MID SUSSEX DISTRICT COUNCIL

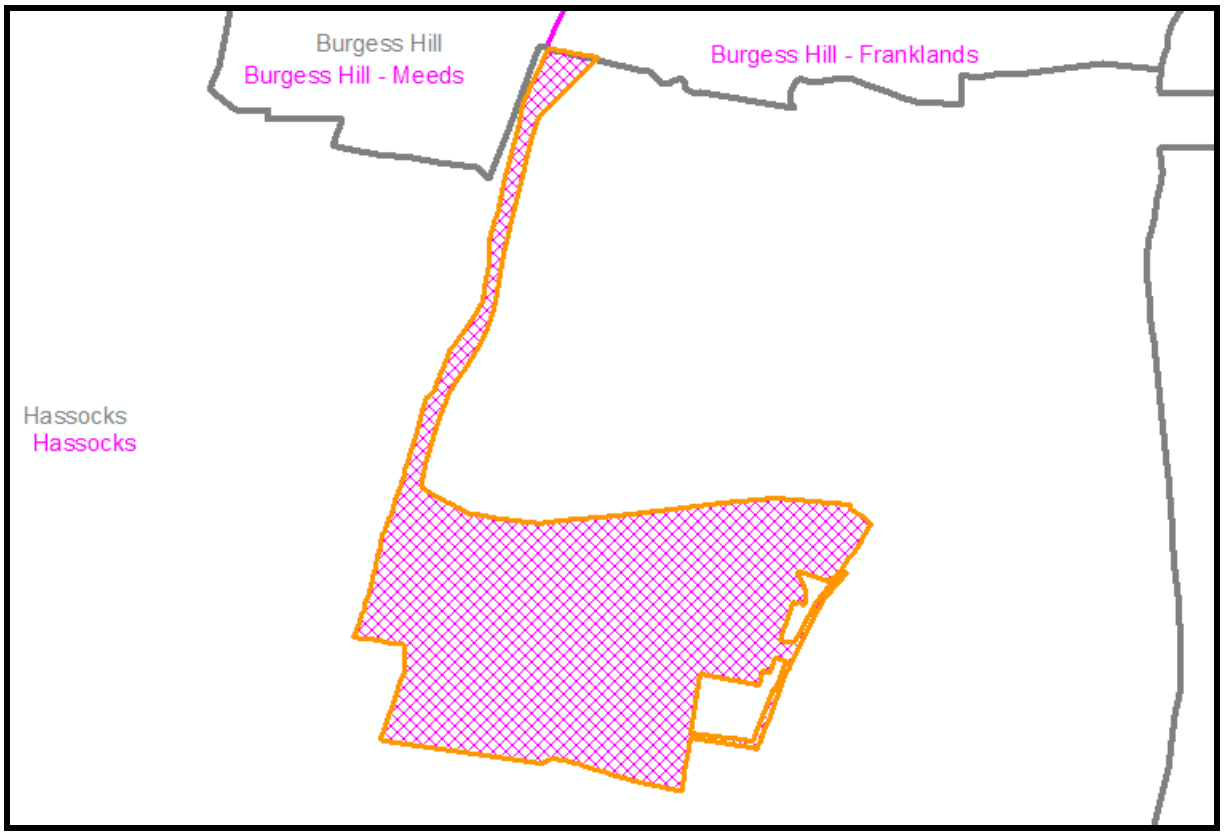
District Wide Committee

20 FEB 2020

RECOMMENDED FOR PERMISSION

Hassocks

DM/18/4979



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LAND NORTH OF CLAYTON MILLS OCKLEY LANE HASSOCKS WEST SUSSEX
OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR UP TO 500 RESIDENTIAL DWELLINGS AND LAND FOR A TWO-FORM ENTRY PRIMARY SCHOOL AND COMMUNITY BUILDING, LAND FOR A BRIDLEWAY LINK BETWEEN HASSOCKS AND BURGESS HILL, ASSOCIATED INFRASTRUCTURE INCLUDING INFORMAL OPEN SPACE, HARD AND SOFT LANDSCAPING, SUSTAINABLE DRAINAGE FEATURES AND A NEW SITE ACCESS ONTO OCKLEY LANE, AND PROVISION OF IMPROVED PEDESTRIAN ACCESS ACROSS THE RAILWAY LINE.
MR ROBERT PHILLIPS

POLICY: Areas of Special Control for Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / New Street Works Order / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / Archaeological Notification Area (WSCC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 30th August 2019

WARD MEMBERS: Cllr Sue Hatton / Cllr Benedict Dempsey / Cllr Alexander Sparasci /

CASE OFFICER: Stephen Ashdown

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Outline planning permission is being sought for the erection of up to 500 dwellings, land for a two form-entry primary school, land for a community building and associated infrastructure (including formal play facilities and informal open space). The application includes the details of the proposed new site access onto Ockley Lane, with all other matters (layout, appearance, scale and landscaping) reserved for future consideration as part of any Reserved Matters process.

The application was deferred by the Committee at the meeting held on the 17th December 2019 in order to allow the proposed access to be investigated further. In particular the Committee raised concerns over the analysis and assumptions relating to pupils that might originate from Burgess Hill and as a result the impact that this would have on the proposed access and whether a right hand turn lane was required. The applicants have investigated the matter further and this has only confirmed their position that the proposed priority T junction is suitable and safe to serve the proposed development and that there is no justification for an alternative arrangement. WSCC has considered this information and confirmed that it has no highway objections to the proposed access arrangements as originally submitted.

The site is allocated for development within the Mid Sussex District Plan (policy DP11 refers) and the application seeks to secure an outline planning permission in accordance with the terms of this policy, and other relevant policies contained within the Development Plan as a whole. It should be noted that the draft Hassocks Neighbourhood Plan is currently at examination and as such the weight that can be afforded to it is moderate.

Planning legislation requires the application to be determined in accordance with the

development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The NPPF states that planning should be genuinely plan-led. The Council has an up-to date District Plan and is able to demonstrate that it has a 5 year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

In terms of the principle, the site is located within the built-up area as defined by the Mid Sussex District Plan, with the boundary being formally extended upon the adoption of the District Plan in March 2018. As such the principle of the development is acceptable under the provisions of Policy DP6 of the Mid Sussex District Plan which states that development will be permitted within towns and villages with defined built-up area boundaries.

In this case the site is one of the strategic allocations in the District Plan. Policy DP11 is the relevant Policy in the District Plan which allocates the site. This supports in principle a strategic mixed-use development and accordingly allocates the land to the north of Clayton Mills, subject to meeting a number of criteria.

As highlighted within this report, the proposal will have a number of benefits that need to be taken into consideration.

The proposal will provide up to 500 new homes. 30 per cent of these will be affordable which equates to 150 dwellings. The proposal will also provide a financial contribution to provide 5 permanent gypsy and traveller pitches on an alternative site.

The proposal will make provision for the site of a new primary school which will include Special Educational Needs and Disability and Early Years provision, along with a financial contribution towards its construction. A financial contribution to additional secondary and sixth form provision in the district is also being provided.

The proposal provides a site for a community building and a contribution towards its construction. In addition, the scheme will provide for a number of open spaces in addition to two equipped areas of play. Provision for a community building on site, along with a contribution towards its construction is also proposed.

Public right of way improvements are proposed between the site and Hassocks, along with a new bridleway to provide an entirely off-road link Burgess Hill (with existing routes then providing onward links to the railway station and town centre).

A number of off-site highways infrastructure improvement works are proposed that will include junction improvements, a new bus stop, traffic calming/improvement schemes, pedestrian and cycle access improvements and provision and provision of additional cycle parking at Hassocks train station.

The proposals provide for a greenspace buffer to the northern boundary of the site, in accordance with policy DP11, which is secured through the parameter plan. This will provide a strong defensible boundary to the site and protect against the coalescence and retain the separate identities of Hassocks and Burgess Hill.

The applicants have committed to part funding the improvements to the Woodside Level Crossing with the provision of a pedestrian tunnel to replace the existing stepped arrangement. The Council are currently considering, separately, a submission from Network Rail for the tunnel.

In terms of measures to improve levels of sustainability, the submissions indicate that the 'fabric first' approach will be adopted to reducing emissions and the provision of electric vehicle charging points form part of the proposed travel plan measures. Conditions are proposed to secure the travel plan and the submission of other associated details through the reserved matters submission.

The committee report for this proposed development has, however, identified a number of adverse effects that need to be taken into consideration and weighed against the benefits.

As identified within the heritage assessment of the report, the proposal will cause less than substantial harm to nearby designated heritage assets and great weight needs to be given to this. The test set out at paragraph 196 of the NPPF is that this harm (less than substantial) should be weighed against the public benefits of the development. In this particular case there are clear, substantial, demonstrable and compelling public benefits outlined in this report which are considered to outweigh the less than substantial harm to the settings of the heritage assets identified. Historic England has not raised an objection to the application on heritage grounds.

Whilst the proposal will cause less than substantial harm to the non-designated heritage assets of moderate to high significance, a balanced judgement on this issue must be made in accordance with the NPPF. This less than substantial harm has been balanced against the positive benefits that flow from the development of up to 500 dwellings and the provision of land for a primary school on the site that forms one of strategic site allocations within the District Plan (DP11 refers). It is judged that the benefits of the scheme significantly outweigh the less than substantial harm to the non-designated heritage assets.

It is inevitable that the proposal will have adverse landscape effects during the demolition and construction phase. These will, however, be temporary in nature and mitigated for as best as possible through the use of conditions. In time, the establishment of the landscape mitigation, will reduce the perception of the proposed development and allow it to assimilate into the wider landscape.

The proposal will result in some harm to the residential amenities of neighbouring residents, which is inevitable with a development of this size and nature, in a location such as this. The illustrative master plan identifies green space buffers between new and existing properties, which will be secured through the parameter plans, which will ensure that acceptable separation can be maintained. It is not considered that

these impacts are likely to give rise to significant harm, particularly as careful consideration can be given to proposed relationships through the reserved matters process.

The loss of access to a potential mineral resource can be classed as an adverse effect. However, it is considered that these particular adverse effects should only be given limited weight given that the site is allocated for development. WSCC, as the planning authority in relation to minerals, has not raised an objection to the application.

The proposal has the potential to impact upon the Air Quality Management Area at Stonepound Crossroads, as well as air quality in general. The submissions show that there will be a negligible increases in the NO2 and particulate matter, but concentrations will be below the relevant objectives at all receptor locations. Having regard to mitigation measures that will be secured, it is not considered that there will be any significant effects and your Environmental Protection Officer has not raised an objection to the application.

To implement the proposal only two trees are required to be removed, while sections of hedgerows will be removed both within the site and along Ockley Lane to facilitate the development and its associated access. None of the hedgerows have been identified as important and appropriate landscaping can be secured to mitigate the impacts. In terms of general biodiversity matters, there will be some impact on protected species, however, appropriate mitigation can be secured and no objection has been raised by either the Council's ecology consultant or Natural England.

The proposal has been found to be acceptable in regard to a number of other planning issues where there will be a neutral impact such as highway safety, the effects on statutorily protected land including the South Downs National Park where views of the site would be seen in the context of Hassocks, water resources and the Ashdown Forest.

In terms of benefits, the Environmental Statement references the provision of affordable housing and the increase in provision of primary school places in Hassocks, while working towards satisfying policy DP11 of the DP which is an integral part of the delivery of the overall housing numbers for the District Plan.

The residual effects, as set out in the Environmental Statement, arising from the proposed development are those effects that remain following the implementation of identified mitigation measures. It is recognised that the proposed development will lead to a small number of changes in the local environment, both adverse and beneficial, that are a consequence of a development of this nature, in this location, that would have been envisaged when the site was allocated for development as such changes would be unavoidable in relation to the altered setting and change of use of the site.

Whilst it is acknowledged that some significant adverse effects will be experienced during the site preparation and construction phase, these impacts will be temporary in nature and controlled by on-site best practice measures in line with a Construction and Environmental Management Plan (CEMP).

Mitigation measures, as outlined within the Environmental Statement, have been secured through the conditions as set out in Appendix A and through the legal agreement where appropriate. With such measures secured, the conclusions of the Environmental Statement are considered by Officers to be reasonable and accurate.

Officers consider that the benefits of this development, as highlighted within this report, significantly outweigh the adverse impacts that will in any event be mitigated for as far as possible.

The proposal would provide significant economic benefits from the provision of construction jobs and an increased population likely to spend in the community. The development would also generate a New Homes Bonus. As such it is felt that the economic objective of sustainable development as defined in the NPPF would be met by the scheme.

The provision of up to 500 dwellings on this sustainable site will make an important contribution to the district's housing supply. The development will also provide key infrastructure that will benefit future residents and existing residents of Hassocks. It is therefore considered that the development meets the social and environmental objectives of sustainable development as defined in the NPPF.

Officers consider that the benefits of this development, as highlighted within this report, significantly outweigh the cumulative adverse impacts that will in any event be mitigated for as far as possible

In light of this the application is considered to constitute sustainable development and complies with the Mid Sussex District Plan when read as a whole. The application is therefore in accordance with the Development Plan, and there are no other material planning considerations that reasonably indicate an alternative conclusion should be reached.

The application is in accordance with the site wide allocation Policy DP11 with the exception of the provision of a contribution towards public transport improvements. Given other sustainable transport improvements being offered, particularly a new bridleway link to Burgess Hill, it is considered that the lack of provision on this matter is acceptable in planning terms in this instance.

Pursuant to and in discharge of its duty under s66 and the requirements of the policy DP34, special regard has been given to the desirability of preserving the setting of the listed buildings and having applied the appropriate tests under paragraphs 189-196 of the NPPF accordingly, it considered that the development is acceptable.

The application also complies with Policies DP4, DP6, DP11, DP12, DP13, DP17, DP18, DP20, DP21, DP22, DP23, DP24, DP25, DP26, DP27, DP28, DP29, DP30, DP31, DP33, DP34, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, policies 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 17 and 17 of the Hassocks Neighbourhood Plan (Referendum version), the NPPF, the Listed Building and Conservation Area (LBCA) Act 1990 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The application is therefore recommended for approval, subject to the conditions listed in Appendix A and to the completion of a satisfactory S106 Legal Agreement.

Recommendation

Recommendation A

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure affordable housing, primary school land, community building land, open space, financial contributions and highway works and the suggested conditions in Appendix A.

In the event that minor amendments are required to the proposed conditions these can be delegated to officers. In all other cases, any amendments will be undertaken in consultation with the Chair and Vice Chair of the District Planning Committee.

Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the primary school land, necessary infrastructure payments and affordable housing by 20th May 2020 then the application should be refused at the discretion of Divisional Leader for Planning and Economy for the following reason:

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

SUMMARY OF REPRESENTATIONS

A total 17 letters of representation have been received since the application was deferred, and in light of the applicant's published response, raising the following objections / issues;

- Road surface inadequate
- Flooding on Ockley Lane has increased and there is no room within the carriageway to avoid such areas
- Reduce speed signs will be unenforceable
- Extra traffic on Ockley Lane undermines the bus route
- Need for active travel plans and increased bus and rail provision
- Emergency vehicles may not be able to reach site in the event of a road accident
- Area to the east of the spring on the southern edge of the site should be protected within the proposed S106 Agreement to ensure that it is an open space
- Existing bus stop is in a dangerous position in relation to the proposed access
- Modelling carried out seems unrealistic
- Junctions at either end of Ockley Lane are already gridlocked.
- The problems identified by The Safety Forum are still serious concerns

- Traffic counts undertaken by residents in 2019 and 2020 show a significant higher use of Ockley Lane than applicant's projected 2022 figures.
- The applicants have still spread their projected school arrival numbers across a 30-minute, in two blocks between 08:30 and 09:00, with no rationale for their approach
- The numbers of incoming vehicles and especially incoming vehicles from Burgess Hill for the school arrival at the lower quoted by the applicants are total guesswork, and little better in their sensitivity scenario
- The data being used by the applicant's and adopted by WSCC Highways in their assessment is nearly three years old and very significantly under-stated
- The applicants have failed to consider alternative school arrival methods i.e. park and ride scheme
- The applicants have failed to consider alternative road schemes for this development land, which could include a connection under the railway to London Road.

A total 325 letters of representations have been received (in relation to the original proposals and the scheme as amended and considered by Committee on 17th December 2019) raising the following objections/issues;

<u>Highways</u>

- Roads already congested
- Lack of footpath links
- Lack of parking in village centre
- Increased danger at railway crossing
- Highway works include land in private ownership, this includes footpaths and a bus stop
- How will vehicles be prevented from accessing footpath 5K
- Transport assessment is inaccurate
- Planned junction to Ockley Lane unsafe
- Traffic will affect many junctions across the village
- This part of Ockley Lane is an accident hotspot
- Wrong to allow increase use of footpath 11 while vehicles still use it
- Access to Woodside Grange should be provided through development
- Vehicles speed along Ockley lane
- Increase of traffic on Lodge Lane
- No impact on vehicle movements and parking in Burgess Hill
- Site not sustainably located
- Width of Ockley Lane is barely sufficient for two cars
- Straightening the road will increase speed
- Ockley Lane not suitable for construction traffic
- Lack of footpath to Ockley Lane
- Opportunity to provide an access road directly to the A273, via a tunnel
- Independent Road Safety Audit highlights a number of serious issues highways matters that need to be addressed
- Developer has not done enough to ensure Road Safety in Ockley Lane
- Dangerous for school children

- Not enough parking at the station for commuters
- New junction does not comply with WSCC standards.
- Emergency access would require a permanently locked gate at the junction of the path and Ockley Lane
- Properties have right of accesses across footpath which has not been taken into account

Amenity

- Lack of details on boundary fencing
- 30m separation to properties in Mackie Avenue not sufficient
- 10m green buffer should be outside the gardens of the new properties
- Noise pollution
- Loss of outlook and overlooking of properties in Mackie Avenue and Ockley Lane
- Detrimental impact on the character and appearance of the area
- LVIA does not provide full assessment of view from SDNP
- Increase in noise and disturbance
- Impact on views from Batchelors Farm
- Impact on views not properly assessed or visualisations submitted
- 500 dwellings represents an overdevelopment of the site
- Speed limit along Ockley lane should be reduced
- Position of school will affect the enjoyment of rear gardens
- Development will destroy a beautiful green field
- Increase air pollution

Heritage

- Heritage assessment does not include consideration of non-designated assets
- Substantial harm will be caused to designated and non-designated assets and the hamlet of Ockley
- 'Great Weight' needs to be attached to harm to designated assets
- Consider that the former farm cottages on the west side of Ockley lane are non-designated assets that need to be considered in a wider assessment
- Historic England's consultation response is narrowly construed to Ockley Manor itself
- Where the level of harm is substantial, there is no provision within the NPPF to offset it against public benefit
- A wide protective barrier should be provided to rear of Ockley Cottages
- Insufficient buffer provided to protect heritage assets

Ecology

- Light pollution on South Down National Park
- Lack of buffer zone will impact on wildlife corridor
- Any hedgerows lost should be replanted
- Heritage hedgerows will be lost
- Nightingale birds would be directly affected

- Site is of ecological importance and home to a variety of plants, birds and animals

Infrastructure

- Schools over subscribed
- Doctors surgeries over subscribed
- Train services being reduced
- Lack of infrastructure to serve residents
- School needs to be delivered early
- How will ensure the delivery of the school
- Impact on water pressure
- School is provided in the wrong location on the site, it should be located in the south western corner where accessibility is better
- Schools proximity to access will encourage car use
- Better alternative sites within the development are available for the school within the application site

General Matters

- Hassocks merging with Burgess Hill
- Loss of strategic gap
- Brownfield sites should be developed first
- Increase flood risk
- Smaller development should be proposed
- Green space to south needs to be protected
- New residents should contribute to the upkeep of the area to the south (Clayton Mills)
- There is a natural spring on the site
- No G & T provision is being made on site and it has not been demonstrated that a suitable, available and achievable alternative site is available. Lack of consultation/communication with local residents
- Plans produced are inaccurate and mis-leading
- Detailed design must achieve higher level of energy efficiency
- Increase in crime
- Sewage treatment plant on private land will be affected by highways works
- Developer should build the community centre
- Amount of three storey buildings not appropriate for this site
- Proposals do not meet the requirements of NP policy 5 on low carbon matters
- Fabric first approach to energy efficiency not sufficient to meet policy requirements
- Development out of scale with the village
- Developer has failed to disclose critical land ownership information

A letter of representation has been received from the owner of Ockley Manor stating (in summary), that there are several matters of the application that he considers provide grounds for Judicial Review if the application is recommended for approval

by officers and thereafter approved by the planning committee. The two main strands that will create the grounds for challenge are;

1. Heritage
   Detailed heritage reports have been provided and comments from your own conservation officer criticise certain aspects of the scheme for unnecessary harm it will cause. Action is potentially available to applicant to reduce the harm to heritage assets.

2. School location, access road junction proposed location and type, road safety for children being driven to school. Examples of the unsuitability of the proposals are;

   a) Analysis of traffic movements to and from the proposed development, particularly in relation to school traffic. Trips have been modelled as average peak hour travel in order to justify the design. The position and type of junction will lead to serious safety risks for young children being driven to school.

   b) No alternative means of school drop-off/arrivals/parking arrangements have been considered within the application or by officers. Arrangements are in common use/proposed elsewhere to ameliorate the effects of high concentrations of school related traffic at drop-off times.

   c) Proposed emergency access is a permanent right of way for two properties and the development therefore is unable to provide an access that can be maintained in a permanent accessible state, i.e. by means of locked barrier or similar.

The applicant can take steps to design a safer junction, school location, secondary emergency point and to consider alternative means to minimise road traffic risks to young children and the Council should require this. Should the Council proceed to determine the application in its current form then a Pre-Action Protocol letter will be issued.

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

MSDC Conservation Officer

Considers that the level of harm to the setting of heritage and non-designated heritage assets would be less than substantial in terms of the NPPF such that the criteria set out in paragraph 196 of that document would apply.

MSDC Urban Designer

No Objection. Comments are observations on the illustrative layout.

MSDC Housing Officer

No Objection subject to securing appropriate affordable housing with S106 Legal Agreement.

MSDC Community Leisure Officer

No objection subject to securing appropriate financial contributions towards community building provision and off site formal sport provision with S106 Legal Agreement. On-site play areas to be secure via condition.

MSDC Drainage Officer

No objection subject to conditions.

MSDC Environmental Protection Officer

No objections subject to conditions.

MSDC Contaminated Land Officer

No objection subject to conditions.

MSDC Tree and Landscape Officer

No objections subject to condition.

MSDC Ecology Consultant

No objections subject to conditions.

MSDC Visual Landscape Consultant

No objections. Successful mitigation dependent upon full and early implementation of the green infrastructure plan.

MSDC Archaeology Consultant

No objection subject to condition.

WSCC Highways

Based on the evidence presented, a simple priority junction would be the appropriate form of access to the development. No objection subject to conditions.

WSCC Public Rights of Way

No objection.

WSCC Education

WSCC welcome the provision of a site for a school at land North of Clayton Mills, as an available and deliverable opportunity for a new school which can be provided within the specified time scale, to meet immediate needs and future needs as the population of Hassocks increases.

WSCC Local Lead Flood Authority

No objections.

WSCC Infrastructure

No objection subject to securing school site and financial contributions through S106 Legal Agreement.

West Sussex Minerals & Waste Planning Authority

No objection.

Historic England

No objection.

Natural England

No objection.

Southdowns National Park Authority

No objection.

ESCC Highways

No objections subject to conditions.

Horsham and Mid Sussex CCG

No objection. Request a financial contribution to be secured through the S106 Agreement.

Sussex Police Design

No objection.

Sussex Police Infrastructure

No objection. Request a financial contribution to be secured through the S106 Agreement.

Southern Water

No objection subject to condition.

HASSOCK PARISH COUNCIL

The following comments have been made by the Parish Council in respect of the response by the applicants to the deferral of the application from the Committee meeting on the 17th December 2019.

RECOMMEND REFUSAL. In addition to the comments previously submitted by Hassocks Parish Council on 22th January 2019, 4th July 2019 and 5th September 2019, the Council would also add the following comments:

ACCESS.
The Council continues to consider that the proposed junction arrangements on Ockley Lane will be insufficient to address the increased level of vehicles likely to be generated by additional school related traffic. Therefore for this reason the Council remains expressly concerned about road safety along Ockley Lane.

The Council also continues to support the residents of Hawthorn Cottage in their request for the access to their property to be moved from Ockley Lane onto a side road. Thus allowing the residents a safe access to Hawthorn Cottage.

PEDESTRIAN PROVISION
It is considered that the proposed pedestrian footway along Ockley Lane is inadequate and does not provide an acceptable level of accessibility or inclusivity for pedestrians.

The comments below are those which were set out in the original report to Committee on the 17th December 2019 and refer to the Parish Council's comments 5th September 2019.

Comments: In addition to the comments previously submitted by Hassocks Parish Council on this application, (dated the 4th July 2019 and 22nd January 2019), the Council would like to add the following:

ACCESS

Despite repeated concerns being raised by both the residents of Hawthorn Cottage on Ockley Lane and Hassocks Parish Council over the safety of the access to Hawthorn Cottage, this matter remains unresolved. In fact, it appears that there is a persistent refusal by the developer, WSCC and MSDC to recognise the limitations and safety issues surrounding the proposed access, which is understood to be only 6m from Hawthorn Cottage's, access - not the 8m that the developer's incorrect plans show, and not the 15m defined by WSCC standards. The developer has blatantly misinterpreted land ownership and boundaries, despite frequent representation from the owners of Hawthorn Cottage. Therefore Hassocks Parish Council repeats the comments made on 4 July 2019 and urges MSDC to rectify this situation by ensuring safe access for the residents of Hawthorn Cottage. A solution

for safe access would be for the developer to be required to provide a new access from Hawthorn Cottage onto the access road for the housing site (hence removing the Hawthorn Cottage existing direct access onto Ockley Lane). It is understood that agreement could be reached with the Hawthorne Cottage owner in this regard. WSCC is duty bound to ensure that safe access is provided and Hassocks Parish Council is not satisfied that the adjacent entry/exit points on Ockley Lane are the safest option. The Council would draw attention to the letter submitted by Mr Hayhurst of Hawthorn Cottage to MSDC Planning dated 5 July 2019.

SCHOOL AND COMMUNITY BUILDING

As previously stated, HPC strongly welcomes the provision of land for a school site, however it considers that the location as proposed is not in the best location to serve the community and is not acceptable to HPC. The village would be better served by locating a school as close to the south west corner of the development site. This would make best use of the existing and proposed pedestrian accesses and would substantially reduce the traffic burden created by school traffic. As the UK Government has declared a Climate Emergency we are duty-bound to minimise unnecessary journeys that add to climate heating. By requiring physically able school-children to walk to school, it will also keep them fitter. Furthermore locating the school in the south west/southern boundary would also serve to protect the Heritage assets of Ockley Manor by providing a greater area of open space as an outlook.

HERITAGE ASSETS

HPC has significant concerns over the apparent lack of regard given to the impact of the proposed development to the heritage assets of Ockley Hamlet, particularly in the light of Ockley Manor Farm Cottages being very recently listed as designated heritage assets. It appears that the developer has carried out a very limited heritage assessment, which has not been revised since the initial report. Under section 16, Conserving and enhancing the historic environment, of the National Planning Policy Framework para 189 states that 'local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance…' and it is considered that this has not been applied by the developer to Ockley Hamlet. The Council would therefore urge that full consideration is given to the points raised by Mr Peter Rayner in his response dated 30 July 2019.

GREENSPACE BUFFER

HPC had understood that a 10m greenspace buffer was to be provided along the southern boundary to protect the visual amenities at the back of the properties along Mackie Avenue. The proposed buffer would be similar to that provided for the Clayton Mills development which has worked well and protected the visual amenity of existing and new properties. In some more recent drawings of this proposed development, the buffer appears to be incorporated into the back gardens of the proposed new dwellings, rather than a distinctive separate zone. Therefore HPC would request that MSDC ensures the greenspace buffer to the south of Mackie Avenue properties remains a 10m zone independent of all properties.

Comments dated the 4th July 2019

Further to the comments already submitted by Hassocks Parish Council on 22 January 2019 regarding this application, the Council would like to add the following. Hassocks Parish Council recommends refusal on the following additional grounds (each of which is capable of mitigation, as indicated, which would then remove HPC's objections regarding these points):

1. Land Ownership. It appears that this continues to be an unresolved matter and that a lack of clarity remains over the rights of the developer to encroach onto two pieces of land: (1) for access to the development - where the developer continues to misrepresent correct title deeds in the plans it has submitted to MSDC, and (2) the sliver of land on the eastern side of Ockley Lane that is (7th June) proposed to be used for highways alterations. It is crucial that these matters are addressed and all necessary landowner permissions have been obtained prior to any progression or approval of the plans.

   It is also understood that the plans for highways alterations and ditch removal on the land along the eastern side of Ockley Lane will result in building over (and consequent destruction of) a private sewage works. There is a risk that this will not only affect the sewage treatment site, but will also disrupt the ditch and stream into which the treated sewage water is discharged. There appears to be no evidence that any notice has been served on the landowners that this work is proposed to be carried out. MSDC would need to ensure that the land in question is available to the developer and that the replacement of the sewage works is agreed prior to any grant of planning consent. Additionally that Southern Water is agreeable to the works.

2. Access. Access to Hawthorn Cottage on Ockley Lane does not comply with the WSCC local rules for access onto major and minor roads, and therefore it is in conflict with NPPF paragraphs 108 and 109. The Council would urge MSDC to rectify this situation by ensuring safe access for the residents of Hawthorn Cottage. A solution for safe access would be for the developer to be required to provide a new access from Hawthorn Cottage onto the access road for the housing site (hence removing the existing direct access onto Ockley Lane). We understand that agreement could be reached with the Hawthorne Cottage owner in this regard. WSCC is duty bound to ensure that safe access is provided and Hassocks Parish Council is not satisfied that the adjacent entry/exit points on Ockley Lane are the safest option.

3. East-West Bridleway. The Parish Council supports the proposals put forward in the planning application for upgrading the current public footpath 11K to Public Bridleway status and its extension north to join the Burgess Hill bridleway network.

   Additionally, HPC requests that MSDC ensures (e.g. by a condition) that the request by WSCC PROW team for the upgrading of footpath 5K to bridleway status is also acknowledged and delivered by the developer. This would enhance the local cycle network by providing links to Ockley lane and to London Road.

4. Woodside Grange. Hassocks Parish Council requests that appropriate access is provided to Woodside Grange to enable the PROW 11K to be traffic free.

5. Renewable Technology. Despite it being considered by the developer that renewable technology is compatible with this site, Hassocks Parish Council believes that current application is not compliant with Policy 5, Enabling Zero Carbon, of the Regulation 15 Submission Hassocks Neighbourhood Plan. Hassocks Parish Council is of the opinion that it is a false economy for developers only to build to the current 2013 Building Regulations, when they could easily deliver better quality homes that will contribute responsibly to avoiding global warming and will save homeowners far more in reduced heating costs, than meeting the Passivhaus heating standard of 15 kWh/m2/annum will cost the developer to deliver.

6. Allotments. HPC would like to request that there is some land allocation on the development site for the use of allotments for the Parish, at an appropriate rate for the number of new homes proposed.

<u>Comments dated 22nd January 2019</u>

Hassocks Parish Council RECOMMENDS REFUSAL for the following reasons:

1. Pedestrian Access. The provision of improved pedestrian access across the railway line has been separated from the application, yet it is integral to the access to this site. Further information and clarity is therefore required as part of this application with a commitment to deliver this pedestrian access before the new homes may be occupied.

2. Vehicle Access. It is considered that the proposed access of a T junction to the new development is inadequate. Safety does not appear to have been considered nor addressed, and the traffic modelling used is deemed as inaccurate by HPC. Hassocks Parish Council would therefore request that the junction is redesigned and that the width restriction in Ockley Lane is taken into account. Traffic calming measures are also required. It is considered by HPC that the vehicle access is likely to need redesign to resolve the encroachment onto private land that the present proposed design entails (see below).

3. Land Ownership. Assurances are sought over land ownership for both the access to the development and the location of a bus shelter. MSDC should refer to Land Registry official records. The Council understands that there is currently an unresolved dispute on both of these matters.

4. Road Infrastructure throughout the village. The additional traffic flows to and from the 500 houses will place a significant additional burden and safety concerns on existing junctions and roads in the village, in particular on:

    - The junction of the B2112 with Lodge Lane/Ockley Lane, both in terms of the width and capacity of the road currently and sight-lines around the double bend south of Ockley Manor. The junction of the B2112 with Brighton Road
    - The junction of Grand Avenue with Keymer Road

It is considered that the existing transport assessments provided are inaccurate and do not realistically reflect the current situation, or the future impact of increased traffic around the village. This therefore requires further additional traffic management studies and significant financial contributions to address these burdens. WSCC is responsible for highways and traffic management, and has currently approved the proposed traffic management studies.

HPC therefore requests that WSCC revisits the existing traffic assessments in the light of concerns raised by both Parish and District Councillors who are familiar with the locality first hand. A new comprehensive traffic management study is required by WSCC to provide detailed analysis of areas which will be impacted by the increased traffic, and a clear strategy of mitigating this impact. This will enable WSCC to provide the developer with a comprehensive report of the level of financial contribution required to support the implementation of the highways infrastructure required as a direct result of the development.

5. Speed restrictions. The emerging Regulation 14 Draft Hassocks Neighbourhood Plan supports the introduction of 20mph zones (Chap 8 Transport 8.21). It is therefore requested that the proposed 30mph speed restriction for roads within the proposed new development is reduced to 20mph.

6. School and Community Building. HPC strongly welcomes the provision of land for a school site; however it considers that the location as proposed is not optimal. The village would be better served by locating a school as close to the south west corner of the development site. This would make best use to the existing pedestrian access and would substantially reduce the traffic burden created by school traffic. It is also considered that the Community Building should be placed close to the school in this preferred location. It is of concern that there appears to be no, or very little, parking provision for the proposed Community Building. The HPC Planning Committee request that sufficient car parking must be provided for any buildings of this nature.

7. Informal Open Space and Landscaping. The illustrative layout provided does not provide a comprehensive assessment of the anticipated landscape and visual effects associated with the proposal. Therefore this is not an adequate basis for HPC to draw conclusions and make judgements as to the landscape and visual impacts and effects of the proposals. Furthermore, in Technical Appendix E: Landscape and Visual, point 6.8 refers to the site as 'peri urban', inferring an urban influence on the character and appearance of the landscape. The development is to be part of a village therefore an aspiration to achieve an 'urban feel' is not welcomed by HPC.

8. Scale Parameter Plan. HPC is concerned to see from the Scale Parameter Plan that the proposal is for a significant level of properties to be up to three storeys. It is recommended that this should be reduced and replaced with more two storey properties of a smaller size, both to render this edge of settlement site less 'urban', and to better match supply with demand.

General Comments

In addition to the above reasons for recommending refusal, Hassocks Parish Council would like to make the following comments:

i. Hassocks Parish Council very much welcomes the addition of a bridle/cycleway extending from Hassocks to Burgess Hill and would like to seek assurances that this will extend the entire length of the route between the two localities.

ii. With regard to drainage, the developers are requested to take account of the private sewage outlets from the houses on Ockley Lane backing onto the proposed development site; and (as a separate matter) to ensure that the water flow from the raised railway embankment onto the western area of the development is addressed.

iii. It is understood that the development will be built to an adoptable standard, and therefore HPC would wish to recommend that WSCC proceeds to adopt the roads.

iv. It is recommended that the historic view across the eastern area of Hassocks from the trains on entering the station is respected and maintained through site design and landscaping, and that the rich green heritage of the development site is preserved.

INTRODUCTION

Outline planning permission is being sought for the erection of up to 500 dwellings, land for a two-entry primary school, land for a community building and associated infrastructure (including formal play facilities and informal open space). The application includes the details of the proposed new site access onto Ockley Lane, with all other matters (layout, appearance, scale and landscaping) reserved for future consideration as part of any Reserved Matters process.

The site is allocated for development within the Mid Sussex District Plan (policy DP11 refers) and the application seeks to secure an outline planning permission in accordance with the terms of this policy, and other relevant policies contained within the Development Plan as a whole.

The application was deferred from the Committee meeting held on the 17th December 2019 in order to allow further investigation of the highway access onto Ockley Lane. The applicants have provided a response to the comments raised by the Committee in deferring the application which has been considered by WSCC in its role as the Local Highway Authority. This will be set out in detail, in a separate section below. The remainder of the report will address other material considerations associated with the proposed development, as set out in the report presented to Committee on the 17th December 2019 and updated where necessary.

RELEVANT PLANNING HISTORY

The site was allocated for development through the District Plan review process under policy DP11, where the site was identified as one of three strategic allocations. The final report on the examination into the DP was published by the Inspector on the 12th March 2018.

In order to set the context for the application, and to understand the extent to which the issues raised in some of the representations were taken into account when deciding to allocate the site, it is considered relevant to set out the main findings from the Inspector's report in respect of the examination into the DP. It should be noted that the amount of the information available to the Inspector was not as extensive or as detailed as that contained within this application, and as such, his comments should be regarded as a high-level overview of the main issues relevant at the examination stage of the Development Plan system.

In respect of his overall conclusions on the Council's approach to the selection of the allocations, the Inspector concluded that:

'The strategic allocations are well chosen, relate well to the settlement hierarchy and represent a sustainable approach to the allocation of major growth at the strategic level'.

More specially, the Inspector found that policy DP11 (then reference DP9B) was sound. In respect of Hassocks as a location for development the Inspector stated (paragraph 81)

'Hassocks is a relatively large village with a range of shops, social facilities, a bus service and a railway station with regular services to Burgess Hill, Haywards Heath, Brighton, London and beyond. It is a very sustainable location for new development of the scale proposed, including both housing and other committed schemes. It is possible to walk or cycle to the centre of the village from the site'.

The Inspector considered the site's general value in respect of its location outside the built-up area of Hassocks and in relation to its positioning in relation the South Down National Park. On the former he noted (paragraph 82) that:

'the allocation would occupy fields of no special landscape value on the northern side of the village',

Furthermore, given the proximity of the National Park and the fact that Hassocks is 'surrounded' by countryside, it was not considered that the development of the site would materially affect access to the countryside.

In terms of the National Park the Inspector stated (paragraph 83)

'the site can be seen from the crest of the South Downs scarp, which is in the South Downs National Park, but it would be on the opposite side of Hassocks from the Downs so its impact on views would be slight and it would have virtually no effect on the National Park itself'.

On the matter of coalescence, the Inspector (paragraph 84) stated:

'the site cannot be seen from Burgess Hill and vice-versa owing to a well-treed rise, but travelling down the hill from Burgess the built edge of Hassocks would be encountered sooner, and from the South Downs scarp the allocation would be seen to reduce slightly the gap between the two settlements. The allocation would therefore bring about a perceived reduction in the gap, but the effect would be small and enough open land would remain to avoid coalescence'.

In relation to the impact on adjacent Grade II* listed Ockley Manor and its outbuildings that are located on the opposite side of Ockley Lane the Inspector (paragraph 85) did not consider that the wider countryside makes an important contribution to the site's setting. However, he recognised that it would not be appropriate to locate housing close to the manor house, as its frontage and outbuildings should be seen in an open setting, and open land should be visible from within the house.

Furthermore, the Inspector concluded (paragraph 86) *'that the open part of the eastern part of the allocation site falls within its setting, but no the wider site or the broader landscape. The site is considerably larger than needed to accommodate 500 dwellings and there would be enough space to accommodate a substantial undeveloped area in front of the manor to preserve its setting'.*

Significantly, the Inspector concluded that even if there was 'less than substantial' harm to the setting of the heritage assets, the very significant public benefits would outweigh that harm.

On traffic impact, the Inspector stated (paragraph 87):

'the County Council supports the consultants' conclusion on the overall traffic associated with the development could be handled without unmanageable stress by the existing network subject to some remedial interventions to mitigate congestion and delay and to control traffic flow increases on the A273 through Hassocks'.

Furthermore he stated:

'there is a committed improvement to Stonepound Crossroads which would help to alleviate congestion at that junction and mitigate additional impacts on the Air Quality Management Area and taking this and other measures into account the cumulative impact on the junction of all development including the allocation is not severe'.

The Inspector overall concluded that the criteria attached to the policy (now known as DP11) related well to the site circumstances and development requirements and that it would *'play a valuable part in ensuring a robust plan with a rolling 5 year housing land supply'.*

SITE AND SURROUNIDNGS

The site covers approximately 30ha and is located on the northern edge of the village between Ockley Lane and the Brighton mainline railway. It consists of two

large arable fields and several smaller fields and is bisected by a public right of way (5K) that links Ockley Lane in the east and London Road to the west, via the Woodside level crossing. A further, interconnecting public right of way (11K) links the site to the Clayton Mills development to the south.

To the north of the site arable land continues, while to the south the site abuts the rear of properties within Mackie Avenue. In addition, the western end of the southern boundary of the site lies adjacent to the area of public open space associated with the residential development of Clayton Mills to the south.

To the west of the site is a detached residential property known as Woodside Grange, which is accessed from Woodsland Road, via Clayton Mills to the south. To the east, are the rear of a number of residential properties that front onto the Ockley Lane. On the eastern side of Ockley Lane lies Ockley Manor, a Grade II* listed building, which sits within a group of buildings that are all Grade II listed.

The site is not located within any national designated area, although the South Downs National Park wraps round Hassocks to the south and east, with the boundary being approximately 135m east of the site at its closet point.

APPLICATION DETAILS

The application is in outline form with all matters reserved apart from access. This means matters relating to layout, appearance, scale and landscaping will be dealt at a later date under a separate process, should this application be permitted. As such the matters for consideration are the principle of development for the scheme contained in this application and the location and form of the proposed access.

In line with the provisions of Policy DP11, the application seeks consent for the following matters;

- Development of the site for up to 500 dwellings
- Land for a two-form entry primary school and a community building
- A new vehicular access onto Ockley Lane
- Provision of a bridleway link between Hassocks and Burgess Hill
- Provision of improved pedestrian access across the railway line
- Land use parameter plan, which identifies the green space buffers
- Building height parameter plan

The application is supported by a number of illustrative drawings, including a masterplan that seeks to demonstrate that the proposed level of development can be accommodated on the site in an acceptable way. Furthermore the submission is supported by a number of technical reports covering various aspects of the proposal, including an Environmental Statement.

In regard to the proposed housing, the exact mix of the housing will be determined at the reserved matters stage, however, the application does make provision for 30 per cent affordable housing, which would equate to 150 dwellings if the scheme delivers the maximum 500 being applied for. The submitted parameter plan identifies the areas to be given over to residential development, with proposed buildings height

being shown on a separate plan. The heights would range from 2 storey residential (up to 10m) to 3 storey residential (up to 13m), with the school and community building having a maximum height of 15m.

In terms of access, it is proposed that the development will be served by a single access point to Ockley Lane which will be laid out as a priority T-junction. A secondary, emergency, access is being proposed to the south of the proposed new access, at the point that the existing public right of way (5K) meets Ockley Lane. The application includes of a 3m wide bridleway link to Burgess Hill that will connect into the existing public rights of way (5K) that bisects the site. The proposed bridleway runs north of the site (along the eastern side of the railway) and will link into a public right of way (60) to the south of Burgess Hill. The linkage to this footpath is subject to a separate application that is reported elsewhere on this agenda, where it is proposed that the path will be upgraded to a bridleway.

It is proposed that 2.2ha of land will be provided to allow for the construction of a two-form entry primary school, a 50 place early years facility and a special support centre of children with special education needs and disability. The submitted parameter plans identify that this land will be located on the eastern side of the site closest to Ockley Lane. Adjacent to the school site is the provision of 0.1ha of land for the construction of community building.

