

MID SUSSEX DISTRICT COUNCIL

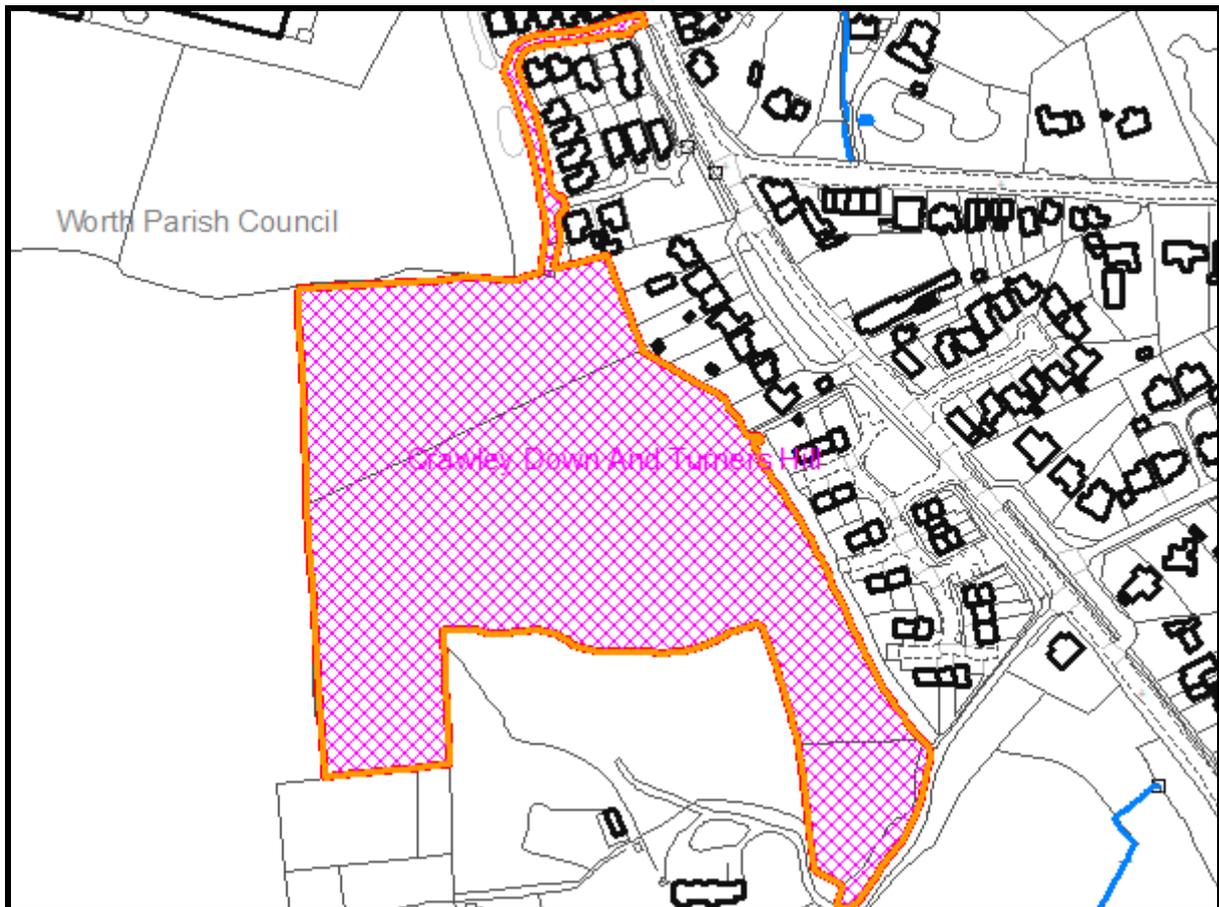
District Wide Committee

23 JAN 2020

RECOMMENDED FOR PERMISSION

Worth Parish Council

DM/19/2242



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LAND WEST OF TURNERS HILL ROAD CRAWLEY DOWN WEST SUSSEX

RESERVED MATTERS APPLICATION PURSUANT TO PLANNING CONSENT DM/15/3614 FOR THE ERECTION OF 44NO. DWELLINGS AND ASSOCIATED CAR PARKING, PLAY AREA, HARD AND SOFT LANDSCAPING, AND SWALES. (AMENDED DRAWINGS RECEIVED DATED 5TH DECEMBER RELATING TO LAYOUT AND DESIGN MATTERS)

GRISTON LAHAISE AND CROSS LLP

POLICY: Ancient Woodland / Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) / SWT Bat Survey / Tree Preservation Order Points / Highways Agreement (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 23rd January 2020

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

CASE OFFICER: Stephen Ashdown

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Reserved Matters approval is sought in relation to the layout, appearance, scale and landscaping of the 44 dwellings allowed on appeal by the Secretary of the State, under a decision letter dated 1st March 2018. As part of the appeal process the issue of access was considered and determined acceptable and as such does not form part of the consideration of the application now before members. For the sake of clarity, access to the scheme will be taken from the adjacent Wychwood development.

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.

The layout is sound, and the external elevations of the dwellings will produce a development that fits in satisfactorily in the area. The layout generates roads that run adjacent to the site perimeter that generally provide outward-facing frontages and reveal the existing boundary trees and vegetation. It is therefore considered the application complies with policy DP26 of the District Plan, policy CDNP05 of the Neighbourhood Plan 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 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 District Plan. 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 has been secured by the Legal Agreement that was completed when outline planning permission was granted for the development of this site and it has already been found that the development will not have a likely significant impact on the Ashdown Forest SAC or SPA. As such policies DP17 and DP20 of the District Plan 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 a change in outlook from existing properties that adjoin the site (from an open field to housing development), however this was known at the time that the appeal was considered and taken in to account and deemed acceptable. It is not considered that the proposal would result in significant harm being caused to existing residential amenities.

The proposed scheme provides for appropriate buffer areas to the adjacent Ancient Woodland to the north and south of the site. These buffer areas will be free from physical development and as such the scheme provides sufficient protection to the Ancient Woodland. The scheme complies with policy DP38 of the District Plan and the CDNP09 of the Neighbourhood Plan

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 permission be granted subject to the conditions set out in Appendix A.

