

MID SUSSEX DISTRICT COUNCIL

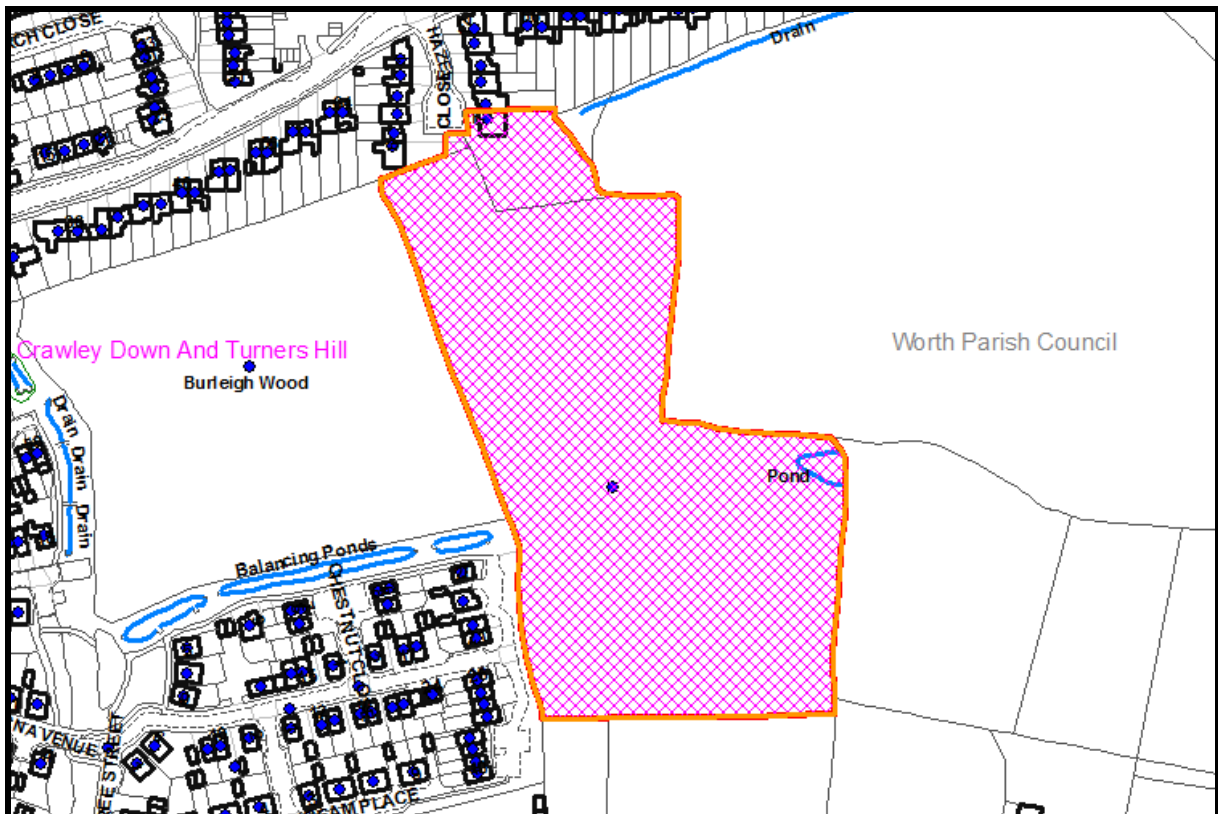
District Wide Committee

21 NOV 2019

RECOMMENDED FOR PERMISSION

Worth Parish Council

DM/19/2974



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**LAND SOUTH OF HAZEL CLOSE CRAWLEY DOWN WEST SUSSEX RESERVED MATTERS APPLICATION RELATING TO OUTLINE APPLICATION AP/16/0038 (DM/15/4094) SEEKING THE APPROVAL OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING. AMENDED PLANS RECEIVED ON 26 SEPTEMBER SHOWING REVISED LEVELS, REVISED HOUSE TYPES AND REVISED LAYOUT TAYLOR WIMPEY UK LTD.**

POLICY: Ancient Woodland / Ancient Woodland / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation /

Aerodrome Safeguarding (CAA) / Tree Preservation Order /  
Highways Agreement (WSSC) / Highways Agreement (WSSC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 22nd November 2019

WARD MEMBERS: Cllr Phillip Coote / Cllr Ian Gibson / Cllr Roger Webb /

CASE OFFICER: Steven King

**PURPOSE OF REPORT**

To consider the recommendation of the Divisional Leader, Planning and Economy on the application for reserved matters consent as detailed above.

**EXECUTIVE SUMMARY**

This application seeks reserved matters consent for the erection of 60 dwellings on land south of Hazel Close, Crawley Down. The means of access into the site has already been approved by the granting of outline planning permission for the development on the site. As such this application is seeking consent for the reserved matters of the layout, scale, appearance and landscaping of the site. The principle of developing this site for 60 dwellings is established.

The details of the reserved matters of the layout, scale, appearance and landscaping of the site need to be assessed against the relevant policies in the development plan. In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

It is considered that the landscape impact of the proposal is acceptable. There will be a significant change from a green field site to a housing site but the principle of this has been accepted as planning permission has been granted for the development of the site. The important boundary trees around the site will be retained with the proposed houses facing out towards these trees.

It is considered that the applicants have responded to officers concerns and developed a scheme that works well on this challenging sloping site. The layout is sound and the external elevations of the dwellings will produce a development that fits in satisfactorily in the area. It is therefore considered the application complies with policy DP26 of the District Plan (DP), policy CDNP05 of the Crawley Down Neighbourhood Plan (CDNP) and represents the high quality design that is sought by the National Planning Policy framework (NPPF).

The access into the site was approved at the outline stage. This was found to be acceptable both in relation to highway safety and in relation to the impact on the capacity of the road network. The road layout within the site will encourage vehicles

to travel at a low speed and is satisfactory. It is considered that given the layout of the site the use of shared surfacing at the southern end of the site is appropriate. It is also considered that the level of car parking provided is also satisfactory to serve the development.

There is a conflict with part p) of policy CDNP05 in respect of the percentage of 2 and 3 bedroom market units that is provided within the scheme. However the conflict is very minor and the scheme does provide a good mix of dwelling sizes as required by policy DP30 in the DP. The scheme provides a policy compliant level of affordable housing and the Councils Housing Officer has no objection to the scheme. It is considered the delivery of a good mix of housing, including affordable housing should be significant positive weight in the planning balance.

The required infrastructure to serve the development and the necessary mitigation in respect of the impact on the Ashdown Forest have been secured by the legal agreement that was completed when outline planning permission was granted for the development of this site. As such policies DP17 and DP20 of the DP are met.

It is considered that there would not be a significant adverse impact on the residential amenities of the occupiers of the properties that adjoin the site. The proposal would result in some new overlooking from the properties at the northern end of the site. However this is not considered to cause a significant adverse impact given the distances between the existing properties and the new properties. It is also relevant that the existing houses to the north and within the built up area where there is already mutual overlooking between the properties.

In light of all the above it is considered that the proposal complies with the development plan when read as a whole, which is the proper basis for decision making. It is therefore recommended that reserved matters consent is granted for this development.

### **Recommendation**

It is recommended that reserved matters consent be granted subject to the conditions set in Appendix A.