In total the submitted parameter plans show approximately 9.8ha of public open space being provided within the site that could provide for a range of formal (equipped play) and informal recreation areas and natural greenspaces.

The applicants have committed to improvements to the Woodside railway crossing and are working with Network Rail to replace the existing facility with a tunnel solution.

The accompanying Environmental Statement (ES) considers the potential of development to cause significant environmental effects and the topics included within the document have been agreed through a formal scoping process as required through Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

LIST OF POLICIES

Mid Sussex District Plan

DP4 - Housing
DP6 - Settlement Hierarchy
DP11 - Strategic Allocation to the North of Clayton Mills, Hassocks
DP12 - Protection and Enhancement of Countryside
DP13 - Preventing Coalescence
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP18 - Setting of the South Downs National Park
DP20 - Securing infrastructure
DP21 - Transport

DP22 - Rights of Way and other Recreational Routes
DP23 - Communication Infrastructure
DP24 - Leisure and Cultural Facilities and Activities
DP25 - Community Facilities and Services
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP29 - Noise, Air and Light Pollution
DP30 - Housing Mix
DP31 - Affordable Housing
DP33 - Gypsies, Travellers and Travelling Showpeople
DP34 - Listed Buildings and Other Heritage Assets
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage
DP42 - Water Infrastructure & the Water Environment

West Sussex Joint Minerals Local Plan (2018)

The West Sussex Joint Mineral Local Plan was adopted in July 2014. The relevant policy is considered to be consistent with the NPPF 2019 and should be afforded full weight. The relevant Policy is:

M9 - Safeguarding Minerals

Hassocks Neighbourhood Plan

Examination on the revised Plan is completed. The Examiner has issued his final report and concludes that subject to a number of modifications, the Hassocks Neighbourhood Plan can proceed to Referendum. The modifications were accepted by the District Council at meeting of the Cabinet on the 13th January 2020 and the Plan is proceeding to a Referendum that will be held on the 5th March 2020.

The relevant policies, as modified within the Referendum version of the Neighbourhood Plan are as follows;

Policy 1 - Local Gap
Policy 2 - Local Green Spaces
Policy 3 - Green Infrastructure
Policy 4 - Managing Surface Water
Policy 5 - Enabling Zero Carbon
Policy 6 - Development Proposals Affecting the South Downs National Park
Policy 8 - Air Quality Management
Policy 9 - Character and Design
Policy 10 - Protection of Open Space
Policy 11 - Outdoor Playing Space
Policy 13 - Education Provision
Policy 16 - Land to the north of Clayton Mills and Mackie Avenue
Policy 17 - Affordable Housing

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a Local Planning Authority must have regard to a post-examination draft Neighbourhood Plan, so far as material to the application. The above policies are a material consideration and should be afforded moderate weight.

Other Material Considerations and Relevant Legislation

National Planning Policy Framework (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 role, a social role and an environmental role. 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 service; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing'.

Paragraph 12 of the NPPF states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

Paragraph 38 of the NPPF states that Local Planning Authorities should approach decisions on the proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permissions 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.

Section of 16 is of particular relevance as it deals with conserving and enhancing the historic environment. In particular paragraph 190 identifies that the particular significance of any heritage asset should be assessed and taken into account when considering the impact of a proposal upon it. Paragraph 192 sets out what Local Planning Authorities should take into account in determining applications in relation to these matters. Paragraphs 193-196 set out the approach that should be taken dependent upon the degree of harm that is identified and paragraph 197 relates to non-designated heritage assets.

National Planning Policy Guidance (NPPG)

National Design Guidance (October 2019)

SPD Development Infrastructure and Contributions (2018)

SPD Affordable Housing (2018)

South Downs Partnership Management Plan 2014-2019 (2013)

South Downs Local Plan 2014-2033 (2019)

Technical Housing Standards

Listed Building and Conservation Area (LBCA) Act 1990

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

ASSESSMENT

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

- Response to Deferral
- Principle of Development
- Visual Landscape
- South Downs National Park
- Coalescence
- Design
- Heritage
- Leisure and Open Space/Play
- Community Facilities
- Housing
- Affordable Housing
- Standard of Accommodation
- Accessibility
- Neighbour Amenity
- Transport, Highways and Movement Air Quality
- Noise Pollution
- Lighting Pollution
- Trees
- Ecology & Biodiversity
- Ashdown Forest
- Water Resources, Flood Risk & Drainage
- Infrastructure
- Contaminated Land
- Minerals
- Sustainability

- Socio-Economics
- Other Issues
- Planning Balance and Conclusion

Response to Deferral

The applicants have provided, via their transport consultants, a response to the Committees' deferral to investigate further the proposed access onto Ockley Lane that will serve the proposed development. The response has been subject to consultation and is available to view in full on the planning file. It identifies that the Committee highlighted the following main concerns with the submitted traffic analysis and proposed site arrangements;

a) Analysis of primary school traffic as an average across peak hours rather than peaks associated with school pick up and drop off;

b) Whether more primary school pupils would live in Burgess Hill than assumed in the analysis, thus resulting in more traffic routing to / from the north and turning right into the proposed site access; and

c) Points a) and b) above potentially resulting in congestion at the site access junction particularly in relation to queuing to turn right into the site access along Ockley Lane and the potential for southbound rear end shunt type accidents in the absence of a right turn lane.

The applicant's response sets out that further additional traffic analysis has been undertaken in both the morning (07:30 to 09:30) and afternoon/evening (14:30 to 18:30) peak periods in 15-minute intervals (rather than average across a peak hour).

On the basis that a two-form entry school would provide for 420 pupils and 50 staff, the Transport Assessment submitted in support of the application (and considered at the Committee meeting on the 17th December 2017) assumes that 113 pupils would live on site (27%), 286 pupils would live in the remainder of Hassocks (68%) and 21 pupils would live in Burgess Hill (5%). Given the consultant response from the Local Education Authority (which is available in appendix B of this report), the applicants state;

'It is the clear … that the new primary school is intended to predominantly serve pupils who live in existing and future homes in the Hassocks locality. There is no mention of the school accommodating demand from Burgess Hill to the north. Therefore the assumptions used in the transport assessment are considered appropriate.'

Notwithstanding the above, the applicants have undertaken a further Sensitivity Test based upon the assumption that 105 pupils (25%) would live in Burgess Hill, 113 pupils (27%) live on the site and 202 pupils (48%) live in the remainder of Hassocks.

Based upon all the above, the response sets out further traffic analysis based upon two scenarios for pupil home locations (scenario 1 Transport Assessment and

scenario 2 Sensitivity Test), It should be noted that the analysis assumes that all pupils in Burgess Hill will travel by car.

The result of the analysis is set out below;

<u>Scenario 1 Transport Assessment - 500 dwellings and Primary School (5% pupils living in Burgess Hill)</u>

Scenario 1 - 2022 Future years plus proposed development morning peak (07:30 - 09:30)

The Ockley Lane northern arm (southbound traffic and right turning traffic)

- Operates well within capacity for all 15 minute time intervals
- Has a maximum average queue of 0.4 vehicles between 08:30 - 08:45
- Has a maximum vehicle delay for southbound / right turning traffic of 5.4 seconds between 08:45 - 09:00

The site access arm (traffic departing / leaving the site)

- Operates within capacity for all 15 minute intervals
- Has a maximum average queue of 3.4 vehicles between 08:45 - 09:00. All other 15 minute time periods have significantly less queuing (the next highest is an average of 1.5 vehicles between 09:00 - 09:15); and
- Has a maximum average vehicle delay for departing traffic of 35.5 seconds between 08:45 - 09:00. All other 15 minute time periods have significantly less delay (the next highest is an average delay of 20.7 seconds between 09:00 - 09:15).

Scenario 1 - 2022 Future years plus proposed development afternoon / evening peak (14:30 - 18:30)

The Ockley Lane northern arm (southbound traffic and right turning traffic)

- Operates well within capacity for all 15 minute time intervals
- Has a maximum average queue of 0.6 vehicles between 17:00 - 18:00
- Has a maximum vehicle delay for southbound / right turning traffic of 6.1 seconds between 14:45 - 15:00

The site access arm (traffic departing / leaving the site)

- Operates within capacity for all 15 minute intervals
- Has a maximum average queue of 1.5 vehicles between 15:15 - 15:30. The next highest is an average of 1.2 vehicles between 15:00 - 15:15 and all other times are significantly less than this; and
- Has a maximum average vehicle delay for departing traffic of 35.5 seconds between 08:45 - 09:00. All other 15 minute time periods have significantly less delay (the next highest is an average delay of 20.7 seconds between 09:00 - 09:15).

Scenario 2 - Sensitivity Test - 500 Dwellings and primary school (25% pupils living in Burgess Hill)

Scenario 2 - 2022 Future years plus proposed development morning peak (07:30 - 09:30)

The Ockley Lane northern arm (southbound traffic and right turning traffic)

- Operates well within capacity for all 15 minute time intervals
- Has a maximum average queue of 1.1 vehicles between 08:30 - 08:45
- Has a maximum vehicle delay for southbound / right turning traffic of 7.3 seconds between 08:30 - 08:45

The site access are (traffic departing / leaving the site)

- Operates within capacity for all 15 minute intervals
- Has a maximum average queue of 5.8 vehicles between 08:45 - 09:00. All other 15 minute time periods have significantly less queuing (the next highest is an average of 2.1 vehicles between 09:00 - 09:15); and
- Has a maximum average vehicle delay for departing traffic of 48.5 seconds between 08:45 - 09:00. All other 15 minute time periods have significantly less delay (the next highest is an average delay of 24.8 seconds between 09:00 - 09:15).

Scenario 2 - 2022 Future years plus proposed development afternoon / evening peak (14:30 - 18:30)

The Ockley Lane northern arm (southbound traffic and right turning traffic)

- Operates well within capacity for all 15 minute time intervals
- Has a maximum average queue of 0.9 vehicles between 15:00 - 15:15
- Has a maximum vehicle delay for southbound / right turning traffic of 8.0 seconds between 15:00 - 15:30

The site access arm (traffic departing / leaving the site)

- Operates within capacity for all 15 minute intervals
- Has a maximum average queue of 2.0 vehicles between 15:15 - 15:30. The next highest is an average queue of 1.7 vehicles between 15:00 - 15:15 and all other times are significantly less than this; and
- Has a maximum average vehicle delay for departing traffic of 22.9 seconds between 15:15-15:30. The next highest is an average delay of 20.5 seconds between 15:00-15:15 and all other times are significantly less than this.

In considering the above results the applicants state;

'it is clear that when analysing primary school traffic as peaks associated with school drop off / pick up and even when allowing for a greater proportion of primary school pupils to live in Burgess Hill that the Ockley Lane / site access junction (T junction) operates within capacity with minimal queuing and delay. Significant queueing and delay to Ockley Lane southbound / right turning traffic into the site access does not occur (maximum average queue of 1 vehicle and 7.3 seconds delay in the sensitivity test scenario worst case 15 minute period with less queuing and delay during other

periods). Indeed, the road realignment proposals provide a significantly improved alignment and visibility for southbound vehicles approaching the proposed junction and any vehicles waiting to turn right will be clearly seen by both southbound and northbound traffic. Therefore the fear of southbound rear end shunt type accidents in the absence of a right turn land is unfounded.'

Furthermore, the applicants consider that;

'The Ockley Lane / site access junction (T junction) as shown in drawing ITB11335-GA-032 Rev I does provide a suitable and safe access to the site.'

In considering the potential introduction of a right-hand turn lane, the applicants highlight that such features are typically considered at junctions where there is an emphasis on providing an unimpeded route for through traffic, for example on trunk roads, and that they also typically lead to higher traffic speeds along the main road. In this context they contend that Ockley Lane is not a trunk road and as such the emphasis should not be on providing an unimpeded through route or higher traffic speeds.

Having regard to the specific characteristics and constraints of Ockley Lane and the proposed development, the applicants have outlined that a right turn lane arrangement;

- Further widens the carriageway to the east when compared with the proposed simple priority junction arrangements (T junction);
- Requires access to private drives on Ockley Lane to cross and / or use the right turn land and tapers either side which is not ideal;
- May require traffic islands with bollards;
- Will lead to higher speeds on Ockley Lane, especially southbound traffic;
- Requires highway works on the east side of Ockley Lane requiring removal / relocation of a septic tank which requires third party agreement.

They also highlight that the minor queuing and delay on the site access arm will occur whatever junction arrangement is installed.

The only potential operation benefit to a right-hand turn lane identified by the applicant is to southbound traffic with the removal of an average of 1 vehicle queue and 7.3 seconds delay in scenario 2 worst case 15 minute time period (queuing and delay is less than this during other time periods). The applicants do not consider that such a queue or delay is significant. They state;

'Further, in the context of Ockley Lane the emphasis should not be on providing an unimpeded through route for traffic and right turn land will lead to higher vehicle speeds, whereby the objective is to reduce traffic speeds and improve safety on the delimited section of Ockley Lane north of the access.

The right turn lane has therefore been considered but is not necessary and may lead to unintended highway consequences (higher traffic speeds) and as such has been rejected.'

In overall conclusion, the submitted response by the applicant states;

'The proposed Ockley Lane / site access junction (simple priority T junction) provides a significant improvement to the alignment and forward visibility along Ockley Lane (especially for southbound traffic approaching the junction) and operates within capacity with minimum queuing and delay. Significant queuing and delay to Ockley Lane southbound / right turning traffic into the site does not occur and any vehicle waiting to turn right can clearly be seen by southbound and northbound traffic.

This report demonstrates that the Ockley Lane / site access junction (simple priority T junction) provides the most appropriate access arrangements to the site and remains the proposed solution.'

For the sake of clarity, the applicants confirm that the submitted response;

'... provides additional traffic analysis specifically to assist the members in the suitability of the proposed access in highway capacity and safety terms. It does not alter the conclusions of the submitted Transport Assessment or the Environmental Statement.'

The response has been considered by the WSCC Local Highway Authority and their full response can be found in appendix B to this this report. On the matter of scenario 2 Sensitivity Test, the Local Highway Authority conclude;

'From the further scenario, WSCC Highways continue to be satisfied that the junction would operate within capacity with minimal queuing occurring on Ockley Lane. It must be noted that based on available information (the comments from WSCC Education) that the provision of the school is required for existing and proposed demands in Hassocks rather than specifically for pupils living elsewhere.'

In respect of the potential for a right turn lane they state;

'The additional information also gives consideration in terms of whether a right turning land is required at the proposed access onto Ockley Lane. From the information presented, it would appear that a standard compliant access with right turning land can be accommodated within land under the control of the applicant and forming part of the adopted highway. However, the junction is demonstrated to work within capacity (based perhaps on overly robust assumptions) with very little queuing on Ockley Lane itself along with there being no apparent safety benefit to the provision of a right turn lane. Whilst accepted that a right lane could be provided, there is no apparent benefit. Due weight should be given to the potential negative impacts with a right turning lane. These impacts include the potential for increased vehicle speeds, which would undermine other speed reducing measures proposed as part of the current application. Based upon the evidence presented, a simple priority junction would be the appropriate form of access for the development.'

The application before Members remains unchanged from that which was placed before them in the 17th December 2019, save for the information (summarised above) in respect of the applicant's response to Committee's deferral and request that the access be investigated further. The applicants have investigated the matter

further and this has only confirmed their position that the proposed priority T junction is suitable and safe to serve the proposed development and that there is no justification for an alternative arrangement. WSCC supported this approach. Therefore, the application falls to be determined on the basis the scheme that was presented to Members in December 2019 and the remainder of the report addresses all the relevant material planning considerations.

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).

The site is located within the built-up area as defined by the DP, with the boundary being formally extended upon the adoption of the DP in March 2018. As such the starting point is policy DP6 (Settlement Hierarchy) of the District Plan. Policy DP6 states in part that;

'Development will be permitted within towns and villages with defined built-up are boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to character and function of the settlement.'

In this case the site is also part of a strategic allocation in the DP. which is required in order to meet the District's overall housing need.

In this regard, policy DP4 states;

'The District's OAN is 14,892 dwellings over the Plan period. Provision is also made of 1,498 dwellings to ensure unmet need is addressed in the Northern West Sussex Housing Market Area. There is a minimum District housing requirement of 16,390 dwellings between 2014 - 2031. The Plan will deliver an average of 876 dwellings per annum (dpa) until 2023/24. Thereafter an average of 1,090 dpa will be delivered between 2024/25 and 2030/31, subject to there being no further harm to the integrity of European Habitat Sites in Ashdown Forest.'

Policy DP4 identifies that development at land north of Clayton Mills, Hassocks as providing 500 residential units towards the DP minimum requirement of 16,390 residential units.

Policy DP11 is the relevant policy in the DP which allocates the site. This states;

Strategic development, as shown on the inset map, is allocated to the north of Clayton Mills, Hassocks for:

- *Approximately 500 new homes;*
- *A new primary school;*
- *Provision of permanent pitches for settled Gypsies and Travellers to contribute, towards the additional total identified need within the District commensurable with the overall scale of residential development proposed by the strategic development; or the provision of an equivalent financial contribution towards the off-site provision of pitches towards the additional total identified need within the District (or part thereof if some on-site provision is made) commensurate with the overall scale of residential development proposed by the strategic development. The financial contribution towards off-site provision will only be acceptable if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale unless alternative requirements are confirmed within any Traveller Sites Allocations Development Plan Document or such other evidence base as is available at the time;*

In addition to conforming to other relevant policies in the District Plan, strategic mixed-use development in this location will:

- *Provide a suitable and safe access to the site from Ockley Lane and appropriate mitigation to support the development with regards to the Local and Strategic Road Network;*
- *Provide appropriate mitigation to reduce the visual impact of the development on the landscape and to ensure, in particular, that development respects the South Downs National Park and its setting;*
- *Incorporate a greenspace buffer on the northern boundary. This will form a strong defensible boundary to prevent coalescence with Burgess Hill and retain the separate identity and amenity of the two settlements. Land within this buffer will be transferred, with the Parish's agreement, to the Parish Council;*

- *Incorporate a suitable buffer to protect the setting of Ockley Manor (Grade II*), Ockley Manor Barn (Grade II) and Dovecote (Grade II), which lie to the east of the site;*
- *Incorporate a greenspace buffer on the southern boundary to protect the amenity of existing residential properties on Mackie Avenue which back on to the site;*
- *Identify and respond to environmental and ecological constraints and deliver opportunities to enhance green infrastructure and local biodiversity;*
- *Identify and respond to issues relating to air quality in relation to the site's proximity to the Stonepound Crossroads Air Quality Management Area (AQMA). The scheme must demonstrate that it will not cause unacceptable levels of air pollution and is consistent with the Stonepound Crossroads Air Quality Action Plan;*
- *Make provision for charging electric vehicles by installing a dedicated electrical socket suitable for charging electric vehicles at each residential unit (either internally such as within a garage, or externally at an allocated parking space) and making parking areas 'charger ready' by making it possible to install a dedicated electric vehicle charging device (such as fast chargers) at a later date;*
- *Make a financial contribution to secure improved public transport provision to Hassocks and Burgess Hill;*
- *Provide safe pedestrian/cycling routes within the development and to connect with existing residential areas, the services within Hassocks village centre, Hassocks railway station, and enhance the existing cycle route to Burgess Hill;*
- *Assess the implications of the development on pedestrian and cycle railway crossings and ensure that there is an agreed approach towards ensuring the provision of safe crossings;*
- *Make provision for new formal play facilities and informal open space on the site;*
- *Provide financial contributions to improve the existing open space, including improvements to the footpath, to the south of the site;*
- *Provide a range of housing including affordable housing, in accordance with Policy DP31: Affordable Housing and housing for older people;*
- *Wherever viable, incorporate on-site 'community energy systems', such as Combined Heat and Power, ground-source hear pumps or other appropriate low carbon technologies, to meet energy needs and create a sustainable development. The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measures to demonstrate high levels of sustainability;*
- *Provide infrastructure, as set out in the Council's Infrastructure Delivery Plan and identified in technical assessments, implemented before or alongside development to an agreed programme of delivery; and*
- *Provide surface water drainage, based on sustainable drainage principles in accordance with DP41: Flood Risk and Drainage'.*

By way of the above policy allocation, the principle of development on the site is established and the compliance of the proposed development with these requirements is discussed in the relevant sections of the remainder of the report.

It should be noted that the site is subject to a specific policy with the NP (policy 16) which supports development on the site where it accords with Policy DP11 of the Mid Sussex District Plan and is developed in line with the vision and strategic objectives

of the Neighbourhood Plan. The policy goes on to set a number of criteria that broadly reflect those within policy DP11 of the DP, as follows;

'Land to the north of Clayton Mills and Mackie Avenue is allocated as a Strategic Development in the MSDP policy 11. Development proposals on this site will be supported where they accord with MSDP DP11.

To ensure the is developed in line with the Vision and Strategic Objectives of the HNP, HPC will support proposals which;

- *Provide a greenspace buffer on the northern periphery of the site to form a defensible boundary and to prevent coalescence with Burgess Hill;*
- *Protect the amenity of existing residential properties bordering the site;*
- *Provide a suitable mix of dwelling type and sizes to meet the needs of current and future households;*
- *Protect existing Public Rights of Way within, adjacent to, the site and their open aspect through suitable landscaping;*
- *Provide and enhance safe pedestrian and cycle routes from hassocks village centre to Burgess Hill via the development site;*
- *Protect the setting of the nearby heritage asset;*
- *Protect existing open space to the south of the strategic allocation;*
- *Provide a mix of high quality formal and informal open space;*
- *Provide suitable access and parking arrangements; and*
- *Maximise opportunities to facilitate and provide the increased use of alternative means of transport to private means of transport to private non-carbon fuelled vehicles.'*

Visual Landscape

Policy DP12 of the DP seeks to protect the intrinsic character and beauty of the countryside and developments will be permitted *'that maintain, or where possible enhances, the quality of the rural and landscape quality of the District.'*

Policy DP11, which relates specifically this site, requires development to *'provide appropriate mitigation to reduce the visual impact of the development on the landscape, in particular, that development respects the South Downs National Park and its setting'.* Furthermore the policy requires the provision of a greenspace buffer to the northern boundary, in addition to one on the southern boundary. A suitable buffer to protect the listed heritage assets to the east of site is also required by the policy.

Policy 9 of the NP deals with character and design and amongst other things, supported development that respects the character and scale of the surrounding building and landscape, and protects landscape features.

Moreover, paragraph 170 of the NPPF states that the planning decisions should be contribute to and enhance the natural beauty and local environment by, inter alia, *'protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.'*

The application is supported by the Landscape and Visual Impact Assessment (LVIA) and chapter 8 of the ES also deals with this matter. Addendums to both of these documents were submitted during the course of the application and subject to further consultation.

Having regard to the baseline characteristics of the landscape within which the site sits, there are a number of landscape character studies that have been undertaken. A brief summary of these are set out below;

The site falls within Natural England's National Character Area (NCA) 121: Low Weald. It is predominantly agricultural in nature, supporting mainly pastoral farming owing to heavy clay soils, with horticulture and some arable on lighter soils in the east, and has many densely wooded areas with a high proportion of ancient woodland.

The Mid Sussex Landscape Character Assessment provides a sub-regional landscape character assessment. The site and study area fall within Area 3 - Hurstpierpoint Scarp Footslopes, which is characterised as follows:

- Undulating Lower Greensand low sandstone ridges and gentle Gault Clay vales drained by the River Adur
- Concentration of ancient woodland lying on the heavier soils of the Gault Clay
- Views dominated by the steep downland scarp
- Arable and pastoral rural landscape, secluded in places, a mosaic of small and larger fields, woodlands, shaws and hedgerows with hedgerow trees
- Includes the extensive designated landscape of Danny Estate
- Modest network of country lands and underhill lanes beneath the scarp
- Biodiversity in woodland, ponds and stream valleys
- Characteristic spring-line villages and dispersed farmsteads, some historic
- Expanded ridge line villages with suburban development at Hurstpierpoint and Hassocks
- Criss-crossed by roads, many of them busy, including the A23 Trunk Road
- London to Brighton railway line crossed the area
- Varied traditional rural buildings built with diverse materials including, flint, timber framing, Horsham stone roofing and varieties of local brick and tile Hanging.

The Mid Sussex Landscape Capacity Study (prepared by Hankinson Duckett Associates for MSDC in 2007) assesses the physical and environmental constraints on development in the district, with a view to identifying the capacity of the landscape to accommodate future development. Within the study, local landscape character areas were identified. The site falls within area 66 - Hurstpierpoint Low Weald, which has the following characteristics:

- Mainly small medium size fields interspersed with larger fields
- Includes large areas of recreation including golf course and Hurstpierpoint College playing fields
- Varying period and blocks or varying boundary loss
- Open views of South Downs, only minor views of settlements to the south set below South Downs

- Low amount of woodland
- Generally set in low land running E-W between minor finger of high ground to the north and beginning of South Downs foothills to the south.

The submitted LVIA provides an assessment of the baseline landscape character and the visual context of the site and the surrounding area and suggests that the context of the site is influenced by urban interventions including the presence of the road and railway. Overall the LVIA considers the sensitivity of the landscape character of both the site itself and the surrounding study area to be medium. All of the representative viewpoints within the LVIA have been assessed as being of high sensitivity to change.

The Council's landscape consultants have reviewed the submitted documents and their comments can be found in full in the appendices to this report. It is considered that the LVIA generally provides an accurate assessment of the baseline landscape character and visual context of the site however they consider that the suggested influences from the urban interventions *'underestimates the rural character and sensitivity of the site surrounding area'.* In order to address the rural influence of the site and its surroundings the Council's landscape consultants have stated;

'The proposed development would need to provide a strong and enhanced infrastructure framework to ensure that it can be successfully integrated into the local landscape. This should incorporate tree and woodland planting across the site area.'

They go on to state;

'The LVIA does recommend that the landscape masterplan and boundary planting is implemented in advance of each phase of the development. This will be important to ensure that the proposed planting can be established as early as possible to provide a setting for all phases as they are implemented. It is recommended that he developer is required to provide the green infrastructure buffers to the boundaries of the site at the earliest stages of the development. It is also recommended that he key recreational spaces are established along the proposed bridleway to Burgess Hill.'

In concluding, they state;

'It is recommended that as a strategic housing allocation the development of this site can be supported. The successful mitigation of the development will depend on the full and early implementation of the green infrastructure masterplan. The management of the landscape areas and associated trees would need to be secured into the long term.'

It is noted that the Council's landscape consultants consider that the buffer to the north boundary of the site should be 30m deep, rather than the 25m depicted on the submitted drawings. The entire northern boundary of the site will be turned over to green infrastructure with large area, deep areas, provided in both the north eastern and western corners. The provision of 25m buffer (at its narrowest point) across the middle part of the sites' boundary is considered sufficient to provide the necessary space shown the on the green infrastructure plan to mitigate the impacts of the development. Within Policy DP11 the depth of the greenspace buffer to the north of

not define and having regard to the proposals overall the provision in this regard is considered acceptable.

Furthermore, it is noted that the realignment of the Ockley Lane to the east will result in the need for the existing hedgerow to be translocated/replaced and whilst there would be some short term impact on the rural character of the area as a result, this would not be permanent and would be mitigated over time once the hedgerow has re-established in its new position.

Conditions are suggested that will secure the necessary landscape details, a landscape management plan and the appropriate implementation of the green infrastructure plan.

The development of a site of this scale in this location will always have an impact on the landscape character of the area and its surroundings, and this was acknowledged through the allocation process. However, having regard to the above it is considered that the proposals do provide sufficient mitigation to ensure that the development can be assimilated, long term, into the landscape.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Developments included in the cumulative assessment, would be insufficient to alter the landscape character or visual effects baseline. The introduction of the Land to the rear of Friars Oak, whilst increasing the perceived development, would be insufficient to alter the magnitude of change, which will remain at small and not give rise to a significant landscape of visual effect.

Chapter 8 of the ES (2018) concluded that during the construction phase the proposed development, temporary landscape and visual effects may arise from activities including the establishing works, site compound, construction vehicles, use of cranes and construction lighting. These effects range from medium to substantial magnitude resulting in a moderate landscape effect and substantial visual effect. It is concluded on the completion of the development the completion of the substantial landscaped area will not be uncharacteristic to the local landscape, giving rise to a moderate effect on landscape character, which is not significant. Visual effects from receptors in close proximity to the site, or within, will be comparable to those already in the local landscape however, there will be a substantial adverse effect on users of the footpath on the site, residents of Mackie Avenue and Ockley Lane and the listed building on Ockley Lane.

As set out in the ES Addendum (June 2019) the predicted effects of the proposed development in light of the proposed changes to the scheme and in respect of the effects during and post construction, do not alter the conclusions of the 2018 ES that remain valid.

A number of third party representations make reference to the harm to the character of the area as a result of the location and size of the proposed development. These concerns have been addressed through the analysis set out above which demonstrates why the proposal is acceptable with regard to these matters.

In light of the above assessment, the application accords with policies DP11 and DP12 of the Mid Sussex District Plan and policy 9 of the Hassocks Neighbourhood Plan (Referendum version).

South Downs National Park

Policy DP18 of the DP states;

'Development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, and in particular should not adversely affect the transitional open green spaces between the site and the boundary of the South Down National Park, and the views, outlook and aspect, into and out or the National Park by virtue of its location, scale, form or design.

Development should be consistent with National Park purposes and must not significantly harm the National Park or its setting. Assessment of such development proposals will also have regard to the South Downs Partnership Management Plan and emerging National Park Local Plan and other adopted planning documents and strategies.'

Site specific policy DP11 states, inter alia;

'In addition to conforming to other relevant policies in the District Plan, strategic mixed-use development in this location will ...

- *Provide appropriate mitigation to reduce the visual impact of the development on the landscape and to ensure, in particular, that development respects the South Downs National Park and its setting.'*

The South Downs Partnership Management Plan sets out a number of aims including;

- *'Policy 1: Conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures.*
- *Policy 3: Protect and enhance tranquillity and dark night skies.'*

Paragraph 172 of the NPPF states;

'Great weight should be given to conserving and enhancing landscape and scenic beauty of National Parks ... which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are

also important in these areas, and should be given great weight in National Parks and the Broads.'

Policy 6 of the NP supports development that does not detract, or cause detriment to, the special qualities and tranquillity of the South Downs National Park; and do not unacceptably harm the South Downs National Park or its settings.

The proposed development lies approximately 135m from the closest point of the boundary of the National Park, which is to the southeast of the site. From the south, the National Park boundary is approximately 1.5km away, with the elevated Wolstonbury Hill and Clayton Windmills (both public vantage points within the National Park) over 2.5km from the site. The submitted ES (and ES Addendum) and the LVIA (and LVIA Addendum) consider the impact of the proposal on the National Park and its setting, with additional viewpoints within the National Park, included in the later assessments as result of the initial consultation response from the South Downs National Park Authority .

The information submitted in support of the application identifies that the site will be visible in long distance views to and from the National Park, including the foreground views from Batchelors Farm Nature Reserve and on the northern side of existing built form of Hassocks from the elevated viewpoints within the National Park. The ES Addendum (June 2019) sets out from Clayton Windmills and Wolstonbury Hill the change in the wider landscape would be small, with the effect of the proposed development being assessed as being moderate and not significant from these two locations. The assessment undertaken has been informed by the proposed nature of development that is set out on the parameter plans (which includes building heights and the identification of green infrastructure areas) and suitable conditions are suggested to control matters associated with the proposed screen planting and use of materials. Within this context, the proposal would therefore not harm the setting or tranquillity of the National Park.

The South Downs National Park Authority has not raised any objection to the application but have encourages a sensitive approach to lighting to protect the International Dark Sky Reserve and biodiversity sensitivities of the site. Lighting considerations should be given to both the construction and occupation phases of the development. The National Park Authority have considered the lighting report submitted with the application and would prefer that the colour temperature of the lights (on all adopted roads) is reduced to 3000K or less (from the indicated 5700K), as it will reduce light scatter and be less harmful to wildlife. Given that the development is on the opposite side of Hassocks to the National Park and International Dark Sky Reserve, it is not considered likely that the lighting from this site will impact on dark skies over and above existing lighting within the developed area of Hassocks. Nevertheless, it is considered appropriate to suggest a condition within Appendix A to control the details of external lighting, with a separate one relating to any floodlighting on the school site, as it is recognised that this later light source has the potential to be generally intrusive.

The South Downs National Park Authority also commented that consideration should be given to the creation of links between the development and the National Park and they support the safe connection for bridleway users between Footpath 5K(which

runs through the development site and is to be upgraded and Bridleway 6K (Mill Lane). While the development is proposing significant improvements to pedestrian links through the site and to the north (linking Hassocks to Burgess Hill), linkages to Bridleway 6K fall outside the application site and the control of the applicant and therefore are not deliverable as part of this application. While linkages directly to the National Park cannot be achieved, the development will significantly improve accessibility in the wider area.

The South Downs National Park Authority support a condition to secure a Construction Environmental Management Plan, which include arrangements for traffic movements, as they wish to construction avoid vehicles using rural lanes within the National Park. Such a plan would be sought in any event in order to ensure that the general impacts associated with a construction period of development is mitigated as much as possible. A suitably worded condition is suggested in Appendix A.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by the addendums) considered the Friars Oak development in a cumulative context. The development would not result in cumulative impacts on the South Downs National Park with these developments, over and above those already considered above.

No significant environmental effects would result from the proposal however, mitigation will be secured via planning conditions relating to landscaping, materials and lighting. In forming this conclusion regard has been given to the ES and ES Addendum, submitted with the application, which are considered to contain information, as well as evidence held by the Council, representations and the consultation responses from the South Downs National Park Authority, who have not raised an objection to the proposal.

As such, the proposal accords with policy DP11 and DP18 of the Mid Sussex District Plan, policy 6 of the Hassocks Neighbourhood Plan (Referendum version) and paragraph 172 of the NPPF. Furthermore, it would not conflict with the aims of the South Downs Partnership Management Plan.

Coalescence

Policy DP13 of the DP states that:

'The individual towns and village in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next.

Provided it is not in conflict with Policy DP12: Protection and Enhancement of the Countryside, development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements.'

Site specific policy DP11 states inter alia, that the development will *'incorporate a greenspace buffer on the northern boundary. This will form a strong defensible boundary to prevent coalescence with Burgess Hill and retain the separate identity and amenity of the two settlements.'*

Policy 1 of the NP seeks to prevent coalescence and retaining the separate identity and amenity of the settlements by the provision of a local gap between Keymer/Hassocks and Burgess Hill. Policy 16 of the NP supports proposals that do not extend into the Local Gap and provides a defensible boundary to prevent coalescence with Burgess Hill.

The site will form an extension to the north of Hassocks. The closest settlement to the site is Burgess Hill, where the built-up area boundary lies approximately 1km to the north. The issue of coalescence was considered by the Inspector examining the DP, who concluded (paragraph 84):

'the site cannot be seen from Burgess Hill and vice-versa owing to a well-treed rise but travelling down the hill from Burgess the built edge of Hassocks would be encountered sooner, and from the South Downs scarp the allocation would be seen to reduce slightly the gap between the two settlements. The allocation would therefore bring about a perceived reduction in the gap, but the effect would be small and enough open land would remain to avoid coalescence.'

The extension to the settlement has already been accepted in principle through the adoption of the DP and while there would be a slight reduction in the perceived gap between Hassocks and Burgess Hill, a significant swath of countryside would be retained between settlements, protecting their identities. The proposal includes a minimum greenspace buffer of 25m along the northern boundary of the site; the exact details of the landscape treatment are to be secured via a condition, which is considered sufficient to meet the policy requirements of DP11. It should be noted that the site falls within the built-up area of Hassocks, as set out in both the DP and NP, and as such the allocated site is not within the defined local gap and there is no conflict with policy 1 of the NP.

It has been suggested within the representations, that Ockley is a hamlet and that the proposed development will result in the coalescence of it with Hassocks, thus resulting in the loss of its individual identity. Policy DP6 of DP deals with settlement hierarchy and categorises the settlements within the District, as identify through the preparation of evidence associated with the DP process. Of particular relevance is Category 5, where hamlets are identified, however, it should be noted that Ockley is not one of the five named. Furthermore, the draft Hassocks Neighbourhood Plan, which includes the referred area within its boundary, also does not identified it as an individual settlement/hamlet. It is reasonable to therefore conclude that for the purposes of considering the issue of coalescence, Ockley is not considered to be an individual hamlet but instead the outer edge of Hassocks.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as supplemented by the addends) considered the Friars Oak development in a cumulative context. The development would not result in cumulative coalescence impacts with these developments, over and above those already considered above. There are no other developments that are considered to result in in-combination coalescence impacts.

No significant environment effects would result from the proposal and the proposed greenspace buffer (mitigation required by policy) is shown on the submitted parameter plans and details are to be secured by condition. Informing this conclusion regard has been given to the ES and the ES Addendums submitted with the application which are considered to contain adequate information, as well as evidence held by the Council and representations.

As such, the proposal would lead to unacceptable coalescence and accord with policies DP11 and DP13 of the Mid Sussex District Plan and policies 1 and 16 of the Hassocks Neighbourhood Plan (Referendum version).

Design/Layout

Policy DP26 in the District Plan 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 DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*

- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.*

Policy 9 of the NP states;

'Development proposals will be supported where they have had regard to the Hassocks Townscape Appraisal, and where the character and design takes account of the following design principles appropriate to the nature, scale and location to particular proposals;

- *Is of high quality design and layout;*
- *Contributes positively to the private and public realm to create a sense of place;*
- *Respects the character and scale of the surrounding buildings and landscape;*
- *Protects open spaces and hardens that contribute to the character of the area;*
- *Protect valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;*
- *Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;*
- *Creates safe, accessible and well connected environments;*
- *Protects existing landscape features and contributes t the village's Green Infrastructure network;*
- *Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and*
- *Positively responds to the local vernacular character of the defined Local Townscape Character Area.'*

Paragraph 124 of the NPPF states that *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

Paragraph 117 of the NPPF states in part *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*

Paragraph 122 of the NPPF states *'Planning policies and decisions should support development that makes efficient use of land, taking into account:*

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

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

In this case, it is only the principle of the development and the means of access that are to be determined at the outline stage. The plans that have been submitted are illustrative and seek to demonstrate that this quantum of development can be accommodated on the site. The illustrative layout that the applicants have submitted is therefore simply a possible way that this development could be accommodated on site, although it should be noted that the land use parcels are fixed by the parameter plan. If this outline application is approved, a subsequent reserved matters application will need to be submitted to determine the remaining details of the appearance, landscaping, layout and scale of the dwellings. It is at this point that the merits of the layout that will be put forward in the reserved matters application will be determined.

A number of parameter plans have been submitted with the application that will broadly set the terms of development that any reserved matter submission will need to comply with. These also provide the parameters against which the proposed development has been assessed within the ES.

The land use parameter plan sets out the general disposition of land uses across the site, identifying green infrastructure along the northern and southern boundaries, as well as a large open space to the eastern side of the site. Furthermore, the plans shows the buffer areas set-a-side to mitigate the impact on the heritage asset to the east of Ockley Lane, as well as properties to the south in Mackie Avenue. The plan shows areas for residential development, as well as the location for the school and community building, again at the eastern side of the site.

The scale (building height) parameter plan shows the general disposition of the proposed scale of the residential development across the site, with up to two storey dwellings (max ridge height of 10m) located to sensitive edges of the site, including the eastern side, and up to three storey development (maximum ridge height of 13m) located within the centre and western side of the site. The plan also shows that the proposed school/community building(s) will be up to 2 storey (in height with a maximum ridge height of 15m).

The final parameter plan relates to access and shows the primary vehicular access point to Ockley Lane, as well as the emergency access further to the south, which is also footpath 5K. The plan shows the route of the existing footpath across the site (5K), which will be upgraded to the bridleway, as well as the new proposed route to north, that will provide a linkage to Burgess Hill.

Whilst the layout plans within the site are illustrative, they are important to demonstrate that this amount of development could be accommodated on the site in a manner that complies with the design policies identified above. In light of this, the

Council's Urban Designer has been consulted on the proposals and his comments are summarised at the start of the report and set out in full in the appendices.

'The layout is well organised around a series of perimeter blocks with building frontages that address/face the streets and spaces including the existing public rights of way, retained hedgerows, and existing and proposed open spaces. This arrangement also provides a front-on relationship with the site boundaries except along parts of the southern boundary where the proposed houses have sensibly been organised to back-on to the existing back gardens in houses on Mackie Avenue.

The open spaces are well positioned; they provide the organised focus for the layout breaking up the development areas and soften the development along the rural edge on the northern boundary. The main open space, to known as Ockley Park, also provides a buffer on the eastern boundary that reduces the inter-visibility between the listed Ockley Manor and proposed housing.'

The District Council's Urban Designer supports the principle of greater building heights/scale along the spine road and the open spaces, including the provision of three storey buildings fronting the open space to the south of the site (provided by the Clayton Mills development), as it would provide some natural surveillance that is currently missing.

Comments within the representations, including those of the Parish Council have raised objections to the nature of the proposed land uses across the site, in particular the location of the school and the first block of residential development immediately to the south. These concerns are raised in relation to sustainability, community cohesion and improved heritage asset mitigation. The comments of the Local Education Authority are set out in full in the appendices to this report but on the matter of the location of the school they have stated the following;

'The identification and selection of a site for a primary school in Hassocks has been protracted over a number of years. WSCC welcome the provision of a school site at land North of Clayton Mills, as an available and deliverable opportunity for a new school which can be provided within the specified time scale, to meet immediate needs and future needs as the population of Hassocks increases. The site identified to the east of the scheme closer to Ockley Lane allows the school to be built as early in the development of the housing as possible and helps to ensure there are sufficient places available in the area to meet children's needs. The site to the west of the site, nearer the railway, would add a significant delay to the school delivery programme possibly of several years and for this reason is not supported.'

In relation to the positioning of the residential block, it does provide an important urban design function by providing enclosure to the proposed large open space and a presence along the spine road. It is important to consider whether the matters that are before the Council are acceptable and in relation to the general disposition of land uses shown on the parameter plan there are no overriding objections from any statutory consultee in relation to the form of development shown. In such circumstances, the disposition of land uses shown within the application is acceptable.

It is noted that concerns have been raised concerning the level of three storey provision across the site, as shown on the 'scale' parameter plan. The concerns relate to the appropriateness of this approach on this edge of settlement site. Officers are satisfied that the approach adopted, where two storey dwellings are placed at the sensitive edges, will enable the provision of a balanced development form across the site. It will be for the reserved matter submissions to demonstrate that the final design and layout proposed is acceptable in respect of its impact on the character and appearance of the wider area.

A condition is recommended in Appendix A requiring reserved matters applications to be broadly in accordance with the submitted parameter plans.

Policy DP23 of the District Plan seeks to encourage the incorporation of digital infrastructure in major new housing developments. As this is an outline application where the design and layout of the scheme has not been determined, there is no reason why such infrastructure cannot be incorporated into the final design. A planning condition would be appropriate to secure the provision of such infrastructure.

The proposal is considered to be accordance with policies DP11, DP23 and DP26 of the Mid Sussex Local Plan, policies 9 and 11 of the Hassocks Neighbourhood Plan (Referendum version) and paragraph 127 of the NPPF.

Heritage Assets

The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions): *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

Case law has stated that *"As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in **sections 66 and 72 of the Listed Buildings Act** do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."*

The Court further stated on this point *"This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**,*

that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrefutable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering."

Policy DP34 of the District Plan states in relation to Listed Buildings:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal; …*

- *Special regard is given to protecting the setting of a listed building;"*

Policy DP34 of the District Plan states in relation to other heritage assets:

'The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance."