SUMMARY OF REPRESENTATIONS

A total of 9 letters of representation have been received objecting to the scheme on the following grounds;

- Increase use of Wychwood for access would be dangerous and intrusive;
- Current residents pay a maintenance charge, who is going to pay for the additional wear and tear.
- An additional vehicular access to Huntsland should be provided;
- Apartment block inconsistent with the wider area;

- Too many properties and not enough open space;
- Properties too close to ancient woodland;
- Insufficient visitor parking is being provided;
- Increase potential conflict between vehicles and pedestrians;
- Increase noise and disturbance to existing residents;
- Playground will attract anti-social behaviour;
- Japanese Knot Weed is on site;
- Development should be undertaken which causes the least amount of ecological disruption;
- Block of flats and car parking should be located elsewhere on the site and proposed lighting scheme is subdued;
- The proposals are not in generally accordance with the plans approved by the Secretary of State;
- Footpath link to Huntsland should be provided away from the identified Japanese Knot Weed.
- Development does not sufficiently protect the ancient woodland or appropriately address it as considered by the appeal decision;
- Proposed lighting will be too harsh;
- There is no need for the pedestrian link to Huntsland;
- The development does not achieve a continuous wildlife corridor from the north to the south of the site;
- Layout is contrary to Design SPD currently out to public consultation as block of flats does not face Kiln Wood;
- Block of flats is detached from the rest of the development meaning the affordable units are not properly integrated into the overall development;
- It would prudent to incorporate SUDs in the buffer area to the north of Kiln Wood;
- The Council should satisfy itself that the drainage scheme will not result in the flooding of ancient woodland or properties before it is approved

SUMMARY OF CONSULTEES

MSDC Urban Designer

The layout generally works well and is organised around a continuous looped road arrangement that define two perimeter blocks and an open space in the middle that gives the scheme a central focus. This arrangement also generates roads that run adjacent to the site perimeter that provide outward-facing frontages and reveal the existing boundary trees and vegetation. The apartment block is the exception to this as it is located to the south of the perimeter road and consequently backs-on to the ancient woodland. In this case the arrangement is preferable to locating it to the north of the perimeter road as it allows the open space to become more of a focus with the block's main frontage facing the space and access road defining it. The block only divides a small part of the woodland from the public realm, but will still enable it to provide a highly attractive backdrop to the scheme.

The contemporary approach to the building design is supported in principle as it has an underlying integrity that avoids pastiche interpretation and helps give the scheme individuality that is a welcome contrast to the ubiquitous language of many mass housing schemes. Nevertheless there is a risk of the building frontages looking bland

that result from: the similarities between the house types, their pared-back articulation and limited palette of facing materials. To counter this, the architect has introduced some subtle variations in the revised drawings; however it would help if there could be more variation in the building materials (especially the brick) on a street-by-street basis.

In conclusion, I raise no objections but would recommend the conditions.

MSDC Housing

No objection.

MSDC Drainage

No objection.

MSDC Community Facilities Project Officer

No objection.

MSDC Tree and Landscape Officer

No objection.

WSCC Highways

No objection.

Gatwick Airport

No objection subject to condition.

NATS

No objection.

WORTH PARISH COUNCIL

The Council feels its previous comments have not been taken into account and have not changed, therefore the Council objects on the same grounds as previously. I refer you to our letters dated 15th July and 14th November 2019.

Comments dated 14th November

The following should be read in conjunction Parish Council's letter dated 15th July 2019 relating to the original plans:

1. There appears to have been no attempt by the developer to resolve issues with the market housing mix which does not comply with CDNP05 (p). The proposal still remains for 66% 2/3- bedroom houses against a requirement of 75% 2/3-

bedroom houses, a shortfall of 3. This conflicts with CDNP05 (p) was raised by the Parish Council during the Appeal Inquiry for this development and it was repeatedly stressed by Counsel for the Developer that the housing mix was a matter for the Reserved Matters application. We therefore ask that MSDC require the developer to comply with the Neighbourhood Plan.

It is also relevant that the 2019 local housing survey conducted by Worth Parish Council for the Crawley Down Neighbourhood Plan review confirmed the requirement seen in the equivalent 2014 Survey for 1 and 2 bed properties over 3 bed properties.

2. Whilst we can see that the footpath connection from the site to Huntslands Lane has been moved to a more sensible location and that some minor reorientation of some dwellings has occurred, there has been no movement on the fundamental problems of block G and H being outside the perimeter road and backing directly onto the Kiln Wood 15m ancient woodland buffer.

In our view this does not comply with the fundamental principle of development established at the SOS inquiry, namely that the dwellings would be enclosed within a perimeter road providing protection to both Kiln Wood and Pescotts Wood areas of ancient woodland.

We would further say that the current arrangement is in direct contradiction with the MSDC Design Guide and in particular DG18 of the guide. It is also in conflict with bullet point 5 of DP38 - Biodiversity. We are aware that the Design Guide is at consultation but in our view, it would be perverse of MSDC not to apply the content of this guide, with significant weight to this application.

In our view, it would be a simple process to move the road to the line of the 15m protection zone to Kiln Wood and put the buildings of G and H and associated external spaces and parking inside the road, without significantly affecting the relationship of these buildings to the central green space. This will provide the required protection to Kiln Wood and would also have the advantage of moving the buildings away from the shadow zone produced by the mature trees that make up the wood.

Finally, we note that such a layout would comply with the comments of the MSDC Urban Designer on the initial layout presented at the pre-app stage, whereas the layout now put forward does not.

3. Play Area

We can see that the play area remains in the same location and that no further thought has been given to placing it on the central green where it is fully visible to many households and therefore a safer and more controlled environment.

We note that there is connectivity between Wychwood and the proposed playground which will allow Wychwood children access. However, there is no such access available to children of The Pheasantry, which we would question.

A Survey of the pedestrian crossing needs of households on the western side of the Turners Hill Road carried out by the Parish Council in 2017 provided evidence that The Pheasantry has 30 children of school and pre-school age. We can see no reason why this facility cannot be available to all the children who live in developments on the west side of Turners Hill Road, which will address identified need. We would ask that MSDC use their influence to facilitate this by providing an easy access across the boundary of the 44 site to The Pheasantry.

4. As this site is in our view, a rural site which includes ancient woodland and wildlife corridors, we would request that street lighting be of the bollard type using 3200 K yellow bulbs to give a softer lighting, more suitable in these circumstances.

5. General Issues.

We are disappointed that the Parish Council's concerns in relation to the design of the buildings and their suitability for this location as stated in our letter of 19th July have not been addressed in these amended plans, as these concerns were in the main based on the findings of the SOS during the Planning Inquiry which should be upheld.

INTRODUCTION

Reserved Matters approval is sought in relation to the layout, appearance, scale and landscaping of the 44 dwellings allowed on appeal by the Secretary of the State, under a decision letter dated 1st March 2018. As part of the appeal process the issue of access was considered and determined acceptable and as such does not form part of the consideration of the application now before members. For the sake of clarity, access to the scheme will be taken from the adjacent Wychwood development.

RELEVANT PLANNING HISTORY

DM/15/3614 - Outline application for the approval of access details for 44 no. dwellings together with associated access road, car parking, landscaping and open space - Refused 8th February 2016.

DM/15/3979 - Outline application for the approval of access details for 30 no. dwellings together with associated access road, car parking, landscaping and open space - Called in by the Secretary of State 24th April 2016.

AP/16/0016 - Outline application for the approval of access details for 44 no. dwellings together with associated access road, car parking, landscaping and open space - Allowed 1st March 2018.