## **SUMMARY OF REPRESENTATIONS**

1 letter received:

- concerned about how I will be able to reverse into my driveway

## **SUMMARY OF CONSULTEES (full comments in appendices)**

### **Highway Authority**

No objection.

## **Sussex Police**

No objection.

## **NATS Safeguarding**

No objection.

## **Ecological Consultant**

No objection.

## **Housing Officer**

The application proposes a development of 60 dwellings of which 18 are proposed as affordable housing in accordance with the current 30% policy and the legal agreement for the outline permission. The affordable dwellings provide a suitable mix of sizes and comprise of: 2 x 1 bedroom flats (one of which is wheelchair accessible), 4 x 1 bedroom maisonettes, 10 x 2 bedroom houses and 2 x 3 bedroom houses.

## **Community Facilities Project Officer**

In general the landscaping proposals are OK but some aspects may need to be revised

## **Drainage Engineer**

TBR

## **Urban Designer**

Although the elevations suffer from a ubiquitous design, the revised drawings incorporate a number of improvements that result in better-ordered facades. Despite the 15m ancient woodland buffers that makes the northern part of the site quite narrow, the layout overall works with the attractive woodland boundaries revealed to the building frontages, access roads and footpaths. The central open space is modest but benefits from its central position and visual connection with Burleigh Wood and Rushetts Wood on either side.

This is nevertheless an awkward sloping site and the applicant has reviewed the levels in light of the Design Review Panel (DRP) and my concerns in considering the relationship to the road and access points of the properties, as well as streetscape and roof composition; a comprehensive set of street elevations has been provided to help demonstrate this. However, the cross section relationship of the sloping thresholds and driveways with the building frontages and carriageway also need to be provided. Therefore while I raise no objection to the scheme, I recommend a condition requiring the approval of a number of cross section drawings to fully explain the levels, as well as conditions covering landscaping (including boundary treatment and the design of the pergolas in the parking areas), facing materials and

the first floor windows on the front elevation of the type NA22 and NA34 houses (to address concerns about inconsistently designed windows).

### **Crawley Down Parish Council Comments**

It was considered that the amended plans did not address the Committee's original concerns; It was AGREED to object as previous, namely:

It was noted that the housing mix does not comply with the Crawley Down Neighbourhood Plan for either market or affordable housing. It does not provide a range of dwellings that are suited to the needs of both young families and older residents, therefore the proposals are contrary to CDNP05m) and CDNP05p) Parking provision is seven spaces short, when calculated against the CDNP Appendix 1 - Parking Standards. It was noted that no provision has been made for mitigation of the impact of the development on the adjacent ancient woodland, in that no wildlife corridor has been created across the site. Whilst the fact that the houses face away from the ancient woodland buffer zones is welcomed, pathways are shown through these buffer zones which is not permissible. This impact on the ancient woodland and fauna is therefore contrary to DP37, and to CDNP09a), CDNP09b) and CDNP09c) With regard to connectivity, only the access road connects the development to the rest of the village, the development is contrary to CDNP05i). The recent appeal decision AP/19/038 relating to 6 dwellings at 2 Crawley Down Nurseries made reference to this policy when dismissing the appeal.

In addition, the Council considers that the proposals are contrary to CDNP10a) and b), given the distance that those residents to the south of the site will have to walk to get to public transport. To improve connectivity, non-vehicular access should be made into Acorn Avenue, in the south east corner of the site.

Whilst it is understood that any such access would cross land outside the curtilage of this development, the Council considers it vital in order to assist compliance with CDNP5i) and DP26. Streeting light on the site should be low level LED bollards emitting warm yellow light with an effective temperature not exceeding 3200 kelvin.

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## **INTRODUCTION**

This application seeks reserved matters consent for the erection of 60 dwellings on land south of Hazel Close, Crawley Down. The means of access into the site has already been approved by the granting of outline planning permission for the development on the site. As such this application is seeking consent for the reserved matters of the layout, scale, appearance and landscaping of the site. The principle of developing this site for 60 dwellings is established.

## **RELEVANT PLANNING HISTORY**

Members resolved to approve the outline planning application (reference DM/15/4094) for up to 60 dwellings on this site at the District Planning Committee on 7th April 2016, subject to the completion of a legal agreement to secure the

necessary infrastructure provision and affordable housing. Before the decision could be issued, the application was called in by the Secretary of State (SoS) for his own determination. A Public Inquiry opened on 31st January 2017 and the Inspector appointed by the SoS recommended that the application be approved. In a decision letter dated 1st March 2018 the SoS agreed with the recommendation of his Inspector and approved the planning application.

## **SITE AND SURROUNDINGS**

The site comprises approximately 2.7ha hectares of undeveloped land located on the south eastern edge of Crawley Down. There is a fall in levels from south to north through the site. The Site is bound by residential development to the north, and two designated Ancient Semi natural Woodlands on either side (Burleigh Wood and Rushetts Wood). Burleigh Wood is subject to a Tree Preservation Order (TPO WP - 10 - TPO - 88).

To the south and south east of the site are agricultural fields, which are defined by existing hedgerows and mature trees. To the west lies a consented residential scheme 13/03312/OUT for 51 dwellings for which a reserved matters application (DM/15/1298) was approved on 26th June 2015.

In terms of planning policy the site lies within the countryside as defined in the District Plan (DP). The site is outside the built up area of the village as defined in the Crawley Down Neighbourhood Plan (CDNP).

## **APPLICATION DETAILS**

This application seeks reserved matters consent for the approval of layout, scale, appearance and landscaping of 60 dwellings on a parcel of land to the south of Hazel Close, in Crawley Down. The means of access into the site from Hazel Close was approved by the outline planning permission granted by the SoS.

The plans show that the access road into the site would run alongside the southern boundary and would then run southwards along the eastern boundary of the site. There would be an area of open space in the centre of the site. The main access road would then run southwards through the centre of the site, with houses located either side.

The southern part of the site has been designed using the principle of a perimeter block layout which allows the houses to face out onto the street and for back gardens to back on to one another. The northern parcel of the site has been designed along similar principles.

The open space within the centre of the site features play equipment. This area is overlooked by houses to the north and south.

The scheme proposes the following housing mix:

Market housing  
8 x 2 bed houses

22 x 3 bed houses  
12 x 4 bed houses

Affordable housing

1 x 1 bed flat (wheelchair)  
1 x 1 bed flat  
4 x 1 bed maisonette  
10 x 2 bed houses  
2 by 3 bed houses

The affordable housing would be in two clusters within the site; one on the northern half consisting of 8 units and one on the south western half consisting of 10 units.

The dwellings would be of a traditional design and would feature a mix of brick (two different bricks across the site), tile hanging, eternet cladding and differing coloured roof tiles. There will be a mixture of detached, semi detached and terraced houses together with flats.

The plans show 110 allocated car parking spaces, 19 garages and 20 unallocated visitor spaces.