Policy DP11 requires a *'suitable buffer to protect the setting of Ockley Manor (Grade II*), Ockley Manor Barn (Grade II) and Dovecote (Grade II), which lie to the east of the site.'*

Section 16 of the NPPF is particularly relevant in this instance and paragraph 190 states;

'Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal of heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'

'192. In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional;
b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, Grade I and II listed buildings, Grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and
b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
d) the harm or loss is outweighed by the benefit of bringing the site back into use.

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

In relation to non-designated heritage assets, the NPPF in paragraph 197 states;

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and significance of the heritage asset.'

Policy 16 of the NP supports proposals that protect the setting of nearby heritage asset.

In considering the impact on heritage assets (which include both listed and non-designated heritage assets), Officers have considered all the relevant information that has been submitted in support of the application by the applicant, the consultation responses of Historic England, and expert reports and letters of representations submitted by third parties, particularly from/on behalf of the owner of Ockley Manor. All this information has been considered by your Conservation Officer and her full comments are set out in the appendices to this report.

Furthermore, it should be noted that during the course of determination the application has been subject to amendments impacting on heritage assets, namely amended highway plans that will result in the translocation of a section of hedgerow to Ockley Lane. In addition, Ockley Manor Cottages was listed by Historic England by correspondence dated the 25th July 2019.

The section below considers your Conservation Officer's position with regard to the designated and non-designated heritage assets.

<u>Designated Heritage Assets</u>

There are number of listed heritage assets around the vicinity of the site, grouped together around Ockley Manor, which is located to the eastern side of Ockley Lane, approximately 160m from the south eastern corner of the application site. The designated assets are identified by your Conservation Officer as follows;

- Ockley Manor - Grade II*; located to the east of Ockley Lane and set back from it in generous grounds.
- Ockley Manor Dovecote - Grade II; located to the south west of the Manor within its grounds and adjacent to Ockley Lane.
- Ockley Manor Barn - Grade II; located to the north west of the Manor.
- Ockley Manor Cottages - Grade II; located within the former farmstead to Ockley Manor, to the north of the house.

In considering the impact on the proposals on the above assets your Conservation Officer has considered them not only individually, but collectively as well as it is considered that they have group value in built heritage terms. The assessment undertaken by your Officer has been done in accordance with the guidance set out in Historic England's *Historic Environment Good Practice Advice in Planning Note 3 'The Setting of Heritage Assets'.*

Ockley Manor

Ockley Manor is Grade II* listed house set in extensive grounds to the east of Ockley Lane. The house, which is listed as dating from the early 18th century, in fact contains fabric that suggests a 17th century origin. Further detailed commentary from your Conservation Officer is made as follows;

'Despite its name, it seems that the house was never in fact a manor, but originated as and remained for many years the farmhouse for Ockley Farm, before the house and farmlands were separated by sale in the late 19th century. From this date the house has functioned primarily as a country residence. The changing fortunes of the farm and its tenants or owners, and later its changing role, have been reflected in alterations and extensions to the building over time. The special interest of the building is therefore considered to lie partly in its character as a good example of a predominantly early 18th century farmhouse of some pretension, with earlier origins and with later alterations, associated with and illustrating the fluctuating fortunes of farming throughout the period, as well as a later change in function.

Throughout its lifespan, the house has existed in a close relationship with its rural setting, this relationship being at first the functional relationship of a farmhouse with its associated farmlands, and latterly that of a country residence with is rural setting and prospects (the enjoyment of which by the occupants of the house is demonstrated by the alterations to the house's Dovecote, discussed below). The surviving rural setting of the house is therefore considered to make a strong positive contribution to the manner in which the special interest of the house is appreciated.'

It is identified that the proposed development would have a fundamental impact on the current setting of Ockley Manor by means of the following;

- *'Impact of built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the blocks to the south east corner of the site and to the rear of Barn Cottage.*
- *The impact of the proposal on the character of the retained open space/parkland within the site.*
- *The impact of development of this scale on the currently rural broader setting to the west of Ockley Manor, including views from the house and its immediate setting.*
- *The impact of the proposed development on the character of the principle approaches to the Manor along Ockley Lane and along the PRoW approaching the Manor through the site from the west.'*

The harmful effect identified by your Conservation Officer on this part of the setting of Ockley Manor is categorised, in NPPF terms, as less than substantial and as such paragraph 196 of the NPPF is relevant.

The Conservation Officer has considered potential mitigation, which could include moving the development further away from the setting, enhanced natural screening along the edges of the proposed built form and ensuring the character of the retained open spaces resembles as close as possible the existing rural landscape. It is noted that a development of this scale, in this location, is likely to cause harm to the setting

of the asset and special interest and any amount of mitigation is unlikely to entirely remove this negative impact.

Ockley Manor Dovecote

Ockley Manor Dovecot is a brick built building located to the south west of the Manor at the edge of the gardens to the house, adjacent to Ockley Lane. It is Grade II listed and the description suggests that it dates from the 18th century, although it is noted in the report produced on behalf of the owner of Ockley Manor that it dates from the 17th century. The building has been subject to 20th century alteration, with large windows inserted to create a summerhouse.

In considering this building your Conservation Officer has stated;

'The positioning of the building adjacent to Ockley Lane is likely to have been deliberate, as a visually prominent demonstration of the wealth and status of the owner of the Manor (or farm as it then was), although it would also have served a practical purpose, as doves provided a precious source of meat for the residents of the farm during the winter months. In its more recent reincarnation as a summer house, the introduction of windows to the west elevation seems intended to take advantage of the rural views over the fields to the opposite side of Ockley Lane. In both phases of its existence, as a functioning building within the farmstead of Ockley, and as a summer house, the building has enjoyed a close relationship with its rural setting. The surviving fields to the west of Ockley Lane therefore make a significant positive contribution to the setting of the listed building and the manner in which its special interest is appreciated.'

It is identified that the proposed development would have a fundamental impact on the current setting of Ockley Manor Dovecote by means of the following;

- *'The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the block to the south east corner of the site.*
- *The impact of the proposal on the character of the retained open space/parkland.*
- *The impact of development of this scale on the currently rural broader setting to the west of Ockley Lane, including views from the Dovecote and its immediate setting.*
- *The impact of the proposed development on the character of the principal approaches to the Dovecote along Ockley Lane and along the PROW approaching the Manor through the site from the west, which arrives at Ockley Lane directly opposite the Dovecote.'*

The harmful effect identified by your Conservation Officer to the rural character of the western part of the setting of Dovecot is categorised as less than substantial. As before, paragraph 196 of the NPPF is relevant.

The Conservation Officer has considered potential mitigation and as with Ockley Manor this could include moving the development further away from the setting, enhanced natural screening along the edges of the proposed built form and ensuring the character of the retained open spaces resembles as close as possible the

existing rural landscape. Again the fundamental impact of development should be noted and the unlikely ability to mitigate the removal of the harm.

Ockley Manor Barn

Ockley Manor Barn is a Grade II listed timber framed former barn that is now converted to residential use. The listing description refers to the building as dating from the 18th century, but again the report submitted on behalf of the owner of Ockley Manor suggests that the building dates from the 17th century. It is considered that its special interest lie in its character as a good example of a surviving vernacular barn of the period.

In considering this building your Conservation Officer has stated;

'The Barn is situated to the north west of the manor house, at the southern end of the farmstead. It faces onto the gardens to the front of the house, but views from its immediate setting to the west are of the open fields to the west of Ockley Lane including the development site. This rural element of the Barn's setting is considered to make a strong positive contribution to the manner in which its special interest is appreciated.'

It is identified that the proposed development would have a fundamental impact on the current setting of Ockley Manor Barn by means of the following;

- *'The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the block to the rear of Barn Cottage.*
- *The impact of the proposal on the character of the retained open space/parkland within the site.*
- *The impact of development of this scale on the currently rural broader setting to the west of Ockley Lane, including views from the Barn and its immediate setting.*
- *The impact of the proposed development on the character of the principal approaches to the Barn along Ockley Lane and along the PROW approaching the Manor through the site from the west.*

The harmful effect identified by your Conservation Office to the rural character of the western part of the wider setting of the barn is categorised as less than substantial. As before, paragraph 196 of the NPPF is relevant.

The Conservation Officer has considered potential mitigation and as with the previous buildings this could include moving the development further away from the setting, enhanced natural screening along the edges of the proposed built form and ensuring the character of the retained open spaces resembles as close as possible the existing rural landscape. Again, the fundamental impact of development should be noted and the unlikely ability to mitigate the removal of the harm.

Ockley Manor Cottages

Ockley Manor Cottages have recently been Grade II listed. They are located at the northern end of the Ockley Manor farmstead and were constructed between 1818 and 1845 as a semi-detached pair to house farm workers. The listing description

states that the cottages have special architectural interest for reason of their striking use of traditional materials, symmetrical arrangement and good survival of interior joinery, and special historic interest in the way that they illustrate modest farm workers cottages of the 19th century and the way that these were occupied.

In considering this building your Conservation Officer has stated;

'From the north facing frontages of the cottages there are open views across the farmland to the north, which also take in Ockley Lane to the west and the cottages and fields beyond. This rural setting is considered to make a strong positive contribution to the manner in which the special interest of the building as former farmworkers cottages is appreciated.'

It is identified that the proposed development would have a fundamental impact on the current setting of Ockley Manor Cottages by means of the following;

- *'The impact on the hedge line to the east of Ockley Lane which it is proposed to reposition.*
- *The impact of the proposed built development to the north east corner of the site including housing and the proposed new school, which is likely to be visible between and beyond the cottages to the western side of Ockley Lane.*
- *The impact of the changed character of the retained open land to the north east corner of the site (school playing fields and community orchard).*
- *The impact on the character of the approach to Ockley Manor Cottages from the north along Ockley Lane. Ockley Manor Cottages are prominent in views looking south along Ockley Lane which would also take in the proposed development site to the west of the road.'*

The harmful impacts identified by your Conservation Officer will detract from the existing rural character of those parts of the setting of the Cottages, which in turn detracts from the contribution this setting makes to the special interest of the building and how it is appreciated. This harm is categorised as less than substantial. As before, paragraph 196 of the NPPF is relevant.

The Conservation Officer has considered potential mitigation and as with the previous buildings this could include moving the development further away from the setting, enhanced natural screening along the edges of the proposed built form and ensuring the character of the retained open spaces resembles as close as possible the existing rural landscape. Furthermore, the realignment of the hedgerow to Ockley Lane to facilitate highway works should be reconsidered as the retention of hedgerows will assist in maintaining the existing rural landscape. Again the fundamental impact of development should be noted and the unlikely ability to mitigate the removal of the harm.

<u>Non-Designated Heritage Asset</u>

There are a number of buildings within Ockley Farmstead that your Conservation Officer to considered as non-designated heritage assets, which are of interest in their own right but also make a strong positive contribution to the settings of the designated heritage assets. The non-designated assets are identified as follows;

- Converted buildings around the former farm courtyard known as The Old Malthouse, The Barn, The Old Dairy and the Old Granary.
- A timber framed cart shed and 19th century barn located to the south east of the farmstead group.

In identifying the above non-designated assets the Conservation Officer has stated;

'These buildings are all situated to the north of the Manor House, within the historic farmstead. They are all former agricultural buildings of one type of another, the special interest of which lies partly in their illustrative value as part of the historic farmstead. As such, their currently rural setting makes a strong positive to the manner in which their special interests are appreciated.'

With regards to the impacts of the proposed development on the above assets, and potential mitigation measures, these are considered to be similar to those identified for Ockley Manor Cottages, which they are in close proximity to.

<u>Group Value</u>

Having considered individually the designated and non-designated assets above, it follows that consideration should be given to the impact of the development on their value as a cohesive group. The recent listing decision in respect of Ockley Manor Cottages identifies that the group, forming part of the former farmstead of Ockley, have a high level of group value. This group value adds to and enhances their individual special interests.

In considering this group of building your Conservation Officer has stated;

'The report prepared by Maggie Henderson (on behalf of the owner of Ockley Manor) identifies the early origins and long history of the Ockley farmstead. Both this report and the Heritage Statement submitted by the applicant demonstrate that the farmstead and house have existed for centuries in a rural landscape which has supported their development and evolution. Although this landscape has itself undergone some changes, both of ownership and in physical appearance such as field layouts, it remains clearly rural, and supports an understanding of the origins, nature and special interest of the assets at Ockley Manor.'

Furthermore, she has stated;

'The rural nature of the landscape to the west of the group of assets at Ockley Manor, as part of their wider setting, must be considered to make a strong positive contribution to the manner in which their special interest is appreciated. Development on the site will have a fundamental impact on the character of that part of the setting, which will detract from the special interests and group value of the assets for reasons of:

- *The impact of the proposed built development on the character of the site.*
- *The impact of the changed character of the retained open land within the site.*
- *The impact on the hedgerow to the north of the Ockley farmstead.*
- *The impact on the approaches to the group along Ockley Lane and the PROW.'*

The harmful impacts identified by your Conservation Officer will detract from part of the setting, which will detract from the special interests and group of the assets and this harm. In NPPF terms, can be categorised as less than substantial. It should be noted that the less than substantial harm attributed to the group value contributes to the harm identified to the assets individual special interest.

In considering potential mitigation, those previously identified for the assets individually are still relevant, as is the caveat that the fundamental impact of development should be noted and the unlikely ability to mitigate the removal of the harm.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by the addendums) considered the Friars Oak development in a cumulative context. Each of these schemes has been considered acceptable in relation to the impact on any heritage asset, where appropriate in relation to any of the given schemes. The development would not result in cumulative heritage asset impacts with these developments, over and above those already considered above. There are no other developments that are considered to result in in-combination heritage impacts.

Chapter 6 of the 2018 ES concluded that during the construction phase the development would result in a moderate adverse, significant effect on Ockley Manor, the dovecote and barn. The post construction assessment concludes that the proposed development will result in a change of medium magnitude on the listed buildings, resulting in moderate adverse, significant effects on Ockley Manor and the dovecote and a slight adverse, not significant effect on the barn.

Within the June 2019 ES addendum the predicted effects of the proposed development in light of the proposed scheme changes do not alter and the conclusions presented in the 2018 ES remain unchanged.

In relation to the August 2019 ES Addendum concerning the predicted effects of the proposed development in light of the listing of Ockley Cottages, it concludes that the construction phase would have a moderate adverse significant effect on Ockley Manor, Dovecote, Barn and farm cottages. Post-construction it i concludes that the development will result in a change of medium magnitude to the listed buildings. This will result in a moderate adverse (significant) effect on Ockley Manor and the Dovecote, a slight effect (not significant) on the Barn and slight-moderate adverse effect (not significant) on Ockley Manor Cottages.

Significant (in EIA terms) environment effects would result from the proposal. In forming this conclusion, regard has been given to the ES submitted with the application, which is considered to contain adequate information, as well as evidence held by the Council and representatives. Officer's agree with the findings of the ES in respect of this matter.

Assessment of heritage assets (designated and non-designated)

It is acknowledged by Officers that there are aspects of above assessment by your Conservation Officer that are conflict with the views expressed within the submissions by the applicant and also by third parties. A detailed commentary of this can be found in the Conservation Officers full comments in the appendices to this report; however, the following points are considered relevant to highlight at this point.

It is considered that the applicants' assessment underplays the contribution that the surviving rural setting makes to an understanding of development through time of the group of assets around Ockley Manor. Furthermore, it is not considered that the cessation of the functional connection between the barn and the surrounding fields (and its conversion to residential) reduces the contribution that the (development) site makes to the understanding of the special interest of the building. It is noted that the overall conclusions on the four designated assets (Ockley Manor Cottages was considered by the applicant under a heritage statement addendum) are similarly categorised as less than substantial, although there is disagreement on the impact on the barn being comparatively less (within the less than substantial range).

In respect of the assessment submitted on behalf of the owner of Ockley Manor, the conclusions identify that the proposed development would substantially harm the significance of the heritage assets, both designated and non-designated, altering their setting and character that is both harmful and permanent. It considers that harm cannot be outweighed by the public benefits. Furthermore, the work introduces the concept of a 'hamlet' of Ockley that includes the cottages to the west of Ockley Lane, to the north of Ockley Manor.

The Council's Conservation Officer highlights that the term 'hamlet' is not a one that has specific significance in the context of heritage policy or guidance. While there is an identifiable group of buildings, both designated and non-designated, centred on Ockley Manor (as identified with the Officers assessment), the identified 'hamlet' includes properties on western side of the Ockley Lane that are not considered, by your Officers, to constitute non-designated heritage assets. In considering the impact of the proposed development in heritage terms, officers are of the view that only those assets (formed of designated and non-designated assets) within the grouping around Ockley Manor on the eastern side of Ockley Lane, are appropriate in the context of this proposal.

As Ockley Manor is Grade II* listed building, the views of Historic England have been sought. Again their comments are available in full in appendices to this report. They conclude that there will be some harm to the setting of this asset as a result of the development and that this can be categorised as less than substantial harm. They note *'that generally development is stepped back from this sensitive edge (eastern boundary), but query if this could perhaps further by moving the proposed block south of primary school to elsewhere within the site'.* This potential mitigation is echoed both within your Conservation Officer comments and also within a number of the representations, some of whom also seek to relocate the school away from the eastern part of the site. It should be noted that other potential mitigation relating to enhanced natural screening along sensitive edges, appropriate landscaping of retained open spaces, retention of hedgerows and the treatment of PRoW

approaches is suggested. However, as stated by your Conservation Officer, it is unlikely that any amount of mitigation will remove the harm to the special interest of the assets, which is also recognised by Historic England's comments.

In the circumstances, Officers disagree with the conclusion in the report submitted on behalf of the owner of Ockley Manor that the level of harm to the identified heritage assets would be substantial. Having regard to the views of the Council's Conservation Officer and the position of Historic England, Officers consider the harm can be categorised as less than substantial.

While the removal of proposed development from the eastern side of the site to further increase the separation from the identified heritage assets would provide some additional mitigation, it would not remove the identified harm and the assessments provided by your Conservation Officer and Historic England are not predicated on this being achieved.

Mitigation relating to enhanced vegetation screening, the landscape form of the retained open space and the treatment of PRoW approaches can be secured with suitable conditions. The retention of development blocks on the eastern side of the site will enable a more balanced layout to be achieved (to the betterment of the overall design quality of the scheme), and with the mitigation that can be secured, it is considered that the harm to the identified heritage assets, as identified in the above assessment, would still be within the less than substantial category.

It is important to note that it will be necessary for this issue to be assessed again at the reserved matters stage when the proposed layout for the scheme is determined. It is your officer's view that at the outline stage sufficient information has been submitted for a reasoned conclusion to be drawn that the scheme will cause less than substantial harm to the setting of the heritage assets.

In accordance with paragraph 193 of the NPPF 'great weight' needs to be given to the conservation of the designated heritage assets. Although the harm is less than substantial, it should nonetheless be given considerable importance and weight in accordance with the relevant provisions of the 1990 Act. However, having regard to paragraph 196 of the NPPF, it is considered that the significant public benefits of the scheme (provision of new housing (including affordable housing) and the provision of land for a school on a site that has been allocated for such development in the DP, economic benefits including construction jobs, additional spending in the locality and new homes bonus) do outweigh the less than substantial harm to the setting of the heritage assets outlined above.

In order to ensure that the significance of the heritage assets is affected as little as possible, Officers consider that mitigation measures should be secured under this application, by condition, rather than being left to assessment under reserved matters. This is appropriate, given the need to give 'great weight' to the conservation of the assets. Such conditions are suggested within Appendix A.

This will ensure that 'great weight' is afforded to the less than substantial harm identified at the outline planning stage. Such conditions are suggested within

Appendix A, and with the securing of these mitigation measures it can clearly be demonstrated that 'great weight' is given to the less than substantial harm identified.

Having regard to paragraph 196 of the NPPF, It is considered that the significant public benefits of the scheme (provision of new housing (including affordable housing) and the provision of land for a school on a site that has been allocated for such development in the DP, economic benefits including construction jobs, additional spending in the locality and new homes bonus) do outweigh the less than substantial harm to the setting of the heritage assets outlined above. The harm should nonetheless be given considerable importance and weight in accordance with the relevant provisions of the 1990 Act.

As highlighted within this report DP34 of the DP states that proposals affecting non-designated heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current guidance. The NPPF (paragraph 197) is clear in how planning applications should be determined when they have an impact on a non-designated heritage asset.

Firstly, the effect of an application on the significance of the non-designated heritage assets should be taken into account. In this case the Council's Conservation Officer considers that within the local context the buildings would have a moderate to high significance.

Secondly, in weighing application that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this case the Council's Conservation Officer considers that the impact on non-designated heritage assets will be less than substantial.

Members should therefore take into account the less than substantial harm to the non-designated heritage assets of moderate to high significance when coming to a balanced judgement. This should be balanced against the substantial positive benefits that flow from the development of up to 500 dwellings and land for the provision of a primary school, on the site that forms one of the strategic site allocations within the District Plan (DP11 refers). It is your Officers view that the less than substantial harm is outweighed by the substantial benefits in this case.

In light of the above analysis on heritage assets and securing appropriate mitigation, Officers consider the development accords with policies DP11 and DP34 of the Mid Sussex District Plan, the NPPF and the Listed Building and Conservation Area (LBCA) Act 1990.

Archaeology and Historic Landscape

Policy DP34 states, inter alia;

'The Council will seek to conserve heritage assets in manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.'

Paragraph 189 of the NPPF states, inter alia;

'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

The application has been supported by a desk-based study of the area and geographical survey (detecting and mapping subsurface features). The result of the geophysical survey of the site did not show any likely significant archaeological features, however, the potential for buried archaeology to be present remains.

The Council's archaeological consultant has highlighted that the application covers an Archaeological Notification Area (DWS8608 - possible Bronze Age to Romano-British Occupation, Hassocks), which is flagged red and considered as being archaeologically very sensitive. While the undertaking of the geophysical survey prior to determination was welcomed, the Council's consultant requested that results be submitted. The applicants submitted the requested information.

<u>Historic Landscape</u>

The landscape within the site is identified within West Sussex Historic Environment Record as 'informal fieldscapes' of post-medieval or later date, with fields that had been part of formal enclosure but were large by the 19th century. The supporting information sets out that that *'much of the site's historic landscape character has already been lost through the amalgamation of fields during the 19th century. The remaining hedgerows that are shown on the earlier 19th century maps are considered to be of low importance, while the rest of the site's historic landscape character is of negligible importance.'*

The proposed development will lead to the loss of the fields on site and a number of hedgerows and while layout and landscaping are reserved matters, the indicative information submitted suggests that retained older hedgerows will be located in open space or along the edges of the site.

The long-term management and maintenance of all open space will be secured through the Legal Agreement.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by the addendums) considered the Friars Oak development in a cumulative context. Each of these schemes has been considered acceptable in relation to the impact on archaeology (including historic landscapes). The development would not result in cumulative archaeological impacts with these developments, over and above those already

considered above. There are no other developments that are considered to result in in-combination heritage impacts.

The Council's Archaeological consultant has assessed the information and considers that no significant effects would result from the proposal, subject to the conditions outline above. In forming this conclusion, regard has been given to the ES, and ES Addendum, submitted with application, which is considered to contain adequate information, as well as evidence held by the Council and representation.

Chapter 5 of the 2018 ES concludes that during the construction phase the degree of change on sub-surface archaeological remains would be large, leading to a moderate to substantial, significant adverse effect. In respect of historic landscape, it concludes that the loss of the negligibly important fields and later hedgerows will be a negligible effect that will not be significant. Post-construction effects on both archaeological resource and historic landscape would have occurred during construction, so no additional significant effects are predicted.

Within the June 2019 ES addendum the predicted effects of the proposed development in light of the proposed scheme changes do alter the conclusions presented in the 2018 ES remain unchanged.

Having regard to the above, and with the securing of appropriate mitigation, the development accords with policy DP34 of the Mid Sussex Local Plan and the NPPF.

Leisure and Open Space/Play

Policy DP24 of the DP states;

'Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported.

The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential development, where appropriate in scale and impact, including land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document.'

Site specific policy DP11 states that the development should *'make provision for new formal play facilities and informal open space on the site'* and *' provide financial contributions to improve the existing open space, including improvements to the footpath, to the south of the site.'*

Policy 2 of the NP relates to Local Green Spaces and outlines that proposals that conflict with these designations will be resisted. The policy identifies LGS8 at Clayton Mills, which lies immediately to the south of the application site. Policy 10 of the NP supports developments that provide a mix of formal and informal open spaces to meet local need. Policy 11 sets out that developments of 5 or more homes should provide play area and associated equipment. Policy 16 of the NP seeks to protect

open space to the south of the allocation site and provide a mix of high quality formal and informal open spaces.

It should be noted that Appendix 2 of the Development Infrastructure and Contributions SPD sets out requirements for outdoor playing space, including LEAPs and NEAPs.

The submitted proposal makes provision for both public open space and equipped play areas within the development site. The submitted land use parameter plan shows areas of open space/green infrastructure areas to the northern, eastern and western parts of the site, including a large open space, entitled 'park' on the submitted illustrative masterplan at the eastern end of the site. This 'park' area is shown to include an equipped play area and the location of potentially four other locations across the site to serve the proposed population of the development.

The applicants have considered enhancements to the open space to the south, which is neither within the application site nor the applicants' control, but is a policy requirement as noted above. The policy requires a financial contribution in relation to these matters and this matter will be addressed further in the infrastructure section of this report.

The representations raise a number of issues regarding this open space including its future protection from development, future management contributions from new residents and the need for deficiencies to be addressed. It is evident within the emerging NP that the area in question is provided with a level of protection by policies 2 (Local Green Space) and 10 (Protection of Open Space) and as noted above, the land is not within the application (or the control of the applicants) and it is the not responsibility of this application to make good existing deficiencies, nor is there a requirement for future residents towards its on-going maintenance, which in any event would sit outside the planning process. There is a policy requirement to make a contribution towards improvements of this open space, to mitigate impacts, and this will be addressed in a later section of the report.

Your Community Leisure Officer has considered the proposal in respect of these matters and has not raised an objection. Details relating to the exact location of equipped play areas will be a consideration of any subsequent reserved matter submission relating to layout, while the form and future management of such areas can be secured via a suitably worded condition, as set in Appendix A to this report.

The representation from Sports England is noted. With regard to the details of the provision of any playing pitches associated with the school, it is considered that such matters will be for the school provider to address at the appropriate time through the submission of the reserved matters application for this aspect of the development. It is not considered that the suggested conditions are required at this stage of the planning process.

Having regard to the above it is considered that the proposals comply with policies DP11 and DP24 of the Mid Sussex Local Plan and policies 2, 19, 11 and 16 of the Hassocks Neighbourhood Plan (Referendum version) in respect of these matters.

Community Facilities

While there is no requirement within the site specific policy (DP11) for the provision of a community facility within the proposed development, the applicants are proposing 0.1ha of land for such a facility to be provided, should there be the demand for one. The provision of land is in addition to the normal financial contribution for community building provision as required by the Council's SPD.

Policy DP25 of the DP states that *'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.'*

The provision of the land and financial contribution will be secured within the S106 Legal Agreement and while officers are hopeful that a community facility in some form will be delivered on site, it is unlikely that this will occur in the short term, as the Council will need to identify a potential end user, design and build such a facility.

The comments of the Community Leisure Officer are noted with the regard to the general lack of facilities across rural areas, however, it needs to be remembered that had the Council wished to secure the delivery of an on-site facility by the developer, this should have been included within the site allocation policy. The proposals as they stand allow the potential for an on-site facility to be provided, if there is demand.

Having regard to the above, the proposal accords with policy DP25 of the Mid Sussex District Plan in respect of this matter.

Housing

Policy DP4 of the DP sets out that;

'There is a minimum District housing requirement of 16,390 dwellings between 2014 - 2031.'

Policy DP11 states that the Land North of Clayton Mills, Hassocks is allocated for;

- *'Approximately 500 new homes*
- *Provision of permanent pitches for settled Gypsies and Travellers to contribute, towards the additional total identified need within the District commensurable with the overall scale of residential development proposed by the strategic development; or the provision of an equivalent financial contribution towards the off-site provision of pitches towards the off-site provision of pitches towards the additional total identified need within the District (or part thereof is some on-site provision is made) commensurate with the overall scale of residential development proposed by the strategic development. The financial contribution towards off-site provision will only be acceptable if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale unless alternative requirements are confirmed within any Traveller Sites Allocations Development Plan Document or such other evidence base as is available at the time;'*

Policy DP30 of the DP states inter alia:

'To support sustainable communities, housing development will:

- *Provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- *Meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- *On strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time: or the provision of an equivalent financial contribution towards off-site provision (or part thereof is some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurate with the overall scale of residential development proposed by the strategic; and serviced plots for self-build homes where a need for such accommodation is identified.'*

Policy DP33 of the DP States;

To ensure that a sufficient amount of permanent culturally suitable housing for settled Gypsies, Traveller and Travelling Showpeople is delivered to meet identified needs within an appropriate timescale, the Council makes provision for… the allocation of pitches within the strategic allocation of Clayton Mills, Hassocks; or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale (Policy DP11: Strategic Allocation to the North of Clayton Mills, Hassocks refers.'

Policy 16 of the NP seeks to ensure that the development provides a suitable mix of dwelling types and sizes to current and future needs.

<u>Housing Delivery</u>

The proposal will deliver up to 500 dwellings, which would meet the requirement of policy DP11 of the DP for number of residents of units for Land North of Clayton Mills, Hassocks. The information submitted with the application indicate that the site can be delivered in the early part of the Plan period and this would make a significant contribution to the overall housing requirement for the District.

This is a benefit that weighs in favour of the proposal as it supports the Council in delivering the requirement in policies DP4 and DP11.

Housing Mix

The strategic Housing Market Assessment (2012) sets out the following recommendation for market housing;

- 35-45% of housing on urban extensions should have at least three bedrooms

There are no recommendations for smaller one and two bedroom units.

In the supporting information submitted with the application the applicant has indicated the following mix could be delivered on the site;

Unit Type	Number of units	Percentage
1 bedroom apartment	38	8%
2 bedroom apartment	55	11%
2 bedroom house	142	28%
3 bedroom house	174	35%
4 bedroom house	91	18%
Total	500	100%

The final mix of private residential units will be a matter for the reserved matters submission but there is sufficient information submitted at this stage to reach the conclusion that the site can achieve a suitable mix to accord with policy.

In relation to the affordable housing the following mix has been agreed with your Housing Officer and will be secured through the S106 Legal Agreement;

- 27% 1 bed 2p flats/maisonettes/coach houses (inc 2 x fully accessible wheelchair flats with direct access to private outdoor space)

- 3% 1 bed 2p bungalows (built to meet the requirements contained in Part M4(2) 1(a) AND (b) and (2) (a) and (b) for accessible and adaptable dwellings as contained in Category 2 - Accessible and Adaptable Dwellings of Schedule 1 of the Building Regulations 2010)

- 28% 2 bed 4p flats/maisonettes/coach houses (inc 2 x fully accessible wheelchair flats with direct access to private outdoor space)

- 2% 2 bed 4p bungalows (built to meet the requirements contained in Part M4(2) 1(a) AND (b) and (2) (a) and (b) for accessible and adaptable dwellings as contained in Category 2 - Accessible and Adaptable Dwellings of Schedule 1 of the Building Regulations 2010)

- 27% 2 bed 4p houses (inc 1 x fully accessible wheelchair house)

- 9% 3 bed 5p houses (inc 1 x fully accessible wheelchair house)
- 2% 3 bed 6p houses
- 2% 4 bed 6p houses

The mix outlined above contribute to meeting the housing need, as set out in the Strategic Housing Market Assessment and the Affordable Housing Needs Model Update. The proposal is therefore considered to be in accordance with policy DP30 of the Mid Sussex Local Plan.

Gypsy and Traveller Provision

As set out above, policy DP11 makes provision for the development to contribute, either on-site or via contribution (in certain circumstances) towards the District wide provision of permanent pitches for settled Gypsies and Travellers to help meet the additional total identified need, as evidenced by the Mid Sussex Gypsy and Traveller Accommodation Assessment. The level to be provided by the site will be commensurate with the overall scale of the residential development proposed by this strategic development.

The development of this site generates the need for five Gypsy and Traveller pitches which is commensurate with the development of 500 dwellings proposed with this strategic scheme.

A representation has been received which objects to the proposals on the basis that the site is not making n-site provision and this would *"result in pressure to approve unsuitable site in other locations"*. It is stated that it *"has not been demonstrated that a "suitable, available and achievable site (or sites)" which can be made operational within an appropriate timescale is available to enable it to be appropriate to accept a financial contribution as set out in policy DP33"*. Moreover, the representation considers that less than 500 dwellings could be provided on site and still be policy compliant, to enable suitable space for on-site Gypsy and Traveller provision.

The applicants have considered the policy requirements in respect to this issue and set out the following position;

'During the early stages of the scheme's evolution, the design team considered the inclusion of this provision on-site, but formed the view that it was not feasible on the basis that the site is not is not large enough to successfully accommodate the pitches, alongside 500 homes, a new school and the associated open space. This conclusion was reached on the basis of the site constraints, which include the railway line, flood plain, existing houses and single vehicle access point. As GSL (Gleeson Strategic Land) does not control another suitable site in the district, it is proposed to offer a financial contribution towards an alternative off-site facility in accordance with policy.'

It has already been established, through the granting of planning permission on Freeks Farm (part of the Northern Arc strategic allocation, Burgess Hill), that the principle of off-site provision is acceptable (a financial contribution toward 3 pitches

was secured through a S106 Legal Agreement). It is accepted that there are constraints associated with this site and officers agree with the applicant's assessment. In addition to those set out by the applicant above, there are a number of site constraints specific to this site that include the impact on heritage assets and the need to provide appropriate buffer areas in order to mitigate the impact on their settings, which are also requirements of the site allocation (DP11 refers). Such buffers are required to ensure that any development accords with the legal obligations of Section 66 of the Listed Building and Conservation Area Act 1990.

It has been suggested within the representation made on this issue that the overall number of dwellings could be reduced to ensure suitable space within the site for Gypsy and Traveller provision. However, the Council is required to assess the application before it. Policy DP11 states, inter alia (emphasis added);

'Provision of permanent pitches for settled Gypsies and Travellers to contribute, towards the additional total identified need within the District commensurable with the overall scale of residential development proposed by the strategic development <u>or</u> the provision of an equivalent financial contribution towards the off-site provision of pitches towards the additional total identified need within the District (or part thereof if some on-site provision is made) commensurate with the overall scale of residential development proposed by the strategic development. The financial contribution towards off-site provision will only be acceptable if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale unless alternative requirements are confirmed within an Traveller Sites Allocations Development Plan Document or such evidence base as is available at the time.'

It is clear that the policy does not require Gypsy and Traveller provision on site and providing there are other sites which can be delivered in an appropriate timescale, and a contribution is taken towards them, the officers are content that the policy is satisfied.

In respect of the issue of other sites, a revised application is being prepared and a pre-application meeting has been held for development of a Gypsy and Traveller site in Copthorne. Members will be aware that the Council's previous decision to grant consent for a traveller site at Copthorne was quashed by the High Court. However, the Council's reasons for consenting to that order related to its decision not to require an Environmental Statement. Even if an Environmental Statement had been required, this does not mean that permission would have been refused. The revised application is likely to be for a smaller area, with the result that an Environmental Statement should not be required.

In addition, the Council is exploring the possibility of expanding existing sites within the District.

Accordingly, there is more than one way in which the identified need could be met. Whilst planning permission is not yet in place for any of these, that is not a requirement of the policy. Officers are satisfied that there is no overriding reason why one or more of these schemes should not be permitted, and that these sites can be made operational within an appropriate timescale.

Officers are therefore satisfied that there are sufficient options for provision to be made off-site, and that there are other suitable, available and achievable sites within the District, which could be delivered within an appropriate timescale and, as such, an off-site contribution, which will be secured via a S106 Legal Agreement, is an appropriate mechanism to deal to with the development requirements with regard to this issue.

In light of the above, it is considered that the application is accordance with policies DP11, DP30 and DP33 of the Mid Sussex District Plan.

Affordable Housing

Policy DP31 of the DP deals with affordable housing and states:

The Council will seek:

1. *'the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace14 of more than 1,000m^2;*
2. *for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 - 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
3. *on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
4. *a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and*
5. *5. free serviced land for the affordable housing.*

All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.

Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.

The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs.'

The Councils' adopted SPD on affordable housing is also of relevance.

Policy 17 of the NP requires residential proposals to provide a mix of affordable housing sizes, types and tenures aligned to the meet the needs of the Parish.

It is proposed that the development will provide for 30% affordable housing, which would equate to up to 150 dwellings (in the event that the site is built out to 500 dwellings), on the basis of a tenure split of 75% rented and 25% shared ownership. The proposed mix has previously been set above.

The comments of the Housing Officer are summarised at the start of the report and are set out in full in the appendices.

The scheme would provide a policy compliant level of affordable housing. The final details of the affordable dwellings would be submitted and determined at a subsequent reserved matters application.

In light of the above it is considered that the proposal complies with policy DP31 of the Mid Sussex District Plan and policy 17 of the Hassocks Neighbourhood Plan (Referendum version) and that the provision of affordable housing should be afforded significant positive weight in the determination of this application.

Standard of Accommodation

Policy DP27 of the District Plan states:

"Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met."

It is considered that the standard of accommodation, in respect of the minimum size of dwellings as required by the above policy can be met at reserved matters stage when the layout, scale and appearance of the dwellings will be assessed. It will be for the applicant to demonstrate, through their submissions, detailed compliance with this policy but there is no evidence to indicate at this stage that a full policy compliant scheme cannot be delivered.

Accessibility

Policy DP28 of the District Plan states:

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.

With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.'

In relation to accessible and adaptable dwellings, the Policy goes on to state:

'Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2), with the following exceptions:

1) *Where new dwellings are created by a change of use;*
2) *Where the scheme is for flatted residential buildings of fewer than 10 dwellings;*
3) *Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;*
4) *Where a scheme is being proposed which is specifically intended for the needs of particular.'*

With regard to wheelchair use dwellings the Policy states:

'Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services."

It is considered that the acceptability of accessibility and the aims of Policy DP28 of the DP can be met at the reserved matters stage when the layout and scale are assessed. The requirement for M4(2) and M4(3) dwellings will be secured via a suitably worded condition.

Neighbour Amenity

Policy DP26 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 … 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, an noise, air and light pollution.'

Site specific policy DP11 requires the development to *'incorporate a green space buffer on the southern boundary to protect the amenity of existing residential properties on Mackie Avenue which back on to the site.'*

Policy 16 of the NP seeks to protect the amenity of existing residents that border the site.

Paragraph 127 of the NPPF requires development to inter alia *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'*

Policy 16 of the NP supported proposals for development on the site that, inter alia *'protect the amenity of existing residential properties.'*

The proposed development adjoins existing properties to the east, fronting Ockley Lane, and the south, fronting Mackie Avenue. While the exact form of development is not yet known the Council need to satisfied at this stage that an acceptable scheme can be achieved without causing significant harm to existing residential amenities. The issue will need to be reconsidered at any reserved matter stage when the layout and scale of the proposal are known and the exact relationship with existing properties can be assessed.

In respect of the properties to Ockley Lane, Barn Cottage is a single residence that has private garden areas to the north and west (of the property) and is located to the south of the proposed access point. The proposed land use parameter plan shows that a residential parcel is to be located to the west of the property beyond an identified green infrastructure area that will be turned over for landscaping. The scale parameter plan identifies that this area of development will consist of two storey buildings (maximum 10m ridge). The distance between this area of development and rear boundary of Barn Cottage is approximately 40m. Having regard to the form of development proposed and the distances involved officers are content that a form of development can be achieved that will not result in significant harm to the amenities of this property by means of loss of privacy, overlooking or loss of light. While development of some form will be visible, this does not make it unacceptable. The proposed new access and associated road (to serve the development) will result in additional noise and disturbance associated with a development of this size, but it is not considered that significant harm to the amenities of the occupiers by means of noise and disturbance will occur.

To the north of the proposed access is Hawthorne Cottage and as with Barn Cottage to the south, the use of the access will result in additional noise and disturbance but again it is not considered that significant harm to the amenities of the occupiers will occur. The land use parameter plan shows that the area rear to the west of this property will be given over to provide the school and it is likely (based upon the illustrative masterplan) that the area immediately behind this property will be a playing field. While a school will generate some level of noise and disturbance, it is not unusual to have such a use adjacent to residential properties and it is not considered that likely significant harm would be caused to the amenities of this property. Further to north are 1-4 Ockley Cottages, which are formed of two sets of semi-detached properties as with Hawthorn Cottage that will back onto the proposed

school site and have regard to the assessment above. It is not considered likely significant harm would be caused to the amenities of these properties.

Turning to the south, a number of properties fronting Mackie Avenue back onto the proposed development. These properties have rear gardens of approximately 25m in depth. In accordance with the requirements of policy DP11 the land use parameter plan shows that a green buffer will be provided along the southern boundary of the site to the rear of properties in Mackie Avenue. This buffer area will be 10m deep. The parameter plan also notes that any proposed property will be a minimum of 30m from the southern boundary of the site. The submitted information shows that the buildings in this area will be two storeys in height.

It is recognised that a number of representations have raised concerns over the form that the 10m buffer takes, as it is suggested within the applicant's submissions that the buffer could be incorporated into the rear gardens of the proposed new dwellings. The representations are seeking a 10m buffer area that sits separately from the garden areas, similar to that which was provided on the nearby Clayton Mills development. This is to ensure that the proposed planting is not removed by future occupiers, thereby undermining the purpose of the buffer in the first instance. The issue of what form the buffer takes is one that will be addressed at any reserved matter stage, when the layout of this part of the site is known. The land use parameter plan secures a 10m buffer and this is sufficient to meet the requirements of Policy DP11 at this stage and any planning permission granted would not tie any future reserved matter submission to providing the buffer as suggested by the applicants in their current supporting information.

Having regard to the above, officers are content that an acceptable form of development can be achieved that will not cause likely significant harm to the residential amenities of existing occupiers in Mackie Avenue by means of loss of privacy, overlooking, loss of light or by noise and disturbance.

It is acknowledged that there will be some degree of disruption during construction work but this would not merit a refusal of the application. The building works will in any event be mitigated as much as possible through the use of various construction conditions such as working hours restrictions and the Construction Environmental Management Plan.

The proposal is therefore considered to accord with policy DP26 of the Mid Sussex District Plan, policy 16 of the Hassocks Neighbourhood Plan (Referendum version) and paragraph 127 of the NPPF.

Transport, Highways and Movement (access, highway capacity, PRoW, Railway crossing)

Policy DP21 of the District Plan states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- *A high quality transport network that promotes a competitive and prosperous economy;*

- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*

- *Access to services, employment and housing; and*

- *A transport network that feels, and is, safer and healthier to use.*

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*

- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*

- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*

- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*

- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*

- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*

- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*

- *The scheme protects the safety of road users and pedestrians; and*

- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

Policy DP22 states:

'Rights of way, Sustrans national cycle routes and recreational routes will be protected by ensuring development does not result in the loss of or does not adversely affect a right of way or other recreational routes unless a new route is provided which is of at least an equivalent value and which does not sever important routes.

Access to the countryside will be encouraged by:

- *Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes;*

- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible;*

- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).'*

Site specific policy DP11 states, inter alia, that development will;

- *'provide a suitable and safe access to the site from Ockley Lane and appropriate mitigation to support the development with regards to the Local and Strategic Road Network;*

- *Provide safe pedestrian/cycling routes within the development and to connect with existing residential areas, the services within Hassocks village centre, Hassocks railway station, and enhance the existing cycle route to Burgess Hill'.*

Policy 16 of the NP seeks to protect existing PRoW's and their open aspect through suitable landscaping and provide and enhance links from Hassocks to Burgess Hill.