AP/16/0037 - Outline application for the approval of access details for 30 no. dwellings together with associated access road, car parking, landscaping and open space - Allowed 1st March 2018

SITE AND SURROUNDINGS

The site lies to the west of Crawley Down and comprises of three fields that extend to approximately 4.2ha.

Of the three fields that make up the application site, the northern field is grassland, the central field is laid to pasture and the more southerly one is overgrown with scrub and immature trees.

To the north and south of the site are areas of Ancient Woodland, Pescotts Wood to the north and Kiln Wood to the south. Beyond Kiln Wood lies the residential property known by the same name. To the east of the site lies the development known as The Pheasantry, along with seven long standing residential properties. The site boundary to The Pheasantry is made up a number of mature trees that are subject to the Tree Preservation Order (TPO). To the western boundary of the site is demarked by a mature hedgerow, beyond which is open countryside.

The application site shares a boundary with the Wychwood Place to the north that will provide means of access onto Turners Hill Road.

APPLICATION DETAILS

The application seeks consent for the Reserved Matters (layout, appearance, scale and landscaping) pursuant to the outline planning permission granted on the site, via appeal, for 44 dwellings. As part of the outline planning permission, the location and details of the means of access (via Wychwood Place to Turners Hill Road) that will serve the site were approved and do not form part of this application.

The submitted details show a total of 44 dwellings, of which 14 will be affordable. It is proposed that a range of dwelling types will be provided including one and two bedroom apartments and two, three, four and five bedroom dwellings. The majority of the proposed dwellings will be detached, although an apartment building, small terraces and semi-detached properties are evident.

In terms of scale, the majority of the proposed dwellings will be two storeys high, apart from the proposed bungalows that will only be one storey high. The applicants have adopted a contemporary design approach that demonstrates a pared back articulation, which will utilise a limited palette of facing materials.

In terms of the parking provision, the submitted details show that all the private dwellings will have a garage, with on-plot parking, while the affordable units (including the apartment building) will be served by dedicated parking spaces either on plot or on adjacent land.

The applicants are proposing a comprehensive landscaping scheme across the site which attempts to soften and screen development both internally and externally to respect its village edge location. The submitted details show a 15m buffer being provided to the ancient woodland to north and south of the site. A play area is proposed on the eastern edge of the site.

LIST OF POLICIES

District Plan

DP12 - Protection and Enhancement of Countryside
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SPA)
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP30 - Housing Mix
DP31 - Affordable Housing
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage

Affordable Housing SPD

Crawley Down Neighbourhood Plan

CDNP05 - Control of New Developments
CDNP06 - Sustainable Drainage Systems
CDNP09 - Protect and Enhance Biodiversity
CDNP10 - Promoting Sustainable Transport

National Policy and Legislation

National Planning Policy Framework (NPPF)

National Design Guide

ASSESSMENT

In determining this reserved matters application, the key issues to consider are as follows;

- Principle of Development
- Layout, Appearance and Scale
- Landscaping
- Impact on Residential Amenity
- Highways and Parking
- Housing Mix and Affordable Housing
- Dwelling Space Standards
- Biodiversity
- Sustainability
- Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- Other Matters

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) Any 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 development on appeal by the Secretary of State. Therefore the principle of the development is established, as is the access to the site to Turners Hill Road, via Wychwood Place. Therefore whilst there is a conflict with policy DP12 of the DP, as the proposal is for a major residential development outside the built up area of the village, and policy CDNP05 (b) of the CDNP, as the development is for more than 30 dwellings, these cannot be reasons to resist this reserved matters application because planning permission has been granted for this development.

It is necessary to assess the reserved matters details that have been submitted against the relevant policies in the Development Plan. Where relevant, the Inspectors report and the decision letter from the Secretary of State will be referred too.

Layout, Appearance and Scale

The application has been assessed by your Urban Designer and as a result of comments made the application has been amended in order to try and address concerns raised. It is the scheme as amended that is before Members.

In respect of the policy position, DP26 of the DP requires development to be well designed and reflect the distinctive character of the towns and villages and states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.*

Policy DP28 of the DP deals with accessibility and requires all development 'to meet and maintain high standards of accessibility so that all users can use them safely and easily.'

Policy CDNP05 of the CDNP states;

'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 developments 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 area¹¹.

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 sourced 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 needs of both young families and older residents.

n) Includes affordable homes as required by District policy.

o) Proposals for new housing developments must meet the standards set out in Appendix 1

p) Developments of 6 or more dwellings should provide a mix of dwelling sizes (market and affordable) that fall within the following ranges:

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

Affordable Housing At least 80% 2-3 bedroom houses and Up to 20% other sizes'

Section 12 of the NPPF sets out the Governments position on 'achieving well-design places' and more specifically paragraph 129 states that;

'local authorities should ensure that they have access to, and make appropriate use of, tools and processes for accessing and improving the design of development' and 'in assessing applications, local planning authorities should have regard to the

outcome from these processes, including any recommendations made by design review panels'.

Paragraph 130 states that *'where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to the development'.*

It should be noted that a condition is attached to the outline permission (condition no.3 of AP/16/0037) that requires the Reserved Matters submissions to be 'general accordance' with documents/plans that were submitted with the application, namely the Design and Access Statement and the illustrative layouts.

In terms of the proposed layout, the scheme has been carefully considered by your Urban Designer who, in summary, has stated the following;

'The layout generally works well and is organised around a continuous looped road arrangement that define two perimeter blocks and an open space in the middle that gives the scheme a central focus. This arrangement also generates roads that run adjacent to the site perimeter that provide outward-facing frontages and reveal the existing boundary trees and vegetation'.

It is recognised that the layout before members differs from the illustrative plans submitted in support of the application/appeal (as referred to in condition no.3 noted above), however it is relevant to consider whether the proposals are in 'general accordance', as expressly set out in the condition. This is a matter of planning judgement.

The proposed layout maintains many of the principles established by the illustrative layout, including the 15m buffer zones to the ancient woodland, the landscape buffers to the eastern and western boundaries, the separation of the proposed development to the existing properties to the east of the site and the principally outward facing nature of the development. It is considered that the layout as proposed does comply with the 'general accordance' requirement of the condition no.3 of the outline permission and does, in your officer's judgement provide improvements over that shown in the illustrative proposals, particularly with regard to the provision of open space within the centre of the site that will provide the development a focal point.

It is recognised that that certain elements of the layout have drawn concerns within the representations, principally the location of the apartment building. Apart from the potential impact of the building on the ancient woodland (which will be addressed in a later section of the report) the concerns relate to its positioning on the southern side of the perimeter road and its lack of accordance with the Council's emerging Design Guide, as well as integration and visual amenity issues.