## **LIST OF POLICIES**

### **Mid Sussex District Plan**

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

Relevant policies:

DP12 Protection and Enhancement of Countryside  
DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
DP20 Securing Infrastructure  
DP21 Transport  
DP22 Rights of Way and other Recreational Routes  
DP23 Communication Infrastructure  
DP26 Character and Design  
DP27 Dwelling Space Standards  
DP29 Noise, Air and Light Pollution  
DP30 Housing Mix  
DP31 Affordable Housing  
DP37 Trees, Woodland and Hedgerows  
DP38 Biodiversity  
DP39 Sustainable Design and Construction  
DP41 Flood Risk and Drainage

*Mid Sussex Design Guide Supplementary Planning Document (SPD)*

The District Council is consulting on the Mid Sussex Design Guide SPD between 9th October and 20th November 2019. Due to it being out at consultation this currently

has little weight in the determination of planning applications. However, once adopted this document will be treated as a material consideration in the assessment of all future planning schemes

This Design Guide is intended to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

## **Neighbourhood Plan**

The site falls within the Crawley Down Neighbourhood Plan (CDNP) area. The CDNP was made on 28 January 2016 and has full weight.

The following policies are therefore relevant.

CDNP01 - Securing Sustainable Local Infrastructure  
CDNP05 - Control of New Developments  
CDNP06 - Sustainable Drainage Systems  
CDNP08 - Prevention of Coalescence  
CDNP09 - Protect and Enhance Biodiversity  
CDNP10 - Promoting Sustainable Transport

For the benefit of the committee, the entire wording of policy CDNP05 is set out below as this is the primary policy dealing with new development within the neighbourhood plan area.

*'Subject to the other policies of this Neighbourhood Plan; Within the Crawley Down Neighbourhood Plan Area, planning permission will be granted for residential development subject to the following criteria:*

- a) The scale height and form fit unobtrusively with the surrounding buildings and the character of the area or street scene and where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.*
- b) Individual development will not comprise more than 30 dwellings in total, with a maximum density of 25 per Ha and spacing between buildings to reflect the character of the area.*
- c) Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- d) The individual plot sizes are proportionate to the scale of the dwelling.*
- e) Open green spaces are provided in accordance with the Local Plan standard provisions. Where practical open spaces should provide linkage/connection to elements of the local footpath network.*
- f) Construction materials are compatible with the materials of the general area and are locally sources where practical.*
- g) The traditional boundary treatment of the area is provided and where feasible reinforced.*
- h) Suitable access and on-site parking is provided without detriment to neighbouring properties.*



- i) *The development is arranged such that it integrates with the village.*
- j) *Housing need is justified.*
- k) *The development does not impact unacceptably on the local highway network.*
- l) *Issues raised in the local housing supply document site assessment are satisfactorily addressed.*
- m) *Has a range of dwelling sizes and in particular provides dwellings that are suited to the ends of both young families and older residents.*
- n) *Includes affordable homes as required by District policy.*
- o) *Proposals for new housing development must meet the standards set out in Appendix 1.*
- p) *Development of 6 or more dwellings should provide a mix of dwellings sizes (market and affordable) that fall within the following ranges;*

*Market Housing      At least 75 per cent 2-3 bedroom houses and up to 25 per cent other sizes*

*Affordable Housing    At least 80 per cent 2-3 bedroom houses and up to 20 per cent other sizes.'*

### National Planning Policy Framework (NPPF) (Feb 2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 38 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

*National Planning Policy Guidance*

*National Design Guide*

*Technical Housing Standards: Nationally Described Space Standard (Mar 2015)*

## **ASSESSMENT**

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

- The principle of development;
- Landscape Impact
- Design and layout of the proposal
- Access and Transport
- Drainage
- Ecology / Biodiversity
- Housing Mix and Affordable Housing
- Infrastructure
- Ashdown Forest Special Protection Area
- Neighbour amenity
- 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 Crawley Down Neighbourhood Plan (CDNP).

In this case outline planning permission has been granted for the erection of up to 60 dwellings on the site and the means of access into the site has been approved. Therefore the principle of development is established, as is the access into the site from the Hazel Close. The matters to assess therefore are the reserved matters of the appearance, landscaping, layout and scale of the site.

### **Landscape Impact**

Policy DP12 in the DP seeks to protect the countryside in recognition of its intrinsic character and beauty. In this case the principle of development on the site has been approved by the grant of planning permission for 60 dwellings on the site. It is an inevitable consequence of developing on greenfield sites that there will be a significant change to the character of the area at the local level. In his recommendation letter the Inspector stated *'Overall I have concluded that although both proposals would result in significant adverse changes to the character and appearance of the application sites themselves, these would be off-set by a well-designed, high quality and well-landscaped development, such as could be achieved by either application scheme. As a result, neither scheme would have an unacceptably adverse impact on the wider landscape. Nor would they have any harmful impacts on the Burleigh Wood or Rushetts Wood areas of ancient woodland'*.

The reserved matters proposal retains the boundary planting around the site and provides for a 15m buffer with the ancient woodlands to the east and west. Therefore, acknowledging that the principle of development has been approved, it is considered that the proposal layout will have an acceptable impact on the wider character of the landscape.

### **Design and layout of the proposal**

Policy DP26 in the DP seeks a high standard of design in new development.

On the 1st October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1st October 2019 stating that *'the National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed.'*

Whilst currently out at consultation, the Council has a draft design guide which is considered relevant. This draft document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

The proposed layout of the site has evolved since the illustrative plans that were submitted with the outline application. The layout shows the access road coming into the site and then being positioned on the eastern side of the site. The access road then branches out at the southern end of the site where the site opens up. The dwellings around the boundary of the site have been laid out so that they face outwards onto the roads. This has created a perimeter block type layout that allows the front elevations of the houses to face the street and for there to be traditional arrangement of back gardens backing on to one another within the scheme.

In the centre of the site there would be a play area which would be overlooked by houses to the north and south.

There would be a 15m buffer zone to the east and west of the site with the ancient woodlands that bound the site.

The dwellings would comply with the national dwelling space standards.

It is considered that the layout of the site is sound. The perimeter block layout allows the new houses to face onto the attractive trees that bound the site and also allows for proper streets to be formed with houses fronting onto the highway. The location of the play space within the centre of the site is also sound as this will be a focal point for the development and it will have good natural surveillance from the new houses. The Councils Urban Design concurs with this assessment. He states *'Despite the 15m ancient woodland buffers that makes the northern part of the site quite narrow, the layout overall works with the attractive woodland boundaries revealed to the building frontages, access roads and footpaths. The central open space is modest but benefits from its central position and visual connection with Burleigh Wood and Rushetts Wood on either side.'*

In relation to the elevations of the dwellings, the Urban Designer states *'The elevations have a ubiquitous style that contributes little to giving the scheme a sense of place, but can be commended for the facing materials which are comprehensively applied on all sides of the buildings. In addition to this the following improvements have been made:*

- *The opportunity has been taken to provide greater rhythm and order through more consistent organisation or repetition of standard house types and incorporating more consistent roof pitches and window sizes / proportions.*
- *Dead flanks have generally been avoided with facing materials wrapped around and windows included on most side elevations.*
- *Some diversity across the site has been achieved by varying the facing materials with hanging tiles featuring in the northern part and black cladding in the southern part.*

- *Consideration has been given to employing secondary facing materials on the more prominent buildings on corners and at the end of axes, including the house at the of Hazel Close at the site entrance.*

*In respect of the first point, the type NA22 and NA34 houses still suffer from inconsistent window proportions / sizes that undermine the integrity of their design; for this reason I recommend a condition that makes the first floor windows subject to further approval.'*

The Urban Designer has recommended a condition requiring the approval of a number of cross section drawings to fully explain the levels, particularly the relationship of the sloping thresholds and driveways with the building frontages and carriageway. There is already a condition attached to the outline consent requiring details of levels to be provided and therefore this issue can be addressed when the applicants come to discharge this planning condition.

