via a Section 106 Legal Agreement associated with the previous planning permission, 18/01618/OUT, and it is considered that such infrastructure requirements should again be secured by means of a S106 Legal Agreement. Given that the above requirements are essentially matters for West Sussex County Council as the Local Highway Authority, your Officer is currently establishing how best they wish to take this matter forward. However, as the Local Planning Authority, the matters are relevant and material to the determination of this planning application and as such the Council will need to be party to any Legal Agreement.

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122, guidance in the NPPF 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 and is allocated for development as a business park as part of the Northern Arc Strategic Allocation in policy DP9 of the District Plan and policy E1 of Hurstpierpoint and Sayers Common Neighbourhood Plan. Furthermore, the site has a previous outline permission for a similar development that was approved under 13/01618/OUT but time lapsed in November last year, this is material consideration that should be given significant weight. Furthermore, the proposal would generate a significant number of full time jobs that would contribute towards the districts economic growth and employment needs. Having regard to the above it is considered that the principle of development is acceptable and in accordance with policy DP1 of the Mid Sussex District Plan.

The application provides for a suitable vehicular access from Cuckfield Road and the proposal will not give rise to any highway network capacity or highway safety issues. A condition is suggested requiring the submission and approval of a travel plan and it is considered that the 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, Flood Risk/Drainage and DP42 Water Infrastructure and the Water Environment.

An appropriately worded S106 Legal Agreement will secure the necessary highways infrastructure contributions to mitigate against the impacts of the development.

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.

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## APPENDIX A – RECOMMENDED CONDITIONS

### Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan	30425-PL-150		28.06.2019
Planning Layout	30425-PL-151	A	28.06.2019
Illustration	30425-PL-152	A	28.06.2019
Illustration	30425-PL-153		28.06.2019

## APPENDIX B – CONSULTATIONS

### Parish Consultation

RECOMMENDATION: Permission is granted - Strongly recommend that measures are taken to discourage HGV's over 7.5 tons from turning left at the exit to Cuckfield Road. Pedestrian access from the Bus Stop on A2300 to the proposed Units on the west side of the Development needs to be improved.

### Heritage Consultations - Surrey County Council

Recommendation: No archaeological concerns

This application follows 13/01618/OUT, where following archaeological assessment and consultation with the WSCC Archaeologist it was identified that; limited archaeological work had been undertaken in this area, and as the site had the potential to contain archaeological horizons, the unknown archaeological potential of the site needed to be further investigated. As a result, geophysical survey and subsequent trial trench evaluation has been conducted across the site (the details of which are accurately set out within the letter from Carl Champness of Oxford Archaeology, dated 20/06/2019, and submitted in support of this planning application).

The final report of the results of these subsequent archaeological investigations is still outstanding, however I understand from interim reporting and communications with Oxford Archaeology that these revealed no finds or features of archaeological significance. An acceptable detailed final report will need to be submitted in relation to these works in order to fulfil the archaeological condition of planning in relation to application 13/01618/OUT.

However in relation to the current application, as it has been demonstrated that no further on-site archaeological work is necessary, I have no archaeological concerns regarding DM/19/2641.