The Council's Urban Designer has specifically commented on the location of the apartment block issue and stated;

'The apartment block ... is located to the south of the perimeter road and consequently backs-on to the ancient woodland. In this case the arrangement is

preferable to locating it to the north of the perimeter road as it allows the open space to become more of a focus with the block's main frontage facing the space and access road defining it. The block only divides a small part of the woodland from the public realm and will still enable it to provide a highly attractive backdrop to the scheme'.

Your officer agrees with the comments of the Urban Designer above and while the representations make reference to the Council's emerging Design Guide, contrary to the views expressed, little weight can be afforded to this document at this stage of its preparation. The positioning of the apartment building as proposed enables the central open space to be the focal point of the scheme and contrary to concerns raised, it is considered the layout is sound and will provide the high quality environment required for this edge of village location. It is recognised that the apartment building does form part of the affordable provision on the site and your Housing Officer has not raised a concern regarding its position in relation to site wide integration.

Concern has also been raised with regard to the location of the proposed play area, which is shown on the eastern side of the site on the outside of the perimeter road. These concerns are expressed both in the representations and by the Urban Designer, all of who would prefer it to be positioned in the central open space.

The proposed location is well overlooked that will ensure that the play area has an appropriate level of surveillance. While the details of the play area are being considered under a separate condition discharge application and your Community Facilities Project Officer has not raised an objection to the proposal, either in respect of its location or its detail. While others may prefer an alternative location, consideration needs to be given to the details that are before the Council and it is not considered that the proposed location is unacceptable.

In relation to the design of the proposed dwellings, the applicant has sought to address concerns raised through the application process and the in summary your Urban Designer has stated;

'The contemporary approach to the building design is supported in principle as it has an underlying integrity that avoids pastiche interpretation and helps give the scheme individuality that is a welcome contrast to the ubiquitous language of many mass housing schemes. Nevertheless there is a risk of the building frontages looking bland that result from: the similarities between the house types, their pared-back articulation and limited palette of facing materials. To counter this, the architect has introduced some subtle variations in the revised drawings'.

Overall the Urban Designer raises no objection to the scheme. Your officer concurs with this view. 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.

Landscaping / Impact of Trees

Policy DP37 of the DP states that: 'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected'. Furthermore, Policy DP26 requires layouts to include appropriate landscaping and greenspace.

Policy CDNP09 (d) of the CDNP requires proposals to protect trees of amenity value and (e) requires the appropriate planting of new native trees and hedges.

The proposed planting scheme shows the planting of native species across the site, with new woodland thicket planting along the eastern, western and southern boundaries of the site, supplemented by specimen tree planting along the road side and around the edge of the central open space.

A separate Landscape Management Plan has been submitted in relation to condition 6 of the outline permission and is being considered separately by the Council under a condition discharge application.

The proposed development does not encroach in any of the root protection areas associated with the preserved trees along the eastern boundary of the site and dwellings are sufficiently far away to ensure that there should be no future conflict. The proposal will not impact on any preserved tree.

It is considered that the proposed landscaping is appropriate in its scale and form and will provide a suitable blend of planting that will contribute to providing a high quality environment that is appropriate to its wider setting.

On the basis of the above, officers are content that the landscaping and arboricultural matters that the application accords comply with Policies DP26 and DP37 of the DP.

Impact on Residential Amenity

Policy DP26 of the DP states, inter alia;

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

- *Does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking into account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.'*

Policy CNDP05 of the CDNP states, inter alia;

'Planning permission will be granted for residential development subject to the following criteria:

c) Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded;

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. As such, policy DP26 of the DP is considered to take precedence over policy CDNP05 of the CDNP on the matter of amenity and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities.

The site has residential properties to the north, east and south which have the potential to be impacted upon.

To the north lay the properties within Wychwood Place, itself a relatively new development, and through which access to the application site will be taken. The use of Wychwood Place as means of access to the site will increase noise and disturbance to the occupiers within it, and this would have been known at the time the Inspector and Secretary of State considered the outline scheme. At that stage the means of access was a matter for consideration and given that the impact on residential amenities was not considered unacceptable, it would not be appropriate to take an alternative view on this issue as part of this reserved matters application. In terms of the proposed layout, the nearest proposed unit is approximately 40m to the south of no.30 Wychwood Place, and given this distance, it is not considered that the proposal would result in any significant harm to amenities by means of overlooking, loss or privacy of loss of light. It is further recognised that the outlook from properties within Wychwood Place would be changed significantly (from an open field to housing development), however, this was known at the time that the appeal was considered and taken in to account and it would not be appropriate to re-visit this issue as part of this application.

To the east, lay a number of longstanding residential properties (seven in total), in addition to the newer properties located within The Pheasantry. The boundary is currently made up of a series of mature trees (which are covered by a Tree Preservation Order) and low level vegetation. The proposed layout identifies that the new dwellings will be approximately 55m from the existing long standing residential properties, at their nearest point and approximately 47m from the to the nearest property with The Pheasantry. Given that the normal acceptable window to window distance between properties is around 21m, the distances involved in this case are well in excess of this and it is not considered that the proposal would lead to any significant harm to existing amenities by means of loss of privacy or overlooking. Similarly, given the distances involved it is not considered that the proposal would result any loss of light. It is further recognised that the outlook from these existing properties would be changed significantly (from an open field to housing development), however, this was known at the time that the appeal was considered and taken in to account and it would not be appropriate to re-visit this issue as part of this application.

Immediately to the south of the site lies Kiln Wood, an area of Ancient Woodland, with the property of the same name on the southern side of this woodland. Given the

distances involved and the intervening woodland, it is not considered that the proposal would give rise to any harm to the residential amenities of its occupiers through loss of privacy, overlooking or loss of light.

Having regard to the above, it is considered that the proposal accords with Policy DP26 of the DP and policy CDNP05 of the CDNP in respect of this matter.

Housing Mix and Affordable Housing

Policy DP30 of the District Plan seeks to support sustainable communities and sets out that housing development will provide a mix of dwellings types and sizes that reflect current and future local housing needs. Furthermore, developments should meet the current and future needs of different groups in the community, which could include the provision of bungalows and other forms of sustainable accommodation.

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 scheme before members shows the following mix;

One bed flats - 3no.
Two bed flats - 4no.
Two bed houses - 9no. (5 of which are bungalows)
Three bed houses - 18no.
Four bed houses - 8no.
Five bed houses - 2no.

The above mix is split between private (70%) and affordable (30%).

The proposed housing mix would provide 31 market two and three bedroom properties, which is 70% of the market housing. As such there is a shortfall of 5% when assessed against criteria p) of policy CNP05 in the CDNP. In relation to affordable housing 78% of the properties would be 2 and 3 bed room properties. As such there is a shortfall of 2% when assessed against criteria p) of policy CNP05 in the CDNP.

In relation to the proposed market dwellings, the 5% 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 of the evidence base for the District Plan examination provided the background information in relation to the future housing needs of the District. The HEDNA states on page 75;

'Table 31 indicates that 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 (22%) being 4 and 5 bedrooms.