Overall the Urban Designer raises no objection to the scheme. Your officer concurs with this view. It is considered that the applicants have responded to officers concerns and developed a scheme that works well on this challenging sloping site. The layout is sound and the external elevations of the dwellings will produce a development that fits in satisfactorily in the area. It is therefore considered the application complies with policy DP26 of the DP, policy CDNP05 of the CDNP and represents the high quality design that is sought by the NPPF and the National Design Guide.

In relation to sustainable design, the applicants have advised that Taylor Wimpey adopt a sustainable approach to building design. Under this approach energy consumption of a building takes precedence over the use of bolt-on renewable energy technologies. The applicants state that a key advantage of a fabric-first approach is that it does not require changes to the behavioural patterns of the occupants.

It is considered that the applicants have had regard to policy DP39 of the DP and the scheme will minimise the use of energy through the fabric first approach.

### **Access and Transport**

The means of access into the site has already been approved by the outline planning permission. As such the impact of the development on road capacity and matters of accessibility have already been assessed and are settled. The issues to consider in respect reserved matters relate to the internal layout of the development.

It is intended that the majority of the roads within the site would be built to a standard to allow them to be offered up for adoption to the County Council. The roads at the southern end of the site, beyond the public open space, would be a shared surface.

The layout of the site will mean that vehicle speeds within the site will be low. It is therefore considered that there is no objection to the use of a shared surface. The Highway Authority has raised no objection to the application.

Officers have encouraged the developers to seek to achieve a pedestrian connection with the relatively recent development to the west of the site to improve pedestrian connectivity. Unfortunately for legal reasons the neighbouring developer has not provided their consent for this and therefore whilst the applicants are willing to provide this, the reality is that this pedestrian link cannot be delivered. Whilst this is unfortunate it is not considered that this would be a reason to resist this reserved matters application.

It is worth noting that in his recommendation letter to the SoS, the Inspector when dealing with the outline application stated *'I have noted the Parish Council's concerns that there would be no link to the adjacent Woodlands Close development (in the case of the Gleeson 60 scheme), and Mrs Ward's concerns that the proposed access would only have a footway along one side, for part of its length. However, having considered the proposed access arrangement drawing, I am satisfied that these developments would provide acceptable access arrangements for all users, and would be within reasonable walking and cycling distances of a range of services and facilities in the village. As such, they would help to support the existing and future community's health, social and cultural well-being. In view of all these points I conclude that both schemes would satisfy the social role of sustainable development. Again, these benefits should attract significant weight in the proposals' favour.'*

It is not considered that there are any grounds to come to a different conclusion on this point now to that of the Planning Inspector. There is therefore no conflict with criteria i) of policy CDNP05 in the CDNP or parts a) and b) of policy CDNP10 in the CDNP.

In relation to car parking the scheme would provide 129 allocated spaces, of which 19 would be in garages with the other allocated spaces either being in front of garage or dedicated spaces adjacent to or within the curtilages of plots.

The County Council published new guidance on car parking provision in August 2019 and this represents the most up to date guidance on car parking provision.

The level of allocated car parking provision accords with the West Sussex County Council car parking demand calculator. The County Council parking demand calculator indicates that with 129 allocated spaces there would be a further requirement for 12 visitor spaces. The scheme provides for 20 unallocated spaces, whereas the parking demand calculator indicates a requirement for 12 unallocated spaces. As such the scheme provides 8 more unallocated spaces than is indicated by the County Council's car parking demand calculator. It is also considered that by only providing a minority of the allocated spaces within garages, this will mean that those spaces are actually used for car parking rather for general storage, which is more likely to take place within garages.

The Parish Council have stated that the proposal is 7 car parking spaces short when calculated against the standards contained in the Neighbourhood Plan. The Highway Authority has no objection to the level of car parking provided. It is considered that the level of car parking is sufficient for the scheme to result in a level of additional on street car parking that would lead to a highway safety hazard. There is always a

balance to be struck between providing sufficient car parking and ensuring that a scheme does not become dominated by hard standing for the private car.

In this case, given the views of the Highway Authority and the very modest shortfall against the Neighbourhood Plan standards (which pre date the West Sussex County Council parking demand calculator), it is not considered that there would be any sustainable reason to resist the reserved matters application based on the level of car parking provision.

## **Drainage**

Policy DP41 in the District Plan seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. Policy CDNP06 states:

*'Development proposals will be expected to demonstrate that they include sustainable drainage systems designed to manage the risk of surface water flooding within their boundaries, and that they will not increase flood risk elsewhere in the Parish. Examples of sustainable drainage systems include permeable driveways and parking areas, water harvesting and storage features (rain/grey), green roofs and soakaways. The preferred hierarchy of managing surface water drainage from any development is: 1) infiltration measures; 2) attenuation and discharge to watercourses; 3) discharge to surface water only sewers.*

*Such measures should protect the amenity and security of other properties and should not adversely affect the water table and associated aquifers or ancient woodland. Arrangements for the maintenance of drainage systems shall be required as a condition of planning permissions and these arrangements shall include details of who will manage and fund the maintenance for the lifetime of the development.'*

Paragraph 163 of the NPPF states: *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*

It should be noted that as planning permission has been granted for development on the site, it has been accepted by the SoS that as a matter of principle, this site can be adequately drained for this quantum of development. The issue to assess now is the proposals that have been put forward with this reserved matters layout; there is a separate conditions discharge application (reference DM/19/2971) that seeks to

discharge the drainage conditions that were attached to the outline planning permission that has been granted on the site. It is this conditions discharge application that will deal with the details of the means of drainage that are proposed for this site.

The existing site is currently drained via a network of ditches along the east, west and northern boundaries, with the majority of the runoff likely to enter the northern and eastern ditches. A pond is also located along the eastern boundary which shall receive runoff, with an overflow into the eastern ditch. The low point of the site is in the north-east with the a drainage ditch flowing from this area off site towards the north-east. This ditch then flows into a watercourse to the north, which is a tributary of the River Medway.

The applicants have submitted a drainage report with the reserved matters application. In summary it states:

- The proposed surface water discharge from the development has been split into two catchments to mimic the natural drainage on site.
- As confirmed within the approved Flood Risk Assessment, due to low permeability of the site's geology, infiltration is not a viable discharge method for surface water. Surface water runoff shall therefore be discharged to the adjacent watercourse in accordance with the discharge hierarchy.
- Both Catchment 1 and 2 connect into the eastern boundary ditch via a gravity system.
- Surface water runoff is attenuated on site using a combination of ponds, swales, permeable paving and below ground geo-cellular tanks.
- Foul water from the development shall drain via gravity to the north of the site through a network located with the main roads. This shall then discharge into the existing Southern Water public foul water network to the north.

The Councils Drainage Engineer has assessed the applicant's submissions and considers that the proposals are a satisfactory way to drain the site. The Councils Tree Officer and Ecological Consultant are both content with the proposed attenuation pond and swales being partly within the 15m ancient woodland buffer on the eastern side of the site. In light of the above policy DP41 of the DP is complied with.

## **Ecology / Biodiversity**

Policy DP38 in the DP states:

*'Biodiversity will be protected and enhanced by ensuring development:*

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be*



- offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
  - *Promotes the restoration, management and expansion of priority habitats in the District; and*
  - *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

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

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

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

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017/1012.