Paragraph 108 of the NPPF states that;

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that;

a) Appropriate opportunities to promote sustainable transport models can be- or have been - taken up, given the type of development and its location;

b) Safe and suitable access to the site can be achieved for all users; and

c) *Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree'.*

Furthermore, paragraph 109 states that *'development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.*

West Sussex County Council (WSCC) in their capacity as the Local Highways Authority (LHA) has had extensive discussions on the merits of this proposal and further information was originally requested. The applicant's response to this request was submitted in June 2019, with further information in August 2019, and as noted previously in this report the additional information has been the subject to re-advertisements. WSCC have formulated their response following a review of the highways related information including the Transport Assessment Addendums (TAA) submitted in June 2019 and August 2019 and other third party representations.

<u>Access Arrangements</u>

Access to the site will be provided onto Ockley Lane via a simple priority junction, which will be 6.1 metres wide with an 8 metre kerb radius. As a result of amendments made during the course of the application, the positioning of the access has moved approximately 8m south of its original intended position and the proposed arrangements include the realignment of the Ockley Lane carriageway by approximately 2m to the east. As a result of the proposed realignment, an approximate 175 metre section of hedge and ditch to the east side of the Ockley Lane will need to be relocated/re-provided. The access, as set out, allows for the 2.4m x 120m visibility splays to be contained within the existing Ockley Lane carriageway meaning that apart from the removal of the section of hedge on the western side of the lane to provide the access, there will not be a requirement to cut back the hedge further on this side of the lane.

The proposed realignment to Ockley Lane will enable the alignment at the bend to be improved, and with the proposed relocation of the hedge, a 120m forward visibility splay (70kph design speed) for southbound vehicles on the inside of bend and commensurate with existing vehicle speeds on Ockley Lane. In addition, this will allow a 120m forward visibility envelope to be maintained on the approach to the proposed site access junction as well as to right turning vehicles at the junction itself). This, the applicants consider, is a material improvement / benefit in highway safety terms for all users of Ockley Lane.

As part of the access arrangements the applicants are proposing the creation of a short section of footpath on the eastern side of Ockley Lane from the site access south, until the existing bus stop on the western side of the lane, immediately south of Barn Cottage. Provision of a dropped kerb crossing and tactile paving will aid pedestrians crossing the lane and a new stop (and potential shelter) will be located on the eastern side of the lane just to the south of the proposed site access.

The proposed access arrangements have been the subject of a Stage One Road Safety Audit by the applicants and it should be noted that a third party has also instructed their own Safety Audit that has been submitted to the Council, which has been drawn to the attention of the LHA and the applicants.

The proposed arrangements have been carefully considered by the LHA who state, in response to the June 2019 amendments;

'In summary, the revised junction layout retains the same form as previously accepted by WSCC. The revised scheme offers a betterment to that previously shown particularly in terms of removing the need for continuous on-going maintenance of the visibility splay to the north. There is a drawback in terms of the inability to achieve a continuous footway link on Ockley Lane from where the existing footway ends to the development. It is recognised that other more direct routes towards destinations in Hassocks are available with it expected that the route onto Ockley Lane via the development junction will effectively serve the southbound bus stop. No objection would continue to be raised towards the proposed development access arrangements'.

Further to the above, and in light of the additional amendments made via the August 2019 submissions, the LHA have confirmed that *"the majority of changes are relatively minor and have no particular highway consequences ... the changes are considered acceptable".*

Through the representations, a number of issues have been raised concerning the proposed access arrangement, and associated highways infrastructure, relating to both the physical works and potential highway safety issues.

In relation to the physical works, a number of representations have raised concerns over landownership issues and the fact that highway works are on land within private ownership. The applicant has confirmed that they control all the land within the red line of the application site and while other highway works are shown outside the red line boundary, they do fall within the designated highway and these works can be delivered via a S278 Agreement with the LHA. It should be noted that a highway is a legal right over the land and does not convey freehold ownership. A significant proportion of highway land (generally) is not owned by highway authorities. Issues of land ownership are not matters that are material to the determination of the planning and it is for the applicant to ensure that they have the legal right to deliver any permission that may be granted.

It is recognised that the owners of Hawthorn Cottage, which is located to the north of the proposed access, have raised a number of concerns that include matters associated to the accuracy of the submitted plans and the fact that the LHA do not appear to be applying their own standards with regard to the distances between junctions. The applicants are content that the submitted drawings accurately reflect the proposed scheme and its relationship with adjacent properties and features and while there is clearly a difference in opinion between these two parties on this matter, the application falls to be determined upon the basis of the drawings that have been submitted. Officers do not consider that there is any clear and obvious inaccuracy and ultimately the onus is always upon the applicant to deliver the proposal on the basis of any drawings that may be approved, otherwise a new permission based upon alternative drawings may be required. The LHA have not raised an objection to the design of the junction or its relationship with the vehicular access to Hawthorn Cottage.

While the access arrangements have been the subject to Stage One Road Safety Audit independently commissioned by the applicants, an alternative audit has also been submitted to the Council commissioned by the owners of Hawthorn Cottage. The later audit raises a number of issues (including the possibility of rear shunts and queuing on Ockley Lane), which the applicants Road Safety Audit designer has responded to in the submission of a further technical note. The designer's response sets out that no action is required to address the comments/problems identified in the alternative audit and this had been agreed by the overseeing organisation, WSCC.

In addition to the Road Safety Audit, a road traffic survey of Ockley Lane has been submitted by third parties that sets out that traffic flows along Ockley Lane will be higher than those used within the TA, based upon a one day survey in September 2019. The report sets out a number of assumptions concerning the operational safety of the junction in light of the survey work. The applicants have responded to the concerns raised within their further highway technical note referred to above and while they raise concerns over the quality of the information, they have used the submitted survey work in a further operational assessment work of the junction using the recognised industry software. The commentary of the results is set out below;

'3.1.14 This shows that during the morning peak hour there remains an average queue of 1 or less vehicle and average delays of some 5 seconds per vehicle on Ockley Lane southbound / turning right into the development.

3.1.15 As such, the proposed form of junction (simple priority junction) will not lead to queues on Ockley Lane southbound with the right turn movement into the site. In conjunction with the 120m forward visibility on the approach to the proposed site access junction, there is unlikely to be a risk of rear end shunts as asserted in the Road Traffic Survey. Further with negligible queues and a delay of 6 seconds for southbound vehicles drivers are unlikely to feel pressurised to accept gaps in opposing traffic and as such this unlikely to lead a risk of right turn collisions as suggested in the RSA.

3.1.16 The proposed form of junction (simple priority junction) accessing the site from Ockley Lane is therefore acceptable and no changes are needed to address this matter.'

The representation letter from the owner of the Ockley Manor outlines that the proposed emergency access point is a right of way for two properties and as such is not available in a permanently maintained accessible state, i.e. by means of a locked barrier or similar. The terms of any private right of way along the proposed emergency access point is for the applicant to resolve and a suitably worded condition is proposed to secure it details, which include the location of any required bollards, along with future maintenance arrangements. In the event that the applicant is unable to provide satisfactory details to discharge the condition then the development would not be able to proceed until such time as this matter has been resolved.

It is acknowledged that concerns have been raised regarding the safety of children being driven to school in relation to the proposed junction arrangements. While such

concerns highlight issues with the proposed modelling used to assess the operation of the proposed junction, the LHA have not raised an objection. Furthermore, it should be highlighted that not all children attending the school will arrive by car and the improvements to the surrounding PRoW's will encourage alternative means of travel. WSCC, as the education authority, have highlighted in their response to the application, which can be found in full in appendix B, that the scheme (for the school which will be subject to a reserved matters submission) will have to demonstrate safe routes to school for children and parents within a school travel plan, and a condition to secure an appropriate travel plan is suggested in appendix A.

The response provided by the applicants to the Committee's deferral of the application from the meeting in December 2019, as set out in the earlier section of the report, underlines further that the proposed access arrangements are acceptable in respect of the issues raised above.

While there it is acknowledged that third parties have genuine concerns over highway safety issues associated with the proposed junction, the applicants have addressed the points raised and, more importantly, the LHA have not raised an objection to the proposal and there are no grounds to justify the refusal of the application in respect of this issue.

Highway Network

The submitted Transport Assessment (TA) details the anticipated vehicular trip generation from the development and where this will impact upon the local highway network. The vehicle trip generation for the proposed uses within the development is based upon TRICS, which is an accepted means of estimating vehicular traffic from new developments. The LHA have considered the parameters that have been applied in estimating the trip generation from the proposed development and they consider that it is robust. It should be noted that separate figures have been provided in respect of the residential and primary school uses, with the residential figures adjusted to take into account those pupils that will reside in the development and will not therefore need to travel off-site. The primary school figures assume that all trips would be new to the network.

The TA uses the following trips in its assessment;

	AM Peak			PM Peak		
	Arrivals	Departures	2 way	Arrivals	Departures	2 way
500 units	55*	191	246	189	106	295
Primary School	104	69	173	0	11	11
Total	159	260	419	189	117	306

The TA includes various scenarios to determine conditions in a base year (2017) and also in future years (2022 and 2031), with and without the development. This also takes into account appropriate traffic growth rates and assigns movements to routes, based upon likely destinations, derived from Census Journey to Work data. The LHA are content that the TA satisfactorily considers the impact of the development.

As part of the application process, the LHA requested additional modelling work, which was submitted as part of the June 2019 addendum. This included inter-peak modelling to cover school collection to ensure that development junction works acceptably at this time.

The LHA have considered the impact of the proposals on a series of junctions within the local highway network and have made the following comments;

Site Access junction

The site access has been accepted as working well within theoretical capacity in both the AM and PM peak network hours. The additional modelling shows the junction would operate well within capacity with minimal delays to traffic entering or exiting.

Ockley Lane/Grand Avenue priority junction

Following concerns being raised regarding a proposed flaring of the junction (thereby allowing two vehicles exiting the junction to queue side by side), the junction was remodelled without it and it is anticipated that it will operate within theoretical capacity with the proposed development.

Keymer Road/Lodge Lane priority junction

This junction is modelled to operate within capacity in all scenarios.

Keymer Road/Ockley Lane priority junction

Original flaring and an improvement scheme were removed from the assessment following concerns about potential adverse impacts on non-motorised users, amongst other things.

The results of the revised modelling shows increasing delays in the PM peak, although the junction would continue to work within capacity with minimum queuing. In the AM peak, the proposed development would result in junction operating over capacity with resultant increases to queues and delays. There is potential for traffic to avoid this junction by using alternative routes, which in itself could have capacity implications.

The LHA have considered the possible consequences and whilst the possibility of traffic re-routing cannot be ruled out, it is considered that due to existing issues on alternative routes this is unlikely. The only other consequence is traffic queuing back and blocking other junctions, which in this case would be Church Mead. There are no other pre-existing safety issues at this junction that an increase in traffic would

worsen. It is not considered that the development would result in any severe or unacceptable safety impacts.

Lodge Lane/New Road crossroads

No capacity issues have been identified with existing junction and it is accepted that this would continue to operate within capacity with the development. Additional modelling has been provided on the basis of an indicative improvement scheme that is based upon works that may be implemented by the LHA separately to the planning application, and shows that it would continue to operate within capacity with the potential revisions.

Given the increase in traffic as a result of the development, the LHA considers that a developer contribution towards the future improvement of this junction should be secured.

London Road/Keymer Road/Brighton Road/Hurst Road (Stonepound Crossroads)

All arms except that of Brighton Road (south) are forecast to exceed capacity in the future year accounting for committed schemes. This will occur regardless of the implementation of improvements secured by an existing planning permission on an alternative site.

It is apparent that queue lengths and delays on all arms would marginally increase, by 36 movements in the AM peak and 15 in PM peak. The LHA are satisfied that the development would not significantly or unacceptably increase queues and delays at this junction.

Keymer Road/Folders Lane mini-roundabout

A mitigation scheme has been put forward that concentrates improvements to the arm that is most affected by the increase in vehicular traffic (namely southbound Keymer Road arm). The proposed widening works are shown to be achieved through the conversion of the existing grass verge to carriageway construction. It is proposed that the scheme should be secured in the S106 Legal Agreement.

Having regard to the proposed mitigation works, the impact of the development on this junction is considered acceptable.

Keymer Road/Station Road/Junction Road/Silverdale Road roundabout

All arms are forecast to operate within capacity except for the Station Road arm in the PM peak. The development does take this over capacity, but the increase in queues and delays are not considered to be significant and would not result in a severe impact.

Station Road/Church Road/mill Road mini-roundabout

This junction will still operate within capacity following the development. While queues will increase slightly (by 2 vehicles in the AM and 3 in the PM), this is not considered to be severe.

Station Road/Civic Way/Queen Elizabeth Avenue/MSDC Car Park roundabout

This junction is forecast to operate within capacity in all scenarios.

In summary, the above analysis of the forecast impact of the development on the relevant junctions indicates that in the majority of cases they will operate within capacity. Where it has been identified that capacity will be exceeded, and increases in queues and delays are anticipated, the LHA do not consider that these constitute a severe impact in the context of policy DP21 of the DP and paragraph 109 of the NPPF.

Public Rights of Way

The proposal includes the improvements to several public rights of way that either cross the site or provide linkages to Hassocks itself. In addition, the applicants are proposing the creation of a new route to the north that will link Hassocks, via the development site, to Burgess Hill.

The specific improvements proposed by the applicant to existing routes include;

- Upgrade of footpath 11K to bridleway to permit cycle use
- Upgrading of footpath 5K (where it crosses the application site) to a bridleway
- Surface, drainage, lighting and signage improvements to footpath 11K,
- Improved cycleway crossing of Oak Tree Drive,
- Improvements to northern end of Woodsland Road including shared surface
- Provide a crossing point on Mackie Avenue to Farnham Avenue
- Provide a footway on Farnham Avenue connecting with the existing provision
- Provide a crossing point on the southern section of Farnham Avenue
- Provide a crossing point on Manor Avenue, to the wets of the junction with Farnham Avenue
- Provide tactile paving at the junction with Bromley Close
- Provision of tactile paving at a number of key junctions between the site and Hassocks

It is understood that the above works are all sited within the existing highway boundary and would require specific technical consents from the LHA. In terms of upgrading of footpaths 5K and11K to bridleways, this would be subject to the a separate process with WSCC Public Rights of Way team and require the consent of the land owner. It is considered that the above measures can be secured within a S106 Legal Agreement.

In addition to improving existing routes, the applicants are proposing the creation of new route to the north, which would link Hassocks with Burgess Hill (via existing

PRoW's). The proposed bridleway would run north from the application site, parallel with the railway, on land within the control of the applicant. A separate application, reference DM/18/4980, reported elsewhere on this agenda, provides for the northern part of this proposed route (on land owned by Burgess Hill Parish Council) that would link the route to existing rights of way that would enable the onward connection to Burgess Hill.

The route would be entirely off-road and provide a more attractive alternative to the use of Ockley Lane itself, particularly to the less experienced cyclist. The bridleway will need to be delivered as one continuous route at an appropriate time and a suitable mechanism can be secured with the S106 Legal Agreement to ensure its provision.

No objections have been raised by the LHA of WSCC PROW team with regard to the applicants' proposals in respect of the above matters.

Railway Crossing

Policy DP11 of DP states, inter alia, that development in this location will *assess the implications of the development on pedestrian and cycle railway crossings and ensure that there is an agreed approach towards ensuring the provision of safe crossings'.*

The issue of the provision of an alternative crossing has been considered at length as part of planning process in relation to a site on the western side of the railway, known as 'Friars Oak'. That site is subject to two separate outline planning permissions, the first issued by the Council under a notice dated the 16th October 2019, and the second issued by The Planning Inspectorate via a letter dated the 1st November 2019, following an appeal against an earlier refusal. While both permissions require the developer of that site to provide, construct and make available to the public prior to the commencement of substantive site works an appropriate alternative crossing, the wording of the Council's condition specifically requires the provision of a pedestrian tunnel under the railway line.

The applicant (along with Rydon Homes Ltd) entered into a Basic Services Agreement with Network Rail to assess two options to enable the Woodside Pedestrian level crossing to be closed. These options involved a footbridge and a tunnel. The process concluded that both options were feasible and the applicant has provided your officers with confirmation that they will contribute towards the provision of the tunnel option. The tunnel will be delivered through a process outside of this application. It should be noted that the Council have recently granted prior approval to Network Rail, under part 18 of the General Permitted Development Order 2015, for a new pedestrian subway, access stairs and ramps to replace the existing level crossing and stairs at Woodside level crossing.

Having regard to the wording of policy DP11, officers are satisfied that the applicants, with their work with Network Rail, have an agreed approach towards ensuring the provision of safe crossings across the railway and a suitably worded condition is proposed that will require the provision of the tunnel option by an appropriate trigger point in the development.

Other Matters

The applicants are proposing to increase the provision of cycle parking at Hassocks train station. A possible plan has been provided and shows that the stands could be provided within the existing highway boundary. The measures will be secured through the S106 Legal Agreement.

It has been recognised that there are local concerns regarding existing vehicle speeds and further measures are proposed to further reinforce the speed limit. These measures include the provision of a gateway feature in to Hassocks, to the north of the proposed junction, and vehicle activated signs on Ockley Lane. These measures will be secured through the S106 Legal Agreement.

One of the requirements of DP11 is for the development to make a financial contribution towards improving public transport provision, however, the applicant has not proposed a contribution in this instance. On this issue the LHA have stated;

"In principle, it is considered that there is limited merit in seeking contributions unless these are capable of securing a permanent service improvement; a contribution that provides only a short-term improvement would be of limited benefit. Any such contribution should also be agreed directly with the bus operator given that they will operate the service rather than WSCC.

In light of the other sustainable transport improvements being offered (the new bridleway in particular), this is considered to offset the non-provision of any passenger transport contribution. The final decision on the non-compliance with this aspect of the site allocation policy is more a matter for the Local Planning Authority".

Officers agree with LHA that there is little merit in securing short term benefit in public transport links if they cannot be sustained over the long term and in this instance the applicants are proposing significant improvements to the promote alternative modes of transport through the creation of the new bridleway. Nevertheless, the fact that a contribution towards public transport improvements is not proposed does mean that there is a minor conflict with policy on this specific issue and this will need to be considered in the overall planning balance.

A draft residential travel plan has been submitted with the application and while the LHA consider it to be mainly acceptable, there are matters that need to be amended and this can be secured though a suitably worded condition. The LHA have advised that a separate travel plan for the school will be required and this can be secured by a suitably worded condition that is suggested in appendix A. It should be noted that parking arrangements, associated with the proposed school, will be the subject of reserved matters applications and such issues are not for determination as part of this outline application.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658)

and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by the addendums) considered the Friars Oak development in a cumulative context. Furthermore the applicants have confirmed that the traffic and transport elements of the ES have been specifically reviewed in light of the Transport Assessment - Sensitivity Test for Friars Oak (ref ITB11335-107B), and it is confirmed that the conclusions remain valid.

Chapter 11 of the 2018 Environmental Statement concluded the proposed development would have a negligible effect in terms of severance, pedestrian delay, pedestrian amenity, fear/intimidation and accidents and safety during site clearance and construction phase:

The 2018 ES concluded that the once complete and operational the proposed development will have the following effects;

- Severance - negligible
- Driver delay - slight adverse effect
- Pedestrian amenity - negligible
- Pedestrian delay - negligible
- Fear and intimidation - negligible
- Accidents and safety - negligible

Following mitigation, the 2018 ES concluded that there will be no significant residual effects.

As set out in the ES Addendum (June 2019) the changes to the traffic model have resulted in some changes to the pattern of traffic flows on the highway network, but the assessment included in the ES addendum has demonstrated that the changes are not significant, and the significance of the effects of the proposed development are unchanged from the 2018 ES. As such the significance of the impacts of the proposed development and conclusions presented in the 2018 ES remain unchanged. It should be noted that the ES addendum (August 2019) does not alter Chapter 11.

Having regard to the mitigation measures that will be secured through the suggested conditions, it is not considered that the development would result in any significant environmental effects. In forming this conclusion regard has been given to the ES and ES Addendums, submitted with the application, which are considered to contain information, as well as evidence held by the Council and representations.

It is evident from the above assessment, save for provision of a contribution towards public transport improvements that the application therefore complies with policies DP11, DP21 and DP22 of the District Plan, policy 16 of the Hassocks Neighbourhood Plan (Referendum version) and NPPF.

Air Quality

The Stonepound crossroads which lies approximately 1.3km south west of the site was designated an Air Quality Management Area (AQMA) with DEFRA in March

2012 due to the levels of nitrogen dioxide (NO2) being above the target. The boundary of the AQMA has been defined on the basis of the areas which are, or are likely to exceed the air quality objectives for nitrogen dioxide and where there is "relevant exposure", that is places where people live close to the road. The Air Quality Management Area at Stonepound Crossroads includes parts of Keymer Road, Brighton Road, London Road and Hurst Road. Eight properties are affected within the Designated Area, 1-6 Overcourt and The Coach House, Keymer Road, and Shooldarry, Brighton Road Hassocks.

Local Authorities are required to produce annual air quality reports to identify local areas where the air quality objectives will not be met and to ensure that air quality considerations are considered as part of decision making processes e.g. land use planning and traffic management.

In locations where particular pollutants are found to be above National Air Quality Objective levels, which are based on expert advice concerning health effects relating to AQ, the local authority must declare an Air Quality Management Area (AQMA) and formulate an Air Quality Action Plan which specifies the steps to be taken to move towards the air quality objectives. The only AQMA in Mid Sussex district is at Stonepound Crossroads. The pollutant of concern is NO2 which tends to be related to traffic fumes. Exceedances are due to the topography and volume of road traffic.

In relation to air pollution policy DP29 in the District Plan states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

Policy DP11, which allocates the site for development, states in relation to this issue that development will;

- *identify and respond to issues relating to air quality in relation to the site's proximity to the Stone pound Crossroads Air Quality Management Area (AQMA). The scheme must demonstrate that it will not cause unacceptable levels of air pollution and is consistent with the Stonepound Crossroads Air Quality Action Plan;*

- *Make provision for charging electric vehicles by installing a desiccated electrical socket suitable for charging electric vehicles at each residential unit (either internally such as within a garage, or externally at an allocated parking space) and making parking areas 'charge ready' by making it possible to install a dedicated electric charging device (such as fast chargers) at a later date;'*

Policy DP26 of the DP states that development will not cause significant harm to the amenities of existing nearby residents and future residents of new dwellings, including taking account of impact on noise, air and light pollution.

Para 181 of the NPPF states that *'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'*

Policy 8 of the NP states that development will be supported where it would not have an unacceptable adverse effect upon the air quality within the AQMA.

An air quality assessment has been submitted to support the ES/application and uses air quality monitoring data from the Council and predicts pollutant levels (using computer modelling) at ten sensitive receptor locations, including properties at Stonepound Crossroads, Keymer Road, Station Road, London Road and Ockley Lane. The modelling looks at air quality in future years, with 2023 (during construction) and the 2027 (post completion of the development) used to consider the impact of the proposals.

The submitted evidence shows that in the modelled future years scenarios the proposed development will result in negligible increases in NO2 and particulate matter, but concentrations will be well below the relevant objectives for all of the receptor locations. This conclusion is accepted by the Council's Environmental Health Officer.

In relation to the long term operation of the development, the proposed development will put in place a travel plan to minimise traffic generation and encourage sustainable development and will also provide electric charging points for each property to encourage the take up of electric cars. The Sussex Air Quality Partnership has published air quality emissions mitigation guidance for Sussex which provides a procedure for calculating a financial contribution towards pollution mitigation for development, as required by the Council's air quality action plan. The applicants have committed to such a process and given that the development is outline in form, your EHO Officer is content that a condition requiring such a mitigation scheme based upon the costs current when the reserved matters

application is submitted. Suitable conditions are suggested in Appendix A to cover these matters.

In relation to the implementation of the development, air quality is likely to be affected with a risk of dust during construction. The EHO has recommended that mitigation and monitoring should be required and this can be secured as part of the Construction Management Plan.

Your Environment Protection Officer has not raised an objection to the application as proposed.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by addendums) considered the Friars Oak development in a cumulative context.

In relation to cumulative effects, each individual construction site is assessed in relation to air quality as part of the planning decision. If necessary, each site will have to adopt controls to prevent significant transfer of airborne pollutants beyond their site boundaries and monitoring to confirm the effectiveness of these measures. Therefore, cumulative effects would be managed by each of the contractors to avoid the occurrence of significant cumulative effects.

Having regard to the mitigation measures that will be secured through the suggested conditions, it is not considered that the development would result in any significant environmental effects. In forming this conclusion regard has been given to the ES and ES Addendum, submitted with the application, which are considered to contain information, as well as evidence held by the Council and representations.

Chapter 4 of the 2018 ES concludes that once completed the development would result in a negligible increase in NO2 at all the receptor locations, although concentrations would be well below the relevant objections. No significant residual effects are predicted. The 2019 ES Addendum does not alter the conclusions of the original ES.

In light of the above the above conclusions it is reasonable to conclude that the proposal will not have a significant impact on air quality.

The proposal is considered to accord with policies DP11, DP26 and DP29 of the Mid Sussex Local Plan, policy 8 of the Hassocks Neighbourhood Plan (Referendum version) and paragraphs 171 and 181 of the NPPF in relation to air quality.

Noise & Vibration

Policy DP29 of the DP states;

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of nose unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide;

- *An assessment of the impact of noise generated by a proposed development; or*
- *An assessment of the effect of noise by an existing noise source upon a proposed development.'*

Policy DP26 of the DP states that development will not cause significant harm to residential amenities of existing nearby residents and future residents of new dwellings, including taking account of impact on noise, air and light pollution.

Paragraph 170 of the NPPF states *'Planning policies and decisions should contribute to and enhance the natural and local environment by … preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of ... noise pollution.'*

Paragraph 180 of the NPPF states, *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should;*

a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.'

The application is supported by a noise assessment which ascertains the existing noise levels at the application site and identifies potential sensitive receptors. The noise from construction activities and post-construction noise is assessed. In respect of the latter focus is placed upon traffic and school noise. In addition to the above, a railway noise assessment has also been submitted to consider the impact of the

adjacent Brighton mainline of the proposed development. The assessments have been considered by your Environmental Health Officer.

The assessment identifies sensitive receptors, likely to be sensitive to changes in noise, as gardens to the north of Mackie avenue, gardens to the north of Elm Tree Close/Chestnut Drive, Woodside Grange and Hawthorn Cottage. The assessment identifies that road traffic and the railway are the two main sources of noise at the application site and at the receptors.

During the construction phase of development, it is likely that noise from construction activities will be noticeable at the sensitive receptors. This is not unexpected as construction, by its very nature, will result in noticeable noise at various stages, to various individuals, throughout the build.

It is therefore sensible to put the onus on the developers to consider proactive measures to minimise complaints, design their timetable with best practicable means in place, meet with residents and have complaint handling systems in place in order to minimise disruption. It is therefore recommended that a Construction Environmental Management Plan (CEMP) is required.

With regard to noise issues post-construction in respect of the proposed new dwellings, the assessment identifies that any potential harm would be low or negligible and that it will be for the submission at the reserved matters stage to demonstrate that the design achieves recommended levels in noise sensitive rooms and external spaces.

In relation to the impact on existing residential properties, the assessment does not identify that the change in noise levels associated with traffic noise would be more than negligible. It is recognised that the proposed primary school has the potential to generate noise and although the final layout is not known, it assumes that likely school building will be set away from the properties fronting Ockley Lane, resulting in the playing fields being nearer to these properties. It is set out that any change in noise levels would be negligible.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by the addendums) considered the Friars Oak development in a cumulative context. Each of these schemes have been considered acceptable in relation to noise. The development would not result in cumulative noise impacts with these developments, over and above those already considered above. There are no other development, over and above these already consider above. There are no other developments that are considered to result in in in-combination noise impacts.

The Council's Environmental Health Officer has assessed the information and considers that no significant effects would result from the proposal, subject to the

conditions outline above. In forming this conclusion, regard has been given to the ES submitted with application, which is considered to contain adequate information, as well as evidence held by the Council and representations.

Chapter 10 of the 2018 ES concluded that that during the construction phase, no significant effects are predicted from noise and that following completion of the proposed development no significant effects are identified. As set out in the ES Addendum (June 2019) the predicted effects of the proposed development in light of the proposed scheme changes and respect of the effects during construction and operation, do not later the conclusion of these of the 2018 ES that remain valid.

In light of the above conclusions it is reasonable to conclude that the proposal will not have a significant impact on amenities of existing and future residents in respect of noise pollution and appropriate conditions, including those relating to construction will ensure this.

The proposal is considered to accord with policies DP26 and DP29 of the Mid Sussex District Plan and paragraphs 170 and 181 in relation to noise.

Lighting

Policy DP26 of the DP states that development will not cause significant harm to residential amenities of existing nearby residents and future residents of new dwellings, including taking account of impact on noise, air and light pollution.

Policy DP29 of the DP states in part;

'The environment … will be protected from acceptable levels of light … pollution by only permitting development where;

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fitting;*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes.*

The degree of the impact of light pollution from new development or change of use is likely to be grater in rural locations, especially where it is in close to specially designated areas and sites.'

Paragraph 180 of the NPPF states, inter alia;

'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should;

c) Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

The site lies within the built-up area of Hassocks and is bordered to the south by artificial lighting sources associated with the existing village. As such, it is considered to have a low to medium darkness. It is recognised that the boundary to South Downs National Park is located in relatively close proximity to the south eastern boundary (135m), which is a designated International Dark Sky reserve and there is a policy that operates within the park. The Dark Skies technical noted dated the April 2018 shows that the area within the National Park to east of the site is classified in a 'transitional zone', which falls between dark zones and urban areas. Having regard for to all of this it is not considered that the site is an intrinsically dark landscape.

A street lighting assessment has been submitted with the application that sets out that it is the intention to provide 6m high columns to all adoptable roads throughout the site, spaced to avoid excessive glare. Low level bollard lighting is to be provided to parking areas between houses.

The comments of the South Downs Park Authority are noted with regard to their preferred lighting arrangements, in line with their published technical note, and given that this is an outline application, it is considered that details relating to the final design of lighting scheme, including the nature of the luminance, can be secured via an appropriate planning condition.

Furthermore, it is also noted that the light pollution is also a potential issue during the construction phase. Construction schedule activities should predominantly be restricted to daylight hours that would limit the amount of lighting required but it is nevertheless considered appropriate to secure details of lighting associated to the construction process as part of the Construction Environmental Management Plan condition.

Subject to the above conditions, officers are satisfied that the proposal is acceptable in relation to proposed light pollution in relation to amenity, including residential amenity, and the setting of the South Downs National Park.

The proposal accords with policies DP26 and DP29 of the Mid Sussex District Plan and paragraph 180 of the NPPF in relation to light pollution.

Trees and Landscaping

Policy DP37 of the DP states, in part;

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/or that have landscape, historic or wildlife importance, will not be permitted.

Proposals for new trees, woodland and hedgerows should be of a suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this

purpose. Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *Incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme;*
- *Prevents damage to root systems and takes account of expected future growth; and*
- *Where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *Has appropriate protection measures throughout the development process; and*
- *Takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *Does not sever ecological corridors created by these assets…'*

The application has been supported by a tree survey, an arboricultural impact assessment and method statement, all of which have been considered by your Tree and Landscape Officer.

The tree survey identifies 128 individual trees, 23 groups of trees and 9 hedgerows within the application. None of the trees present on site is covered by a Tree Preservation Order (TPO), although several offsite trees along the southern boundary are and TPO's HA/01/TPO/06 and HA/02/TPO/05 refer. These TPO trees are not affected by the proposed development.

In order to facilitate the development only two trees are needed to be removed, T50 and T104, both of which have been categorised as U, due to their poor health, and should be removed in any event. In addition to the two trees, several sections of hedgerow within the site will need to be removed. In addition, in order to facilitate the proposed highways design of the access, a significant section of hedgerow is proposed to be removed on the eastern side of Ockley Lane. None of the hedgerows identified have been classified in the supporting documentation as 'important hedgerows' as defined by the Hedgerows Regulations 1997.

The Tree and Landscape Officer has noted that the submitted documents have identified all of the trees in accordance with BS 5837 and the root protection areas of each have been calculated and displayed on the plans provided. Protection measures for retained trees have been detailed within the submitted documentation and your Tree and Landscape Officer has not raised an objection to the application. Further consideration will need to be given to the detailed landscape/planting plan, through the assessment of the reserved matters application(s).

The application therefore accords with policy DP37 of the Mid Sussex Local Plan.

Water Environment

Policy DP41 of the District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

1. *Infiltration Measures*
2. *Attenuation and discharge to watercourses; and if these cannot be met,*
3. *Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

Policy DP42 of the District Plan states:

'New development proposals must be in accordance with the objectives of the Water Framework Directive and accord with the findings of the Gatwick Sub Region Water Cycle Study with respect to water quality, water supply and wastewater treatment and consequently the optional requirement under Building Regulations - Part G applies to all new residential development in the district. Development must meet the following water consumption standards:

- *Residential units should meet a water consumption standard of 110 litres per person per day (including external water use);*
- *Non-residential buildings should meet the equivalent of a 'Good' standard, as a minimum, with regard to the BREEAM water consumption targets for the development type.*

Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;

- *that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and*
- *that there is adequate water supply to serve the development.*

Planning conditions will be used to secure necessary infrastructure provision. Development should connect to a public sewage treatment works. If this is not feasible, proposals should be supported by sufficient information to understand the potential implications for the water environment.

The development or expansion of water supply or sewerage/sewage treatment facilities will normally be permitted, either where needed to serve existing or proposed new development, or in the interests of long term water supply and waste water management, provided that the need for such facilities outweighs any adverse land use or environmental impacts and that any such adverse impact is minimised.'

Site specific policy DP11 states, inter alia, that the development of the site will *'provide surface water drainage, based on sustainable drainage principles in accordance with DP41: Flood Risk and Drainage.'*

Policy 4 of the NP deals with managing surface water and sets out that development should seek to reduce existing run-off and incorporate sustainable drainage techniques.

The applicant has provided various documents in support of their scheme in relation to this issue including a Flood Risk Assessment (FRA) and a chapter within the ES.

<u>Flood Risk</u>

The site is located within flood zone 1 and is deemed to be a low fluvial flood risk. The submitted information highlights two watercourses, one to the western boundary and one through the centre of site, while a third that crosses the north east corner has not been detailed. The FRA has looked at possible flood sources including water courses, surface water, ground water and sewer and drains.

The information has been considered by the Council's Drainage Officer who has stated the following;

'The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible

pluvial flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.'

The Local Lead Flood Authority (WSCC) has also not raised an objection to the proposal and their full comments can be found in Appendix B of this report.

Drainage

At this outline planning stage, information has been submitted to demonstrate the site can adequately drained to enable the principle of development to be accepted. The submitted approach involves a storm water storage system that will discharge at a single point to the watercourse along the north-west boundary of the site at the greenfield run off rate.

The Council's Drainage Officer has made the following comments, inter alia;

'The submitted approach is to have a method of a large attenuation system at the low spot of the site. The submitted plans show the proposed drainage system does appear to meet with some of the aims set by good SuDS design, such as run-off quantity and some biodiversity. However, I am not sure that the suggested proposal, as it stands, delivers much in terms of amenity. The proposed main attenuation pond is set on the edge of the development instead of being more integral to the design, which we would consider a missed opportunity. At present, it is difficult to fully assess the SuDS value as there is no clear detail regarding how the various catchments will manage surface water at source and then transfer surface water across the site. The use of swales is suggested, but this is only for the interception and control of overland surface water flows, and not for the main system serving the site ...

It is proposed for a single point of discharge to the watercourse along the north-west boundary of the site. 105.5 ls-1 could be a significant amount of energy being released at a single point. We would therefore expect to see means of dissipating some of this energy - possibly though multiple points of discharge, works to the watercourse to make it more resilient, or the use of swales etc. to spread the flow prior to final discharge.'

In order to support any reserved matter submission, the Drainage Officer has highlighted a number of matters that will require more detailed information to be submitted and the applicants' attention will be drawn to these via a suitable informative. This is in addition to a condition relating the detailed design of the final drainage scheme.

In respect of foul drainage, the development will look towards the requisition of a new foul water sewer to serve the proposed development. Southern Water indicate that 'network reinforcement' is required and it is stated that any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the developer will need to work together in order to ensure the delivery of their network reinforcement aligns with the proposed occupation of the development. Southern Water therefore requests a condition on occupation to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available.

To summarise, no objections have been raised by Southern Water subject to their requirements being secured by appropriate conditions.

Water Quality

Regarding water quality and the impact of the development on existing water infrastructure, the Council's Drainage team has assessed the ES and the FRA.

No objections are raised on this issue and it is stated that at this outline planning application stage the applicant has provided sufficient information and details to satisfy the Flood Risk & Drainage Team that the development can be achieved. Given that the watercourses that run through or adjacent to the site, there is always the potential for some water pollution as part of the normal construction process, in order to mitigate against this the Council will expect appropriate mitigation to be included within the CEMP, that will be secured via a condition suggested in Appendix A.

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by the addendums) considered the Friars Oak development in a cumulative context. Each of these schemes has been considered acceptable in relation to flood risk and drainage matters. The development would not result in cumulative flood risk and drainage impacts with these developments, over and above those already considered above. There are no other developments that are considered to result in in-combination flood risk and drainage impacts.

In forming this conclusion, regard has been given to the Environmental Statement submitted with the application, which is considered to contain adequate information, as well as evidence held by the Council and representations, including those consultees referenced above who have not raised any objections to the scheme.

Chapter 12 of the 2018 ES concludes that the construction period the potential impacts on water quality (without mitigation) range from slight to moderate adverse. These effects are considered to be temporary, reversible with time and not significant. In relation to flood risk, the implications for receiving water bodies (without mitigation) is considered to be slight adverse and not significant, while unmitigated effects on residents and properties is assessed as moderate adverse

and significant. Following mitigation, the residual effects of the proposal conclude that there will be no significant effects on the water environment.

The ES Addendum (June 2019) states that the predicted effects of the proposed development in light of the proposed scheme changes will not result in flood risk implications and the conclusions of the original ES remain unaltered.

In light of the above conclusions, and with the securing of appropriate mitigation that includes a CEMP and the details of the final drainage scheme (that follows SuDS principles) and its future management, through appropriate worded conditions, it is reasonable to conclude that the proposal will not have a significant impact on the water environment in respect of either water quality or flood risks.

Having regard to the above the development accords with policies DP11, DP41 and DP42 of the Mid Sussex Local Plan, policy 4 of the Hassocks Neighbourhood Plan (Referendum version) and the NPPF.

Natural Heritage (Ecology and Biodiversity)

Policy DP11 states that development on this site will, inter alia;

'identify and respond to environmental and ecological constraints and deliver opportunities to enhance green infrastructure and local biodiversity.'

Policy DP38 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.'

Policy 3 of the NP supports proposals which seek to conserve, maintain or enhance the existing green infrastructure. In particular support will be given to proposals, that amongst other things, seek to link to existing path and open space networks , provide off road access for walking, cycling and horse-riding and include native planting.

NPPF states in part at paragraph 170 that, inter alia:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; ...
d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; ... '

Paragraph 175 is also relevant to the determination of planning applications with this stating, inter alia, that:

'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 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.'*

In support of the application, the applicant has submitted various ecological surveys that from the basis of the consideration for the relevant chapter within the ES and ES Addendum.

These submissions have been subject to consultation with the Council's Ecological Advisor and Natural England.

Habitats

The majority of the site has been identified as neutral semi-improved grassland and while the grassland habitat has a good range of species, they are frequently cut for hay, therefore reducing the wildlife value. Furthermore, it is identified that the habitat is widespread and common and therefore considered to be of site level importance. There are two arable fields on the western part of the site. These are monocultures and are considered to be common and widespread and of negligible ecological value.

A small spring is located on the site, which feeds a shallow ditch that runs northwards along the central hedgerow. This wet habitat, which provides a wildlife corridor and feeds into other watercourses in the surrounding area, is considered to be of local importance.

The submitted information identifies that fourteen hedgerows have been assessed to determine whether any are 'important' or 'species rich' under the Hedgerow Regulations (199&). Four of the hedgerows are classed as species rich, with a further one classed as important. The hedgerows are considered to be of local importance.

Protected Species

Badgers

No badger sett has been recorded on the site or within 30m of the boundary of the main area of the application site. No other evidence of badgers was found on the site. Badgers are considered to be of low nature conservation value and were not considered further.

Great Crested Newts

In relation to Great Crested Newts, while no ponds are on the site, the submitted evidence identified seven ponds and spring with 500m of the application boundary. While two of the pond could not be assessed (as on private land), only one pond, to south of Oak Tree Drive was positive for Great Crested Newts. Having regard to the distance and the intervening land uses between the pond and the application site it is not considered realistic for there to be movement between the two, Great Crested Newts were not considered further.

Bats

Although no bats roosts were identified at the time of the survey, there are a number of mature trees along the application site boundaries with features that could support roosting bats. The on-site habitat provides potential foraging opportunities for bat and provides connectivity to the wider area. The bat activity surveys show that the site is used by several different species of bat. The majority of calls were from common species and the low suitability of most of the on-site habitats means that bats foraging are classified as of site level importance.

Reptiles

With regards to reptiles the survey recorded a total of four adult slow worms, once common lizard and one adult grass snake. The reptiles were found along the western, northern and southern boundaries of the site. While the records indicate that the site supports a 'low population', as the site supports three species it is considered to be a key reptile site and of interest at a local level.

Dormice

Survey work has only identified one adult dormouse on the site, found in a nest tube on the western boundary of the site, although evidence of a food cache at a later visit was also found. Given the connectivity of the linear hedgerow/woodland features it must be assumed that dormice are present in all suitable habitats on site. Dormice are considered to be of local importance.

Birds

Yellowhammers and skylarks were observed on the site during the ecological appraisal visit in 2017, with linnets observed in hedgerows during visits in 2016. All three are Red List species, meaning that they are of high conservation concern. Birds are therefore considered to be of local importance. It should be noted that representations have highlighted that nightingales have been seen on the site.

The Council's ecology advisor has not raised an objection to the proposals and made the following comment;

'In my opinion, then, subject to the following conditions a reserved matters application should be capable of avoiding, adequately mitigating or, as a last resort,

compensating for significant impacts on biodiversity conservation and as such would be compatible with district plan and NPPF biodiversity policies.'

The development has been considered in combination with schemes at Hassocks Golf Club (DM/18/2616), Keymer Tile Works (09/03697/OUT), Kingsway developments, Burgess Hill - land east of Kingsway and land east of Gerald Close, The Martlets, Burgess Hill (DM/15/3858), Little Park Farm and Highfield Drive, Hurstpierpoint (12/04141/OUT), Chalkers Lane South/Cuckfield Road (DM/15/3658) and land West of London Road, Hassocks (DM/17/4307). Furthermore, it should be noted that the applicant has confirmed that the ES (as updated by the addendums) considered the Friars Oak development in a cumulative context. Each of these schemes has been considered acceptable in relation to natural heritage matters. The development would not result in cumulative natural heritage impacts with these developments, over and above those already considered above. There are no other developments that are considered to result in in-combination natural heritage.

In forming this conclusion, regard has been given to the Environmental Statement submitted with the application, which is considered to contain adequate information, as well as evidence held by the Council and representations.