Given the pressing need to deliver housing to meet the housing requirements of the District and to maintain the Council's 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.

Affordable Housing

The scheme before members shows the following affordable mix;

3 x 1 bedroom flats
4 x 2 bedroom flats
4 x 2 bedroom houses
3 x 3 bedroom houses

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.

As part of the signed S106 Agreement associated with the outline permission, there are two affordable mixes, one (mix A) represented the Council's preference and the second (mix B) represented the applicants. The scheme proposed (as set out above) represents mix B, and while this does not represent the Council's preferred approach, the applicant has provided evidence to demonstrate that the only offer received from an affordable housing provider was based upon the mix B scheme. The Council's Housing Officer is not raising an objection to the proposed mix.

Whilst there is a conflict with part (p) of policy CDNP05 the scheme is in accordance with policy DP30 of DP and the Inspector in his report to the Secretary of State recognised this and stated;

'The affordable housing mix being offered for each scheme is set out in the respective S106 Agreements, and whilst all do fall a little short on the 80% figure for 2-3 bedroom units, in my assessment they are all acceptably close'.

The Secretary of State agreed with the Inspectors finding on this matter.

Given above position established at the appeal, 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.

Highways and Parking

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

Policy CDNP05 (h) requires developments to have suitable access and on-site parking to be provided without detriment to neighbouring properties. Criterion (o) requires new housing proposals to meet the parking standards set out in Appendix 1 of the Plan.

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 site will be served by a perimeter road that will provide a two-way carriageway, with further single way carriageways provided either side of the central open space. It is the applicants' intention that the single carriageways will be operated for one-way traffic movement only, these carriageways are 4.1m in width. The main perimeter road is 5m wide (north and west) and 5.5m (south and east) and has been amended to address observations raised by the Local Highway Authority

The Local Highway Authority has made several observations within their comments and while some of these have not been fully addressed by the applicants it does not mean that the scheme in front of members is unacceptable. No objection has been raised to the application by the Local Highway Authority with regard to the layout of the highway infrastructure of the proposed development.

In terms of car parking, the proposal will provide 116 spaces, of which 32 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 the proposed 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 proposed level of parking exceeds the County Council's standards.

The parking standards as set out in the CDNP require a certain level of undesignated spaces to be provided, which in respect of the scheme proposed, would equate to 7 additional spaces. The scheme does not seek to provide undesignated parking spaces, which could be used for visitors; instead, the level of proposed parking exceeds the County's standards by 24 spaces. It is noted that the Local Highway Authority have highlighted that without some undesignated spaces there is the potential to take place on the footways, which may lead to some localised issues, however, this has not been expressed as an objection to the scheme and given that the overall level of parking for the proposed development, it is not 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. The perimeter road is of a width of between 5m and 5.5m and the applicant is content that this provides for potential on-street parking without compromising traffic movements or pedestrians using the footways. 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 (who have not raised an objection) and the very modest shortfall against the Neighbourhood Plan standards (which pre date the West Sussex County Council parking standards), 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.

In light of the above it is considered that the application from a highway safety and parking perspective complies with Policy DP21 of the DP and policy CNDP05 of the CDNP.

Dwelling Space Standards

Policy DP27 of the District Plan sets out the minimum nationally describe space standards will be applied to all new residential development and that all dwellings will be required to meet them, other than in exceptional circumstances.

Officers are content that the scheme before members meets the required standards and that the application conforms to Policy DP27 of the District Plan.

Biodiversity

Policy DP38 of the DP seeks to protect and enhance biodiversity by, amongst other things, avoiding damage to ancient woodland.

Policy CDNP09 of the CDNP sets out that new residential development will be expected to protect and enhance biodiversity and wildlife, including (b) *'the provision of appropriate buffer zones around designated sites or features...'*

In respect of the NPPF paragraph 175 sets out the principles that local planning authorities should apply when determining applications and (c) states;

'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 and a suitable compensation strategy exists'.

Concerns have been raised within the representations regarding the proposed schemes impact on the Ancient Woodland, in particularly Kiln Wood to the south as a result of the positioning of the proposed apartment building.

In respect of the ancient woodland to the north and south of the site, the applicants are proposing a 15m buffer, which is an established minimum distance, and one accepted as part of the appeal process. The woodland buffers will be protected by a proposed post and rail fence that will prevent access by future residents.

The proposed apartment building to the south of the site is not located within the 15m buffer and during the course of the application process, has been moved slightly further north to provide further separation. As the building does not infringe either the Ancient Woodland directly or the 15m buffer area, which is there to protect it, it is not considered that will cause any harm to Kiln Wood.

With the provision of the 15m buffer areas, which will be appropriately protected by fencing, the scheme protects the ancient woodland to north and south of the site in accordance with Development Plan policies and the requirements of the NPPF.

On general ecology matters, through the granting of the outline permission on appeal, these matters have been considered acceptable and it should be noted that the provision of enhanced planting along the western boundary of the site will provide a green corridor for wildlife between the two areas of woodland to north and south of the site.

Having regard to the above it is considered that the application complies with policy DP38 of the DP, policy CDNP09 of the CDNP and the guidance contained in the NPPF.

Sustainability

Policy DP39 of the DP seeks to improve the sustainability of developments and the applicants have submitted a sustainability statement that sets out how they are seeking to do this. Policy DP42 of the DP sets out that development must meet certain requirements regarding water consumption.

The applicants have set out that they are adopting a fabric first approach and they state the following measures will ensure a sustainable community;

- Water saving fittings will be used with flow regulators;
- Appliances (where supplied) will be specified to minimise water usage and be energy efficient;
- Glazing will be of high performance specification to reduce heat loss and unwanted heat gains;
- Urban Drainage Strategies;
- Site waste management plan will seek to implement measures for recycling construction waste;
- Future proofing garages to enable an electric car charging point to be installed

It is considered that the application on with regard to these matters complies with Policies DP39 and DP42 of the DP.

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

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.

Furthermore, the development was screened at the appeal stage and the Secretary of States' decision letter states;

'that the appeal scheme can be screened out as having no likely significant effect on the Ashdown Forest SCA and SPA, either alone or in combination with other plans or projects, and a full Appropriate Assessment is not required'.

Having regard to the above, the proposed development, would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

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

Infrastructure

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

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

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

The 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.

Other Matters

In respect of drainage, the outline permission secured details of both the surface water and foul water drainage designs by condition and these details still need to be submitted, considered and discharged prior to the commencement of works on site. While the proposed layout is different to that illustratively shown at the appeal stage, the Council's Drainage Officer considers that the proposed method of drainage is still achievable. Given that these matters are already subject to conditions attached to the outline permission there is nothing to suggest that the details contained in this application do not accord with policy DP41 of the DP and CDNP06 of the CDNP.