Paragraph 175 of the NPPF states:

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

*(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

*(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both*

*its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*

*(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>6</sup> and a suitable compensation strategy exists; and*

*(d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

The application is accompanied by an Ecological Impact Assessment that is available on file. The report states that an extended Phase 1 habitat survey was carried out in fine and dry weather conditions on 16 May 2019. Further updates were carried out between April and June 2019 relating to bats, badgers and Great Crested Newts (GCN). The report states that the site presently comprises a field of semi-improved grassland bounded by Ancient Woodland to the east and west, with hedgerows and scattered trees along the remaining boundaries, and a pond along the eastern boundary.

The applicants report notes that a low population of grass snake and GCN are present on-site, as well as a badger sett within Rushetts Wood close to the western Site boundary. A number of species of bat use the site for foraging and commuting, with a number of pipistrelle bats observed passing between the two woodland parcels. The applicants state that the existing pond is to be enhanced through selective clearance and planting. New habitat creation will include thicket planting along the woodland edges, incorporation of wildlife boxes and wetland SuDS features.

The proposed development scheme allows a minimum 15m buffer of semi-natural habitat between the edges of ancient woodland parcels to the west and east of the site and the edge of built development (with the exception of SuDS features which will be located within this buffer, and a minor encroachment into the buffer by the footpath west of the LEAP which will be constructed with no-dig methods).

The Councils Ecological Consultant has been consulted and has considered all of the applicant's proposals and supporting information. He has stated *'With regard to the principle of footpaths within the buffers, whilst there is obviously some loss of planting space, there does need to be access for maintenance and there is merit in these areas being valued as naturalistic green space by residents to discourage them being used as dumping areas for garden waste. Further to clarification from CSA Environmental Ltd regarding the footpath in the buffer being grass not metalled as suggested in the impact assessment, plus amendment of the drawing to delete the triangular layout adjacent to the LEAP which would have taken up valuable buffer planting space, this is now sufficient to address my concerns. I assume the updated drawing will supersede those submitted to discharge DM/19/2971.'* He concludes by stating *'my concerns regarding the proposed layout have been resolved.'*

In light of the positive recommendation from the Councils Ecological Consultant it is considered that there are no grounds to resist this reserved matters consent on ecological grounds. The proposals should ensure that the important trees around the site are protected. As such the proposal complies with policies DP37 and DP38 of the DP.

With regards to the lighting of the site, the applicants have advised that this is not part of this reserved matters application. Condition 6 (c) imposed upon the outline permission requires the submission of a lighting plan showing measures to be used to ensure dark flight routes for bats and to minimise light pollution of woodland and woodland buffers. The applicants have stated that the lighting strategy has been discussed and the final design will be informed by a thorough ecological assessment to inform the most appropriate means of lighting and location of any lighting columns and/or bollards. The details of lighting for the site will be considered at the time of preparing and submitting a lighting strategy in order to discharge condition 6(c).

### **Housing mix and affordable housing**

Policy DP30 of the DP states that to support sustainable communities, housing development will provide a mix of dwelling types and sizes from new development that reflects current and future housing needs.

Parts m), n) and p) of policy CDNP05 in the CDNP contain the following criteria relating to residential development:

*'m) Has a range of dwelling sizes and in particular provides dwellings that are suited to the ends of both young families and older residents.*

*n) Includes affordable homes as required by District policy.*

*p) Development of 6 or more dwellings should provide a mix of dwellings sizes (market and affordable) that fall within the following ranges;*

*Market Housing      At least 75 per cent 2-3 bedroom houses and up to 25 per cent other sizes*

*Affordable Housing    At least 80 per cent 2-3 bedroom houses and up to 20 per cent other sizes.'*

The proposed housing mix would provide 30 market two and three bedroom properties, which is 71% of the market housing. As such there is a shortfall of 4% when assessed against criteria p) of policy CNP05 in the CDNP. In relation to affordable housing 66.6% of the properties would be 2 and 3 bed room properties. As such there is a shortfall of 13.6% when assessed against criteria p) of policy CNP05 in the CDNP.

In relation to the proposed market dwellings, the 4% shortfall against the Neighbourhood Plan requirement for 2 and 3 bedroom units equates to 2 dwellings. Policy DP30 in the DP does not contain a specific requirement for different dwelling sizes within new developments. It states that housing development will *'provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future housing needs.'* The District Councils Housing and Economic Development Needs Assessment (HEDNA) (February 2015) which formed

part if the evidence base for the District Plan examination provided the background information in relation the future housing needs of the District. The HEDNA states on page 75, *'Table 31 indicates that the over the plan period, there will be a significant need for smaller dwelling types, with the majority of new households being 1 or 2 person households with a very high proportion of need arising for elderly persons (75+) with the majority of such households being 1 or 2 person households. A significant proportion of future household growth will also be for family sized homes at around 30% of total growth, with 15% of total household growth requiring smaller family sized homes of 2-3 bedrooms and 15% requiring larger family sized homes of 3+ bedrooms.'*

It is your officer's view that the proposal will provide a mix of market housing that reflects current and future housing needs. The majority of the proposed market units are smaller properties with a minority (29%) being 4 bedroom.

Given the pressing need to deliver housing to meet the housing requirements of the District and to maintain the Councils 5 year housing land supply it is considered that the minor conflict with part p) of policy CDNP05 in relation to the percentage of 2 and 3 bedroom market properties would not form a sustainable reason to resist this reserved matters application.

The percentage of affordable homes complies with policy DP30 in the DP31 and therefore by definition also complies with part n) of policy CDNP05 in the CDNP.

The Councils Housing Officer has no objection to the proposed mix of affordable housing. Therefore whilst there is a conflict with part p) of policy CDNP05 the scheme is in accordance with policy DP30 in the DP. Given the support of the Councils Housing Officer and the pressing need to deliver affordable housing, it is not considered that the conflict with this element of policy CDNP05 would warrant a refusal of the reserved matters consent on this ground.

Whilst the Parish Council have stated that they do not consider the proposal complies with criteria m) of policy CDNP05, it is your officers view that the range of dwellings proposed is suitable for young families and older residents. There is nothing to suggest that the proposed houses would not be suitable for all sections of the housing market. As such officers consider there is no conflict with part m) of policy CNP05.

## **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 NPPF 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:*

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

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

In this case there is a completed section 106 planning obligation that was attached to the outline planning permission that was granted by the SoS for the development of this site. As such the infrastructure requirements generated by this development are secured by this section 106 legal agreement.

### **Ashdown Forest**

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

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

A Habitats Regulations Assessment was undertaken for the proposed development when planning permission was granted for the development.

The proposed development, with the mitigation already secured, would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

It is considered that the application accords with policy DP17 of the DP.

### **Impact on neighbour amenity**

Policy DP26 of the DP seeks to resist developments that would cause significant harm to the amenities of neighbours, taking account of the impact on privacy, outlook, daylight and sunlight and noise, air and light pollution.

The front elevation of plot 1 would be some 17m to the southeast of 6 Hazel Close. Number 6 Hazel Close has a first floor window and balcony area in the side elevation of the property that faces towards the application site. The application site is at a higher level than Hazel Close. The new housing at the site would be visible to the occupiers of 6 Hazel Close. However simply being able to see a development does not equate to 'significant harm', which is the relevant test in policy DP26 of the DP. It is considered that because of the distance between 6 Hazel Close and the new property on plot 1 and the location of the new dwelling to the south east of the existing property this relationship would not cause significant harm to the residential amenities of 6 Hazel Close.