Chapter 9 of the 2018 ES concludes that during the construction period the potential effects on habitats within the site would be slight adverse, which is not significant. In respect of protected species, there would be a slight adverse effect, which is not significant in the context of ES. In relation to post-construction effects on badgers and birds it is considered to be negligible, while it concludes that there will be a slight adverse effect on dormice, which is not significant. Bat activity on the application site was limited to the hedgerows and trees. Bat species are nocturnal and light sensitive and increase in light levels around these features could impact on how bats use the application site.

Although the assessment demonstrates that no significant effects are predicted on the natural heritage during the construction phase, it is important to note that the presence of some of the fauna species means various legislative obligations apply. The presence of dormice in the woodland edge on the west of the site and connectivity of the hedgerows and woodland on the site means that a protected species licence will need to be obtained from Natural England prior to commencing construction works. In line with good practice a CEMP will be used to minimise the effects of construction activities. An ecological enhancement plan and a landscape management plan will be secured through appropriately worded conditions as suggested in appendix A.

No significant effects were concluded pre-mitigation and the mitigation / enhancement measures proposed does not alter this finding. Although the enhancement measures set out above will offer a slight positive effect to a number of key species, these benefits will not be significant in an EIA context.

The ES Addendum (June 2019) the predicted effects of the proposed development in light of the proposed scheme changes will not result in natural heritage additional implications, over and above those already considered and the conclusions of the original ES remain unaltered.

Having regard to the above the development accords with policies DP11 and DP38 of the Mid Sussex Local Plan, policy 3 of the Hassocks Neighbourhood Plan (Referendum version) and the NPPF.

Ashdown Forest

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

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

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

<u>Recreational disturbance</u>

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

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

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

<u>Atmospheric pollution</u>

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

The proposed development was modelled in the Mid Sussex Transport Study (Updated Transport Analysis) as a committed scheme such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Having regard to the above, it is considered to accord with policy DP17 of the Mid Sussex District Plan and would not conflict with the Conservation of Habitats and Species Regulations 2017 (as amended).

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

Site specific policy DP11 sets, inter alia, that the development will make provision for the following infrastructure;

- *'A new primary school*
- *Gypsy and Traveller provision*
- *A financial contribution to secure improved public transport provision to Hassocks and Burgess Hill*
- *Provision for northern buffer to be transferred to the Parish Council.*
- *Provision of electric charging points*
- *Enhance cycle route to Burgess Hill*
- *Provision of formal play facilities and informal open space on the site*
- *Financial contribution to improve the exiting open space to the south of the site*
- *Affordable housing*

- *Infrastructure as required in IDP and identified in technical assessments'*

Policy DP23 of the District Plan states:

'The Council will encourage the incorporation of digital infrastructure including fibre to premises, in major new housing, employment and retail development.'

The policy goes on to state, *'The expansion of the electronic communication network to the towns and rural areas of the District will be supported.'*

When considering proposals for new telecommunication equipment the following criteria will be taken into account:

- *The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area. On buildings, apparatus and associated structures should be located and designed in order to seek to minimise impact to the external appearance of the host building;*
- *New telecommunication equipment should not have an unacceptable effect on sensitive areas, including areas of ecological interest, areas of landscape importance, Areas of Outstanding Natural Beauty, the South Downs National Park, archaeological sites, conservation areas or buildings of architectural or historic interest and should be sensitively designed and sited to avoid damage to the local landscape character;*
- *Preference will be for use to be made of existing sites rather than the provision of new sites.*

When considering applications for telecommunications development, regard will be given to the operational requirements of telecommunications networks and the technical limitations of the technology.'

Policy 13 of the NP supports the provision of a new primary school within the Parish.

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

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

and:

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

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

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

Having regard to the above policies, the impacts of the proposed development and the consultation responses received, the following matters are proposed to be secured via a S106 Legal Agreement;

West Sussex County Council Provisions

- Transfer of land for a 2FE Primary School, to include early years and SEND places

- Financial contribution towards cost of providing the school (The proposed development generates the need for 0.5FE school)

- Financial contribution towards increasing capacity at Downsland Community School

- Financial contribution towards development of services as Hassocks Library

- A contribution of £7,300 to enable the investigation and reduction of the existing derestricted speed limit on Ockley Lane, if deemed compliant with current policy

- A scheme of improvements at Keymer Road/Folders Lane mini-roundabout

- Contribution to WSCC proposed works at New Road/Lodge Lane crossroads

- Delivery of a continuous bridleway northwards to Burgess Hill, incorporating those works within DM/18/4980, and the details shown on drawings numbered ITB11335-GA-021, ITB11335-GA-022, ITB11335-GA-023, ITB11335-GA-024 and ITB11335-GA-025

- Public rights of way improvements as shown on drawing numbered ITB11335-GA-014 to footpath 11k, to include conversion to a bridleway (subject to land owner's permission)

- Walking improvements along routes from the development into Hassocks as identified in Pedestrian and Cycle Audit as shown on drawings numbered ITB11335-GA-033 and ITB11335-GA-054

- Additional cycle parking in the vicinity of Hassocks Railway Station as shown on drawing numbered ITB11335-GA-049 or a contribution in lieu of the cost of the works to provide cycle parking or other such cycle improvements in the vicinity of the development

- Provision or contribution towards two vehicle activated signs on Ockley Lane at locations to be agreed to reinforce the existing 30mph speed limit

- A financial contribution to the upgrading of footpath 5k between the railway line and footpath 11k

Mid Sussex District Council Provisions

- 30% affordable housing to include a tenure split of 25% shared ownership and 75% rented in accordance with policy DP31 of the DP

- Formal sport; A financial contribution calculated in accordance with the Development and Infrastructure SPD towards additional junior football pitch provision in Hassocks Parish.

- Community building; Transfer of 0.1ha of land for a community building and a financial contribution and a financial contribution calculated in accordance with the Development and Infrastructure SPD towards construction of the facility.

- Gypsy and Traveller Accommodation: a contribution is required for the provision of offsite permanent pitches for settled Gypsy and Traveller Accommodation to accord with policy DP11 of the DP. A Gypsy and Traveller contribution is required in this case given; site is not is not large enough to successfully accommodate the pitches, alongside 500 homes, a new school and the associated open space. This conclusion was reached on the basis of the detailed assessment site constraints, which include the railway line, flood plain, existing houses and single vehicle access point. Furthermore, the need to provide appropriate buffer areas in order to mitigate the impact on the setting of adjacent heritage assets, which is also a requirement of the site allocation (DP11 refers). Such buffers are required to ensure that any development accords with the legal obligations of Section 66 of the Listed Building and Conservation Area Act 1990. A sum of £750,000 is to be secured.

- Healthcare contribution of £326,289. This is a pro rata contribution based on the total number of units on a pro rata basis towards healthcare capital infrastructure improvements for Hassocks.

- Sussex Police have requested the sum of £86,175 towards specified policing infrastructure.

The Legal Agreement will include a covenant, by the owner, that they will make a financial contribution towards improvements to the open space to the south by means of a payment direct to the owners of that open space. While the contribution is a policy requirement of DP11, it is not considered that it meets all the required legal tests, in particular criterion a) of paragraph 56 of the NPPF as set out at the top of this section, for it to be secured within an S106 Legal Agreement. While the applicant is willing to make a contribution, given the position as set out, members are advised not to give this contribution any weight in the planning balancing exercise undertaken in the determination of the application.

It should be noted that having regard to the provision of works that the development will be delivered by the development, or part funded by it, that it is not considered

appropriate that a separate contribution towards Local Community Infrastructure is appropriate.

In relation to the digital infrastructure, as required by policy DP23 of DP, full details of how this will be provided will be secured via condition and a suitable wording is set out in Appendix A.

The concerns raised in the third party representations about the effects of the development on local infrastructure are acknowledged. It is accepted that the additional population from this development will impose additional burdens on existing infrastructure and the monies identified above will mitigate these impacts. As Members will know developers are not required to address any existing deficiencies in infrastructure; it is only lawful for contributions to be sought to mitigate the additional impacts of a particular development.

Subject to the signing of S106 Legal Agreement, the proposal would accord with policies DP11, DP20 and DP23 of the Mid Sussex District Plan, the SPDs, policy 13 of the Hassocks Neighbourhood Plan (Referendum version), Regulation 122, and guidance in the NPPF

Minerals

Policy M9 of the West Sussex Joint Minerals Local Plan states:

"Soft sand (including potential silica sand), sharp sand and gravel, brick-making clay, building stone resources and chalk reserves are safeguarded against sterilisation. Proposals for non-mineral development within the Minerals Safeguarded Areas (as shown on maps in Appendix E) will not be permitted unless:

(i) Mineral sterilisation will not occur; or
(ii) it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or
(iii) *the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible."*

The site includes areas identified as both brick clay and building stone Mineral Safeguarding Areas.

The application has been considered by the WSCC as the Minerals and Waste Planning Authority, where they have stated;

'Sterilisation of the mineral resource will occur as a result of the change of use of the land. This is evident as the proposed development would occupy an undeveloped site outside of any built up area boundary that resides within the Weald (Brick) Clay Resource Mineral Safeguarding Area.

While the applicant has not confirmed whether the extraction of the mineral is appropriate, environmentally feasible, or practicable; the proposed development area

is allocated as a strategic site designated for non-mineral development as identified within the Mid Sussex District Plan (2014-2031), Policy DP11.

Therefore, in accordance with Policy M9 (iii), it will be for the determining authority to establish whether there is an 'overriding' need for the development, sufficient to outweigh safeguarding of the mineral. On balance, provided a need for housing in this location can be adequately demonstrated, in this case the County Planning Authority would offer no objection to the proposals.'

It is acknowledged that the redevelopment of this site would result in the sterilisation of both brick clay and building stone on the site itself. However, the site occupies only a very small proportion of the Minerals Safeguarding Area and it is not considered appropriate and practicable to extract the mineral prior to the development taking place, having regards to Policies DP4 and DP11of the District Plan. Furthermore, the overriding need for the development given the need for housing during the plan period and the ability to demonstrate appropriate provision of brick clay and sandstone, is considered to outweigh the safeguarding of the mineral. As such, the proposal is considered to be in accordance with Policy M9 of the West Sussex Joint Minerals Local Plan.

Contaminated Land

Paragraph 170 of the NPPF states, inter alia, that decisions should,

'contribute to and enhance the natural and local environment by…

d) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
e) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'

Paragraph 178 of the NPPF states that decisions should,

'ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
c) *adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

In support of the application, a desk study and preliminary site investigation has been submitted and considered by your Contaminated Land Officer who has stated;

'The preliminary site investigation has not identified any levels of contamination on site that would present a risk to human health.

However, given the limited scope of the investigation, the size of the proposals and the sensitivity of the proposed uses, they have recommended that further testing be undertaken before construction take place in order to help identify any potential hot spots.

Given that the possibility of hot spots will never be ruled out completely by a ground investigation, it is also recommended that a discovery strategy should also be attached, so that in the event that contamination not already identified prior to construction, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.'

In raising no objection, your officers raise a number of points that can addressed through appropriately worded conditions. Such conditions are set out in appendix A to this report that secures the additional information to address the matters raised.

Having regard to the above, with the securing of the suggested conditions, it is not considered that the proposed development would give rise to contaminated land issues and thus accords with the relevant paragraphs of the NPPF in this regard.

Sustainability

Policy DP39 of the District Plan states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

Site specific policy DP11 states, inter alia;

'development in this location will: …

- *Make provision for charging electric vehicles by installing a dedicated electrical socket suitable for charging electric vehicles at each residential unit (either internally such as within a garaged, or externally at an allocated parking space) and making parking areas 'charger ready' by making it possible to install a dedicated electric vehicle charging device (such as fast charges) at a later date;*

- *Wherever viable incorporate on-site 'community energy systems' , such as combined heat and power, ground-source heat pumps or other appropriate low carbon technologies, to meet energy needs and create a sustainable development. The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measures to demonstrate high levels of sustainability.'*

Policy 5 of the NP will support development proposals that maximise the opportunity to include sustainable design features and those which make provision for charging of electric vehicles. Policy 16 of the NP seeks to maximise opportunities to facilitate and provide increased use of non-carbon fuelled vehicles.

Paragraph 150 of the NPPF seeks to ensure new development helps, *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* Paragraphs 153 expects new development to, *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The application is supported by an energy statement that considers the various options available to the development to reduce its carbon emissions. The statement sets out that the development will adopt a 'fabric first' approach to reducing emissions by including the following measures;

- Energy efficient building fabric and insulation to all heath loss floors, walls and roofs
- Use of high-efficiency double glazed windows throughout properties
- New dwellings will achieve good air tightness results to limit loss
- New dwellings will incorporate efficient building services including high-efficiency heating systems
- Low-energy lighting throughout the building

The applicants' submissions state;

'These combined measures will be sufficient to exceed the target reduction in CO2 emissions for the scheme, therefore avoiding the need to incorporate any renewable or low carbon energy technologies.'

It should be noted that the energy statement sets out that Solar Thermal, Solar PV and Aerothermal (air source heat pumps) are feasible for the development, while wind, geothermal (ground source heat pumps) and biomass are not considered to be feasible for a development of this size in this location.

In relation to electric vehicle charging, the applicant submissions, including the Travel Plan, take into account the need to provide such facilities, and while it will be for any future reserved matter to address, it is considered that a suitably worded condition can secure the details as part of any future submissions.

Subject to appropriate conditions to secure relevant details at reserved matters stage, the proposal would not result in significant environmental effects in relation to sustainability and is considered to be in accordance with Policies DP11 and DP39 of the Mid Sussex District Plan, policies 5 and 16 of the Hassocks Neighbourhood Plan (Referendum Version) and paragraphs 150 and 153 of the NPPF.

Community and Social effects

Chapter 7 of the 2018 ES considers the potential post construction community and social effects of the proposed development. It identifies (in summary) the effects as follows;

- In terms of the population of the ward of Hassocks, including its demographic, it is considered a small to medium change is predicted, which will be a slight to moderate effect in ES terms.

- While the increase in housing associated with the development is not considered to be significant, it would give rise to a moderate significant beneficial effect in terms of affordable housing provision in the village. Given the high sensitivity of affordable housing provision in the District, the small increase in provision will lead to a moderate beneficial effect.

- Businesses in the local centre are considered to be of medium sensitivity to the small change in population predicted. This is concluded as resulting in a slight beneficial effect, which is not significant.

- Infant and junior school provision is considered to be of high sensitivity to population change, whilst secondary school provision is of low to medium sensitivity. The proposed development will provide land for a 2-form entry primary school which will be a large increase in available primary school places in the village, which will be a very substantial, significant beneficial effect.

- Secondary school aged children from the development will be able to be accommodated by the planned increase in places available at Downlands Community School. However, this would not leave any space capacity at the school and so a moderate adverse effect on secondary school provision was concluded.

- In relation to health provision, doctors' services in the area are considered to be high sensitivity to population changes. The additional population generated by the proposed development will result in a moderate adverse effect on doctor provision.

- The proposed development includes public open space, play areas and a community hub, therefore only a small increase in demand for off-site community

facilities is predicted. Given the medium to high sensitivity of community facilities, this will be a slight to moderate adverse effect.

- The proposed development will retain the existing footpath through the site (considered to be of low sensitivity), whilst providing land for a bridleway link to Burgess Hill and a working with Network Rail to provide an improvement of the rail crossing. This will result in a slight beneficial effect, which is not significant.

In concluding on the matters it is stated;

'It is anticipated that financial contributions will be made via a legal agreement attached to the planning consent to community facilities and services, including secondary schools, healthcare, formal recreation provision and libraries. This will ensure that there will be no significant adverse effects on these facilities and services as a result of the proposed development. Implementation of the mitigation will be monitored through the council's existing planning obligations monitoring system.'

The provision of the financial contributions as set in the draft heads of terms outlined earlier in the report, will enable additional capacity/improved facilities in order to meet additional demand generated from the proposed development and as such officer's agree that significant effects can be mitigated against.

The ES Addendums (June 2019 and August 2019) considered that the conclusions in chapter 7 of the 2018 ES remain unchanged.

Officers agree with the conclusions of the ES on these matters.

Planning Balance and Conclusion

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The NPPF states that planning should be genuinely plan-led. The Council has an up-to-date District Plan and is able to demonstrate that it has a 5 year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

In terms of the principle, the site is located within the built-up area as defined by the Mid Sussex District Plan, with the boundary being formally extended upon the adoption of the District Plan in March 2018. As such the principle of the development is acceptable under the provisions of Policy DP6 of the Mid Sussex District Plan which states that development will be permitted within towns and villages with defined built-up area boundaries.

In this case the site is one of the strategic allocations in the District Plan. Policy DP11 is the relevant Policy in the District Plan which allocates the site. This supports in principle a strategic mixed-use development and accordingly allocates the land to the north of Clayton Mills, subject to meeting a number of criteria.

As highlighted within this report, the proposal will have a number of benefits that need to be taken into consideration.

The proposal will provide up to 500 new homes. 30 per cent of these will be affordable which equates to 150 dwellings. The proposal will also provide a financial contribution to provide 5 permanent gypsy and traveller pitches on an alternative site.

The proposal will make provision for the site of a new primary school which will include Special Educational Needs and Disability and Early Years provision, along with a financial contribution towards its construction. A financial contribution to additional secondary and sixth form provision in the district is also being provided.

The proposal provides a site for a community building and a contribution towards its construction. In addition, the scheme will provide for a number of open spaces in addition to two equipped areas of play.

Public right of way improvements are proposed between the site and Hassocks, along with a new bridleway to provide an entirely off-road link Burgess Hill (with existing routes then providing onward links to the railway station and town centre).

A number of off-site highways infrastructure improvement works are proposed that will include junction improvements, a new bus stop, traffic calming/improvement schemes, pedestrian and cycle access improvements and provision and provision of additional cycle parking at Hassocks train station.

The proposals provide for a greenspace buffer to the northern boundary of the site, in accordance with policy DP11, which is secured through the parameter plan. This will provide a strong defensible boundary to site and protect against the coalescence and retain the separate identifies of Hassocks and Burgess Hill.

The applicants have committed to part funding the improvements to the Woodside Level Crossing with the provision of a pedestrian tunnel to replace the existing stepped arrangement. The Council are currently considering, separately, a submission from Network Rail for the tunnel.

In terms of measures to improve levels of sustainability, the submissions indicate that the 'fabric first' approach will be adopted to reducing emissions and the provision of electric vehicle charging points form part of the proposed travel plan measures. Conditions are proposed to secure the travel plan and the submission of other associated details through the reserved matters submission.

The committee report for this proposed development has, however, identified a number of adverse effects that need to be taken into consideration and weighed against the benefits.

As identified within the heritage assessment of the report, the proposal will cause less than substantial harm to nearby designated heritage assets and great weight needs to be given to this. The test set out at paragraph 196 of the NPPF is that this harm (less than substantial) should be weighed against the public benefits of the development. In this particular case there are clear, substantial, demonstrable and compelling public benefits outlined in this report which are considered to outweigh the less than substantial harm to the settings of the heritage assets identified. Historic England has not raised an objection to the application on heritage grounds.

Whilst the proposal will cause less than substantial harm to the non-designated heritage assets of moderate to high significance, a balanced judgement on this issue must be made in accordance with the NPPF. This less than substantial harm has been balanced against the positive benefits that flow from the development of up to 500 dwellings and the provision of land for a primary school on the site that forms one of strategic site allocations within the District Plan (DP11 refers). It is judged that the benefits of the scheme significantly outweigh the less than substantial harm to the non-designated heritage assets.

It is inevitable that the proposal will have adverse landscape effects during the demolition and construction phase. These will, however, be temporary in nature and mitigated for as best as possible through the use of conditions. In time, the establishment of the landscape mitigation, will reduce the perception of the proposed development and allow it to assimilate into the wider landscape.

The proposal will result in some harm to the residential amenities of neighbouring residents, which is inevitable with a development of this size and nature, in a location such as this. The illustrative master plan identifies green space buffers between new and existing properties, which will be secured through the parameter plans, which will ensure that acceptable separation can be maintained. It is not considered that these impacts are likely to give rise to significant harm, particularly as careful consideration can be given to proposed relationships through the reserved matters process.

The loss of access to a potential mineral resource can be classed as an adverse effect. However, it is considered that these particular adverse effects should only be given limited weight given that the site is allocated for development. WSCC, as the planning authority in relation to minerals, has not raised an objection to the application.

The proposal has the potential to impact upon the Air Quality Management Area at Stonepound Crossroads, as well as air quality in general. The submissions show that there will be a negligible increase in the NO2 of particulate matter, but concentrations will be below the relevant objectives at all receptor locations. Having regard to mitigation measures that will be secured, it is not considered that there will be any significant effects and your Environmental Protection Officer has not raised an objection to the application.

To implement the proposal only two trees are required to be removed, while sections of hedgerows will be removed both within the site and along Ockley Lane to facilitate the development and its associated access. None of the hedgerows have been

identified as important and appropriate landscaping can be secured to mitigate the impacts. In terms of general biodiversity matters, there will be some impact on protected species, however, appropriate mitigation can be secured and no objection has been raised by either the Council's ecology consultant or Natural England.

The proposal has been found to be acceptable in regard to a number of other planning issues where there will be a neutral impact such as highway safety, the effects on statutorily protected land including the South Downs National Park where views of the site would be seen in the context of Hassocks, water resources and the Ashdown Forest.

In terms of benefits, the Environmental Statement references the provision of affordable housing and the increase in provision of primary school places in Hassocks, while working towards satisfying policy DP11 of the DP which is an integral part of the delivery of the overall housing numbers for the District Plan.

The residual effects, as set out in the Environmental Statement, arising from the proposed development are those effects that remain following the implementation of identified mitigation measures. It is recognised that the proposed development will lead to a small number of changes in the local environment, both adverse and beneficial, that are a consequence of a development of this nature, in this location, that would have been envisaged when the site was allocated for development as such changes would be unavoidable in relation to the altered setting and change of use of the site.

Whilst it is acknowledged that some significant adverse effects will be experienced during the site preparation and construction phase, these impacts will be temporary in nature and controlled by on-site best practice measures in line with a Construction and Environmental Management Plan (CEMP).

Mitigation measures, as outlined within the Environmental Statement, have been secured through the conditions as set out in Appendix A and through the legal agreement where appropriate. With such measures secured, the conclusions of the Environmental Statement are considered by Officers to be reasonable and accurate.

The proposal would provide significant economic benefits from the provision of construction jobs and an increased population likely to spend in the community. The development would also generate a New Homes Bonus. As such it is felt that the economic objective of sustainable development as defined in the NPPF would be met by the scheme.

The provision of up to 500 dwellings on this sustainable site will make an important contribution to the district's housing supply. The development will also provide key infrastructure that will benefit future residents and existing residents of Hassocks. It is therefore considered that the development meets the social and environmental objectives of sustainable development as defined in the NPPF.

Officers consider that the benefits of this development, as highlighted within this report, significantly outweigh the adverse impacts that will in any event be mitigated for as far as possible.

The application is in accordance with the site wide allocation Policy DP11 with the exception of the provision of a contribution towards public transport improvements. Given other sustainable transport improvements being offered, particularly a new bridleway link to Burgess Hill, it is considered that the lack of provision on this matter is acceptable in planning terms in this instance.

The application also complies with Policies DP4, DP6, DP11, DP12, DP13, DP17, DP18, DP20, DP21, DP22, DP23, DP24, DP25, DP26, DP27, DP28, DP29, DP30, DP31, DP33, DP34, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, policies 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 16 and 17 of the Hassocks Neighbourhood Plan (Referendum version), the NPPF, the Listed Building and Conservation Area (LBCA) Act 1990 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

In light of this the application is considered to constitute sustainable development and complies with the Mid Sussex District Plan when read as a whole. The application is therefore in accordance with the Development Plan, and there are no other material planning considerations that reasonably indicate an alternative conclusion should be reached.

The application is therefore recommended for approval, subject to the conditions listed in Appendix A and to the completion of a satisfactory S106 Legal Agreement.

APPENDIX A – RECOMMENDED CONDITIONS

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority for any phase of development, prior to the commencement of development on site.

   Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.

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

2. The development hereby permitted must be begun before the expiration of 1 year from the date of approval of the last of the reserved matters.

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

3. The submission of the reserved matters shall be broadly in accordance with the following parameter plans;

   Land use parameter plan, 1209.04B
   Scale parameter plan, 1209.05B
   Access parameter plan, 1209.06B

Reason: For the avoidance of doubt and in the interests of proper planning and to accord with policies DP11, DP21, DP26, DP37 and DP38 DP37 of the District Plan 2014 - 2031.

4. Prior to or in parallel with the submission of the first reserved matters application(s) a site-wide phasing plan shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with this plan, unless otherwise agreed in writing by the Local Planning Authority.

   Reason: To enable the Local Planning Authority to control the development in detail and to accord with Policies DP11 and DP26 of the District Plan 2014-2031.

5. No development shall take place until the applicant, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

   Reason: To protect the archaeological interest of the site and to accord with Policy DP34 of the Mid Sussex District Plan 2014 -2031 and the NPPF.

6. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

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

   Reason: In the interests of highway safety and the amenities of the area and to accord with policies DP11, DP21 and DP26 of Mid Sussex District Plan 2014 - 2031.

7. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall address control of noise and vibration from construction work, including the compacting of ground (in line with section 7.2 of the submitted Environmental Statement Technical Appendix G: Noise, Dec 2018); dust control measures (in line with section 7.4 of the submitted Environmental Statement Technical Appendix B; Air Quality, Dec 2018); policy for burning on site, and site contact details in case of complaints. The approved Plan shall be adhered to throughout the construction period.

   Reason: To safeguard the amenity of nearby occupiers and to accord with policies DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

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

   Reason: To ensure that the proposal is satisfactorily drained and to accord with policy DP41 of the Mid Sussex District Plan 2014 - 2031 and the NPPF.

9. No phase of the development shall take place unless and until details of the existing and proposed site levels of that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

   Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality and to accord with Policy DP26 of the District Plan 2014 - 2031.

10. No development shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls, roofs and fenestration 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 DP11 and DP26 of the Mid Sussex District Plan 2014 - 2031.

11. Construction shall not commence until there has been submitted to and approved in writing by the Local Planning Authority:

    a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice;

       and, unless otherwise agreed in writing by the local planning authority,

    b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

    Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 170 of the National Planning Policy Framework.

12. Prior to the commencement of construction of any dwelling or building, including the construction of foundations, a detailed Landscape Management Plan (LMP) shall be submitted to and approved in writing with the Local Planning Authority. The LMP shall include all areas (excluding private residential gardens) of open space and buffer areas and the development shall only be implemented and manged thereafter, with the approved details.

    Reason: To protect the character and amenity of the area and to accord with policies DP11 and DP26 of the District Plan 2014 - 2031.

13. The reserved matters application(s) shall be supported by an updated ecological impact assessment covering the detailed planning proposals, including lighting proposals and supported by updated ecological survey information where necessary to accord with good practice and a full construction environmental management plan (CEMP) setting out protection and mitigation measures and habitat enhancement and management proposals, which may be integrated with landscape planting and management proposals.

    Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.

14. A Sustainability Statement shall be submitted in support of any reserved matter application(s) setting out the measures that the will be included within the development to support sustainable design and construction. The development shall only be implemented in accordance with the approved details.

    Reason: In the interest of sustainability and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.

15. The reserved matters application(s) shall be supported by an updated heritage assessment having regard to the specific design mitigation measures proposed within the detailed planning proposals, including the provision of a buffer to the eastern part of the site and appropriate landscape planting to mitigate the effects of the development on the setting of the nearby heritage assets. The development will only be implemented in accordance with the approved mitigation measures.

    Reason: To mitigate the impact of the proposals on the setting of nearby heritage assets and to accord with Policy DP34 of the Mid Sussex District Plan and NPPF.

16. The applicant shall submit an emissions mitigation calculation, in accordance with the Air Quality & Emissions Mitigation Guidance for Sussex which is current at the time of the reserved matters application, the purpose of which is to assess the emissions relating to the development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment.

    The emissions mitigation assessment must use the most up to date emission factors. A Mitigation Scheme, based upon the preferred measures set out in table 7.6 in Technical appendix B of the 2018 Environmental Statement, to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

Reason: To ensure air quality and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

17. Construction on any dwelling hereby approved work shall not begin until a detailed Acoustic Design Statement (as per ProPG guidance) and a scheme for protecting the residential units from external road and rail noise have been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00 hours, post construction. The applicant shall also submit details demonstrating that the design of the development will achieve an acceptable balance between thermal and acoustic comfort. An appropriate design should reduce the reliance on openable windows for the control of overheating on facades subject to higher noise levels. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period unless otherwise agreed in writing. All works which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of future residents with regard to external noise and to accord with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

18. Prior to the commencement of construction of any dwelling or building, including the construction of foundations, details of the external lighting scheme shall be submitted to and approved in writing with the Local Planning Authority. The development will only be implemented in accordance with the approved details.

Reason: To protect the character and appearance of the area and to accord with policies DP11, DP18, DP26 and DP38 of the Mid Sussex District Plan 2014 - 2031.

19. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays: No work permitted

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

20. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (11)b that any remediation scheme required and approved under the provisions of condition (11)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

a) built drawings of the implemented scheme;

b) photographs of the remediation works in progress;
c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (12b) .

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 170 of the National Planning Policy Framework.

21. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 170 of the National Planning Policy Framework.

22. No part of the development shall be first occupied until visibility splays of 2.4 metres by 120 metres have been provided at the proposed site vehicular access onto Ockley Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to accord with Policies DP11 and DP21 of the Mid Sussex District Plan 2014 - 2031.

23. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access Arrangement from Ockley Lane, numbered ITB11335-GA-032 Rev I.

Reason: In the interests of road safety and to accord with policies DP11 and DP26 of the Mid Sussex District Plan 2014 - 2031.

24. Upon the first occupation, the Applicant shall implement the measures incorporated within the approved travel plan (referenced MG/RS/ITB11335-102B R, dated 3rd June 2019). specified within the approved document.

Reason: To encourage and promote sustainable transport and to accord with policies DP11 and DP21 of the Mid Sussex District Plan 2014 - 2031.

25. Prior to the first use of the primary school, the use of any external ventilation, refrigeration, heating or air conditioning plant or machinery, details shall be submitted, and approved in writing by the Local Planning Authority, demonstrating

that the plant or machinery noise rating level shall be at least 5dB below the existing background noise level at the nearest residential façade between 07:00 and 23:00 hrs on any day, and below 30dB LAeq(8hr) at all other times. All measurements shall be defined and derived in accordance with BS4142: 2014.

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

26. No dwelling shall be occupied until details of the play areas and open space areas to be provided within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted information shall include the details of the layout, equipment, landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory provision of play space and equipment and to ensure that the play area/s are provided and retained within the development for use by the public and to accord with policy DP24 of the Mid Sussex District Plan 2014-2031.

27. Prior to any of the dwellings hereby permitted being occupied the developer shall provide details of the provision of for fibre to premises infrastructure that has been provided in the development. None of the units shall be occupied until these details have been approved in writing by the Local Planning Authority.

Reason: To ensure improved digital connectivity and the provision of high-speed broadband and 4G to the development and to accord with Policy DP23 of the District Plan.

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

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

29. The details of landscaping to be submitted pursuant to Condition 1 shall include a timetable for their implementation, and the landscaping works shall thereafter be implemented in accordance with the timetable thus approved. For a period of five years after planting, any plants or trees which die or are destroyed, or become seriously damaged or defective, shall be replaced by another of the same size and species, at the same place, within the next available planting season.

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.

30. All existing trees and hedgerows on the site shall be retained unless specifically approved for removal at the outline and reserved matters stages. All trees and

hedges to be retained shall be protected during construction by means of protective fencing, in accordance with the details specified in the submitted Arboricutural Impact Assessment (ACD Environmental reference GLEE21138aia-ams). Within the areas thus fenced, there shall be no excavation, trenching, alterations to ground levels, or storage of materials at any time during the construction period. For a period of five years after the removal of the protective fencing, any tree or hedge which is cut down, uprooted, destroyed, or become seriously damaged or defective, shall be replaced at the same location by another of a size and species to be approved by the local planning authority in writing, within the next available planting season.

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.

31. Prior to the occupation of the 250th dwelling work to construct and complete the provision of a pedestrian tunnel under the railway line by Network Rail shall be undertaken and no further dwellings shall be occupied until such time as the completed tunnel is made available for public use, unless an alternative programme is agreed in writing with the Local Planning Authority.

Reason: In order to provide a safe crossing over the railway line to comply with Policies DP11 and DP21 of the Mid Sussex District Plan.

32. Before the first and any subsequent occupation of the primary school, the operator shall implement a School Travel Plan which has been submitted to and received the prior written approval of the Local Planning Authority. The occupier shall implement all the measures included in the approved Travel Plan in accordance with a time scale contained within the approved plan.

Reason: To reduce the need for private car travel, in accordance with Policy DP21 of the District Plan 2014 - 2031.

33. Prior to the occupation of the 250th dwelling at the site the bridleway link between the development and Burgess Hill, including the section consented under planning permission DM/18/4980, shall be fully implemented and available for use.

Reason: In order to provide a safe pedestrian and cycle route in accordance with Policies DP11 and DP21 of the Mid Sussex District Plan.

34. No floodlighting shall be installed within the site for the primary school without the written approval of the Local Planning Authority.

Reason: To protect the setting of the South Downs National Park and to accord with Policy DP18 of the Mid Sussex District Plan 2014 - 2031.

35. Prior to the commencement of the development, or as part of any reserved matter application(s), details of the emergency access shall be submitted to and approved in writing with the Local Planning Authority. The details shall include surfacing, means of preventing non-emergency traffic (expect for properties with private access rights), future maintenance arrangements and a programme for its delivery. The scheme shall only be implemented in accordance with approved details.

Reason: To ensure satisfactory emergency access arrangements and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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

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

INFORMATIVES

1. In accordance with Article 35 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. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

3. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

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

5. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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
Block Plan	1209.02	-	11.12.2018
Location Plan	1209.05	-	11.12.2018
Site Plan	1209.03	-	11.12.2018
Site Plan	1209.04	-	11.12.2018
Location Plan	1209.01	-	11.12.2018
Block Plan	1209.102	-	11.12.2018
Site Plan	ITB11335-GA-006	-	11.12.2018
Lighting Layout/Light Pollution	04	-	11.12.2018
Lighting Layout/Light Pollution	03	-	11.12.2018
Lighting Layout/Light Pollution	02	-	11.12.2018
Lighting Layout/Light Pollution	01	-	11.12.2018
Landscaping Details	GLEE21138-12	A	11.12.2018
Site Plan	1209.06	-	11.12.2018
Tree Survey	GLEE21138-01_1 of 7	A	11.12.2018
Tree Survey	GLEE21138-01_2 of 7	A	11.12.2018
Tree Survey	GLEE21138-01_3 of 7	A	11.12.2018
Tree Survey	GLEE21138-01_4 of 7	A	11.12.2018
Tree Survey	GLEE21138-01_5 of 7	A	11.12.2018
Tree Survey	GLEE21138-01_6 of 7	A	11.12.2018
Tree Survey	GLEE21138-01_7 of 7	A	11.12.2018
Tree Survey	GLEE21138-03_1 of 9	A	11.12.2018
Tree Survey	GLEE21138-03_2 of 9	A	11.12.2018
Tree Survey	GLEE21138-03_3 of 9	A	11.12.2018
Tree Survey	GLEE21138-03_4 of 9	A	11.12.2018
Tree Survey	GLEE21138-03_5 of 9	A	11.12.2018
Transport Assessment/Travel Plan	GLEE21138-03_6 of 9	A	11.12.2018
Transport Assessment/Travel Plan	GLEE21138-03_7 of 9	A	11.12.2018
Transport Assessment/Travel Plan	GLEE21138-03_8 of 9	A	11.12.2018
Transport Assessment/Travel Plan	GLEE21138-03_9 of 9	A	11.12.2018

APPENDIX B – CONSULTATIONS

MSDC Conservation Officer – Emily Wade

The comments on the additional information received, specifically the addendum to the heritage statement and the revised highways arrangements. Please read these in conjunction with my earlier comments.

The submitted addendum Heritage Statement addresses the inclusion of Ockley Manor Farm Cottages on the statutory list at Grade II on 25th July 2019. These cottages were listed at time of my previous comments and I have nothing to add in terms of my own assessment of the impact of the proposal on their setting and special interest.

- It is noted that the submitted Addendum Statement now addresses the impact on Ockley Manor Farm Cottages (excluded from consideration in the previous Statement) and concludes that the proposed development will cause less than substantial harm to their setting, and the contribution that this makes to the manner in which the special interest of the building is appreciated.
- I have no further comments on the Addendum Statement in terms of the impact of the proposed development on the group of heritage assets at Ockley Manor and would refer to you to my previous comments in this respect.

The proposed revised highways arrangements including the impact on the hedgerow to the east of Ockley Lane were addressed in my previous comments. In summary I consider that the proposal to relocate the hedgerow contributes to the harm caused to the setting of the group of heritage assets at Ockley Manor and should ideally be reconsidered.

Earlier comments

The application site and affected heritage assets

The application site is an area of open fields and hedgerows to the west of Ockley Lane and to the north of Mackie Avenue, Hassocks. A PROW runs east-west through the site meeting Ockley Lane opposite Ockley Manor.

There are a number of designated and non-designated heritage assets in the vicinity of the site, grouped around Ockley Manor, which is located to the east side of Ockley Lane opposite the south eastern corner of the site. These assets comprise:

- Ockley Manor, Grade II* listed, located to the east of Ockley Lane and set back from it in generous grounds.
- Ockley Manor dovecote, located to the south west of the Manor within its grounds and adjacent to Ockley Lane, Grade II listed.
- Ockley Manor Barn, located to the north west of the Manor and Grade II listed.
- Ockley Manor Cottages, recently listed Grade II and located within the former farmstead to Ockley Manor, to the north of the house.
- Further buildings within the former farmstead which are not included on the statutory list but would be regarded as non-designated heritage assets, including the converted buildings around the former farm courtyard known as The Old Malthouse, The Barn, The Old Dairy and the Old Granary, and two further buildings located to the south east of the farmstead group, a timber framed cart shed and a 19th century barn.

These buildings are considered to have both individual and group value in built heritage terms. These comments will consider each asset in turn and then collectively, in terms of their special significance, including group value, and the contribution that settings and views make to that significance, and the effects of the proposed development on each asset's significance and the ability to appreciate it. Ways in which harm can be avoided or minimised will also be explored as appropriate. This is in accordance with the guidance set out in Historic England's Historic Environment Good Practice Advice in Planning Note 3 'The Setting of Heritage Assets.'

Ockley Manor

Ockley Manor is a Grade II* listed house set in extensive grounds to the east of Ockley Lane. The house, which is listed as dating from the early 18th century, in fact contains earlier fabric suggesting a 17th century origin. The origins and development of the house are outlined in a survey and report prepared by Maggie Henderson of HB Archaeology and Conservation Ltd on behalf of the owner of Ockley Manor, discussed in more detail below.

Despite its name, it seems that the house was never in fact a manor, but originated as and remained for many years the farmhouse for Ockley Farm, before the house and farmlands were separated by sale in the late 19th century. From this date the house has functioned primarily as a country residence. The changing fortunes of the farm and its tenants or owners, and later its changing role, have been reflected in alterations and extensions to the building over time. The special interest of the building is therefore considered to lie partly in its character as a good example of a predominantly early 18th century farmhouse of some

pretension, with earlier origins and with later alterations, associated with and illustrating the fluctuating fortunes of farming throughout the period, as well as a later change in function.

Throughout its lifespan, the house has existed in a close relationship with its rural setting, this relationship being at first the functional relationship of a farmhouse with its associated farmlands, and latterly that of a country residence with is rural setting and prospects (the enjoyment of which by the occupants of the house is demonstrated by the alterations to the house's Dovecote, discussed below). The surviving rural setting of the house is therefore considered to make a strong positive contribution to the manner in which the special interest of the house is appreciated.

The proposed development site lies to the west and north west of Ockley Manor to the opposite side of Ockley Lane. Although set at a small remove from the western side of the Lane (two fields adjacent to the Lane being retained in the ownership of the Manor and not forming part of the current proposed site), development on the site would have a fundamental impact on the currently rural character of this part of the setting of Ockley Manor for reasons of:

- The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the blocks to the south east corner of the site and to the rear of Barn Cottage.
- The impact of the proposal on the character of the retained open space/parkland within the site.
- The impact of development of this scale on the currently rural broader setting to the west of Ockley Manor, including views from the house and its immediate setting.
- The impact of the proposed development on the character of the principal approaches to the Manor along Ockley Lane and along the PROW approaching the Manor through the site from the west.

In my opinion this will have a harmful effect on this part of the setting of the Manor and the way in which this contributes to an appreciation of the special interest of the listed building as set out above. In terms of the NPPF, I would categorise this harm as less than substantial, such that the criteria set out in paragraph 196 of that document would apply.

In terms of potential mitigation, this could take the form of setting the development further away from the asset, introducing enhanced natural screening along the edges of the built development, and ensuring that the character of the retained open spaces is as close as possible to the existing rural landscape. Retention of characteristic features such as hedgerows will also assist in this, as will a careful consideration of how the proposal will affect the approaches to the Manor including the PROW which runs through the site. It should be noted however that any amount of mitigation is unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the asset and to its special interest.

<u>Ockley Manor Dovecote</u>

Ockley Manor Dovecote is a brick built building located to the south west of the Manor at the edge of the gardens to the house, adjacent to Ockley Lane. It is Grade II listed. It is suggested in the list description to date from the 18th century, but Maggie Henderson's report suggests a 17th century origin. The building was altered in the early 20th century with the insertion of large windows to create a summer house.

The positioning of the building adjacent to Ockley Lane is likely to have been deliberate, as a visually prominent demonstration of the wealth and status of the owner of the Manor (or farm

as it then was), although it would also have served a practical purpose, as doves provided a precious source of meat for the residents of the farm during the winter months. In its more recent reincarnation as a summer house, the introduction of windows to the west elevation seems intended to take advantage of the rural views over the fields to the opposite side of Ockley Lane. In both phases of its existence, as a functioning building within the farmstead of Ockley, and as a summer house, the building has enjoyed a close relationship with its rural setting. The surviving fields to the west of Ockley Lane therefore make a significant positive contribution to the setting of the listed building and the manner in which its special interest is appreciated.

The proposed development will impact on the character of the setting of the dovecote for reasons of:

- The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the block to the south east corner of the site.
- The impact of the proposal on the character of the retained open space/parkland.
- The impact of development of this scale on the currently rural broader setting to the west of Ockley Lane, including views from the Dovecote and its immediate setting.
- The impact of the proposed development on the character of the principal approaches to the Dovecote along Ockley Lane and along the PROW approaching the Manor through the site from the west, which arrives at Ockley Lane directly opposite the Dovecote.

The proposed development will have a fundamental impact on the rural character of the western part of the setting of the Dovecote. This will detract from the manner in which the special interest of the Dovecote as a former functional part of the historic farmstead of Ockley and later as a summerhouse to the Manor house is appreciated. I would categorise this harm as less than substantial in terms of the NPPF.

As above for Ockley Manor, potential mitigation could take the form of setting the development further away from the asset, introducing enhanced natural screening along the edges of the built development, and ensuring that the character of the retained open spaces is as close as possible to the existing rural landscape. Retention of characteristic features such as hedgerows will also assist in this, as will careful consideration of the treatment of the approaches to the asset along Ockley Lane and the PROW. It should be noted however that any amount of mitigation is unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the Dovecote.

<u>Ockley Manor Barn</u>

Ockley Manor Barn is a Grade II listed timber framed former barn, now converted for residential use. The list description refers to the building as dating from the 18th century, but the assessment of the origin and development of the manor and farmstead given by Maggie Henderson suggests a 17th century origin for the building. Its special interest is considered to lie in its character as a good example of a surviving vernacular barn of the period.