Concern has been raised about the future up keep of the roads within Wychwood Place that are currently maintained privately, this however is not a material planning consideration that can be taken into account in the determination of the application, but instead a private matter for the applicant.

Condition 7 on the outline planning permission relates to the submission of a lighting scheme and comments have been received in relation to this issue as part of this application. The applicant has submitted details under separate condition discharge application and as such the matter is not for determination as part of this reserved matters proposal.

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.

The layout is sound and the external elevations of the dwellings will produce a development that fits in satisfactorily in the area. The layout generates roads that run adjacent to the site perimeter that generally provide outward-facing frontages and reveal the existing boundary trees and vegetation. 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 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 has been secured by the Legal Agreement that was completed when outline planning permission was granted for the development of this site and it has already been found that the development will not have a likely significant impact on the Ashdown Forest SAC or SPA. 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 a change in outlook from existing properties that adjoin the site (from an open field to housing development), however this was known at the time that the appeal was considered and taken in to account and deemed

acceptable. It is not considered that the proposal would result in significant harm being caused to existing residential amenities.

The proposed scheme provides for appropriate buffer areas to the adjacent ancient woodland to the north and south of the site. These buffer areas will be free from physical development and as such the scheme provides sufficient protection to the ancient woodland. The scheme complies with policy DP38 of the DP and the CDNP09 of the CDNP

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.

APPENDIX A – RECOMMENDED CONDITIONS

1. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls and roofs of the proposed building(s) have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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.

2. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- Monitoring of any standing water within the SUDS basins

The Bird Hazard Management Plan shall be implemented as approved upon completion of the SUDS basins and shall remain in force for life of the basins. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the basins in order to minimise their attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport.

3. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of the hard landscaping scheme, including the means of enclosures, shall be submitted to and approved in writing with the Local Planning Authority. The scheme shall only be implemented in accordance with the approved details and no dwelling shall be occupied until the relevant approved details associated with that dwellings have been completed.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy CDNP05 of the Neighbourhood Plan.

4. The scheme shall only be implemented in accordance with the approved soft landscaping scheme. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy CDNP05 of the Neighbourhood Plan.

5. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, 1:20 section and front elevation drawings of the following shall be submitted to and approved in writing with the Local Planning Authority;
 - a typical house including the kitchen windows, eaves, brick detailing, front entrance door and canopy
 - the entrance bay of the apartment block including the roof.
 - the positioning of rainwater pipes on the semi-detached houses and apartment building frontages.

The development shall only be implemented in accordance with the approved details.

Reason: To ensure the architectural quality of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

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

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

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks' notice. For crane queries/applications please email gal.safeguarding@gatwickairport.com The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

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
Other	1884-P-017	A	04.10.2019
Other	1884-P-018	A	04.10.2019
Lighting Layout/Light Pollution	1884-P-020	A	04.10.2019
Site Plan	1884-P-022	A	04.10.2019
Design and Access Statement	1884/A/LC		04.10.2019
Landscaping Details	896-C-023	A	04.10.2019
Site Waste Management Plan	7615-101	P5	04.10.2019
Drainage Details	7615-200	P8	04.10.2019
Levels	7615-201	P5	04.10.2019
Location and Block Plan	1884-P-001	E	05.12.2019
Existing Site Plan	1884-P-002	A	05.12.2019
Proposed Site Plan	1884-P-003	G	05.12.2019
Proposed Floor and Elevations Plan	1884-P-004	C	05.12.2019
Proposed Floor and Elevations Plan	1884-P-005	D	05.12.2019
Proposed Floor and Elevations Plan	1884-P-006	D	05.12.2019
Proposed Floor and Elevations Plan	1884-P-007	D	05.12.2019
Proposed Floor and Elevations Plan	1884-P-008	D	05.12.2019
Proposed Floor and Elevations Plan	1884-P-009	C	05.12.2019
Proposed Floor and Elevations Plan	1884-P-010	D	05.12.2019
Proposed Floor and Elevations Plan	1884-P-011	B	04.12.2019
Proposed Floor and Elevations Plan	1884-P-012	B	05.12.2019
Proposed Floor and Elevations Plan	1884-P-013	B	05.12.2019
Street Scene	1884-P-014	D	05.12.2019
Proposed Site Plan	1884-P-019	F	05.12.2019
Proposed Site Plan	1884-P-021	G	05.12.2019
Landscaping Details	896-C-001	B	06.01.2020
Landscaping Details	896-C-010	B	06.01.2020
Landscaping Details	896-C-011	B	06.01.2020
Landscaping Details	896-C-012	B	06.01.2020
Landscaping Details	896-C-013	B	06.01.2020
Landscaping Details	896-C-014	B	06.01.2020
Landscaping Details	896-C-015	B	06.01.2020
Landscaping Details	896-C-016	B	06.01.2020
Landscaping Details	896-C-018	B	06.01.2020
Landscaping Details	896-C-019	B	06.01.2020
Landscaping Details	896-C-020		14.06.2019

APPENDIX B – CONSULTATIONS

Worth Parish Council

Comments dated the 15th July 2019

This application was discussed by the Planning and Highways Committee of WPC on 8th July 2019. The Committee resolved to OBJECT to this application for the following reasons:

1. Housing Mix

The proposed mix for market housing does not meet the requirements set out in CDNP05 p). The requirement is for 75% 2/3-bedroom houses and up to 25% other sizes.

The proposed is for 66% 2/3-bedroom houses, a shortfall of 2.71 (3).

2. Layout

The SOS decision document included the Wates 44 layout (Appendix 1) within the approval. This shows the principle of containing the development within perimeter roads and paths to provide the maximum protection to Pescotts and Kiln woods.

The proposed layout Drg No 1884-P - 003B (Appendix 1) does not comply with this simple and fundamental requirement. Block G and H and associated parking to the south of the site sits outside the perimeter road and immediately alongside the 15 m buffer to Kiln Wood, reducing the protection available to the woodland.

The Parish Council propose an amended plan (Appendix 1) which shows a road re-alignment with block G and H located inside the road, overlooking the central green space, with parking to each side of the building. This will provide the protection to the woodland and should improve the amenity of the residents of G and H. The arrange reflects comments made by Will Dorman, MSDC Urban Designer, in the Pre- application advice which were supported by his sketch overlay WD 29-11-18 attached as Appendix 2.

The proposed amended Parish Council scheme and the Will Dorman sketch scheme both have the same objectives in mind and broadly provide a similar result. Either scheme would be acceptable to the Council.

The entrance to the site is via Wychwood place. The positioning of the terrace of three type J houses at the entrance does not in the Council's view provide an adequate solution to the street scene when viewed either from Wychwood Place nor for those visiting the proposed new development. The Will Dorman sketch (Appendix 2) provides a more elegant solution by offsetting the buildings opposite the entrance to the perimeter road such that the street scene provides a gap between dwellings. The Parish Council would prefer this option.