Plots 3 and 4 would be 18m to the south of the rear garden of 7 Hazel Close. Again, the development site is at a higher level than this property on Hazel Close. The plans indicate that the ground level of the rear garden for 7 Hazel Close is 111.17 and the visitor car parking to the south would be at a level of 112.25. There would be a retaining wall along the side boundary of 7 Hazel Close and there would be a 1.8m close board fence along this boundary on top of the retaining wall.

It is considered that with the proposed boundary treatment in place, there would not be an adverse impact on the residential amenities of the occupiers of 7 Hazel Close from the vehicular movements associated with the proposed development. The access road itself would be inset 8m from the mutual boundary with 7 Hazel Close.

The new dwellings would be visible from the rear garden of 7 Hazel Close and would introduce some additional overlooking. However it is the case that as 7 Hazel Close is an end of terrace property, its rear garden is already overlooked by the detached houses in the remainder of the terrace. In an urban area a degree of mutual overlooking between residential properties is normal and acceptable. It is therefore felt that the relationship between the new dwellings and 7 Hazel Close is acceptable and would not result in a significant loss of residential amenity to the occupiers of this property.

Overall it is considered the application is acceptable in relation to neighbour amenity and there is no conflict with this part of policy DP26 of the DP.

### **PLANNING BALANCE AND CONCLUSION**

To summarise, the principle of development and the access into this site has been established by virtue of the planning permission that was granted by the Secretary of State. The details of the reserved matters of the layout, scale, appearance and landscaping of the site need to be assessed against the relevant policies in the

development plan. In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

It is considered that the landscape impact of the proposal is acceptable. There will be a significant change from a green field site to a housing site but the principle of this has been accepted as planning permission has been granted for the development of the site. The important boundary trees around the site will be retained with the proposed houses facing out towards these trees.

It is considered that the applicants have responded to officers concerns and developed a scheme that works well on this challenging sloping site. The layout is sound and the external elevations of the dwellings will produce a development that fits in satisfactorily in the area. It is therefore considered the application complies with policy DP26 of the DP, policy CDNP05 of the CDNP and represents the high quality design that is sought by the NPPF.

The access into the site was approved at the outline stage. This was found to be acceptable both in relation to highway safety and in relation to the impact on the capacity of the road network. The road layout within the site will encourage vehicles to travel at a low speed and is satisfactory. It is considered that given the layout of the site the use of shared surfacing at the southern end of the site is appropriate. It is also considered that the level of car parking provided is also satisfactory to serve the development.

There is a conflict with part p) of policy CDNP05 in respect of the percentage of 2 and 3 bedroom market units that is provided within the scheme. However the conflict is very minor and the scheme does provide a good mix of dwelling sizes as required by policy DP30 in the DP. The scheme provides a policy compliant level of affordable housing and the Councils Housing Officer has no objection to the scheme. It is considered the delivery of a good mix of housing, including affordable housing should be significant positive weight in the planning balance.

The required infrastructure to serve the development and the necessary mitigation in respect of the impact on the Ashdown Forest have been secured by the legal agreement that was completed when outline planning permission was granted for the development of this site. As such policies DP17 and DP20 of the DP are met.

It is considered that there would not be a significant adverse impact on the residential amenities of the occupiers of the properties that adjoin the site. The proposal would result in some new over looking from the properties at the northern end of the site. However this is not considered to cause a significant adverse impact given the distances between the existing properties and the new properties. It is also relevant that the existing houses to the north and within the built up area where there is already mutual overlooking between the properties.

In light of all the above it is considered that the proposal complies with the development plan when read as a whole, which is the proper basis for decision

making. It is therefore recommended that reserved matters consent is granted for this development.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. Prior to development commencing to construct the first floor of house types NA22 and NA34, details of the proposed first floor windows for these units shall be submitted to the Local Planning Authority for their written approval. The scheme shall 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 of the Mid Sussex District Plan 2014 - 2031 and Policy CDNP05 of the Neighbourhood Plan.

### Plans Referred to in Consideration of this Application

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Planning Layout	CB_85_170_0 01	M	18.10.2019
Site Plan	CB_85_170_0 02	C	18.10.2019
Affordable Housing Statement	CB_85_170_0 04	C	18.10.2019
Levels	CB_85_170_0 05	C	18.10.2019
Parking Layout	CB_85_170_0 06	C	18.10.2019
Site Waste Management Plan	CB_85_170_0 07	D	18.10.2019
Proposed Roof Plan	CB_85_170_0 08	D	18.10.2019
Site Plan	CB_85_170_0 00	-	23.07.2019
Street Scene	CB_85_170_0 13	C	18.10.2019
Street Scene	CB_85_170_S S_01	C	18.10.2019
Street Scene	CB_85_170_S S_02	C	18.10.2019
Street Scene	CB_85_170_S S_03	C	18.10.2019
Landscaping Details	D2790-FAB- XX-XX-DR-L- 0100	PL02	23.07.2019
Landscaping Details	D2790-FAB-	PL05	07.11.2019



	XX-XX-DR-L-0101		
Landscaping Details	D2790-FAB-XX-XX-DR-L-0102	PL05	07.11.2019
Landscaping Details	D2790-FAB-XX-XX-DR-L-0103	PL05	07.11.2019
Landscaping Details	D2790-FAB-XX-XX-DR-L-0104	PL05	07.11.2019
Proposed Sections	D2790-FAB-XX-XX-DR-L-0401	PL02	23.07.2019
Landscaping Details	D2790-FAB-XX-XX-DR-L-0901	PL05	07.11.2019
Street Scene	CB_85_170_S_S_06	C	18.10.2019
Street Scene	CB_85_170_S_S_05	C	18.10.2019
Street Scene	CB_85_170_S_S_04	C	18.10.2019
Proposed Elevations	CB_85_170_N_T31_E04	C	18.10.2019
Proposed Elevations	CB_85_170_N_T31_E07		18.10.2019
Proposed Floor Plans	CB_85_170_N_T31_P02		18.10.2019
Proposed Elevations	CB_85_170_N_T31_E06	C	18.10.2019
Proposed Floor Plans	CB_85_170_N_T31_P03		18.10.2019
Proposed Floor and Elevations Plan	CB_85_170_N_T31_M4(2)		18.10.2019
Proposed Elevations	CB_85_170_N_A32_E01	B	18.10.2019
Proposed Elevations	CB_85_170_N_A32_E05	A	18.10.2019
Proposed Floor Plans	CB_85_170_N_A32_P01	A	18.10.2019
Proposed Elevations	CB_85_170_N_A32_E02	C	18.10.2019
Proposed Elevations	CB_85_170_N_A32_E06		18.10.2019
Proposed Floor Plans	CB_85_170_N_A32_P02	A	18.10.2019
Proposed Elevations	CB_85_170_N_A32_E04	A	18.10.2019
Proposed Floor Plans	CB_85_170_N_A32_P03	A	18.10.2019
Proposed Elevations	CB_85_170_N_A21_E01	A	18.10.2019
Proposed Floor Plans	CB_85_170_N_A21_P01	A	18.10.2019