The Barn is situated to the north west of the manor house, at the southern end of the farmstead. It faces onto the gardens to the front of the house, but views from its immediate setting to the west are of the open fields to the west of Ockley Lane including the development site. This rural element of the Barn's setting is considered to make a strong positive contribution to the manner in which its special interest is appreciated.

The proposed development will impact on the character of the setting of the barn for reasons of:

- The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the block to the rear of Barn Cottage.
- The impact of the proposal on the character of the retained open space/parkland within the site.
- The impact of development of this scale on the currently rural broader setting to the west of Ockley Lane, including views from the Barn and its immediate setting.
- The impact of the proposed development on the character of the principal approaches to the Barn along Ockley Lane and along the PROW approaching the Manor through the site from the west.

The proposed development will have a fundamental impact on the rural character of the western part of the wider setting of the Barn. This will detract from the manner in which the special interest of the Barn as a former agricultural building and part of the historic farmstead of Ockley is appreciated. I would categorise this harm as less than substantial in terms of the NPPF.

As above for Ockley Manor and the Dovecote, potential mitigation could take the form of setting the development further away from the asset, introducing enhanced natural screening along the edges of the built development and ensuring that the character of the retained open spaces is as close as possible to the existing rural landscape. Retention of characteristic features such as hedgerows will also assist in this, as will careful consideration of the approaches to the Barn along Ockley Lane and the PROW running through the site. It should be noted however that any amount of mitigation is unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the asset.

<u>Ockley Manor Cottages</u>

Ockley Manor Cottages have been recently listed Grade II. They are situated at the northern end of the Ockley Manor farmstead and were constructed between 1818 and 1845 as a semi-detached pair to house farmworkers. The list description states that the cottages have special architectural interest for reason of their striking use of traditional materials, symmetrical arrangement and good survival of interior joinery, and special historic interest in the way that they illustrate modest farm workers cottages of the 19th century and the way that these were occupied. The buildings are also identified as having group value with the Ockley Manor, Barn and Dovecote.

From the north facing frontages of the cottages there are open views across the farmland to the north, which also take in Ockley Lane to the west and the cottages and fields beyond. This rural setting is considered to make a strong positive contribution to the manner in which the special interest of the building as former farmworkers cottages is appreciated.

Development on the site will have an impact on the character of the setting of the cottages for reasons of:

- The impact on the hedge line to the east of Ockley Lane which it is proposed to reposition.
- The impact of the proposed built development to the north east corner of the site including housing and the proposed new school, which is likely to be visible between and beyond the cottages to the western side of Ockley Lane.

- The impact of the changed character of the retained open land to the north east corner of the site (school playing fields and community orchard).
- The impact on the character of the approach to Ockley Manor Cottages from the north along Ockley Lane. Ockley Manor Cottages are prominent in views looking south along Ockley Lane which would also take in the proposed development site to the west of the road.

These impacts are likely to detract from the existing rural character of these parts of the setting of the Cottages which will in turn detract from the contribution that this setting makes to the special interest of the listed building, as identified above, and how this is appreciated. I would consider that the level of harm would be less than substantial in terms of the NPPF such that the criteria set out in paragraph 196 of that document would apply.

In terms of mitigation, this could take the form of could take the form of setting the development further away from the asset, introducing enhanced natural screening along the edges of the built development and ensuring that the character of the retained open spaces is as close as possible to the existing rural landscape. Retention of characteristic features such as hedgerows will also assist in this, as will careful consideration of the approach to the Cottages along Ockley Lane and in particular the proposal to realign the hedgerow to the north of the cottages, the necessity for which should perhaps be reconsidered. It should be noted however that any amount of mitigation is unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the asset.

Non designated heritage assets

Ockley farmstead contains a number of other buildings which while not listed or curtilage listed would be regarded as non-designated heritage assets, of interest in their own right but also making a strong positive contribution to the settings of the designated heritage assets mentioned above. These buildings, which have been identified above, are all situated to the north of the Manor house, within the historic farmstead. They are all former agricultural buildings of one type or another, the special interest of which lies partly in their illustrative value as parts of the historic farmstead. As such, their currently rural setting makes a strong positive contribution to the manner in which their special interests are appreciated.

The impacts of the proposed development on these non-designated heritage assets will be similar to those identified in respect of Ockley Manor Cottages, to which they are in close proximity. Potential mitigation measures would also be similar.

Group Value

The designated and non-designated heritage assets forming part of the former farmstead of Ockley have a high level of group value, which is identified in the recent listing decision in respect of Ockley Manor Cottages. This group value adds to and enhances their individual special interests. It is therefore appropriate to consider the impact of the proposed development on the assets at Ockley Manor as a cohesive grouping, in addition to the impacts on each asset individually.

The report prepared by Maggie Henderson identifies the early origins and long history of the Ockley farmstead. Both this report and the Heritage Statement submitted by the applicant demonstrate that the farmstead and house have existed for centuries in a rural landscape which has supported their development and evolution. Although this landscape has itself undergone some changes, both of ownership and in physical appearance such as field layouts, it remains clearly rural, and supports an understanding of the origins, nature and special interest of the assets at Ockley Manor.

The rural nature of the landscape to the west of the group of assets at Ockley Manor, as part of their wider setting, must be considered to make a strong positive contribution to the manner in which their special interest is appreciated. Development on the site will have a fundamental impact on the character of that part of the setting, which will detract from the special interests and group value of the assets for reasons of:

- The impact of the proposed built development on the character of the site.
- The impact of the changed character of the retained open land within the site.
- The impact on the hedgerow to the north of the Ockley farmstead.
- The impact on the approaches to the group along Ockley Lane and the PROW.

Potential mitigation, as for the assets individually considered above, could take the form of setting the development further away from the group, introducing enhanced natural screening along the edges of the built development and ensuring that the character of the retained open spaces is as close as possible to the existing rural landscape. Retention of characteristic landscape features such as hedgerows will also assist in this, as will careful consideration of the approaches to the group along Ockley Lane and in particular the proposal to realign the hedgerow to the north of the farmstead, the necessity for which should perhaps be reconsidered. It should be noted however that any amount of mitigation is unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the asset grouping.

<u>Comments on the application submission</u>

As part of the application submission a Heritage Statement prepared by Turley Heritage has been received.

- The Statement is too narrow in its identification of the affected heritage assets, in that it does not identify or consider the non-designated heritage assets forming part of the former farmstead of Ockley Manor Farm.
- The Statement includes a discussion of the origins and development of the landholding around Ockley Manor although this does not agree in every respect with the conclusions drawn by Maggie Henderson in her report (discussed below), particularly in respect of the association of the cottages to the west of Ockley Lane with the Manor.
- In its assessment of the special historic interest of the Ockley Manor group, the Statement comments at 3.45 that 'The historic interest of the listed buildings has been eroded by changes in the ownership/more recent fragmentation of the historic estate/ cessation of a functional link to former manorial lands, which adversely impact on an understanding of its historic function/operation as a manor house as the focus of an estate.'

While it is accepted that the change in ownership of the farmlands formerly associated with Ockley Manor in the late 19th century must be a consideration, it is not considered that undue weight should be attached to this in terms of the contribution that the surviving rural setting of the house makes to its special interest, given the long period over which the house and lands did enjoy a functional and economic relationship, and the evolving nature of the house as polite country dwelling to which the rural setting remained important for aesthetic and visual reasons (as evidenced by the alterations to the dovecote in the early 20th century, discussed above). It should also be remembered that the non-designated heritage assets and the recently listed Ockley Manor Cottages, all within the farmstead to the north of the house, remained in agricultural use for some time after the ownership of the land was split, as the farmstead was sold on with the land rather than with the house.

- The Statement continues along similar lines at 3.56, the conclusion in being that Ockley Manor should be considered as a 'substantial residential property located in attractive domestic grounds', and as such the broader rural setting should be considered to 'make a significantly reduced contribution to the special interest of the listed buildings.' Again, this underplays the contribution that the surviving rural setting makes to an understanding of development through time of the group of assets around Ockley Manor, including in its later role as a country house.
- The Statement acknowledges at 3.61 that 'The ability to appreciate the listed buildings as cohesive group from within a rural context that historically formed part of the estate associated with Ockley Manor contributes positively to the special interest of the listed buildings … In those terms the general openness and rural character of the Site makes a positive contribution to the particular special interest of Ockley Manor and the dovecote.'
- However the Statement argues at 3.63 and 3.64 that as the functional connection between the listed barn and the surrounding fields has ceased, and the barn has been converted to residential use, the barn 'is now principally experienced as part of an attractive domestic context.' The Statement concludes that this reduces the contribution that the site makes to the understanding of the special interest of the building. However, in my opinion the nature and former function of the building as a barn is a central aspect of its special interest and as such a continuing appreciation of the building in a rural context should not be underplayed, even if the nature of the immediate setting of the barn and its current use may have changed. I do not therefore agree that the 'the relative positive contribution of the site to the significance of the barn as an element of setting is comparatively less when compared to the special interest of the Ockley Manor and dovecote.'
- Under the Heritage Impact Assessment contained within the Statement, section 4.27 considers measures to minimise and mitigate impact on the heritage significance of the listed building group. However, although the Statement refers to the retention/creation of a buffer of open space between the Ockley Manor group and the proposed built form to the west, it does not address the necessity for measures to minimise the impact of the proposed housing located to the north of this open space, to the west of Barn Cottage, on views from Ockley Manor, barn and dovecote and their immediate settings. The Assessment submitted by HB Archaeology on behalf of the owner of Ockley Manor demonstrates at 10.5.7 and Figure 20 that development in this position is likely to be prominent in views looking west from the Manor.
- The Statement does not refer in the proposed mitigation measure to the need for screening along the eastern edges of the development to the west of Ockley Manor to minimise the impact of new housing in this location on views from the house and associated buildings. Screening should also be provided on all edges of the development adjacent to the retained/created open spaces referred to above as a 'buffer' zone, for the same reason.
- The Statement does not consider the need for mitigation in terms of the impact of the development on the settings of and approach to the non-designated and recently designated heritage assets forming part of the former farmstead. This should be an important consideration. In particular the impact of the proposed school, the access road into the site, and the relocation of the hedge opposite, should be carefully considered.
- Whilst I would agree with the conclusion at 4.44 that the proposed development will result in less than substantial harm to the designated assets at Ockley Manor, the dovecote and barn, I do not agree that the impact on the barn will be comparatively less, for the reasons given above.
- The Statement does not consider the impact on the non-designated heritage assets within the farmstead, including the now statutorily listed Ockley Manor Cottages.

Third Party Representations

In response to points raised by Mr Rayner of Ockley Manor in his letter of (letter received prior to the designation of Ockley Manor Farm Cottages as a Grade II listed building):

- Although I consider that the houses to the west of Ockley Lane make a small positive contribution to the setting of the group of statutorily listed buildings at Ockley Manor, I do not agree that they are of sufficient interest to be regarded as non-designated heritage assets in their own right. I have considered this in more detail in the short report on 1-4 Ockley Manor Cottages prepared in June of last year in response to earlier correspondence from Mr Rayner. I attach that report again here. Although we have now received the further information from HB Archaeology and Conservation referred to in the last paragraph of this report, the more detailed understanding of the history of the cottages and their historic relationship with Ockley Manor (which relates largely to occupancy rather than shared ownership) that this affords does not alter my opinion as to their merit in heritage terms.
- The principle heritage interest is focussed on Ockley Manor and the buildings forming the immediate grouping around it, including the listed barn and dovecote and the newly listed cottages to the north, as well as the remainder of the buildings forming the former farmstead to the east of Ockley Lane, some of which I would consider merit recognition as non-designated heritage assets. In terms of the impact of the proposed development on Ockley Manor and its setting, including the associated designated and non-designated heritage assets, these assets are in close proximity to each other and therefore have a similar physical relationship to the development site. However the varying nature of the special interest of each of these designated and non-designated assets will subtly alter the contribution that the development site makes to their setting and therefore the impact of the development on that special interest.
- Mr Rayner and his adviser Maggie Henderson introduce the concept of a 'hamlet' of Ockley, to include the cottages situated to the west of Ockley Lane north of Ockley Manor. 'Hamlet' is not a term which has a specific significance in the context of heritage policy or guidance. Although I would agree that there are centred on Ockley Manor a group of buildings (including designated and non- designated heritage assets) which have a shared history and interlinking special interests, I would not agree that the entirety of the grouping which is identified in their submissions as a the 'hamlet' of Ockley has special interest in heritage terms. I would not, for example, include the cottages to east side of Ockley Lane which for reasons previously given I would not regard as non-designated heritage assets. In considering the impact of the proposed development in heritage terms I therefore consider it only useful to consider the impact on the designated and non-designated heritage assets forming a grouping around Ockley Manor to the east of Ockley Lane, rather than a broader 'hamlet' of Ockley including development to the west of the lane.
- The submissions from Mr Rayner and Maggie Henderson suggest that the proposal will cause substantial harm to the hamlet of Ockley. As above, I do not consider that the term hamlet is meaningful in this context, however considering the impact of the proposal on the individual designated and non-designated heritage assets within the grouping around Ockley Manor I would consider that for the reasons given above the impact of the proposal will be of varying degrees of less than substantial harm.
- Mr Rayner suggests that in relation to the purported substantial harm 'there is no provision within the NPPF to offset harm with public benefits'. Notwithstanding that I would not agree that the proposal will cause substantial harm, this is not correct- paragraph 195 of the NPPF states that where a proposed development would lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial

public benefits which outweigh that harm or loss, or a number of other criteria would apply which would not be relevant to development within the setting of an asset.

- As above, I agree with comments given by Maggie Henderson that the Heritage Statement submitted by the applicant does take too narrow a view of the extent and nature of the setting of Ockley Manor (although as above I do not agree with the weight given to the concept of the 'hamlet' of Ockley).

<u>Comments on HB Archaeology and Conservation Ltd.'s Assessment of the Origins, Development and Significance of Ockley Hamlet and the Proposed Development on Land to the West of Ockley Lane, commissioned and submitted by Mr Rayner (prepared prior to the designation of Ockley Manor Farm Cottages as a Grade II listed building):</u>

- Maggie Henderson gives a useful and informative analysis of the development of Ockley Manor and its farmstead.
- This indicates that the date of the listed buildings at Ockley Manor, the barn to the north west, and the dovecote, may all be earlier in origin than suggested in the list description.
- The report demonstrates that the ownership of Ockley Manor and Ockley Manor Farm was separated in 1882. From this point the development of Ockley Manor and the listed dovecot (which was converted in the early 20th century to a garden room or summer house) is that of a country house and its ancillary buildings rather than a farmhouse.
- Therefore although the land around Ockley Manor apparently remained in agricultural use until very recently, the direct functional relationship between Ockley Manor and its dovecot and the surrounding agricultural lands ceased more than a century ago. This does not entirely or even perhaps significantly negate the contribution that the surviving rural landscape around the Manor makes to the setting of the house and dovecote, which were built and subsequently modified on the profits of farming, and for many years did enjoy a direct functional relationship with the surrounding land, however arguably it must have some impact on the manner in which that contribution is assessed.
- This consideration does not apply in the same way to the listed barn, listed cottages at Ockley Manor Farm Cottages, and other non-designated heritage assets within the farmyard grouping to the north of the house, which appear to have remained in farm/agricultural use until more recently.
- The consideration of historic change of ownership and function of the listed house and dovecote must impact the extent to which the emphasis placed by the report on 'the origin and evolution of the property as a farm and the retained agricultural setting of the landscape within which the property remains situated' and the contribution that this makes to the group of heritage assets at Ockley.
- The report states that 'It is very clear that the potential impact of the proposed development on the significance of Ockley should place great weight on the contribution made by setting to the character and significance of the heritage assets. It has been demonstrated that the current setting of the manor house remains a clearly identifiable agricultural landscape with at its core, a linear hamlet and manor house group, the former the result of the successes of the latter.' I would agree that great weight must be placed on the potential harm caused by the development to the settings and special interest of the affected heritage assets (as required by the NPPF), and that the current setting of the manor house and the assets around it remains a clearly identifiable historic landscape. Again, though, I do not agree with the emphasis placed on the wider 'hamlet' of Ockley as an asset in its own right.
- I would agree that the subdivision of ownership of the farm and manor house in the late 19th century does not necessarily negate or substantively reduce the contribution that the currently rural setting makes to the house and dovecote, for the reasons discussed above.
- The report identifies a number of buildings which it suggests should be considered as non-designated heritage assets. These include the granary, forming part of the farm

courtyard to the north of Ockley Manor Barn which Maggie Henderson has identified as having a possible 17th century origin, in common with the listed manor house and barn, as well as the 19th century barn, early cowshed and semi-detached cottages at Ockley Manor Cottages, all within the former farmstead of Ockley located to the north of the house and the east of Ockley Lane. As above, I would not disagree with the assessment that these buildings merit consideration as NDHAs (with the exception of Ockley Manor Cottages which have been subsequently added to the Statutory List at Grade II).

- The report includes an Impact Assessment, considering the potential impact of the proposed development on the significance of the designated assets at Ockley, taking into account their setting.
- I would agree that the enduring agricultural character of the landscape surrounding Ockley Manor makes a positive contribution to the setting of the assets grouped around the house.
- I would also agree that the change of ownership that took place in the late 19th century does not negate the contribution that the surrounding fields make to the setting of the house and dovecote, although it must be a consideration.
- I do not disagree with the assessment given at 10.5.5 and following paragraphs of the visual impact of the proposal on the setting and views from the assets at and grouped around Ockley Manor resulting from the location and siting of the development, or the impact on the manner in which these assets will be experienced, although again I would not place emphasis on the 'hamlet' of Ockley as an asset in its own right.
- I would also be broadly in agreement with the assessment of the nature of the impacts arising from the form and appearance of the development and its wider effects given at 10.6 and 10.7
- However, in relation to the conclusions drawn at 11.0 I do not agree that the harm arising to the significance of the heritage assets can be regarded as substantial, in the terms set out by the NPPF, for the reasons given above.

<u>Comments on the letter received from Strutt and Parker on behalf of Mr Rayner dated 30th July 2019.</u>

A letter has been received from Strutt and Parker on behalf of Mr Rayner, owner of Ockley Manor, commenting on the application submission and on masterplanning issues including the siting of the proposed new primary school. This letter suggests that for various reasons, including the impact of the development on the setting of the heritage assets at Ockley Manor, the proposed school should be resited to the southern end of the development, with associated alterations to the disposition of the new housing blocks. The proposed rearrangement of the site would create a greater area of open space or (in the case of the school site) relatively open space in the areas of the site to the west and north west of Ockley Manor.

Whilst I cannot comment on the other merits or implications of this proposal, in heritage terms the greater the area of open space/buffer which is located between the heritage assets at Ockley Manor and the built up edge of the proposed new development, the lesser the impact on the setting of the assets and views from them is likely to be. The proposal therefore has merit in heritage terms.

Urban Designer

This is an outline scheme, in which appearance, design, landscaping and scale are reserved matters. These observations are therefore initial comments on the illustrative proposals.

Overall Assessment of Layout

The illustrative masterplan generally follows the arrangement agreed at pre-application stage and is supported. In particular the layout is organised around a series of perimeter blocks with building frontages that address/face the streets and spaces including the existing public rights of way, retained hedgerows, and existing and proposed open spaces. This arrangement also provides a front-on relationship with the site boundaries except along parts of the southern boundary where the proposed houses have sensibly been organised to back-on to existing back gardens in the houses on Mackie Avenue.

The open spaces are well positioned: they provide the organising focus for the layout breaking up the development areas, and soften the development along the rural edge on the northern boundary. The main open space, to be known as "Ockley Park", also provides a buffer on the eastern boundary that reduces the inter-visibility between the listed Ockley Manor and the proposed housing.

The green spur to the north of "Ockley Park" provides a visual link between the central open space and the main east-west spine road, the primary school, and community centre. The latter also ensure there is a mix of uses which is reinforced by their prominence around a square adjacent to the main spine road.

I support the inclusion of rear court parking areas, although these would work better with Flats over Garages (FOG's) providing more direct natural surveillance of the parking while screening it from the street. Even with the rear courts, the parking risks being too dominant within the street in some area, and further measures to reduce this need to be taken.

The attenuation ponds will need to naturally integrate with the landscape as positive features; therefore careful design is needed to avoid them looking engineered.

Beyond the variety of proposed open spaces, the DAS could do more to demonstrate how diversity will be achieved across the site. The density / building heights drawings are a bit confusing as they do not correlate. However the principle of greater height / scale along the spine road and around the smaller open space is supported. I also think the buildings on the west side of the main open space would provide better enclosure if they were 3 rather than 2 storeys; they should not impact adversely on Ockley Manor at this height providing there is sufficient soft landscaping along the eastern site boundary.

The proposed 3 storey building frontage facing Clayton Mills Park is supported as it should help to define the north side of the space (particularly if the bunding is reduced / removed) and provide some natural surveillance that is currently missing. The proposal to improve the physical quality of the open space by legal agreement (that will hopefully involve the comprehensive re-landscaping) is also supported.

Response to Further Drawings

The applicant has provided additional information that address some of my previous issues. The smaller open space on the west side of the site is now designated accordingly (although it is a shame the DAS does not describe or give a name to the space, as it does for the other o/s). The plots are now all numbered demonstrating that 500 dwellings can be accommodated in this layout approach.

The larger scale vignette plan is welcomed in principle as it shows how the layout might work in detail in one area. Unfortunately this raises an issue regarding the parking as it incorporates more front threshold parking than shown on the masterplan drawing that weakens building enclosure and risks generating a hard-edged car dominated environment;

a further concern is that the disparity between the drawings may be echoed in the other areas when they are subject to more detailed design. Front threshold parking could be reduced if shared surface treatment is adopted (as suggested in the masterplan drawing) as the avoidance of additional footways should generate more space to accommodate the parking at the side of dwellings as shown on the masterplan drawings.

MSDC Housing Officer

Housing's comments on the re-consultation of the above application remain as per Nicola Creswell's email to you dated 1st February 2019 (copied below for ease of reference) with the addition of the following points on accessible dwellings (the proposal is silent) and clustering (the proposal suggests affordable housing clusters of no more than 15):

- Accessibility - DP28 of the District Plan (page 78-79) states:

'Developments of 5 or more dwellings will be expected to make provision for 20% of the dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2) ….'

The Affordable Housing SPD (2.46, 2.47 and 2.48) further states:

2.46. All development will be required to meet and maintain high standards of accessibility so all users can use them safely and easily. Account should also be taken of policy DP28 of the District Plan which requires a reasonable proportion of affordable homes, generally 4% to be provided as wheelchair user dwellings, dependant on the suitability of the site and the need at the time.

2.47. In such cases a wheelchair user dwelling means a dwelling which meets the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) for wheelchair accessible dwellings as contained in Category 3 - wheelchair user dwellings of Schedule 1 of the Building Regulations 2010 as amended.

2.48. In order to properly accommodate these requirements developers will need to allow additional space when designing wheelchair user dwellings, over and above that which is required by Nationally Described Space Standards. This should be approximately 20% of the Gross Internal Area in the case of flats and 30% of the Gross Internal Area in the case of houses, as set out in Figure 5 - Occupancy and minimum floor area requirement.

- Affordable Housing Clusters - 2.43. of the Affordable Housing SPD - Adopted July 2018 specifies:

2.43. Affordable housing provided on-site must be designed to a high standard and fully integrated into the overall scheme layout, in clusters of no more than ten dwellings (unless in high density flatted schemes where clusters of more than 10 units may be allowed - see clause 2.49) rather than concentrated in one location. Consideration of the grouping of affordable housing in the overall scheme will include how the provision relates to other phases of the same development including where there is a degree of separation provided by roads, open space or landscape feature; and the grouping of affordable housing in nearby previously developed schemes.

<u>Housing response to consultation dated 1st February 2019:</u>

"The applicant is proposing a development of up to 500 residential dwellings on this large strategic site. In order to comply with Policy DP31 of the District Plan, 30% of the units must be provided as affordable housing (150 dwellings) with a tenure split of 75% rented and 25%

shared ownership tenure. The affordable housing provision should meet a wide range of housing needs and should allow for the following mix to be delivered:

27% 1 bed 2p flats/maisonettes/coach houses (inc 2 x fully accessible wheelchair flats with direct access to private outdoor space)

3% 1 bed 2p bungalows (built to meet the requirements contained in Part M4(2) 1(a) AND (b) and (2) (a) and (b) for accessible and adaptable dwellings as contained in Category 2 - Accessible and Adaptable Dwellings of Schedule 1 of the Building Regulations 2010)

28% 2 bed 4p flats/maisonettes/coach houses (inc 2 x fully accessible wheelchair flats with direct access to private outdoor space)

2% 2 bed 4p bungalows (built to meet the requirements contained in Part M4(2) 1(a) AND (b) and (2) (a) and (b) for accessible and adaptable dwellings as contained in Category 2 - Accessible and Adaptable Dwellings of Schedule 1 of the Building Regulations 2010)

27% 2 bed 4p houses (inc 1 x fully accessible wheelchair house)

9% 3 bed 5p houses (inc 1 x fully accessible wheelchair house)

2% 3 bed 6p houses

2% 4 bed 6p houses

The developer must adopt a tenure blind approach to design and materials so that the affordable dwellings are not easily distinguishable from the market homes. This applies to the parking provision provided as well as the dwellings themselves. Clusters of affordable housing must be of no more than 10 units with each cluster distinctly separate from the others through the use of market dwellings. This will contribute to a good level of social integration and community cohesion."

MSDC Community Leisure Officer

That is disappointing because there are a limited number of community facilities in Hassocks and the new (draft) Community Buildings Strategy identifies a need for additional facilities in the rural areas. This is a major development which would benefit from community facilities on site to create a meeting place and venue for activities. (please note that the planning officer clarified that the applicant was not proposing the provision of a community building, the offer was only land).

How much land are they proposing to transfer to the Council for the construction of a community building and where is it? The masterplan and DAS still refer to the provision of a community building? Based on 30% affordable and average occupancy the financial contribution due would £351,390.

<u>Earlier comments dated 8th January 2019</u>

Thank you for the opportunity to comment on the plans for the development of 500 residential dwellings on Land North Of Clayton Mills, Mackie Avenue, Hassocks on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

CHILDRENS PLAYING SPACE
The developer has indicated that they intend to provide an enhanced LEAP and fitness trail on site and full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition. They have also suggested four LAPs but these are not required as they only offer limited play value.

FORMAL SPORT
In the case of this development, a financial contribution of £612,680 is required toward the development of additional junior football pitch provision in Hassocks Parish. Potential sites for Artificial Turf and grass pitches will be identified in the Council's emerging Playing Pitch Strategy (the existing strategy has already identified a shortfall in provision- IDP Ref HA/51).

COMMUNITY BUILDINGS
The developer has indicated that they intend to provide a community building on site and full details regarding the design, specification and on-going maintenance will need to be agreed by condition to ensure it meets local needs.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit with 30% affordable (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

MSDC Drainage Officer

Recommendation: No objection subject to Condition and details under Reserved Matters

Summary
In principle it has been shown that the development can be adequately drained. There are suggestions of SuDS methods to achieve this, but as this is Outline there is limited detail to show this more comprehensively. Therefore, at reserved matters stage, we will require the developer to show the proposed layout with an incorporated SuDS scheme that follows best practice as set by the CIRIA SuDS Manual C753.

The submitted approach is to have a method of a large attenuation system at the low spot of the site. The submitted plans show the proposed drainage system does appear to meet with some of the aims set by good SuDS design, such as run-off quantity and some biodiversity. However, I am not sure that the suggested proposal, as it stands, delivers much in terms of amenity. The proposed main attenuation pond is set on the edge of the development instead of being more integral to the design, which we would consider a missed opportunity. At present, it is difficult to fully assess the SuDS value as there is no clear detail regarding how the various catchments will manage surface water at source and then transfer surface water across the site. The use of swales is suggested, but this is only for the interception and control of overland surface water flows, and not for the main system serving the site.

Therefore, under Reserved Matters, we will require the following further detailed information to support this proposed Outline application:

- A more detailed design plan of the proposed drainage system serving the whole site. This should indicate the position and use of all SuDS systems, including swales, permeable surfaces/structures, ponds, wetlands, etc. And supporting calculations.
- Details of the specific overland surface water capture system as indicated for catchment R2 in Appendix 6.

- Details of how the energy from a single 105.5 ls-1 point of discharge will be managed so as not to have an adverse effect upon the receiving watercourse.

Overall Assessment

1. 30.0Ha total greenfield site, with 17.3Ha developed area: North of Mackie Avenue, West of Ockley Lane. Topographic plans indicate site falls generally from south-east to north-west.

2. FRA has looked at possible flood sources that could affect the site:

   a. Watercourses.
   The western boundary watercourse and the central watercourse have been acknowledged. The third watercourse (which crosses the north-east corner of the site) has not been detailed in the FRA.

   b. Surface water.
   This has been assessed, and informs of low to medium flood risks associated with the site in the form of possible surface water flood flows. This would be supported by the topographical survey and would appear to be surface water self-generated within the site.

   However, we have a concern with the low risk up to 1:1000 year surface water flooding scenario associated with the north-east watercourse.

   The surface water flood maps indicate possible water flowing across the site from the watercourse. And whilst unlikely and possibly shallow, this could be a significant volume of water. If this water were not intercepted and directed away from the development, it could drain to any proposed attenuation system and reduce its designed capacity.

   The development proposes to address this with the use of swales along the northern boundary to direct flows. There are no further details for this.

   c. Groundwater.
   This has been assessed, and informs of a local groundwater emergence in the form of a spring that issues to the central watercourse. Groundwater across the site was found to vary between 1.9m to 2.9m bgl.

   d. Sewers and Drains.
   This has been assessed to be low risk. There does appear to be a possible septic tank discharge point on site, and this is suspected to be serving the property west of the site.

3. Following the hierarchy of surface water disposal, percolation has been examined. The ground conditions were found to have poor percolation in the regain of 3.4*10-8 ms-1. This is as expected with underlying clay soils in this area. Therefore the use of soakaways has been found to be not appropriate. The proposed drainage strategy therefore looks towards SuDS methods for the control and management of surface water. Therefore, attenuation is suggested as a suitable means of disposing surface water. The proposed drainage strategy looks to attenuate surface water with a controlled discharge of 105.5 ls-1, which is the equivalent QBAR greenfield rate for the developed area. This would be for all rainfall events up to the 1 in 100 year event plus climate change allowance.

The following table is extracted from the FRA:

Return Period	1	Qbar (Proposed)	30	100
GRFOR Is (17.3ha developed area)	90	105.5	238.7	335.6

Whilst the proposal is to limit the rate of surface water discharge to the Qbar, and this provides a significant betterment between the 1:2.3 and the 1:100, we would like to see effort made towards limiting closer to the 1:1, if possible, to better match the Non Statutory Technical Standards for SuDS.

4. It is proposed for a single point of discharge to the watercourse along the north-west boundary of the site. 105.5 ls-1 could be a significant amount of energy being released at a single point. We would therefore expect to see means of dissipating some of this energy - possibly though multiple points of discharge, works to the watercourse to make it more resilient, or the use of swales etc. to spread the flow prior to final discharge

5. Any proposed works to any watercourse will require Ordinary Watercourse Consent. Applications for this can be made following this link:

   https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/#apply

   Moving forward, this proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change. Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

   As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

   The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing greenfield rates and follow natural drainage routes as far as possible.
- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.

- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk
The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

Surface Water Drainage Proposals
It is proposed that the development will attenuate surface water with controlled discharge to the existing watercourse. Qbar is proposed, but we would like the development to consider improving this towards the 1 in 1 if possible.

Foul Water Drainage Proposals
It is proposed that the development will look towards the requisition of a new foul water sewer to serve the proposed development. Goddards Green Sewage Treatment Works has sufficient capacity to accept the waste from the proposed development.

MSDC Environmental Protection Officer

The application is for outline planning permission for up to 500 residential units, a school and community building. The development has the potential, during the construction phase, to affect the amenity of local residents by way of noise and dust. The new units may be affected by noise from the road and railway on either side of the site.

<u>Noise</u>

This has been assessed in Environmental Statement Chapter 10 Noise, Technical Appendix G: Noise and Railway Noise Risk Assessment.

Section 6.3.3 contains plots which show the indicative noise exposure of the site and indicate where the final detailed form of any development will need to be accompanied by a detailed acoustic design statement (ADS) to achieve the guideline levels of noise internally and externally in amenity areas.

Section 6.4.6 advises that when the proposed development is in its design phase it should be subject to a ProPG Stage 2: Element 2 assessment - seeking to achieve recommended noise levels inside noise sensitive rooms in the new residential development, as a part of a detailed acoustic design statement (ADS) setting out how the numbers and levels of individual noise events are to be controlled with sensitive bedrooms.

Table 6.3 shows that the site is likely to be acceptable from a noise perspective provided that a good acoustic design process is followed and is demonstrated in an ADS which confirms how the adverse impacts of noise will be mitigated and minimised in the finished development.

Acoustically critical issues such as site layout, building heights, etc may be left for agreement at a later stage, by the ultimate developer. Moreover, any changes in acoustically

critical issues following grant of outline consent should be fully assessed in an ADS for the final scheme.

Section 6.8.7 outlines the key elements appropriate for a site such as this where the initial risk assessment suggests 'low' or 'negligible':

- Opportunities to mitigate the noise source within the site
- Maximise separation
- Noise barriers - screening opportunities
- Site layout - protecting residential units
- Site layout - protecting external amenity space
- Non-sensitive elements as screens
- Building layout to self-screen sensitive rooms
- Building treatment to screen openings
- Window location & size on affected facades
- Ventilation - natural, from quiet facade

Section 7.1.6 states that when this proposed development is in its design phase it should be subject to a ProPG Stage 2 full assessment which seeks to achieve recommended noise levels inside noise sensitive rooms and external amenity spaces, in the new residential development. This will form a part of a detailed acoustic design statement (ADS) setting out how noise events are to be controlled in these spaces.

Section 7.1.7 The outcome of this assessment is sufficient to give the local planning authority confidence that it may grant outline consent in the knowledge that a housing developer is able to bring forward a detailed scheme including detailed noise mitigation measures to render noise levels to a satisfactory level for the intended use.

Environmental Protection accepts that a well-designed scheme can achieve satisfactory internal noise levels and have recommended a soundproofing condition accordingly.

<u>Air Quality</u> - Environmental Statement Chapter 4

With regard to the traffic modelling, this has been accepted by WSCC Highways, including the forecast impact upon traffic flow at the Stonepound Crossroads: WSCC are satisfied that the development would not significantly or unacceptably increase queues and delays at this junction.

As discussed in chapter 11, a travel plan will be put in place for the proposed development to minimise traffic generation and encourage sustainable travel. In addition, in accordance with the requirements of policy DP11 of the adopted local plan, electric vehicle charging points will be provided for each dwelling to encourage the uptake and use of electric vehicles and reduce local emissions.

The Sussex Air Quality Partnership has published air quality and emissions mitigation guidance for Sussex. This provides a procedure for calculating financial contributions towards pollution mitigation for developments, as required by action 17 of the council's air quality action plan. The proposed development will provide the required contribution towards measures to minimise emissions.

The AQ assessment has completed the calculation using damage cost figures it claims are interim (Section 7.3.8) as further Defra figures are "imminent". As this is an outline application it seems reasonable to condition a mitigation scheme based on the costs which will be current when the reserved matters application is submitted.

Dust - Construction

4.34 A range of measures to reduce dust generation during construction will be put in place through the CEMP (table 4.8).

Therefore, should the development receive approval, Environmental Protection recommends the following conditions:

Conditions:

- Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

  Monday - Friday 08:00 - 18:00 Hours
  Saturday 09:00 - 13:00 Hours
  Sundays and Bank/Public Holidays no work permitted

  Reason: To protect the amenity of local residents.

- Construction Environmental Management Plan (CEMP): No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall address control of noise and vibration from construction work, including the compacting of ground (in line with section 7.2 of the submitted Environmental Statement Technical appendix G: Noise, Dec 2018); dust control measures (in line with section 7.4 of the submitted Environmental Statement Technical appendix B; Air Quality, Dec 2018); policy for burning on site, and site contact details in case of complaints. The approved Plan shall be adhered to throughout the construction period.

  Reason: To safeguard the amenity of nearby occupiers

- Soundproofing - Construction work shall not begin until a detailed Acoustic Design Statement (as per ProPG guidance) and a scheme for protecting the residential units from external road and rail noise have been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00 hours, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure thermal comfort of the occupants with the windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period unless otherwise agreed in writing. All works which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

  Reason: To protect the amenity of future residents with regard to external noise.

- Plant & Machinery (Operational): Prior to use of any external ventilation, refrigeration, heating or air conditioning plant or machinery, details shall be submitted, and approved in writing by the Local Planning Authority, demonstrating that the plant or machinery noise rating level shall be at least 5dB below the existing background noise level at the nearest residential façade between 07:00 and 23:00 hrs on any day, and below 30dB LAeq(8hr) at all other times. All measurements shall be defined and derived in accordance with BS4142: 2014.

- Air Quality - The applicant shall submit an emissions mitigation calculation, in accordance with the Air Quality & Emissions Mitigation Guidance for Sussex which is current at the time of the reserved matters application, the purpose of which is to assess the emissions relating to the development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment.

The emissions mitigation assessment must use the most up to date emission factors. A Mitigation Scheme to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

Reason: In line with MSDC Policy DP29: Noise, Air and Light Pollution

MSDC Contaminated Land Officer

This application looks to build 500 residential dwelling, and provide land for primary school, on land historically used for Agriculture.

As part of the application an Environmental Impact Assessment by Terence O'Rourke Ltd has been submitted. A desk study and preliminary site investigation has also been undertaken by Southern Testing (ref: J13373), dated December 2017.

The preliminary site investigation has not identified any levels of contamination on site that would present a risk to human health.

However, given the limited scope of the investigation, the size of the proposals and the sensitivity of the proposed uses, they have recommended that further testing be undertaken before construction take place in order to help identify any potential hot spots.

Given that the possibility of hot spots will never be ruled out completely by a ground investigation, it is also recommended that a discovery strategy should also be attached, so that in the event that contamination not already identified prior to construction, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions

1) Construction shall not commence until there has been submitted to and approved in writing by the Local Planning Authority:

a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice;

   and, unless otherwise agreed in writing by the local planning authority,

b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (1)b that any remediation scheme required and approved under the provisions of condition (1)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

   a) built drawings of the implemented scheme;
   b) photographs of the remediation works in progress;
   c) certificates demonstrating that imported and/or material left in situ is free from contamination.

   Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (1) c."

3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

MSDC Tree and Landscape Officer

Further to reviewing the submitted AIA/AMS report that accompanies this application, please find my comments below.

All of the trees that are within the boundary or influencing distance of the development have been: plotted, measured, identified and classified as per BS 5837.

The RPA of each tree has been calculated and displayed on the plan provided.

The site currently has no trees subject to TPO. However, one TPO group (HA/01/TPO/06) & one tree subject to TPO (HA/01/TPO/06) are situated on the southern boundary of the site.

Two trees (T50-Ash & T104-Ash) are to be removed to facilitate the development. These trees have been graded 'U' due to poor condition and would be removed regardless of the development

Hedgerows that divide the site will be partially removed to facilitate the development and gain access throughout the site. All the hedgerows on site should be retained where possible.

I would suggest that the maintenance and aftercare of all newly planted trees is conditioned to ensure that the trees establish well and grow to maturity. Detail of: position, size, planting, feeding, support and aftercare are required. All of this information should be submitted within a full landscape plan. Species selection for newly planted trees on site should reflect the surrounding trees.

Protection measures for retained trees have been detailed within the submitted report, including: Construction Exclusion Zones using suitable fencing/signage and examples of temporary/permanent ground protection.

Good working practices while excavating within the RPA of retained trees (sympathetic treatment of disturbed roots etc.) should be fully addressed within the AMS report.

Any excavations (including all surfacing/CCS) that encroach into the RPA of retained trees should be undertaken under professional arboricultural supervision.

In conclusion, I do not object to the development in principle and would likely support the application subject to the receipt of the above mentioned new planting detail/landscape plan.

MSDC Ecology Consultant

In my opinion, then, subject to the following conditions a reserved matters application should be capable of avoiding, adequately mitigating or, as a last resort, compensating for significant impacts on biodiversity conservation and as such would be compatible with district plan and NPPF biodiversity policies:

The reserved matters application shall be supported by an updated ecological impact assessment covering the detailed planning proposals, including lighting proposals and supported by updated ecological survey information where necessary to accord with good practice and a full construction environmental management plan (CEMP) setting out protection and mitigation measures and habitat enhancement and management proposals, which may be integrated with landscape planting and management proposals.

Reason: to ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.

MSDC Visual Landscape Consultant

The following comments reiterate and expand upon points made previously in response to the additional information submitted.

1. The site is allocated in the Mid Sussex Local Plan (Adopted March 2018) under Policy DP11. This policy does require landscape and design mitigation measures in order for the development to have an acceptable impact on landscape character and views. These include:

    a) Appropriate mitigation to reduce the visual impact of the development and in particular the setting of the South Downs National Park (SDNP).
    b) A greenspace buffer on the northern boundary to prevent coalescence with Burgess Hill.
    c) A greenspace buffer to residential properties on the southern boundary to preserve the amenity of properties in Mackie Avenue.
    d) A landscape buffer to the group of listed buildings at Ockley Manor.
    e) Deliver opportunities to enhance green infrastructure across the site.

2. The Landscape and Visual Impact Assessment (LVIA) prepared to support the application generally provides an accurate assessment of the baseline landscape character and visual context of the site and surrounding area. This LVIA suggests that the context of the site is influenced by urban interventions including the presence of the road and railway. This assessment rather underestimates the rural character and sensitivity of the site and surrounding area. Ockley Lane is rural in character, despite the scattered development strung along the section adjacent to the site. It is acknowledged that the railway is elevated on a high embankment, however it is heavily wooded so that trains and other railway infrastructure are not prominent in the landscape.

3. The LVIA does identify that the site is open with long views across from local areas including Ockley Lane, public rights of way and local residents. There are also views across the area from trains approaching Hassocks station. These are glimpsed views but they are rural and expansive in character.

4. The proposed development would need to provide a strong and enhanced green infrastructure framework to ensure that that it can be successfully integrated into the local landscape. This should incorporate extensive tree and woodland planting across the site area.

5. The LVIA only provides one viewpoint from the scarp slope of the South Downs National Park at Jack and Jill Windmill. This does not fully assess the potential impacts from the SDNP as there are other views at varying angles which would reveal more of the development from Wolstonbury Hill and the downs above Underhill Lane. A fuller assessment from the SDNP would help to ensure that a robust mitigation strategy can be developed. This would not only be delivered by the green infrastructure strategy, but through other measures such as consideration of roof materials and building heights. The use of green roofs could be considered, particularly for larger buildings.

6. The LVIA does recommend that the landscape masterplan and boundary planting is implemented in advance of each phase of the development. This will be important to ensure that the proposed planting can be established as early as possible to provide a setting for all phases as they are implemented. It is recommended that the developer is required to provide the green infrastructure buffers to the boundaries of the site at the earliest stages of the development. It is also recommended that the key recreational spaces are established along with the proposed bridleway to Burgess Hill.

7. The Green Infrastructure masterplan will provide an enhanced landscape structure and needs to be implemented in full in order to mitigate the development. It is noted that the masterplan has been developed in consultation with the local community and adapted to their responses. There are some key elements which would need to be addressed in the detailed design stages to ensure successful integration and mitigation of the development.