The distribution of affordable housing within the site tends to infer a "them and us" situation; the Parish Council would prefer to see a higher level of integration.

The Play Area is located in a position of minimal observation and should in our view be located on the central green as per the Will Dorman sketch. This will allow maximum observation from surrounding properties and a controlled environment for users. The existing play area located on the village green within Crawley Down suffers from non play use by others with associated minor damage and poor behaviour.

The layout does not appear to provide any visitor parking arrangements. It should be noted that Wychwood Place, despite a non parking requirement on the principle road, is already suffering from on street parking, due in sufficient parking capacity being designed into the original scheme, especially that for affordable housing.

There is no apparent provision to future proof these dwellings for the use of electric cars.

1. Building Design

The Design and Access Statement says:

The intention is that the buildings with their expressed parapets, expressed brickwork bays and simple window openings will create a distinctive character that will distinguish the development from the standard developer housing in the area.

The Parish Council is of the view that although the sentiment of being distinguished is laudable, the end product is not a design that sits well within the site or integrates well with Wychwood Place or the existing village built landscape. In particular we do not like,

The perceived starkness of the buildings within the landscape not helped by insufficient street scene views both into and out of the development.

The parapet construction which accentuates the vertical elements of the buildings and in our view bears little relationship to the West Sussex vernacular or the existing village built landscape.

The lack of protection to principle access (front) doors.

The use of top hung window casements which hark back to the 1970's.

The principle use of brick only elevations and slate roofs which will provide an uninteresting uniformity of construction.

In our view the layout and design as proposed does not comply with CDNP0S a) h) and i)

1. Connectivity

The proposed internal path to the public footpath on Huntslands Lane is shown ending at the eastern fence to Kiln Wood and does not arrive at or connect to Huntslands Lane. In its current form it does not comply with CDNPS e)

The path has no proposed connection to the Pheasantry. A connection would allow safe access north and south parallel to the B2028 Turners Hill Road, which has no footpath to the western side. This would allow integration of Wychwood Place, The Pheasantry and the Proposed Development for both pedestrians and cyclists and would provide an off-road access for any potential signalised crossing of Turners Hill Rd.

The route of the existing path needs revising to the shortest route for walking (human route). This is possible by taking the path along the boundary with the Pleasantry to Huntslands Lane, thus reducing the walking distance along the lane to the Turners Hill Road. Previous schemes have shown this exact route, which is practical, whilst maintaining a 7.0 m clearance to the Japanese Knotweed infestation at the southern end of the site near Huntslands Lane.

Please note that Wychwood place has no pedestrian footpaths along either side of the principle access road.

Please also note that the footpath between Sandy Lane and Grange Rd is in extremely poor condition and is unfit for use by most pedestrians. The bridge at the Worth Way crossing by Grange Rd is in our view unsafe for pedestrian and several improvement schemes have been proposed but not delivered.

In summary WPC does not believe that safe connectivity from the site to the village for pedestrians and cyclists has not been established, therefore in its current form the proposal does not comply with CDNPIO a).

The proposed arrangements will in our view lead to unsustainable use of the car and significantly more trips than envisaged in the Wates 44 outline proposal transport assessment. Perhaps given the time passed since the enquiry, the completion of the 29 at Wychwood Place, the 47 at The Clockfield Turners Hill, the 60 at Hazel Close and this development, a review is required to produce a clearer and more accurate picture of the effect of development on the B2028 and the wider network.

MSDC Urban Designer

Key Considerations and Overall Assessment

The layout generally works well and is organised around a continuous looped road arrangement that define two perimeter blocks and an open space in the middle that gives the scheme a central focus. This arrangement also generates roads that run adjacent to the site perimeter that provide outward-facing frontages and reveal the existing boundary trees and vegetation. The apartment block is the exception to this as it is located to the south of the perimeter road and consequently backs-on to the ancient woodland. In this case the arrangement is preferable to locating it to the north of the perimeter road as it allows the open space to become more of a focus with the block's main frontage facing the space and access road defining it. The block only divides a small part of the woodland from the public realm, and will still enable it to provide a highly attractive backdrop to the scheme.

The contemporary approach to the building design is supported in principle as it has an underlying integrity that avoids pastiche interpretation and helps give the scheme individuality that is a welcome contrast to the ubiquitous language of many mass housing schemes. Nevertheless there is a risk of the building frontages looking bland that result from: the similarities between the house types, their pared-back articulation and limited palette of facing materials. To counter this, the architect has introduced some subtle variations in the revised drawings; however it would help if there could be more variation in the building materials (especially the brick) on a street-by-street basis.

In conclusion, I raise no objections but would recommend the conditions requiring the following additional drawings / information to secure the quality of the design.

- The soft and hard landscaping including the boundary treatment
- The facing materials
- The position of the rainwater pipes on the semi-detached houses and apartment block frontages.
- 1:20 scale front elevations and sections of: (i) a typical house including the kitchen windows, eaves, brick detailing, front entrance door and canopy; (ii) the entrance bay of the apartment block including the roof.

Other Design Considerations

Layout

As well as the required ancient woodland buffer along the southern boundary, a green buffer zone is provided along the eastern boundary that provides some separation distance in relation to the existing houses and gardens that back-on to the site and provide a potentially attractive landscaped area that will include detention basins and a play area. I nevertheless feel the latter would be better located in the main open space where it would reinforce its role as the central focus of the layout. A section drawing has been supplied that demonstrates that the detention basins will be shallow depressions that should enable them to be mostly dry during the summer months. This will hopefully enable them to be used as part of the wider open space; nevertheless further details are required on this and the landscaping for the whole scheme needs updating so that it responds to the revised layout.

The street elevations are now better arranged than the revised drawings. They benefit from more consistently organised frontages. The entrance corner has been reorganised with the previously prominent parking space re-positioned to a more discreet location the other side of the adjacent terrace. Nevertheless more could have been done to differentiate one street frontage from the next by concentrating the grouping of the different house types that would have also provided more underlying rhythm. The juxtaposition of the squat bungalow (type A) and more vertically proportioned 2 storey houses is especially uncomfortable and makes the gabled flanks of the latter unfortunately prominent.

The Hard Landscape plan feature brick wall boundaries on most of the corners, but the north-west and south-west corners around the rear gardens of the house type A and F (respectively) unattractively show close-boarded fences. As these are long visible boundaries, I feel they should also feature brick walls. The employment of tarmac road and pavements throughout is rather unremitting and hard-edged; I would like to see it broken-up with another material such as block-paving which would suit both sides of the open space.

Elevations

The revised drawings have improved the design of the apartment block on all four sides. This is most notable on the highly prominent north elevation facing the open space where it has been subdivided into two frontages by a contrastingly articulated flat-roofed entrance bay that gives it a more domestic scale that is more in harmony with the houses. Also importantly, the refuse and cycle store have been re-positioned from the front to the rear, that allows for an appropriately fenestrated main façade.