Proposed Elevations	CB_85_170_N A21_E02	C	18.10.2019
Proposed Floor Plans	CB_85_170_N A21_P02	B	18.10.2019
Proposed Elevations	CB_85_170_N A21_E03	B	18.10.2019
Proposed Floor Plans	CB_85_170_N A21_P03	B	18.10.2019
Proposed Elevations	CB_85_170_N A21_E04	B	18.10.2019
Proposed Floor Plans	CB_85_170_N A21_P04	A	18.10.2019
Proposed Elevations	CB_85_170_N A34_E01	B	18.10.2019
Proposed Floor Plans	CB_85_170_N A34_P01	B	18.10.2019
Proposed Elevations	CB_85_170_N A22_E01	B	18.10.2019
Proposed Floor Plans	CB_85_170_N A22_P01	A	18.10.2019
Proposed Elevations	CB_85_170_N A22_E02	B	18.10.2019
Proposed Floor Plans	CB_85_170_N A22_P02		18.10.2019
Proposed Elevations	CB_85_170_N A22_E03	C	18.10.2019
Proposed Floor Plans	CB_85_170_N A22_P03	A	18.10.2019
Proposed Elevations	CB_85_170_N A22_E04	C	18.10.2019
Proposed Floor Plans	CB_85_170_N A22_P04	A	18.10.2019
Proposed Elevations	CB_85_170_1 BM_E02	C	18.10.2019
Proposed Elevations	CB_85_170_1 BM_E03		18.10.2019
Proposed Floor Plans	CB_85_170_1 BM_P01		18.10.2019
Proposed Elevations	CB_85_170_1 BA(W)_E01	C	18.10.2019
Proposed Floor Plans	CB_85_170_1 BA(W)_P01		18.10.2019
Sections	RSK-C-ALL- SK02	PO3	05.11.2019
Affordable Housing Statement	CB_85_170_0 03	C	18.10.2019
Proposed Site Plan	CB_85_170_0 10	C	18.10.2019
Street Scene	CB_85_170_S S-07	C	18.10.2019
Levels	133610	PO4	26.09.2019
Block Plan	CB_85_170_0 12	C	18.10.2019
Proposed Elevations	CB_85_170_N A44_E01	B	18.10.2019

Proposed Elevations	B_85_170_NA 44_E02		18.10.2019
Proposed Elevations	CB_85_170_N A44_E03		18.10.2019
Proposed Floor Plans	CB_85_170_N A44_P01		18.10.2019
Proposed Elevations	CB_85_170_N T31_E01	C	18.10.2019
Proposed Elevations	CB_85_170_N T31_E02	C	18.10.2019
Proposed Floor Plans	CB_85_170_N T31_P01		18.10.2019
Proposed Elevations	CB_85_170_N T31_E03	C	18.10.2019
Proposed Floor and Elevations Plan	CB_85_170_G AR_01		18.10.2019
Proposed Floor and Elevations Plan	CB_85_170_G AR_02		18.10.2019
Proposed Floor and Elevations Plan	CB_85_170_G AR_03		18.10.2019

## APPENDIX B – CONSULTATIONS

### Parish Consultation

It was considered that the amended plans did not address the Committee's original concerns; It was AGREED to object as previous, namely:

It was noted that the housing mix does not comply with the Crawley Down Neighbourhood Plan for either market or affordable housing. It does not provide a range of dwellings that are suited to the needs of both young families and older residents, therefore the proposals are contrary to CDNP05m) and CDNP05p) Parking provision is seven spaces short, when calculated against the CDNP Appendix 1 ' Parking Standards. It was noted that no provision has been made for mitigation of the impact of the development on the adjacent ancient woodland, in that no wildlife corridor has been created across the site. Whilst the fact that the houses face away from the ancient woodland buffer zones is welcomed, pathways are shown through these buffer zones which is not permissible. This impact on the ancient woodland and fauna is therefore contrary to DP37, and to CDNP09a), CDNP09b) and CDNP09c) With regard to connectivity, only the access road connects the development to the rest of the village, the development is contrary to CDNP05i). The recent appeal decision AP/19/038 relating to 6 dwellings at 2Crawley Down Nurseries made reference to this policy when dismissing the appeal. In addition, the Council considers that the proposals are contrary to CDNP10a) and b), given the distance that those residents to the south of the site will have to walk to get to public transport. To improve connectivity, non-vehicular access should be made into Acorn Avenue, in the south east corner of the site. Whilst it is understood that any such access would cross land outside the curtilage of this development, the Council considers it vital in order to assist compliance with CDNP5i) and DP26. Streeting light on the site should be low level LED bollards emitting warm yellow light with an effective temperature not exceeding 3200 kelvin.

### Parks And Landscapes Team

Sorry for the delay, I have no comments to add.

## **Parish Consultation**

It was noted that the housing mix does not comply with the Crawley Down Neighbourhood Plan for either market or affordable housing. It does not provide a range of dwellings that are suited to the needs of both young families and older residents, therefore the proposals are contrary to CDNP05m) and CDNP05p)

Parking provision is seven spaces short, when calculated against the CDNP Appendix 1 ' Parking Standards.

It was noted that no provision has been made for mitigation of the impact of the development on the adjacent ancient woodland, in that no wildlife corridor has been created across the site.

Whilst the fact that the houses face away from the ancient woodland buffer zones is welcomed, pathways are shown through these buffer zones which is not permissible. This impact on the ancient woodland and fauna is therefore contrary to DP37, and to CDNP09a), CDNP09b) and CDNP09c)

With regard to connectivity, only the access road connects the development to the rest of the village, so the development is contrary to CDNP05i). The recent appeal decision AP/19/038 relating to 6 dwellings at Crawley Down Nurseries made reference to this policy when dismissing the appeal.

In addition, the Council considers that the proposals are contrary to CDNP10a) and b), given the distance that those residents to the south of the site will have to walk to get to public transport.

To improve connectivity, non-vehicular access should be made into Acorn Avenue, in the south east corner of the site. Whilst it is understood that any such access would cross land outside the curtilage of this development, the Council considers it vital in order to assist compliance with CDNP5i) and DP26.

Streeting light on the site should be low level LED bollards emitting warm yellow light with an effective temperature not exceeding 3200 kelvin.

## **Architect / Urban Designer - Will Dorman**

### **Highway Authority**

Having reviewed the following:

- covering letter dated 22 July 2019
- Highways Technical Report
- drawing 133610 C ALL 05 01 - drainage strategy

the highway authority has no objection to the application.

### Additional comments

Having reviewed the Woolf Bond letter regarding the amendments and dated 25th September 2019, together with various revised plans, the highway authority has no objection to the amended proposals.

## **Sussex Police**

Thank you for your correspondence of 01st August 2019, advising me of a planning application for Reserved Matters application relating to outline application AP/16/0038 (DM/15/4094) seeking the approval of layout, scale, appearance and landscaping at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on [www.securedbydesign.com](http://www.securedbydesign.com)

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

I was pleased to note that the applicant's agent has responded to this office's previous request to include appropriate measures for Crime Prevention and Community Safety within the Design and Access Statement, submitted in support of this application. The development in the main has outward facing dwellings with back to back gardens which has created good active frontage, with the streets and the public areas being overlooked. There are a number of gated rear access pathways. Parking in the main has been provided with on-curtilage, garage, a number of on-street parking bays and two small unobserved parking courts, this should leave the street layout free and unobstructed. There are good private / public space demarcation measures included into the design and layout. The two small unobserved parking courts should be illuminated in order to provide security and safety for the vehicles and users.