8. These are outlined below:

a) The landscape buffer on the north side of the development needs to be a minimum of 30m wide north to south. The illustrative masterplan dated 24.5.19 indicates an area of only 25m in width and this is considered to be inadequate.
b) The buffer planting on the boundary with Mackie Avenue is labelled as being 10m deep, but on the plan this only measures at 8m maximum. It is recommended that this should be 10m deep as a minimum to allow space for ultimately large trees and understorey planting.
c) The proposed landscape buffer on the south west side of the development adjacent to the existing open space is barely 5 metres deep. This would not allow space for

significant tree planting within this buffer which would also be required to mitigate the impact of the development in long views from the downs. It is recommended that the developer is required to plant at least a 10m wide belt of trees on the boundary of the site. This could be delivered in part within the existing open space which it is noted will be enhanced.

d) Native tree species should be used for the boundary planting and should provide a locally characteristic mix of species of, predominantly, oak and an understorey of shrubs. This should include evergreens (holly and yew) to provide an effective visual barrier and to be in character with the local area.
e) The avenue trees should be selected to provide a range of tree species in relation to the street hierarchy. Larger species such as oaks and limes can be used for the main avenues with smaller street trees such as rowans and maples in the side streets.
f) Trees need to be located in public spaces or streets and shared areas such as parking courts. It is noted that the revised masterplan has trees within gardens as a contribution to the GI of the site. Trees planted in private gardens would not be secured in the long term as residents may remove or lop them and therefore should not be relied upon for mitigation.
g) The spring which arises in the proposed open space to the north of Mackie Avenue provides an opportunity as a natural feature which could be incorporated into the design for this space. The spring would appear to be accommodated in a green corridor running through the site from north to south. However, it is not clear how the stream will be dealt with at the southern end where it appears to run through a children's play area. It is recommended that this feature is not culverted, but is designed into the open space as a natural spring and as a ford across the public right of way.
h) A long term landscape and ecological management plan (LEMP) should be provided for the green infrastructure to ensure the successful establishment and ongoing maintenance of all landscaped areas and features. This should include the proposed enhancement to the existing open space on the Clayton Mills estate.

9. The loss of a long section of hedgerow to the access arrangements and realignment of Ockley Lane would be regrettable. It is unlikely that this hedge would successfully translocate and it would need to be replanted from scratch. The proposed species list is acceptable but could include more variety of species to maximise the habitat potential. For example Viburnum opulus (guelder rose) and Rosa canina (dog rose).

10. The access plans suggest that wild flowers could be considered on the verges, in order to reinforce sense of place and maximise habitat value. It is recommended that the verges are sown with wildflowers and managed as meadow.

11. It is suggested that a gateway feature could be provided at the entrance to the extended 30 mph zone on Ockley Lane. This should be of a design which would enhance local distinctiveness and not detract from the rural character of the lane. The plastic picket fence type of gateway commonly found at village entrances should be avoided.

12. It is recommended that as a strategic housing allocation the development of this site can be supported. The successful mitigation of the development will depend on the full and early implementation of the green infrastructure masterplan. The management of the landscape areas and associated trees would need to be secured into the long term.

<u>Earlier Comments dated 3rd January 2019</u>

<u>Summary Recommendation</u>

The proposal could comply with NPPF Section 15 policies for conserving and enhancing the natural environment.

This is with particular reference to Paragraph 170 which requires planning policies and decisions to contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

<u>Reason for Recommendation</u>

1. The NPPF Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 170 states that:

   'Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils(in a manner commensurate with their statutory status or identified quality in the development plan).
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

2. The NPPF Section 12, Paragraph 130 requires that:

   'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents'.

3. The site is allocated in the Mid Sussex Local Plan (Adopted March 2018) under Policy DP11. This policy does require landscape and design mitigation measures in order for the development to have an acceptable impact on landscape character and views. These include:

   a) Appropriate mitigation to reduce the visual impact of the development and in particular the setting of the South Downs National Park (SDNP).
   b) A greenspace buffer on the northern boundary to prevent coalescence with Burgess Hill.
   c) A greenspace buffer to residential properties on the southern boundary to preserve the amenity of properties in Mackie Avenue.
   d) A landscape buffer to the group of listed buildings at Ockley Manor.

e) Deliver opportunities to enhance green infrastructure across the site.

4. The Landscape and Visual Impact Assessment (LVIA) prepared to support the application generally provides an accurate assessment of the baseline landscape character and visual context of the site and surrounding area. This LVIA suggests that the context of the site is influenced by urban interventions including the presence of the road and railway. This assessment rather underestimates the rural character and sensitivity of the site and surrounding area. Ockley Lane is rural in character, despite the scattered development strung along the section adjacent to the site.

   It is acknowledged that the railway is elevated on a high embankment, however it is heavily wooded so that trains and other railway infrastructure are not prominent in the landscape.

5. The LVIA does identify that the site is open with long views across from local areas including Ockley Lane, public rights of way and local residents. There are also views across the area from trains approaching Hassocks station. These are glimpsed views but they are rural and expansive in character.

6. The proposed development would need to provide a strong and enhanced green infrastructure framework to ensure that that it can be successfully integrated into the local landscape. This should incorporate extensive tree and woodland planting across the site area.

7. The LVIA only provides one viewpoint from the scarp slope of the South Downs National Park at Jack and Jill Windmill. This does not fully assess the potential impacts from the SDNP as there are other views at varying angles which would reveal more of the development from Wolstonbury Hill and the downs above Underhill Lane. A fuller assessment from the SDNP would help to ensure that a robust mitigation strategy can be developed. This would not only be delivered by the green infrastructure strategy but through other measures such as consideration of roof materials and building heights. The use of green roofs could be considered, particularly for larger buildings.

8. The LVIA does recommend that the landscape masterplan and boundary planting is implemented in advance of each phase of the development. This will be important to ensure that the proposed planting can be established as early as possible to provide a setting for all phases as they are implemented. It is recommended that the developer is required to provide the green infrastructure buffers to the boundaries of the site at the earliest stages of the development. It is also recommended that the key recreational spaces are established along with the proposed bridleway to Burgess Hill.

9. The Green Infrastructure masterplan will provide an enhanced landscape structure and needs to be implemented in full in order to mitigate the development. It is noted that the masterplan has been developed in consultation with the local community and adapted to their responses. There are some key elements which would need to be addressed in the detailed design stages to ensure successful integration and mitigation of the development. These are outlined below:

   a) The landscape buffer on the north side of the development is a minimum of 30m wide north to south.
   b) Native tree species are used for the boundary planting and should provide a locally characteristic mix of species of predominantly oak and an understorey of trees and shrubs. This should include evergreens (holly and yew) to provide an effective visual barrier and to be in character with the local area.

c) The avenue trees should be selected to provide a range of tree species in relation to the street hierarchy. Larger species such as oaks and limes can be used for the main avenues with smaller street trees such as rowans and maples in the side streets.
d) Trees need to be located in public spaces or streets and shared areas such as parking courts. Trees planted in private gardens would not be secured in the long term as residents may remove or lop them.
e) The spring which arises in the proposed open space to the north of Mackie Avenue provides an opportunity as a natural feature which could be incorporated into the design for this space as an open channel and enhanced habitat.
f) A long term management plan is provided for the green infrastructure to ensure the successful establishment and ongoing maintenance of all landscaped areas and features.

10. It is recommended that as a strategic housing allocation the development of this site can be supported. The successful mitigation of the development will depend on the full and early implementation of the green infrastructure masterplan. The management of the landscape areas and associated trees would need to be secured into the long term.

MSDC Archaeology Consultant

I have reviewed the additional information submitted, following the comments of my colleague Joanna Taylor, dated 04/01/2019, which requested further information in order to make an informed judgement regarding the archaeological impact of the application.

The key additional information identified was:

- HER distribution plan - now included, which provides the necessary context for the data/ archaeological discussion
- Historic Map Regression - not provided, but some historic cartographic sources included in the Design and Access statement.
- Aerial Photographs & (if available) LiDAR data - still not provided. Ideally this information would be included at this stage, to assess the archaeological impact and to inform future archaeological strategy.
- Proposed development plan - not integrated but available through other planning submissions. The impact of the differing areas of the proposals will need to be fully understood prior to devising the future archaeological strategy.
- A plan of archaeological structures and features found during excavations conducted to the south, shown relevant to the planning application - this has now been included as Appendix 4 of the Desk Based Assessment. The plan shows that a continuation of features of multiple dates, and notably the results of this work suggest an associated high status Roman site, can reasonably be expected within the vicinity.
- A plan of the geophysical survey - The Geophysical survey report by Sumo Survey has been reproduced within Appendix 3. The survey achieved good coverage of the site, although unfortunately area 4 to the south west of the site, with possibly the highest archaeological potential could not be surveyed. No specific responses were interpreted as being of archaeological interest. It is unclear whether this is a result of a genuine lack of sub-surface features, the unsuitability of the technique, or a result of prior site impacts.

Given the high potential for previously unknown heritage assets to be present on the site, that the site is of a significant size, and that the proposed development will lead to the destruction of any archaeological assets that may be present, in line with the National Planning Policy Framework and policy DP34 of the Mid Sussex Local Plan, I recommend further archaeological work is required. In the first instance, the archaeological work should

comprise an archaeological evaluation trial trenching exercise within those areas of the site where groundworks proposed as part of the development have the potential to impact on archaeological assets. This may include areas proposed for sports pitches, play areas, landscaping, parking, and access, as well as the areas proposed for residential development. It should be noted that the area of the existing water spring to the south, may contain below ground remains which are particularly sensitive to any form of change, and therefore detailed archaeological evaluation will need to take place prior to the confirmation of any proposals here.

The evaluation will aim to establish rapidly what archaeological assets are and may be present, and the results of the evaluation will enable decisions to be made regarding suitable mitigation measures to be developed. I will need to agree a specification for the evaluation before the trenching can begin. Given that the Historic Map Regression exercise remains outstanding, this information should be included within any specification for the evaluation, in order to properly inform a trenching strategy.

Whilst I do not consider there is a need for this information to be available in advance of any decision on this Outline application, I would recommend that the results of this appropriately scaled field evaluation are available to inform any detailed reserved matters application(s) to follow. This will provide for the opportunity to influence the design and logistics of the development and accommodate any Archaeological Assets worthy of preservation in situ that may be revealed within the detailed development proposal and/or allow for the implementation of suitable mitigation measures appropriate to the archaeological significance of the Assets that may be present.

Subject to these measures, I do not have any objections to the proposed development, however to ensure the required archaeological work is secured satisfactorily, the following condition is appropriate and I would recommend that it be attached to any outline planning permission that may be granted:

"No development shall take place until the applicant, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority."

Further comments in relation to Historic Hedgerows:

Cartographic research undertaken as part of the Assessment has identified a number of historic hedgerows adjacent to and within the site. I am pleased to note that the proposals submitted, generally aims to minimize impact on pre 19th century hedgerows, and I would expect this consideration to be continued in any subsequent iterations of the proposed designs. In the event of granting permission, the planning authority should also consider the use of S.106 agreements and/or article 4 directions to be applied as appropriate, to secure the protection of the historic boundary and ancient woodland during the development, and their long-term preservation and management following the completion of any works and the occupation of the site in the future.

Please note these comments relate to archaeological remains only, and the views of the relevant Conservation Officer should be sought regarding above ground heritage considerations.

<u>Earlier comments</u>

Recommend Predetermination Archaeological Assessment - Further Information Required

The Heritage Conservation Team, Surrey County Council provides advice to Mid Sussex District Council in accordance with the Mid Sussex District Plan and the National Planning Policy Framework. The district council is located within the County Council of West Sussex.

The National Planning Policy Framework (Revised 2018 - Section 16) places the conservation of archaeological interest as a material consideration in the planning process.

Paragraph 189 of the NPPF says that: 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.' This information should be supplied to inform the planning decision.

The planning application covers an area of c.28ha and largely encompasses Archaeological Notification Area (ANA) - 'DWS8608 - Possible Bronze Age to Romano-British Occupation, Hassocks'. The ANA is flagged 'Red' and is considered by West Sussex County Council as being very archaeologically sensitive. An Environmental Statement was submitted in support of the planning application (Gleeson Strategic Land 2018) and includes a chapter considering the archaeological impact of the proposed development (Chapter 5 - Archaeology) and an associated appendix (Technical Appendix C). The Environmental Statement itself details the following:

Paragraph 5.16 'The HER records a number of findspots in the study area that indicate human activity from the prehistoric period… (and) the most interesting prehistoric finds were made immediately south of the site during archaeological evaluations ahead of the recent residential development in the area. These included Bronze Age roundhouses defined by post-holes and gullies and associated middle Bronze Age pottery (HERs 8232 and 8233).'

Paragraph 5.17 'Clear evidence for Roman structures was also recorded in the same area (HERs 8234 and 8235). A field system, enclosure and two structures were recorded, including the footprint of a 26 m by 15 m building and a smaller structure, tentatively interpreted as a shrine. Associated finds suggested activity throughout the Roman period and of high status, with a structure with underfloor heating thought likely to lie nearby. These remains are all at least 100 m south of the application site. Most of the trial trenches opened closest to the application site were blank, although some re-cut field boundary ditches were identified, suggesting an agricultural landscape in this area.'

The high archaeological potential of land comprising the planning application is evident and it is pleasing to note that a geophysical survey of the site has been undertaken at the predetermination stage. It is noted however that the geophysical survey report has not been included within Environmental Statement Technical Appendix C and as a consequence further informed judgement of the results and their implications cannot be made. Likewise, Technical Appendix C does not include the following figures, all of which are expected to allow informed recommendations to be made:

- HER distribution plan
- Historic Map Regression
- Aerial Photographs & (if available) LiDAR data
- Proposed development plan
- A plan of archaeological structures and features found during excavations conducted to the south, shown relevant to the planning application
- A plan of the geophysical survey

As such, further information to reach an informed judgment of the impact the planning application can be anticipated to have on heritage assets of archaeological interest is required. It is therefore recommended that the geophysical survey report is added to Technical Appendix C and the figures listed above are included within Technical Appendix C. With this as a consideration, it is recommended that a decision on the planning application should not be taken without this supplementary information being provided and further informed recommendations being made by our office.

Please do not hesitate to contact the Heritage Conservation Team, Surrey County Council should you require further information.

This response relates solely to archaeological issues.

WSCC Highways

Comments dated 29th January 2020

WSCC Highways has issued several formal consultations responses in connection with this development. Based on the information presented, WSCC Highways has raised no objections and recommended a number of planning conditions along with requiring various obligations within the legal agreement.

Additional highways and transport information has now been presented. This results from various concerns being raised by the Mid Sussex DC planning committee. This additional information includes alternative scenarios for the proposed school site in respects of where pupils are travelling from and also the form of access into the development from Ockley Lane.

With the school, the committee's concerns were that the number of pupils arriving from Burgess Hill had been underestimated. Notwithstanding the information presented from the WSCC Education outlining that there is a need for primary school places to meet demands from Hassocks and to avoid pupils from Hassocks having to travel to schools outside of the village, a further capacity modelling scenario has been run that assumes more pupils (25%) originate from Burgess Hill, which results in more right turning vehicle movements from Ockley Lane into the site. The modelling also includes an arrival profile of vehicles that better reflects the actual operation of the school.

Even with the increase in right turning movements, the modelling demonstrates minimal queuing on Ockley Lane. With the proposed highway access works, forward visibility would be sufficient to enable a following vehicle to see any vehicle stationary in the carriageway. The modelling also shows a notable delay for vehicles exiting the development during the busiest AM peak time. These delays occur over a very short time window with any queueing contained entirely within the development site.

During the PM school picking up period, traffic flows on the network are generally much lower than in comparison with peak times. The modelling outputs therefore indicate that the junction continues would work well within capacity. Minimal delays are expected to vehicles entering or exiting the development.

From the further scenario, WSCC Highways continue to be satisfied that the junction would operate within capacity with minimal queuing occurring on Ockley Lane. It must also be noted that based on available information (the comments from WSCC Education) that the provision of the school is required for existing and proposed demands in Hassocks rather than specifically for pupils living elsewhere.

The additional information also gives consideration in terms of whether a right turning lane is required at the proposed access onto Ockley Lane. From the information presented, it would appear that a standard compliant access with right turning lane can be accommodated within land under the control of the applicant and that forming part of the adopted highway. However the junction is demonstrated to work within capacity (based perhaps overly robust assumptions) with very little queuing on Ockley Lane itself along with there being no apparent safety benefit to the provision of a right turn lane. Whilst accepted that a right turn lane could be provided, there is no apparent benefit. Due weight should be given the potential negative impacts with a right turning lane. These impacts include the potential for increased vehicle speeds, which would undermine other speed reducing measures proposed as part of the current application. Based on the evidence presented, a simple priority junction would be the appropriate form of access for the development.

In the event that the Planning Authority determines that a right turning lane is required, this must be the subject of a Stage One Road Safety Audit before planning permission is issued. In the event that the RSA raises problems, these too must be fully resolved ahead of any planning permission being granted.

The conditions and s106 obligations as previously recommended remain applicable.

WSCC Highways have previously provided comments on highways and transport matters. These are dated the 3rd July 2019 and 10th January 2019.

Changes are shown to the proposed works in and around the vehicular access. These changes are shown on drawing number ITB11335-GA-032 revision I and summarised on page 6 of the second Transport Assessment Addendum dated 7th August 2019. The majority of the changes are relatively minor and have no particular highway consequences. One of the alterations is to reduce the proposed footway on the east side of Ockley Lane from 1.5 metres from 2 metres in width. It is also proposed to further narrow the proposed footway on the east side of Ockley Lane to accommodate an existing septic tank. The changes result in a footway width of 1 metre being provided over a distance of approximately 9 metres. Given this footway will be primarily used by those accessing the bus stops, it is expected that this would be very lightly used. The proposed changes are considered acceptable.

A revised mitigation scheme is also presented for the Keymer Road/Folders Lane mini-roundabout. Previously the mitigation has shown works on all arms of roundabout. Given the limited availability of highway land, the submitted design has included design elements that are substandard and in principle unacceptable to WSCC. The applicant has therefore revisited the scheme and investigated whether improvements can be accommodated on that arm that is most affected by the increase in vehicular traffic (namely the southbound Keymer Road arm). The revised improvement is shown in appendix B of the second TAA. In summary, the mitigation involves the lengthening of the flare on the southbound Keymer Road arm. The widening works are achieved through the conversion of the existing grass verge to carriageway construction; all of the works are within the existing highway. This scheme as shown on drawing number ITB11335-GA-055 revision B should be incorporated into the s106 Heads of Terms. Further discussion would be required in terms of the trigger points for the undertaking of these works.

Whilst these works have been discussed and agreed with WSCC, the appendix that includes the modelling outputs (appendix B) appears to be missing from the public planning file however. In summary, the proposed revisions are acceptable. No objection would continue to be raised to this proposal.

Comments from 3rd July 2019

West Sussex County Council acting in its role as Local Highway Authority, has previously issued formal comments on this planning application. A number of matters were raised that required additional comment by the developers transport consultant. A Transport Assessment Addendum has been prepared that covers all previously raised matters.

Revised Access Arrangement

Although no issues were raised by WSCC regarding the principle or detail of the proposed development access onto Ockley Lane, the design has been revised. The junction still takes the form of a simple priority junction onto Ockley Lane, however the location has been moved southwards. This has increased the separation distance between the development and Hawthorn Cottage accesses. The revised design results in the need for the slight realignment of Ockley Lane in the vicinity of the junction to ensure suitable visibility splays can be achieved.

As part of the revised junction design, the existing hedgerow on the eastern side of Ockley Lane is to be set back. Previously, it was proposed to cut back the existing hedgerow to provide the required visibility splays and forward visibility. This arrangement would though have required the hedgerow to be continually cut back by WSCC. This would be unduly problematic in the summer months. The as proposed arrangement would remove any such issues.

A further consequence of the revised design and realignment of Ockley Lane is the inability to now provide a continuous footway on the western side of the carriageway as originally shown. The revised scheme does provide crossings points and a new length of footway on the eastern side of Ockely Lane. The development will therefore achieve a route from the site towards Hassocks albeit there will be a requirement to cross and then re-cross Ockley Lane. It should be noted that other routes from the development towards Hassocks are proposed (using the existing public rights of way through the Clayton Mills development (this is to be changed in status to a bridleway and the route improved as part of the proposed development)) as well as onto Ockley Lane (using footpath 5k (which is also to be upgraded in status to a bridleway)). The route requiring the crossing and re-crossing of Ockley Lane may effectively only be used to access the southbound bus stop, and as such is expected to be lightly used.

All of the revised access works are understood to be within land controlled by the applicant or land forming part of the public highway. The consent of WSCC will be required ahead of any of the highway works being undertaken. It should also be noted that WSCC will not adopt or maintain the proposed bus shelters. If these are to be provided, the applicant should ensure that a mechanism is in place to cover the on-going maintenance of these.

The revised junction and associated works have been the subject of a Stage One Road Safety Audit. This identifies several problems all of which have been addressed by the designer through revisions to the scheme layout.

In summary, the revised junction layout retains the same form as previously accepted by WSCC. The revised scheme offers a betterment to that previously shown particularly in terms of removing the need for continuous on-going maintenance of the visibility splay to the north. There is a drawback in terms of the inability to achieve a continuous footway link on Ockley Lane from where the existing footway ends to the development. It is recognised that other more direct routes towards destination in Hassocks are available with it expected that the route onto Ockley Lane via the development junction will effectively serve the

southbound bus stop. No objection would continue to be raised towards the proposed development access arrangements.

Amended Modelling

Several matters were raised in connection with the traffic modelling included in the originally submitted transport assessment.

Site Access Junction

The site access junction has been accepted as working well within theoretical capacity in the AM and PM network peak hours. Inter-peak modelling was also requested to cover school collection to ensure the junction works acceptably at this time as well. The additional modelling shows the junction would operate well within capacity with minimal delays to traffic entering or exiting.

Ockley Lane/Grand Avenue priority junction

The junction was originally modelled as being flared, thereby allowing two vehicles exiting the junction to queue side by side. The inclusion of flaring would enhance the capacity of the junction. A further improvement scheme was also proposed as part of the development to increase the length of the flare. This would have had the undesirable consequence of increasing the width of carriageway to be crossed by pedestrians.

WSCC disagreed with the use of flaring on the junction, with the wide junction layout considered to be more a consequence of the large kerb radii as opposed to intentional flaring. It was also noted that despite the wide nature of the junction, exiting vehicles did not queue side by side. The junction has therefore been modelled without a flare.

Based on the revised modelling, it is still apparent that this junction would operate well within theoretical capacity with the proposed development. The previously proposed improvement has been withdrawn.

Keymer Road/Ockely Lane priority junction

Similar to the Ockley Lane/Grand Avenue junction, this junction was also modelled as having a flare. An improvement scheme was also identified to increase the width of the exit and the length of the flare. Again the operation of the layout and operation of this junction was not considered reflective of the model. It was requested that the flare be removed. It was also requested that the improvement scheme be withdrawn due to the potential adverse impact this would have for non-motorised road users and the detriment that would result from the realignment on visibility at the Church Mead junction.

The results of the revised modelling shows increasing delays in the PM peak although the junction would continue to work within capacity with minimal queueing. In the AM, the proposed development would result in the junction operating over capacity with resultant increases to queues and delays. It should be recognised that the traffic model becomes increasingly unstable once theoretical capacity has been exceeded and as such the forecast results may not be reflective of actual conditions. Nevertheless, the model still clearly indicates a potential capacity issue.

In terms of the acceptability of the capacity issue, the test within the National Planning Policy Framework is whether the developer would result in unacceptable safety or severe highway issues. The forecast delays (163 seconds per vehicle) and queues (28 vehicles) at the worst performing time are acknowledged as being significant. Such issues will though occur over a

very short part of the day when traffic flows on the network as a whole are higher. At all other times the junction is expected to operate within minimal queues and delays.

There is the potential for traffic to use alternate routes to avoid this junction (for example exiting onto Keymer Road via Grand Avenue). The main destinations for traffic using the Ockley Lane/Keymer Road junction are through to the south with Lodge Lane and New Road presenting the most direct routes. If traffic were to re-route and use Grand Avenue, the expectation is that this traffic would then continue westwards through the Stonepound Crossroads. In light of the forecast traffic issues at the Stonepound Crossroads (delays here are longer than those forecast at the Ockley Lane/Keymer Road junction), the potential for further delays along Keymer Road itself, and this being a longer route, it is considered unlikely that any substantial number of vehicles would redirect.

In conclusion, the potential for increased delays and queues at this junction are acknowledged. The possible consequences of these increased capacity issues have been considered. Whilst the possibility of traffic re-routing and exacerbating capacity issues elsewhere cannot be ruled out in its entirety but due to existing issues considered unlikely. The only other consequence is traffic queuing back and blocking other junctions. In this instance, only Church Mead would be blocked. There are otherwise no recorded pre-existing safety issues at the Ockley Lane/Keymer Road junction that the increase in traffic would worsen. It's not considered that the development would result in any severe or unacceptable safety impacts.

Lodge Lane/New Road crossroads

No capacity issues have been previously identified with the existing junction and it is accepted that this would continue to operate within capacity with the development. Additional modelling has been presented based on an indicative improvement scheme. This proposes to simplify the Lodge Lane northern arms by closing the eastern branch. Right turning lanes are also proposed for turning traffic. This is based on potential works that may (subject to feasibility) be implemented by WSCC separately to the current planning application. Whilst any future scheme will be subject to further design consideration, the potential revised junction arrangement is still indicated to work within capacity. Given the increase in traffic that will result, it is still recommended that the development contributes towards the future WSCC improvement as shown on the indicative arrangement. Any such contribution would need to be proportionate to the impact of the development and the potential cost of the improvement works.

Keymer Road/Folders Lane mini-roundabout

Discussions are on-going between the applicant's transport consultant and WSCC regarding the design of the proposed mitigation scheme. An update will be provided once these discussions have concluded.

Accessibility Improvements

A number of minor footway/walking improvements were shown in the original TA. In addition to these, further improvements are identified. These improvements are proposed to the walking route from Ockley Lane using the existing pedestrian only footpath onto Farnham Avenue and Manor Avenue.

All of the improvements are now shown on drawings ITB11335-GA-033 and ITB11335-GA-054, included in appendix H of the TAA. These are all understood to be sited within the existing highway, and so as such will require the permission of WSCC to implement. It is

recommended that these works are included in the s106 agreement. A trigger point will need to be agreed by which time these works should be completed.

In light of local concerns with existing vehicle speeds, additional measures are proposed to further reinforce the existing speed limit. These measures include the provision of a gateway feature into Hassock to the immediate north of the proposed development junction and vehicle activated signs on Ockley Lane. The gateway feature will form part of the highways works agreement required to construct the new junction with details agreed as part of that.

The vehicle activated signs are to be located within and reinforce the existing 30mph speed limit. The TAA implies that these will be covered by way of a contribution although the preference would be more that these are provided by the applicant as part of their highways works agreement.

A contribution was previously proposed to enable increased cycle parking at Hassocks train station. As the contribution related to works outside of the public highway, it was questioned whether it was appropriate for WSCC to take this. A revised plan has been submitted showing the potential location for additional cycle parking within the highway near to the station. The provision of the additional stands would overcome the issue with taking a contribution for works outside of the highway. For the purposes of securing the works, it is recommended that these are included in the s106 agreement. An either or obligation should be included; either the works as shown on drawing number ITB11335-GA-049 or a contribution made in lieu to allow other similar cycle parking to be installed elsewhere in the vicinity of Hassocks railway station.

Other Matters

Although covered through the construction management plan, in light of existing constraints (the width restriction on Ockley Lane (albeit this will allow for access), the air quality management area at Stonepound Crossroads and road widths through Ditchling), routing for construction traffic will need to be suitably agreed prior to development commencing. Any CMP will need to account for the early delivery of the school site and the possibility of the school being occupied whilst the residential development continues to be built out.

Summary

Other than the on-gong discussions regarding the form of mitigation at the Keymer Road/Folders Lane mini-roundabout and the need to agree the trigger points for the various s106 highway works, all other matters are considered to be resolved. Suggested conditions and s106 heads of terms for highway matters are set out below.

Conditions

Construction Management Plan
No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,

- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

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

Visibility
No part of the development shall be first occupied until visibility splays of 2.4 metres by 120 metres have been provided at the proposed site vehicular access onto Ockley Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Access
No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access Arrangement from Ockley Lane, numbered ITB11335-GA-032 Rev G.

Reason: In the interests of road safety.

Travel Plan
Upon the first occupation, the Applicant shall implement the measures incorporated within the approved travel plan (referenced MG/RS/ITB11335-102B R, dated 3rd June 2019. The Applicant shall thereafter monitor, report, and subsequently revise the travel plan as specified within the approved document. Reason: To encourage and promote sustainable transport.

Informatives

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

Works within the Highway - Implementation Team
The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

<u>S106 Heads of Terms</u>

- A contribution of £7,300 to enable the investigation and reduction of the existing derestricted speed limit on Ockley Lane if deemed compliant with current policy.
- A scheme of improvements at Keymer Road/Folders Lane mini-roundabout (TBC)

- Contribution to WSCC led works at New Road/Lodge Lane crossroads (TBC)
- Delivery of a continuous bridleway northwards to Burgess Hill, incorporating those works within DM/18/4980, and the details shown on drawings numbered ITB11335-GA-021, ITB11335-GA-022, ITB11335-GA-023, ITB11335-GA-024 and ITB11335-GA-025.
- Public rights of way improvements as shown on drawing numbered ITB11335-GA-014 to footpath 11k, to include conversion to a bridleway (subject to land owner's permission).
- Walking improvements along routes from the development into Hassocks as identified in Pedestrian and Cycle Audit as shown on drawings numbered ITB11335-GA-033 and ITB11335-GA-054.
- Additional cycle parking in the vicinity of Hassocks Railway Station as shown on drawing numbered ITB11335-GA-049 or a contribution in lieu of the cost of the works to provide cycle parking or other such cycle improvements in the vicinity of the development.
- Provision or contribution towards two vehicle activated signs on Ockley Lane at locations to be agreed to reinforce the existing 30mph speed limit.

<u>Comments dated 10th January 2019</u>

Summary

1. The application is supported by way of a Transport Assessment (TA), Travel Plan, and Stage One Road Safety Audit (RSA). The scope of the TA and the vehicular access onto Ockley Lane has been discussed with WSCC in its role as Local Highway Authority prior to this application being submitted.

Context

2. The land forming part of this application is acknowledged to be allocated within the adopted Mid Sussex Local Plan for a residential development of approximately 500 homes and a new primary school. The general principle of development on this site is therefore taken as accepted. The application put forward still needs to demonstrate compliance with all relevant policies. The site specific policy within the MSLP (policy DP11) includes the following highways and transport requirements,

- Provide a suitable and safe access to the site form Ockley Lane and appropriate mitigation to support the development with regards to the Local and Strategic Road Network.
- Identify and response to issues relating to air quality in relation to the site's proximity to the Stonepound Crossroads Air Quality Management Area (AQMA).
- Make provision for charging electric vehicles.
- Make a financial contribution to secure improved public transport provision to Hassocks and Burgess Hill.
- Provide safe pedestrian/cycling routes within the development to connect with existing residential areas, the services within Hassocks village centre, Hassocks railway station, and enhance the existing cycle route to Burgess Hill.
- Assess the implication of the development on pedestrian and cycle railway crossings and ensure that there is an agreed approach towards ensuring the provision of safe crossings.

3. Whilst the majority of the above points will be considered by WSCC, for a number of them West Sussex are not the appropriate lead authority. With respects to the second point, although the air quality issue relates to emissions from traffic, the District Council's Environmental Health team are appropriate authority. For the fourth, as most bus services within West Sussex are now run on a commercial basis, should contributions be offered towards any improvements, these would need to be agreed with the respective

operator. For the final point, Network Rail is responsible for the existing Woodside level crossing and will review any impacts resulting from the increased use of this.

Access Arrangements

4. Vehicular access is proposed at a single point onto Ockley Lane. Further accesses are proposed onto Ockley Lane via footpath 5k, into Hassocks via footpath 11k, and heading northwards using a proposed new bridleway. With the exception of the access onto Ockely Lane using footpath 5k, those routes using footpath 11k and the new bridleway are intended for non-motorised road users only; access onto Ockley Lane via footpath 5k is primarily for NMUs but also to provide emergency access. The principle of the proposed access arrangements are considered appropriate.

5. With regards to the Ockley Lane vehicular access, this is proposed as a simple priority junction. The junction is to be 6.1 metre wide with 8 metre kerb radii. Given the type of vehicles to use the junction, this geometry is adequate. Visibility splays of 2.4 by 120 metres are proposed. These are demonstrated as sufficient based on the recorded 85th percentile vehicle speeds (as opposed to using the posted 60mph speed limit) and the braking and perception times taken from the Design Manual for Roads and Bridges.

6. Forward visibility for southbound vehicles (to observe a stationary vehicle waiting to turn right into the site) is also indicated as adequate to the recorded vehicle speeds. The forward visibility splay is within the adopted public highway but will require the extensive and continuous on-going cutting back of an existing hedgerow.

7. The existing access serving Hawthorn Cottage is retained. This private access serving a single dwelling is located to the immediate north of the proposed access serving the development. This arrangement whilst not ideal is considered unlikely to result in any conflicts given how lightly trafficked the private access will be.

8. The access arrangements onto Ockley Lane have been the subject of a Stage One Road Safety Audit. This has raised three problems (forward visibility, relocation of obstructions within the visibility splay, and lack of provision for pedestrians to southbound bus stop). No problems have been raised in regards of the form of access onto Ockley Lane or for that matter the presence of the private access to the north. All of the problems have been satisfactorily addressed by the Designer.

9. Based on the information submitted and viewed against current design guidance, safe and suitable access has been demonstrated.

10. As a further comment and as noted above, the access design is based on the recorded vehicle speeds within the existing 60mph speed limit. The applicant is offering to fund the extension of the 30mph northwards on Ockley Lane. The potential indicative extent of this is shown on drawing ITB11335-GA-006 revision J with the final extent determined as part of the process associated with changing the speed limit. It should be noted that the development is in no way reliant on the potential speed limit change, which itself is subject to a statutory legal consultation process not to mention first having to meet the WSCC Speed Limit Policy. However the presence of the development and new junction may serve to reduce speeds and thereby enable a lower speed limit to be promoted. It's recommended that the TRO contribution is secured within the s106.

Highway Capacity

11. The TA details the anticipated vehicular trip generation arising from the development and where this will impact upon the local highway network. The scope of this assessment follows current best practice as included within the National Planning Policy Guidance.

12. Vehicle trip generation for the uses within the development has been based upon TRICS. TRICS is a large database containing traffic surveys of other completed developments. The database can be refined so as to use only those completed development comparable to that proposed. The use of TRICS is an accepted means of estimating vehicular traffic arising from new developments. TRICS has already been used and accepted for a number of permitted developments in the local area.

13. For the residential uses, the TRICS assessment assumes a 100% private market all house development. The selection parameters applied (particularly the population within 1 and 5 miles) aren't perhaps truly reflective of the development location. However the proposed trip rate (of 6.9 vehicle movements per dwelling per day) is considered to be high. Considering also that the development will include an element of affordable dwellings and apartments (it is recognised that private market units generate more movements than affordable or flatted units), the trip generation used within the assessment is robust.

14. For the primary school, a separate technical note is provided. This sets out in detail the methodology to determine trip generation and distribution for the proposed school. For the purposes of the TN, this assumes that all trips would be new to the network. Clearly this would be the case for trips generated by the new development. However it would also provide an alternate destination for education based trips from existing properties. The new school may therefore result in a redistribution of trips. These trips would already be on network but heading to other schools in the local area. The new school would simply result in further trips in the immediate vicinity.

15. An adjustment has also been made to the residential vehicular trip rate to account for those pupils that will reside in the development and will not therefore need to travel off-site. This amounts to a relatively reduction of 35 two way trips in the AM peak. No reduction is made to the PM peak given that school related trips occur away from this time. Accounting for this and other assumptions, the methodology applied is considered reasonable.

The following trips have been used in the assessment:

	AM Peak			PM Peak		
	Arrivals	Departures	2 way	Arrivals	Departures	2 way
500 units	55*	191*	246*	189	106	295
Primary School	104	69	173	0	11	11
Total	159	260	419	189	117	306

*adjusted to account for internalised trips to the primary school

16. The capacity assessments have been undertaken in various scenarios to determine conditions in a base year (2017) and to determine conditions in a future year (2022 and 2031) without and with development. The future year assessments include all those consented developments in the study area. These developments are listed in table 9.1 within the TA.

17. An appropriate traffic growth rate has also been applied to the base year surveys using TEMPRO. This uses data from the National Trip End Model to determine future traffic growth. Adjustments have been made to the traffic growth rates to ensure that consented development already included as part of the background growth is not double counted with this being factored in separately. The applied growth rates are included in appendix R although these don't include details of housing or employment growth upon which the rates are based. These details would be requested.

18. Two future year assessments are included; 2022 when the development is anticipated to be completed and 2031 to reflect the end of the Local Plan period given that this is an allocated site. In both scenarios the development is anticipated to reflect the fully occupied and completed development. In reality, the development is unlikely to be fully completed by 2022 as it does not yet benefit from outline planning permission, will require a further reserved matters submission, as well as requiring enabling works and the discharging of conditions ahead of development commencing. This is further reinforced by the fact the submitted Travel Plan includes monitoring for a period of up to nine years beyond the first dwelling being occupied. The development should however be completed by 2031.

19. A more appropriate future year other than 2022 could be requested. However even in a future year, the impact of the development would remain the same. The only aspect that would change is the background traffic growth. As this includes a number of consented dwellings (1,489 in total of which a number have been built), these are also unlikely to be realised in full before 2022. Effectively the 2022 future year includes inflated traffic growth that is more reflective of a later year. The National Planning Policy Framework is also quite clear in requiring development only to ensure that its impacts are not unacceptable in safety terms or severe in any other respects. The NPPF allows for little weight to be given to the impact of background traffic growth, although for those consented developments these will separately have been required to undertake proportionate reviews of their own impacts and implement mitigation where necessary. Even with the 2022 future year, the TA satisfactorily considers the impact of the development.

20. In order to determine the likely destinations of trips and then to assign movements to routes, Census Journey to Work data has been applied. This uses data from the existing Hassocks area as a proxy for those that will reside in the new development. This approach is not considered unreasonable and has been applied for TAs for other comparable developments.

21. As destinations and routes have been determined, it is then possible to identify those links and junctions that will be affected by the increase in vehicle movements, and where necessary formal capacity assessments are required. As a guide, formal assessments would be required for those junctions where the development will result in 30 or more vehicle movements.

22. Applying the above, the following junctions have been assessed with the development impact summarised alongside,

23. Ockley Lane/Developer priority junction - this is forecast to work within capacity in all modelled scenarios.

24. Ockley Lane/Grand Avenue priority junction - the junction is modelled as having a flare (meaning that vehicles can queue side by side on the minor road arm. The modelled length of this is though one vehicle, which in reality is the case as the junction widens where this meets Ockley Lane. This is though more a consequence of the large kerb radii rather than an intention flaring. In practice, it's considered unlikely that vehicles exiting onto Grand Avenue would queue side by side as flows on both the minor and major arms are not such that these would cause significant difficult for vehicles exiting onto Ockley Lane. The junction should perhaps have been modelled without the flare. Even so, this junction is forecast to work within capacity in all modelled scenarios. Changing the model to remove the flare is unlikely to make any particular difference to this conclusion.

25. Keymer Road/Ockley Lane priority junction - Similar to the above, this junction is also modelled as having a flare. Again, the junction should perhaps have been modelled without the flare as even with the widening, vehicles were not observed to queue side by side. The 2022 with all development is also forecasting queuing in both flares of 4 vehicles. This clearly exceeds the available flare length. The modelling therefore isn't necessarily reflective of the possible operation of the actual junction. This should be revised and modelled without the flare.

26. Notwithstanding the above comments, based on the modelling presented, the proposed improvement (to increase the flare) would seem unnecessary as the increased queues and delays are not considered severe. The improvement would also setback further the give way lines at the Church Mead junction, where visibility is already limited. This has the potential to worsen visibility to the north onto Ockley Lane. The increased flare would also increase the width of carriageway that pedestrians would have to cross. The improvement may therefore increase capacity but would have other undesirable impacts for other road users. The junction should be remodelled and the proposed improvement withdrawn.

27. Keymer Road/Lodge Lane priority junction - this is forecast to work within capacity in all modelled scenarios.

28. Lodge Lane/New Road crossroads - this is forecast to work within capacity in all modelled scenarios. An improvement scheme is though offered. This is more in terms of safety rather than improving capacity. As there are a number of recorded personal injury accidents at this junction, separate to the current application, works are being considered by WSCC to undertake a scheme of improvements. This is presently under development. It is though recommended that the proposed development contributes financially towards the WSCC scheme rather than implementing any physical works.

29. Keymer Road/Grand Avenue priority junction - this is forecast to work within capacity in all modelled scenarios. Despite this, an improvement scheme is proposed to flare the Grand Avenue arm. This will increase capacity, but will increase the crossing width for pedestrians. Given that this junction is within the village centre with high flows of pedestrians, such an improvement is not desirable particularly if there is no significant capacity impact. This improvement scheme should be withdrawn.

30. London Road/Keymer Road/Brighton Road/Hurst Road (Stonepound Crossroads) signalised crossroads- all arms but that of Brighton Road (south) are forecast to exceed capacity in the future year accounting for committed developments. This situation will

occur regardless of the implementation of the improvement secured as part of the land west of London Road application (DM/17/4307).

31. As required by the NPPF, the impact of the development is viewed against the existing situation. Based on the modelling, it's apparent that the queue lengths and delays on all arms would marginally increase with the development expected to result in an increase of 36 movements across all arms in the AM peak and 15 in the PM. This marginal impact is the result of development traffic using other more direct routes to reach their destination. For example, most southbound traffic will use Lodge Lane and New Road.

32. WSCC are satisfied that the development would not significantly or unacceptably increase queues and delays at this junction.

33. Keymer Road/Folders Lane mini-roundabout - the modelling outputs included in appendix V indicate that this mini-roundabout has been modelled as a standard roundabout. The reasoning for this is not stated within the submitted TA. This would need to be clarified as modelling this in a different form would affect the outputs not to mention requiring specific geometrical inputs to be used. In saying this, the model may well have been calibrated using surveyed queues. This would still need to be clarified. Nevertheless, there is still the expectation that the mini-roundabout would operate over capacity.

34. Notwithstanding the above, reviewing the junction modelled as a standard roundabout, whilst the development increases delays in the AM peak, all arms continue to operate within capacity. IN the PM peak, the performance of the Keymer Road (north) arm deteriorates although this is over capacity without accounting for the proposed development. Delays and queues significantly worsen with the development, although it is recognised that the once the theoretical capacity is exceeded, the model becomes increasingly unstable with the forecast results not necessarily reflecting reality.

35. An improvement scheme is proposed. This will retain a mini-roundabout but will make all arms two lanes rather than single lane as they are at present. The principle of the works is acceptable. The works have though neither been the subject of a design audit (identifying all relevant standards used in the design) or Stage One Road Safety Audit. If the scheme is to be taken forward as part of the development, it would be a requirement for both these supporting documents to be provided prior to the application being determined.

36. Keymer Road/Station Road/Junction Road/Silverdale Road roundabout - with the exception of the Station Road arm in the PM peak, all other arms are forecast to operate over capacity. Viewing the Station Road arm, the development does take this over capacity. As noted above, the modelling becomes increasingly unstable. The increase in queues and delays on the Station Road arm are not especially significant and are not considered to be severe.