The double-fronted type F house has been improved with a better proportioned roof and by reducing the dominance of the first floor window in the side annex. The building though still suffers from an overly-squat façade and unconvincing mix of contemporary and classical symmetry.

As they are visible along the road frontage, flank windows have been introduced on the terraced and semi-detached houses to give them some articulation.

Many of the houses show two downpipes on the façade, when one is normally adequate. This unnecessarily clutters the façade on the semi-detached houses in particular. The downpipe on the apartment block is also unfortunately not tight to the corner. For these reasons, I recommend a condition to cover this.

MSDC Housing Officer

Outline permission DM/15/3614 for 44 dwellings was won on appeal. The section 106 agreement dated 7th February 2017 provided two possible mixes for the affordable housing provision: Mix A and Mix B.

This reserved matters application proposes 14 homes (30%) for affordable housing in-line with the s106 and policy DP31. Although the default affordable housing scheme is Mix A the applicant has submitted a scheme which reflects Mix B. The applicant has also provided evidence to demonstrate that the only offer received from an affordable housing provider was an offer based on the Mix B scheme.

The scheme, as set out in the s106 Second Schedule, is as follows:

Rented

3 x 1-bed flats
4 x 2-bed flats
4 x 2-bed houses

Shared Ownership

3 x 3 bed houses

The affordable homes are located in three separate clusters across the site.

MSDC Drainage Officer

I have looked at the submitted layout plans for the proposed development. Whilst the development has changed in terms of its layout, I believe that the proposed method of drainage is still achievable.

I therefore have the following comments to make, which should be considered at the detail design stage for any condition clearance:

The adjacent Hastoe development (The Pheasantry), has a surface water exceedance flow route that could discharge into this site.

We will need to see an exceedance flow plan, and it should consider this possible neighbouring over land flow in addition to any exceedance flows expected on site.

We will need to see the finalised drainage layout design, along with supporting plans and sections of the SuDS features, and calculations that demonstrate the development's ability to cater for the 1 in 100 year storm event, plus 40% extra capacity for climate change.

The proposed point of discharge to the ditch will require Ordinary Watercourse Consent (OWC). OWC applications and guidance can be found here: [OWC Applications and Guidance](#). Applications for OWC sit outside of the Planning process and refers chiefly to the impact that the proposed outfall structure and associated works has upon the watercourse.

MSDC Community Facilities Project Officer

Our Landscape Officer has confirmed that the play area design now looks fine and they have taken on board previous comments.

MSDC Tree and Landscape Officer

I've reviewed the soft landscaping proposals for the above application. The proposed planting of new trees, woodland areas and hedgerows show suitable species (mainly native) of suitable size. There appears to be no negative impact of the ancient woodland and its surrounding buffer zone.

However I would point out the maintenance programme outlined in the Landscape Specification Notes (drawing 896-C-019) specifies an establishment and defects liability period of two years. BS5837 advises post development management of new plantings for at least 3 years and if required by site conditions, 5 years or more.

WSCC Highways

Comments made 8th July 2019

The proposed development is to take access via those roads and footways constructed and approved as part of DM/15/1872. Although not necessarily a planning matter, the roads and footways within DM/15/1872 have not been offered for adoption and as such are retained under private ownership. Given this, it is considered unlikely that the roads and footways within the current reserved matters application would be adopted as highway (this would first require the roads within DM/15/1872 to be adopted to allow the proposed roads to connect into the adopted network). The layout within the current application has therefore been reviewed on the basis that this would be kept private.

As a matter of principle, the applicant should confirm that the proposed footways will tie in with those permitted under DM/15/1872. From the plans submitted, it would seem that there is a gap between the footways in both sites. This would need to be corrected to ensure a continuous route.

The layout is shown as having segregated foot and carriageways. Footways are 2 metres in width, which are appropriate. The carriageway varies between 5.5 and 4.1 metres. 4.1 metres is narrow and only just enables two opposing vehicles to pass on straight sections of road. Even though the roads are anticipated as being kept private, the width ideally would be increased to a minimum of 4.5 metres, if not 4.8 metres.

It is recommended that swept paths be provided for the standard refuse vehicle operated by Mid Sussex DC.

There seems very limited merit to the footway on the most eastern side of the most easterly carriageway. Dropped crossing points could be provided on desire lines.

It's unclear whether the parking provision has been considered against any adopted standards or guidance. The Mid Sussex DC adopted standards would be appropriate. Further regarding parking, there are no apparent unallocated visitor parking spaces. In light of the carriageway widths and alignments, parking bays would be required throughout the site. The concern otherwise is that parking will take place on the footway creating an obstruction to pedestrians and damage to the footway itself.

A footpath is shown running south from the LAP towards Huntsland Lane. This footpath doesn't seem to go anywhere though and terminates within the red edging. If a route is proposed, it would be useful to know where this goes to. Further information as well as changes to the layout should be undertaken to address the above comments.

Comments made 16th December 2019

Detailed highway comments were made by WSCC Highways on the 8th July 2019. Whilst revised plans have been submitted, those matters raised by WSCC as part of the initial comments do not appear to have been directly responded to. As such, these comments are considered outstanding.

The only new plan that is that titled 'Proposed Site Plan: Road Circulation'. This shows those roads within the centre of the site being one way. It's unclear from the plans how this is to be provided for and more importantly enforced. It would be far more preferable to have the roads as two way, thereby overcoming the need for any signing and lining associated with the one way arrangement within the site.

Gatwick Airport

Thank you for your email/letter dated 09 December 2019 relating to the amended plans for this development.

The proposed amendments have been examined from an aerodrome safeguarding perspective and we have no objections. However the development as a whole could conflict with safeguarding criteria unless any planning permission granted is subject to the condition detailed below:

Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:

- Monitoring of any standing water within the SUDS basins

The Bird Hazard Management Plan shall be implemented as approved upon completion of the SUDS basins and shall remain in force for life of the basins. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the basins in order to minimise their attractiveness to birds which could endanger the safe movement of aircraft and the operation of Gatwick Airport.

Please find a draft Bird Hazard Management Plan (BHMP) attached. If the applicant is in agreement it needs to be signed & dated, the methods of dispersal completed where indicated in red and submitted to yourself pursuant to the above mentioned planning condition.

We will need to object to these proposals unless the above mentioned condition is applied to any planning permission.

We would also make the following observation:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. Gatwick Airport requires a minimum of four weeks' notice. For crane

queries/applications please email gal.safeguarding@gatwickairport.com The crane process is explained further in Advice Note 4, 'Cranes and Other Construction Issues', (available from <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

If you have any queries please do not hesitate to contact me.

It is important that the condition requested in this response is applied to a planning approval. Where a Local Planning Authority proposes to grant permission against the advice of Gatwick Airport Limited, or not to attach conditions which Gatwick Airport Limited has advised, it shall notify Gatwick Airport Limited, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

NATS

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.