I was pleased to note the gates to the rear access pathways are on or to the front of the building line as is possible, so that attempts to climb them will be in full view of the street. They should be the same height as the adjoining fence. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges and serve the minimum number of homes, usually four or less. SBD research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house. Vulnerable areas, such as exposed side and rear gardens need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow for greater surveillance as for this development's rear garden pathways. Trellis (300mm) topped 1.5 metre high close board fencing is to be used in such circumstances. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres.

In order to maintain the natural surveillance from the surrounding dwellings over the LEAP, ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area.

Finally, lighting throughout the development will be an important consideration and is recommended, if incorporated is to conform to the recommendations within BS 5489-2:2013.

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.

This letter has been copied to the applicant or their agent who is asked to note that the above comments may be a material consideration in the determination of the application but may not necessarily be acceptable to the Local Planning Authority. It is recommended, therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

### **NATS Safeguarding**

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

### **Ecological Consultant**

Further to submission of further information, namely, the four drawings 790\_FAB\_XX\_XX\_DR\_L\_0101 PL05 to 790\_FAB\_XX\_XX\_DR\_L\_0104 PL05 showing the edge of the two areas of ancient woodland, I am now satisfied that the minimum 15m buffer width condition is met by the proposed layout.

With regard to the principle of footpaths within the buffers, whilst there is obviously some loss of planting space, there does need to be access for maintenance and there is merit in these areas being valued as naturalistic green space by residents to discourage them being used as dumping areas for garden waste. Further to clarification from CSA Environmental Ltd regarding the footpath in the buffer being grass not metalled as suggested in the impact assessment, plus amendment of the drawing to delete the triangular layout adjacent to the LEAP which would have taken up valuable buffer planting space, this is now sufficient to address my concerns. I assume the updated drawing will supersede those submitted to discharge DM/19/2971.

In conclusions, my concerns regarding the proposed layout have been resolved.

### **Housing Officer**

The application proposes a development of 60 dwellings of which 18 are proposed as affordable housing in accordance with the current 30% policy and the legal agreement for the outline permission. The affordable dwellings provide a suitable mix of sizes and comprise of: 2 x 1 bedroom flats (one of which is wheelchair accessible), 4 x 1 bedroom maisonettes, 10 x 2 bedroom houses and 2 x 3 bedroom houses.

The application is silent on the tenure split of the affordable housing but in order to meet current policy and the requirements of the legal agreement for the outline permission, 75% (14) of the dwellings will be required for rent and 25% (4) for shared ownership. The preferred tenure mix to best meet known housing need is:

Rented                                6 x 1 bed flats/maisonettes  
    8 x 2 bed houses

Shared Ownership                2 x 2 bed houses  
    2 x 3 bed houses

The proposed floor plans for the affordable dwellings meet the occupancy and space standards and are shown as being positioned in two distinct areas across the site.

### **Community Facilities Project Officer**

Thank you for the opportunity to comment on the Reserved Matters application regarding Land South Of Hazel Close, Crawley Down on behalf of the Head of Corporate Resources.

Colleagues in Landscapes have observed that in general the landscaping proposals are OK but the following may need to be revised and further information is required:

Proposed Climber Planting Species: Parthenocissus tricuspidata 'Veitchii' - very strong plant that will take over any structures very quickly

Proposed Overseeding To Grassland: Arum Maculatum - Toxicity - All parts are highly toxic by ingestion

Landscape Maintenance & Management Specification: SUDS and Wetlands areas-some specification of future maintenance of ponds but not clear. This is open to interpretation - especially pond dredging

### **Drainage Engineer**

TBR

### **Urban Designer**

### **Summary and Overall Assessment**

Although the elevations suffer from a ubiquitous design, the revised drawings incorporate a number of improvements that result in better-ordered facades. Despite the 15m ancient woodland buffers that makes the northern part of the site quite narrow, the layout overall works with the attractive woodland boundaries revealed to the building frontages, access

roads and footpaths. The central open space is modest but benefits from its central position and visual connection with Burleigh Wood and Rushetts Wood on either side.

This is nevertheless an awkward sloping site and the applicant has reviewed the levels in light of the Design Review Panel (DRP) and my concerns in considering the relationship to the road and access points of the properties, as well as streetscape and roof composition; a comprehensive set of street elevations has been provided to help demonstrate this. However, the cross section relationship of the sloping thresholds and driveways with the building frontages and carriageway also need to be provided. Therefore while I raise no objection to the scheme, I recommend a condition requiring the approval of a number of cross section drawings to fully explain the levels, as well as conditions covering landscaping (including boundary treatment and the design of the pergolas in the parking areas), facing materials and the first floor windows on the front elevation of the type NA22 and NA34 houses (to address concerns about inconsistently designed windows).

## **Layout**

The perimeter block approach is supported as it generates street frontages that face the streets and spaces and reveals the attractive wooded boundaries, while avoiding overshadowed rear gardens.

The DRP were critical of the amount of open space provided. While the only useable space is modest, it is well positioned in the centre of the site where it visually connects Burleigh Wood and Rushetts Wood. It benefits from a LEAP / play area that should provide a community focus for the new development. The revised drawings also show more soft-landscaping than originally proposed.

Most of the boundary on the northern part of the site abuts ancient woodland which is cordoned off by timber post and rail around a 15m buffer zone. Nevertheless, this area should provide visual amenity for the perimeter path / road that loops around this part of the site. Unfortunately a continuous circular pedestrian route has not been achieved around the whole site partly because of the awkward topography and the proximity of the development along the southern boundary.

The applicant has unfortunately not been able to negotiate a pedestrian link with the Burleigh Woods development and consequently there is no through route, resulting in a slightly more circuitous link to the village centre for some dwellings that may discourage walking. It is also unfortunate that shared road/path in the southern part of the site features tarmac rather than a pedestrian-style finish, such as block paving, to signify its dual use.

The parking is better organised than before around the central open space. Elsewhere parking has been mostly located at the side of houses and avoids front thresholds except in a few areas where it is softened by tree planting. The large area of parking serving plots 1-11 and 16-17 features pergolas that help to articulate the space (a drawing showing the design of this needs to be provided).

The street frontages also benefit from consistent building lines.

## **Elevations**

The elevations have a ubiquitous style that contributes little to giving the scheme a sense of place, but can be commended for the facing materials which are comprehensively applied on all sides of the buildings. In addition to this the following improvements have been made:



- The opportunity has been taken to provide greater rhythm and order through more consistent organisation or repetition of standard house types and incorporating more consistent roof pitches and window sizes / proportions.
- Dead flanks have generally been avoided with facing materials wrapped around and windows included on most side elevations.
- Some diversity across the site has been achieved by varying the facing materials with hanging tiles featuring in the northern part and black cladding in the southern part.
- Consideration has been given to employing secondary facing materials on the more prominent buildings on corners and at the end of axes, including the house at the of Hazel Close at the site entrance.

In respect of the first point, the type NA22 and NA34 houses still suffer from inconsistent window proportions / sizes that undermine the integrity of their design; for this reason I recommend a condition that makes the first floor windows subject to further approval.