37. Station Road/Church Road/Mill Road mini-roundabout - although the Mill Road arm is approaching capacity in both the AM and PM peaks, this is still forecast to operate within capacity. Queues with the development increase slightly with the development (by 2 vehicles in the AM and 3 in the PM). These impacts are not considered to be severe.

38. Station Road/Civic Way/Queen Elizabeth Avenue/MSDC Car Park roundabout - this junction is forecast to operate within capacity in all scenarios.

39. In summary, for significant majority of junctions it's accepted that the development would not result in any severe capacity related issues. It is recommended that the Keymer

Road/Ockley Lane priority junction is modelled without the inclusion of a flare. A design audit and Stage One RSA are requested for the proposed improvement to Keymer Road/Folders Lane mini-roundabout.

Accessibility by Sustainable Modes

40. Consideration is given to access by walking, cycling, and passenger transport.

41. From the centre of the site, it is apparent that all of Hassocks village centre, including the railway station is within a reasonable walking distance, which is considered to be 1.6 km or 1 mile). For trips of this distance, walking accounts for 80% of all trips (as taken from the National Transport Survey.

42. The TA also reviews most of the potential walking routes towards the village centre (it doesn't identify or consider the pedestrian only footpath leading from Ockley Lane to Mackie Avenue however, which provides a much shorter route to using Ockley Lane and Grand Avenue). From this a scheme of pedestrian improvements incorporating tactile paving at various junctions is proposed. This should be secured as a scheme of works by planning condition. The applicant is requested to provide a plan showing the locations of the proposed tactile paving for inclusion in the condition.

43. Comments are made within the TA regarding the potential use of the Woodside level crossing. This crosses over the London to Brighton mainline and is the responsibility of Network Rail. The TA considers the existing and potential future use of this. It is noteworthy that alternate at grade routes are available to the existing crossing (a steep stepped crossing with unlit and unbound surfacing on both side). A potential improvement scheme is also referred to that is currently under discussion. Appropriate provision for the delivery of the crossing improvement should be included in the s106 agreement once a final decision has been made between the applicant and Network Rail.

44. For cycling, a greater distance is applied. It is common practice to apply a 5 km distance although the CIHT Planning for Cycling (2015) identifies that 80% of cycle based trips are less than 5 miles, which equates to 8 km. It is though acknowledged that some cyclists will exceed these distances for any journey purpose.

45. The likely destinations for the majority of cyclists will be Hassocks or Burgess Hill. Journeys into Hassocks could be made via Ockley Lane via Grand Avenue or Keymer Road. This would be on-carriageway with there being no facilities available or proposed. In light of the nature of the routes, these would not be unattractive to cyclists.

46. The other available route is via Woodlands Avenue using an upgraded footpath through the development to the immediate south. Details of this potential upgrade are shown on drawing ITB11335-GA-014 (appendix J of the TA). These works include the upgrading (both physical and in terms of status (to become a bridleway)) of footpath 11k. Without this becoming a bridleway, cyclists could not legally use the footpath without first having to dismount until they reach Woodsland Avenue. The upgrading process is dependent on the landowner granting permission with this noted as being outside the red edging of the current application. Confirmation would be sought as to whether the applicant has had any discussion or gained any in principle agreement to enable this upgrade. The WSCC Rights of Way team should be formally consulted on this matter.

47. To the north to Burgess Hill, the most direct existing route is on carriageway via Ockley Lane. This has a 60mph, is unlit and rural in nature. The use of this would appeal only to the more experienced cyclist. As part of the development, a new bridleway is

proposed towards Burgess Hill. This runs parallel to the London to Brighton mainline. Whilst this route will be unlit and consist of a crushed stone type surface, it will be entirely off-road and therefore offer a more attractive route, particularly for less experienced cyclists. The WSCC Rights of Way team should be consulted to provide formal advice on the process associated with the creation of this new bridleway.

48. The bridleway itself is split across two planning applications (the other being DM/18/4980). The bridleway will have to be delivered as one continuous route at an appropriate time. Some mechanism for this will have to be included either in the planning conditions or within the s106 agreement.
49. There are a limited number of bus services in the immediate vicinity. There is at least currently an hourly service to and from Burgess Hill, and Hassocks railway station is within reasonable walking distance.

50. Improvements are proposed to nearby passenger transport infrastructure, including the provision of a southbound stop on Ockley Lane, and improvements to the existing northbound stop. This is a new stop although that on the northbound carriageway currently provides for north and south bound services.

51. The applicant should note also that WSCC do not adopt new bus shelters. If this is to be provided, this would be adopted either by the Parish or District Council. An agreement should be reached with either of these two to ensure there is a commitment to on-going maintenance if a shelter is provided.

52. A contribution is also proposed towards increasing cycle parking provision at Hassocks railway station. None of the land within the vicinity of the station forms part of the public highway hence the provision of additional parking adjacent to the station is more a matter for discussion with the station operator rather than any contributions being taken by WSCC.

53. One of the requirements within the site allocation policy wording within the MSDC Local Plan is for this development to provide a financial contribution towards improved passenger transport services. No contributions appear proposed in these respects. In principle, it is considered that there is limited merit to seeking contributions unless these are capable of securing a permanent service improvement; a contribution that provides only a short term improvement would be of limited benefit. Any such contribution should also be agreed directly with the bus operator given that they will operate the service rather than WSCC.

54. In light of the other sustainable transport improvements being offered (the new bridleway in particular), this is considered to offset the non-provision of any passenger transport contribution. The final decision on the non-compliance with this aspect of the site allocation policy is more a matter for the Local Planning Authority.

55. A travel plan is also included. This covers only the proposed residential units. A separate TP for the school will be required. This will need to be developed by the future occupier and prior to the school being first occupied. For the residential TP, this for the most part is acceptable. It is though recommended that the monitoring is revisited, particularly in reference to the commencement of the TRICS monitoring. The TP advises that these will commence three months following first occupation. It is though recommended that the TRICS monitoring does not commence until a more meaningful number of units have been occupied (for example 100 units). Up until the commencement of TRICS, informal monitoring should still take place to advise of the implementation of the TP.

Internal Layout

56. Details of the internal layout at this stage under consideration or being sought to be agreed; the approval of the layout (including parking) will be for consideration as part of the Reserved Matters (RM). Broad design principles are included in the Design and Access Statement. For the most part these are appropriate. The only aspect that is unnecessary is for a shared foot/cycle way along the Main Street. The traffic flows within the development and design speeds will be such that cycling on the carriageway should not be perceived to be unsafe. Current best practice within LTN 1/12 recommends that cyclists are provided for within the carriageway rather than having a shared use route. The detailed design should reflect this and not include shared routes.

57. Car parking should be provided against the relevant standards in place of the RM application.

Conclusions

58. It is accepted that the site is allocated for residential development within the adopted Mid Sussex Local Plan. The principle of development is therefore accepted. In considering the TA submitted with the application, this for the most part acceptably reviews the impacts of the development. There are several matters that would need to be addressed regarding the modelling as well as confirmation being required over certain aspects of the sustainable access strategy.

WSCC Education

Education response regarding the location of the primary school site as master-planned.

One of the statutory duties of a local education authority, in this case West Sussex County Council (WSCC), is to ensure that there are sufficient school places, Early Years and Special Educational Needs facilities, for all its children and young people.

In particular, demand for primary school places has increased in the Hassocks locality and is likely to continue to do so with a large number of housing developments being proposed and constructed in the short and medium term.

To address this, there are proposals for a new primary school, with a pre-school facility and a centre for Special Education Needs and Disabilities (SEND provision) as part of the wider development of Land N of Clayton Mills to the North of Hassocks. This forms part of the County wide strategy to provide sufficient school places in the right areas to cater for increasing demand in as timely a manner as possible as set out in the Planning School Places document 2019.

https://www.westsussex.gov.uk/about-the-council/policies-and-reports/school-policy-and-reports/planning-school-places/

A new school to serve Hassocks will prevent children from the village having to attend schools in Burgess Hill, Albourne, Ditchling and further afield.

Initial feasibility and viability work suggests the site is suitable for a two form entry primary school (offering up to 420 places) with Early Years and SEND facilities and WSCC will request that any site issues are addressed by the developer as will the District Council or Planning Inspector in the form of planning conditions (see attached Appendix 1 Site Suitability Checklist). The scheme will also have to demonstrate safe routes to school for children and parents outlined in a school travel plan.

The identification and selection of a site for a primary school in Hassocks has been protracted over a number of years. WSCC welcome the provision of a school site at land North of Clayton Mills, as an available and deliverable opportunity for a new school which can be provided within the specified time scale, to meet immediate needs and future needs as the population of Hassocks increases. The site identified to the east of the scheme closer to Ockley Lane allows the school to be built as early in the development of the housing as possible and helps to ensure there are sufficient places available in the area to meet children's needs. The site to the west of the site, nearer the railway, would add a significant delay to the school delivery programme possibly of several years and for this reason is not supported.

Discussions about the delivery of the school are ongoing with the developer and Highways department of WSCC and will be encapsulated in an s106 agreement should the development gain further planning consent. This will confirm a timeframe for the school which will in part depend on any build out programme of the houses and also pupil forecasts prepared twice yearly for WSCC by independent demographers. The school is likely to be a free school or academy given the current legislative framework for new schools.

WSCC Public Rights of Way

West Sussex County Council's (WSCC) Public Rights of Way (PROW) Service welcomes the proposals put forward in the above planning application for improvements to the local PROW network, namely the dedication of 'Public Bridleway' status along the current route of public footpaths 5K and 11k. This will provide a multi user connection between Ockley Lane, the proposed development and the village of Hassocks.

WSCC PROW also welcomes the addition of the new route northwards towards Burgess Hill; this is an aspiration of the West Sussex Walking and Cycling Strategy. It is recommended this also carries public bridleway status (rather than 'cycleway') to be consistent with the surrounding PROW network.

In the event any new PROW is to be created or an existing PROW is proposed to be altered in status, given the surface of the path will thereafter be maintained by WSCC PROW then the future status, surfacing and provision of structures (such as bollards) must be agreed in advance with WSCC PROW. The proposed surfacing materials of crushed stone and short sections of tarmac, also the provision of 3m width with 0.5m margins and the installation of bollards, are acceptable in principle subject to final approval of WSCC PROW.

It is noted that not all of the proposed routes fall within the development site and/ or connect with PROW of similar status or other public highways. The applicant must be required to seek the agreement from all the relevant landowners to upgrade all the routes needed so that there is a legal continuation of the higher status connecting into the PROW and Highways networks. This includes sections of footpaths 11K and 60BH. The upgrade of footpath 60BH will require improvements to the surface to be consistent with those proposed in the development site; it is noted this is to be the subject of a separate planning application.

These ambitions can be realised through the legal dedication of Public Bridleway status using section 25 of the Highways Act 1980. Further advice for the process of this legal dedication can be sought through WSCC PROW.

It is reasonable to believe that foot and cycle access, possibly equestrian access too, connecting the developments east and west of the railway will benefit future residents and the wider community. NPPF para 98 states "Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better

facilities for users, for example by adding links to existing rights of way networks including National Trails." This application, when considered with the adjacent Friars Oak site (DM/15/0626) and the existing bridleway network west of the A273, also the shared cycleway footway alongside the A273, is THE opportunity to provide suitable infrastructure for future local benefit. It is not certain how the applicant has arrived at its belief there will be 'negligible demand' for trips between the two sites (DAS, page 65) - with 500 homes and a school planned at this site and 130 homes planned at Friars Oak, and existing residents each side of the railway, considerable demand can be reasonably expected. There is the potential to use an existing tunnel within the railway embankment and the applicant of the Friars Oak site is discussing an overbridge on footpath 5K; the former may be a cost effective and safer alternative to the latter. MSDC should require both site applicants to work together to provide a suitable route. WSCC PROW can be contacted to provide advice on request.

Additionally, the value of providing a safe connection for bridleway users between footpath 5K (to be up-graded to bridleway) and existing bridleway 6K should be considered. Bridleway 6K is a link to Ditchling, where it is reasonable for future residents to want to visit, with onward connection to other bridleways and the popular Ditchling Common Country Park. NPPF para 111 states "There is also requirement for the assessment of movement impacts - including vehicular, pedestrians, cyclists and other non-motorised users". MSDC should require the applicant to develop, with WSCC Highways, measures to enhance bridleway users' safety; and then to deliver same.

WSCC will require details of the landscaping that will be carried out to facilitate the 'Emergency Access Point' to be provided at the entrance to footpath 5K (future bridleway) on Ockley Lane. There is no objection to this in principle; however, WSCC PROW must be satisfied the design provides suitably for future bridleway users.

In addition to the specifics above, the applicant must also note the general conditions below:-

- Any alteration to, or replacement of, the existing boundary with any PROW or the erection of new fence lines, must be done in consultation with WSCC PROW to ensure the legal width of the PROWs are maintained and there is no unlawful encroachment. Should planning consent be approved by the Local Planning Authority this would not confer consent for such fencing of any PROW, which would require a separate application to WSCC PROW.
- No structure, for example gates or stiles, may be erected on the PROWs without the prior consent of WSCC PROW. Should planning consent be approved by the Local Planning Authority this would not confer consent for such a structure, which would require a separate application to WSCC PROW.
- Access along any PROW by contractor's vehicles, deliveries or plant is only lawful if the applicant can prove they have a vehicular right of access. Parking on PROW's is considered an obstruction and is not permitted.
- The surface of any PROW must not to be altered in any way without the prior consent of WSCC PROW. Should planning consent be approved by the Local Planning Authority this would not confer consent altering the surface of the PROWs, which would require a separate application to WSCC PROW.
- If any PROW's surface is considered damaged as a result of the development then the applicant will be required to make good the surface to a standard satisfactory to WSCC PROW.
- Should any building works, demolition or construction encroach upon any PROW then a Temporary Path Closure Order may be required, for which an application must be made to WSCC PROW. Should planning consent be approved by the Local Planning Authority

this would not confer consent for such a closure, which would require a separate application to WSCC PROW.

WSCC Local Lead Flood Authority

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

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

Flood Risk Summary

Modelled surface water flood risk	Moderate risk
Comments: Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding although there are locations across the site is shown to be at higher risk. This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events. Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed. Reason: NPPF paragraph 163 states – 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.' Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.	

Modelled ground water flood risk susceptibility	Low risk
Comments: The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping. Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent. Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.	

Records of any flooding of the site?	No
Comments: We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.	

Ordinary watercourses nearby?	Yes
Comments: Current Ordnance Survey mapping shows an ordinary watercourses running across the site. Local or field boundary ditches, not shown on Ordnance Survey mapping, may also exists around the site. If present these should be maintained and highlighted on future plans. Works affecting an ordinary watercourse will require ordinary watercourse consent.	

Future development - Sustainable Drainage Systems (SuDS)

The FRA for this application proposes that sustainable drainage techniques (swales and ponds/detention basin with a restricted discharge to the local watercourse) would be used to control the surface water from this development to Greenfield run-off rates. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

WSCC Infrastructure

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

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

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

The advice is as follows:

1. School Infrastructure Contribution

1.1 The Director for Children and Young People's Services advises that it appears that at present primary/secondary/further secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested.

1.2 Early Years, Primary and Special Educational Needs and Disability (SEND) contribution

The contribution sought by the County Council would be based on: the housing allocation at Clayton Mills providing a 1FE primary school and the provision of early years places, as set out in the Mid Sussex Infrastructure Delivery Plan 2016.

We will require land conforming to BB103 standards for the provision of a 2FE Primary School to serve Hassocks, to include early years and SEND places, plus a financial contribution (to be determined) towards the cost of providing the new school and facilities.

1.3 Secondary Financial Contribution

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

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

DfE figure (Secondary) x ACP = Secondary Education Contribution where:

Note: x = multiplied by.

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

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

Using the latest published occupancy rates from the census statistics published by the Office for National Statistics to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 5 year groups for secondary (years 7 to 11).

DfE Figure = Department for Education (DfE) Secondary/Further Secondary school building costs per pupil place) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2018/2019 is £27,000 - Secondary, updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.4 The contributions generated by this proposal shall be spent on infrastructure improvements at Downlands Community School.

2. Library Infrastructure Contribution

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

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

2.2 Financial Contribution

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

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

L x AP = Libraries Infrastructure Contribution where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of Open Market Units and shared Ownership Affordable Housing Units as approved by a subsequent reserve matters planning

application. Using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

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

L = Extra library space in sqm. per 1,000 population x the library cost multiplier (which currently for the financial year 2018/2019 are [30/35 sq.m] and £5,252 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on the development of services at Hassocks Library.

General points

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

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

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

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

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

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

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

West Sussex Minerals & Waste Planning Authority

West Sussex Joint Minerals Local Plan (July 2018)
The site is within the area identified as a Brick Clay Resource safeguarding area. Policy M9 of the JMLP notes that proposals for non-mineral development within these areas will not be permitted unless:

(i) "Mineral sterilisation will not occur; or
(ii) It is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or
(iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible."

Sterilisation of the mineral resource will occur as a result of the change of use of the land. This is evident as the proposed development would occupy an undeveloped site outside of any built up area boundary that resides within the Weald (Brick) Clay Resource Mineral Safeguarding Area.

While the applicant has not confirmed whether the extraction of the mineral is appropriate, environmentally feasible, or practicable; the proposed development area is allocated as a strategic site designated for non-mineral development as identified within the Mid Sussex District Plan (2014-2031), Policy DP11.

Therefore, in accordance with Policy M9 (iii), it will be for the determining authority to establish whether there is an 'overriding' need for the development, sufficient to outweigh safeguarding of the mineral. On balance, provided a need for housing in this location can be adequately demonstrated, in this case the County Planning Authority would offer no objection to the proposals.

Should additional information regarding the mineral resource be required in order to determine the application, the applicant's attention is drawn to the Guidance available at this link.

West Sussex Waste Local Plan (April 2014)
The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23).

Historic England

Thank you for your letter of 9 August 2019 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

<u>Comments dated 1st February 2019</u>

On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The grade II* listed Ockley Manor is one of three listed buildings forming a discrete group within a rural landscape to the northeast of Hassocks. The Manor in combination with the grade II listed barn to the northwest and Dovecot to the southwest has strong group value. The rural setting in which the listed buildings are located contributes to the buildings significance and aids the understanding of the site as an 18th century manorial complex.

The current proposal is for outline planning permission for the development of 500 dwellings, a primary school, community building and associated infrastructure. The proposal lies within land identified in the Mid Sussex District Plan 2014-2031 under DP11: Strategic Allocation to the north of Clayton Mills, Hassocks.

The allocation abuts the listed group at Ockley Manor to its western edge and is therefore within the complexes setting. The principle of the type and amount of development within this allocation makes some change to the setting of the Manor unavoidable and therefore anticipates some level of harm. To minimise potential harm the District Plan advises that any planning application brought forward at this site should incorporate a suitable buffer to protect the setting of Ockley Manor, Ockley Manor barn and Dovecot.

This application will result in extensive areas of new development in close proximity to the listed building group. In our view the setting of the complex of listed buildings will change with some existing open countryside views lost, which will visually and audibly alter the setting of the Manor. We agree with the conclusion reached in the Environmental Statement that development would have a permanent and long-term effect.

We note that the application includes a significant amount of green space to its eastern boundary. We agree that this helps maintain some sense of openness in views to and from the listed buildings. We support the overall approach in views to landscaping with the introduction of tree belts and understorey planting to act as mitigation in screening the development from the listed buildings. Additionally we support the proposal of lower height dwellings to the eastern boundary. We note that generally development is stepped back from this sensitive edge, but query is this could perhaps go further by moving the proposed block south of the primary school to elsewhere within the site. We note that this is an outline planning application and we think that if your Council is minded to approve permission you should ensure that you have means to control the detailed design needed so as to avoid or minimise harm through changes to the setting of the listed buildings. This could be as part of reserved matter or if appropriate by planning condition.

In our view, whilst there is some harm in the loss of rural setting to the listed group, we think this is less than substantial harm. NPPF paragraph 196 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals including, where appropriate, securing its optimum viable use.

Heritage assets are an irreplaceable resource and the approach set out in the NPPF (para 190) requires local planning authorities to take account of the particular significance of any heritage asset that may be affected by a proposal (including by development affecting its setting) to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. When considering the impact of a proposal the local planning authority should give great weight to eth assets' conservation and the more important the asset the grater the weight should be (NPPF para 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification (NPPF para 194).

Recommendation: Historic England has no objection to the application on heritage grounds.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Additional section 38(6) of the Planning

and Compulsory Purchase Act 2004 to determine planning application in accordance with the development unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If there are material changes to the proposals, or you would like further advice please contact us.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION IN PRINCIPLE

Based on the plans submitted, Natural England considers that the proposed development is unlikely to have significant adverse impacts on protected landscapes and has no objection to the principle of this development.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Protected Landscapes - South Downs National Park

Based on the plans submitted, Natural England has no objection to the principle of the proposed development. We do not consider that the proposed development is likely to compromise the purposes of designation or special qualities of the National Park.

Whilst we have no in principle objection to this application, the proposed development is within 200m from the western boundary of The South Downs National Park (SDNP). and within 1.5km from the southern boundary.

The proposed development should therefore conserve and enhance the SDNP and its setting, as guided by paragraph 172 of the National Planning Policy Framework and policy DP18 of the Mid Sussex Local plan.

The provided LVIA confirms that the proposed development is visible from within the SDNP however only viewpoint 12 indicates the impact of the development on long distance views out from the SDNP, there may be additional viewpoints from which the development could further impact long distance views.

As such we strongly advise that a more in depth LVIA is produced, at subsequent detailed planning stages, which includes a greater number of long distance viewpoints from within the SDNP. A more in-depth LVIA should be used to inform details of the site layout, building design and landscape screening.

We also advise a wireframe or other such visual representation is provided for key viewpoints within the SDNP to provide a representation that is indicative of the proposed development within the landscape. Such a visual representation can also be used to further inform details of the proposal to ensure measures are undertaken to better integrate the development into the existing landscape, such as how best to use green infrastructure to break up the development.

We also note that the South Downs National Park Authority has provided detailed responses to this proposal. Given their considerable local knowledge of the SDNP Natural England would recommend great weight is given to their comments regarding this designated landscape.

Other advice

Soils and Land Quality

Although we consider that this proposal falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, Natural England draws your Authority's attention to the following land quality and soil considerations:

1. Based on the information provided with the planning application, it appears that the proposed development comprises approximately 30 ha of agricultural land, including land classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).

2. Government policy is set out in paragraph 170 and 171 of the National Planning Policy Framework which states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

And

Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework1; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management.

3. Consequently, we advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. Further guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks) and we recommend that this is followed.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Annex A - Additional advice

Natural England offers the following additional advice:

Landscape
Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils
Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in GOV.UK guidance. Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species
Natural England has produced standing advice2 to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.
Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found here3. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of

brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Ancient woodland, ancient and veteran trees You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement
Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation
Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Rights of Way, Access land, Coastal access and National Trails
Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty
Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.

Southdowns National Park Authority

The National Park's comments on the development are as follows:

We wish to maintain the comments submitted on 10th April 2019, and to make an additional comment following the submission of further details in June.

The additional details include the realignment of Ockley Lane, which would result in the removal of a section of hedgerow. The reprovision of this hedgerow would be important to secure both in terms of landscape and wildlife connectivity and, where translocation is not possible or fails, we would encourage any replacement hedgerow planting to be an enhanced species mix (to be agreed by your landscape or ecology consultants), given the limited number of species that are stated to be present in the existing hedgerow and the benefits of an enhanced mix in particular for dormice.

Comments dated the 10th April 2019

The National Park's comments on the development are as follows:

The National Park boundary lies approximately 135m to the south east of the site at the closet point. From the south, the National Park boundary is approximately 1.5 kilometres away, with the elevated Wolstonbury Hill and Clayton Windmills (both public vantage points within the National Park) over 2.5 kilometres from the site.

The Environmental Act 1995 sets out the two statutory purposes for National Parks in England and Wales;

1. Conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
2. Promote opportunities for the understanding and enjoyment of the special quality of national parks by the public.

Policy

The site is allocated in strategic Policy DP11 of the adopted Mid Sussex Local Plan 2014-2031 for a mixed use including approximately 500 homes, a new primary school and provision of permanent pitches for settled gypsies and travellers. As such, the principle of development is established, although it should be noted that he policy includes the requirement "that development respects the South Downs National Park and its setting". In addition to this, policy DP18 of the Mid Sussex Local Plan states that development should be consistent with National Park purposes and must not significantly harm the national Park or

its setting and should not adversely affect (amongst other things) the views, outlook and aspect into and out of the National Park.

Visual impact and impact on the setting of the South Downs National Park

The LVIA confirms that the site would be visible in long distance views to and from the National Park. For example, the application site would be located in the foreground of views towards the distinctive whaleback ridges of the Downs from Batchelors Farm Nature Reserve (LVIA viewpoint 8). The site would also be visible from Clayton Windmills within the National Park (LVIA viewpoint 12) in which the development would be seen as a northwards of the existing built form at Hassocks.

Given the visibility of the site in views to and from the National Park, it is important that these inform the detailed design of the development at the reserved matters stage. The SDNPA agree with the comments of the ESCC Landscape Officer at paragraph 7 of her comments, and would advise that a fuller assessment from the SDNP is used to inform the development moving forward in order to ensure that the development suitably meets responds to the South Downs National Park and its setting in terms of matters such as site layout, building heights, materials, landscaping, lighting etc. This should include assessment of the impact of the development from other elevated public vantage points within the National Park such as Wolstonbury Hill and the elevated land in the National Park to the east of the site (e.g. the public right of way between Oldland Mill and Broadhill).

Given that the National Park boundary lies approximately 135m to the south east of the site at the closest point, it is important that careful considerations is given to an appropriate landscape buffer along the eastern edges of the site; such a buffer should be of sufficient depth so as to provide a natural and effective transition from the built environment across to the nearby National Park. The buffer should also provide biodiversity enhancements to compliment types and species of trees and vegetation within the National Park together with opportunities for ecology and wildlife corridors to and from the National Park.

The SDNPA note that a scale parameter plan (drawing 1209.05) has been submitted at this outline stage showing proposed building height zones. Given the comments above, it is not clear at this stage whether the proposed arrangement has been suitably informed by view to/from the National Park and further work may be required to inform this. The SDNPA note that a significant portion of the residential development is proposed to be three storey in height and preferably the LVIA would have been accompanied by a verified wireframe visualisation to demonstrate maximum building heights from key views in the National Park. Particular regard should be had to the siting and design (orientation/bulk/materials) of the proposed education/community buildings which will be the tallest buildings on the site.

The material palette of any development should be informed by the local landscape and should be of muted/recessive colours which do not catch the eye in long distance views to/from the National Park. The ESCC Landscape Officer has suggested that green roofs may be suitable and the SNDPA would encourage this option to be explored, especially for any of the larger/community buildings.

The SDNPA recommend planting within the site is maximised and mature trees/woodland block should be distributed throughout the development site in order to break up the built form in longer distance views, and maintain a rural character and provided biodiversity gains. Any proposed planting should be native and not appear out of keeping with the local landscape character.

Lighting

The South Downs National Park is a designated International Dark Sky Reserve and dark skies and tranquillity are a special quality of the National Park which need toe protected. Paragraph 180(c) of the NPPF 2018 outlines that development should limit the impact of light pollution on intrinsically dark landscapes and nature conservation.

Although located outside the National Park, the proposed development has the potential to impact the dark night environment of the National Park through contribution to upwards sky glow, and also through potentially visibility of new light sources in the wider landscape (especially from elevated ground within the National Park). The Council should have regard to this when reaching their decision and the development should include an appraisal of both internal and external lighting to consider what impact it may have on the dark skies of the National Park and how it can be mitigated to meet the lighting standards of the Institute of Lighting Professionals (ILP) for this type of zone. This should include lighting both during the operational and construction phase of the development.

The submitted lighting report proposes 6m high columns throughout the site on all adopted roads. 5700K LEDs are proposed on the columns which can be controlled via Mayflower nodes to allow off site monitoring and programming. Parking areas between the houses shall be low level bollard lighting to be controlled via daylight sensor and timelock.

In accordance with the SDNPA's Dark Skies Technical Advice Note (TAN) (April 2018), the SDNPA would prefer that the colour temperature of the lights is reduced to 3000K or less as the warmer colour temperature reduces light scatter and is also less harmful to wildlife. Any column lighting should be fixed/installed so that the light points downwards, and the SDNPA would strongly welcome part-night switching across the site.

Any bollard lighting should ideally be limited and of a design to limit light pollution. The SDNPA's TAN includes some advice on sensitive lighting designs. Any lighting should ideally be switched off during the core hours of darkness/when not required.

The SDNPA note that sport pitches are proposed as part of the development. The SDNPA are not clear whether floodlighting is proposed. Floodlighting has the potential to be especially visible/a source of light pollution and therefore details should be secured/sought if proposed. Glare from sports pitches surfaces can be significant and therefore any floodlit pitches should be carefully designed in terms of views from the National Park.

Biodiversity

Although the application site is located outside of the National Park, the Council must ensure that the proposed development would not cause harm to the protect habitats within the National Park though any direct or indirect effects (including recreational impacts), or cause harm to protected species (including species such as bats which may move across the National Park boundary).

Lag Wood and Butcher's Wood Local Wildlife Site (LWS) lies approximately 1.5km to the southwest of the site, and Clayton to Offham Escarpment SSSI lies approximately 2.6km to the south, both within the National Park.

The Environmental Statement considers that there would be no adverse impact on the LWS and the proposed on-site recreation space would help absorb some the recreational pressure. The Environmental Statement does not make any mention f the Clayton to Offham Escarpment SSSI.

The SDNPA recommend that the Council seek appropriate advice from their Ecology Officer/Natural England on biodiversity considerations. Opportunities to achieve net biodiversity gain should be taken, as well as opportunities to connect to, and enhance, the local green infrastructure network (see landscaping comments above).

Access and Recreation

The SDNPA would support the comments of the WSCC PRoW team in seeking a safe connection for bridleway users between Footpath 5K (which runs through the site and is to be upgraded to bridleway status) and Bridleway 6K (Mill Lane). Bridleway 6K is the nearest means of access to the South Downs National Park, including to the Oldland Windmill and routes leading on to Ditchling and the Sussex Border Path. Provision of a safe connection to Bridleway would encourage residents to visit the SDNP via foot and cycle rather than rely upon the private car.

The SDNPA welcome the provision of recreational space.

Affordable Housing

Local Plan policy DP31 requires a minimum of 30% affordable housing provision on sites such as this. It is noted that the Design and Access Statement states that the site could accommodate "up to" 30% affordable housing (150 units) and the SDNPA would wish to ensure that appropriate provision is made, given the need for affordable housing in this area (including parts of the SDNP within Mid Sussex District).

Gypsy and Traveller Provision

Policy DP11 includes a requirement for provision of permanent pitches for settle Gypsies and Travellers, or the provision of a financial contribution towards off-site pitches. This application does not seem to include on-site provision, and the SDNPA would wish to be satisfied that is a financial contribution is proposed, that there are suitable, available and achievable off-site sites that can be provided in line with the requirements of policy DP11.

Mineral Safeguarding

The application site would appear to be located within a brick clay resource safeguarding zone a identified within the West Sussex Joint Minerals Local Plan (July 2018). The SDNPA therefore trust that the Council will seek the views of the WSCC in terms of the potential implications of this.

Traffic

The SDNPA would support a condition securing a construction environmental management plan to include the details of arrangements for traffic movement management during the construction phase. The SDNPA would wish to avoid HGV's being directed down narrow rural lanes and small villages within the National Park, in particular Ditchling.

Conclusion

The SDNPA trust that the above comments are of assistance. Should the Council be minded to recommend approval, the SDNPA would welcome the opportunity to comment at the reserved matters stage.

ESCC Highways

Summary: This development site is located close to the county boundary of East Sussex and West Sussex. As such the proposed development of 500 dwellings, primary school and community building could have an impact on the East Sussex highway network.

I do not object to this application subject to the following comments:

Comments:

TRIP Generation:
The likely trip generation at the site has calculated using TRICS and WSCC as Highway Authority have accepted a residential trip rate of 6.9 trips per dwelling as a result. The assessment is based on TRICS data for private dwellings only. This is usual but could be considered a worst case scenario.

Primary school trip rate is based on assumptions in relation to how many school trips will originate within the site and those that will come in from elsewhere.

I have no reason to challenge the trip rate assumptions which lead to an overall trip generation circa 300 trips in each of the AM & PM peak hours

Modelling:
To determine the trip distribution Census "journey to work" data has been used. Again this is acceptable.

Section 9 of the TA sets out the parameters for the traffic analysis carried out in support of this application. The routes and junctions included in this analysis do not go as far as East Sussex roads although it is acknowledged that development trips will route onto Keymer Road and Folders Lane as a route to the east.

There are 2 sets of Figures (TF 9 & TF10 and S10 & S11) that show that only a small proportion of the total 300 peak hour trips generated by this development will route along Keymer Road (B2116) to the east of Lodge Lane, i.e. 12 two way trips in the am peak and 13 in the pm. Given that there are few route choices on Keymer Road the majority of these trips will travel to Ditchling.

The trip assignment assessment shows that 21 trips are expected to travel eastbound on Folders Lane towards East Sussex in the am peak and 16 from the East Sussex in the pm peak. However I acknowledge that there are a number of route choices along Folders Lane so some of these trips may be not be destined for or originate in East Sussex.

While the impacts in East Sussex are not specifically modelled and even if this is an under-estimation of predicted trips on the East Sussex network I am satisfied that the impact in East Sussex will limited.

Road safety
A detailed assessment of PIA/crash history forms part of the TA, but this does not extend to the East Sussex road network. I am aware of a cluster of a number of cluster sites on Ditchling Road. The TA should include an appraisal of road crashes in the Ditchling and Wivelsfield areas.

Construction Traffic Management Plan
A CTMP should be secured as part of any planning consent to ensure vehicles are routed appropriately (on Strategic routes) and avoid peak times as far as possible. The CTMP

should provide details on the likely type and frequency of use of vehicles to the site and be in operation for the duration of the construction phase. Given the sensitive nature of routes around Ditchling and Wivelsfield, I will expect ESCC to have sight of and agree the CTMP in respect of East Sussex routes.

Horsham and Mid Sussex CCG

Horsham & Mid Sussex CCG appreciate being consulted on this proposed outline planning application.

By way of background Horsham & Mid Sussex Clinical Commissioning Group (CCG) are the GP- led statutory NHS body responsible for planning, commissioning and monitoring the majority of local health services in the Mid Sussex area. (CCGs having been created following the Health & Social Care Act 2012 and replaced Primary Care Trusts on 1st April 2013).

Horsham & Mid Sussex CCG therefore cover the entirety of Mid Sussex District Council's catchment area and the above planning application would be close to Hassocks Health Centre. Should a planning consent be given then this would create a potential further 1250 new residents/patients.

Hassock Health Centre is likely to be where the proposed new residents/patients will want to register for medical services and this building already serves in excess of 8,000 patients.

The building is of 1970s construction and with other complementary NHS Services also delivered is in need of either redesign or replacement.

The demographics of the Hassocks area patients are that there is a higher than average number of elderly people who are registered at Hassocks Health Centre (Mid Sussex Healthcare Practice) many with long term conditions. This, together with the increase in patient numbers living in the area and the demands placed on the practice operating from an out of date building which is cramped and no longer fit for purpose.

We therefore consider that a Section 106 application for a developer contribution to be entirely appropriate towards Healthcare capital infrastructure improvements for Hassocks. (In this respect we already have 4 Section 106 applications approved for this project and recognise that if this approved, we will have reached the maximum number permitted under the CIL regulations Sec 123.

In calculating our requirement, we utilise currently available West Sussex average occupancy figures, agreed with West Sussex County Council and using the Senior District Valuer's approved formula.

Overall, all potential new residents will utilise some or all of the health services the CCG commissions and will put further pressure on medical services generally and GP practices are also the gatekeeper of the wider NHS We are also mindful that new housing developments do not disadvantage the health services for existing residents/patients.

In the circumstances, we are seeking a Section 106 developer contribution of £326,289 based on the number of units on a pro rata basis (This equates to an average of £653 per dwelling)

N.B. This is an interim figure as the types of dwellings are not yet specified and can be amended at a later date when this information is to hand.

Sussex Police Design

Thank you for your correspondence of 14th December 2018, advising me of an outline planning application for Outline planning application with all matters reserved except for access for up to 500 residential dwellings and land for a two-form entry primary school and community building, land for a bridleway link between Hassocks and Burgess Hill, associated infrastructure including informal open space, hard and soft landscaping, sustainable drainage features and a new site access onto Ockley Lane, and provision of improved pedestrian access across the railway line, 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 Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Due to the application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

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

I would like to direct the application or their agent to our website at www.securedbydesign.com where SBD Homes 2016 document can be found. The SBD scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments.

Additionally the agent or the applicant can find SBD New Schools 2014 document on the same website. This document provides design guidance and specification requirements for reducing the risks for crime against people and property in all schools and school grounds such as burglary, theft, arson, vehicle crime and assault. The same advice is also intended to reduce the fear of crime and incidence of anti-social behaviour. Consequently consideration is given to both environmental design and physical security.

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

I thank you for allowing me the opportunity to comment and look forward to providing more in-depth crime prevention advice at reserved matters.

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.

Sussex Police Infrastructure

I write on behalf of the Office for the Police and Crime Commissioner (PCC) for Sussex concerning the application DM/18/4979 seeking outline planning permission for 500 residential units on the land north of Clayton Mills, Hassocks.

Sussex & Surrey Police are an active member of the National Police Estates Group and now act as one on all infrastructure and town planning related matters across their combined geographical area. Our approach to Section 106 requests is in accordance with national best practice recommended by the National Police Chief's Council (NPCC). The approach now adopted has been tested at public inquiries nationally and found to be in accordance with the statutory CIL tests.

The large numbers of housing being developed across Sussex and more specifically the district of Mid Sussex will place a significant additional demand upon our police service. These impacts will be demonstrated in this submission and the necessity of investment in additional policing services is a key planning consideration in determination of this planning application.

This development will place permanent, on-going demands on Sussex Police which cannot be fully shouldered by direct taxation. Like many other public services, policing is not fully funded via public taxation. This request outlines a number of the capital costs that will be incurred by Sussex Police to enable safe policing of this development. All of the infrastructure outlined in this funding request has been found compliant with regulation 122 of the Community Infrastructure Levy and are considered directly related to the development in scale and kind and necessary to make the development acceptable in planning terms.

The application site is currently a greenfield site and when built upon will create an additional demand upon the police service that does not currently exist. The police will need to recruit additional staff and officers and equip them. The development will also require the services of a police vehicle. Staff and officers will also need to be accommodated in a premises that will enable them to serve the development. This request is proportionate to the size of the development and is intended to pay for the initial, additional costs resulting directly from the development for those areas where the police do not have existing capacity. The request also explains how the police service is funded, outlines National Planning Policy support for policing contributions and references numerous appeal decisions where police requests for developer contributions have been upheld.

Police forces nationally, are not in a position to support major development of the scale now being proposed for many of the nation's town and cities without the support from the planning system. If we are obliged to do so using our own resources only, then it is reasonable to conclude that there will be a serious risk of service degradation as existing coverage is stretched to encompass the new development and associated population growth. This is already evident across Sussex due to the significant numbers of housing being developed and clearly shown by the increasing numbers of recorded crimes in Sussex over the last year. Our force must ensure that development growth is supported by the infrastructure necessary to guarantee the safety and security of the new communities.

It is the responsibility of the PCC to ensure our Chief Constable has sufficient financial support to deliver a high level of policing to the residents of Sussex. Our office continues to actively seek financial contributions via Section 106 agreements and Community Infrastructure Levy funds to support our capital program. This will enable Sussex Police to deliver the highest possible service to ensure the protection of the communities that we serve. In line with many other police forces Sussex & Surrey Police have updated our

methodology for infrastructure requests to ensure our representations are transparent and provide an up to date, accurate reflection of our current capacity in the districts.

Our new methodology has been developed through a joint partnership with Leicestershire, Thames Valley, West Mercia, Warwickshire and other active members of the National Police Estates Group. This methodology was considered Community Infrastructure Levy REG122 compliant by Mr Justice Green in the case of Jelson v SoSCLG and Hinckley and Bosworth Council [2016] CO/2673/2016 (Appendix 1). In addition, there are a significant number of recent appeal decisions and High Court judgments supporting both the principle of Police contributions and our methodology (see attached appendices).

The principle of developer contributions towards Surrey Police has recently been upheld by the Secretary of State in the called-in appeal decision concerning the development of 1800 homes at Dunsfold Park in Waverley (Appeal ref: APP/R3650/V/17/3171287 - Appendix 2).

I will go into further detail on the various items of infrastructure and provide evidence of their compliance with Regulation 122 tests.

1. Police Funding and Development Growth

A primary issue for Sussex Police is to ensure that new development, like that proposed by application DM/18/4979, makes adequate provision for the future policing needs that it will generate. Like other public services, Sussex Police's primary funding is insufficient to be able to add capital infrastructures to support new development when and wherever this occurs. Furthermore there are no bespoke capital funding regimes e.g. the Health Lift to provide capital either. The police therefore fund capital infrastructure by borrowing. However in a service where most of the budget is staffing related, the Sussex Police capital programme can only be used to overcome pressing issues with existing facilities, or to re-provide essential facilities like vehicles once these can no longer be used.

Sussex Police endeavour to use our existing funds as far as they stretch to meet the demands of an expanding population and overwhelmingly for revenue purposes. However, it is the limit of these funds which necessitates the need to seek additional contributions via Section 106 requests and the Community Infrastructure Levy (CIL). This situation also prevails in other public services seeking contributions and there is nothing different here as far as policing is concerned. What is different is that the police do not enjoy capital income from the usual taxation sources. This evidences that the police do not make requests where other funds are available to meet their needs.

The reality of this financial situation is a major factor in our Forces planning and alignment with plans for growth in that whilst Sussex Police can plan using their revenue resources to meet their on-going, and to a limited extent, additional revenue costs these do not stretch to fund necessary additional investment in their infrastructures.

Sussex Police will continue to engage with Local Planning Authorities to ensure crime prevention is referenced within new local plan documents and provide crime prevention design advice to minimise the opportunities for crime within new development. Ensuring new development takes full consideration of crime prevention and the provision of adequate infrastructure to support policing is clearly outlined within the NPPF and within Paragraph 156 of the NPPF which states "Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver… the provision of health, security, community and cultural infrastructure and other local facilities".

In the support of this request the following information is provided by Miranda Kadwell, Corporate Finance Manager at Sussex Police and is a detailed commentary on Sussex Police's budget, which underpins the above statements:

National funding

Sussex Police receives 61% of its funding from central government and 39% from local taxation. Central government funding comprises of the Home Office Core Funding Settlement, the Department for Communities and Local Government (DCLG) Formula Funding, (together these are referred to as central government grant or CGG for the proposes of this submission) and legacy Council Tax Grants (LCTG). LTCG are fixed and some elements of this are time limited, therefore, LCTG are not affected by variations in the funding formula.

The distribution of central government grant is calculated by the Police Relative Needs Formula. This Police Funding Formula divides up how much money each police force receives from the overall central government funds. It takes into account a number of factors to assess demand in each area.

Whilst the funding formula is influenced through allocation of a basic amount per resident, this does not necessarily lead to an increase in Central Government Grant to Sussex Police. Putting aside the time delays between recognising population growth and this being fed in to the funding formula, the overall pot available to all forces the CGG is limited and in fact has declined over the last few years as part of the Government's fiscal policy. Therefore, changes in general population or the specific population do not increase the overall funding made available through CGG, rather they would affect the relative distribution of grant between forces.

For the 2018/19 year there was no change to the CGG despite the occurrence of development growth in the county area compared to previous years. However it can be stated with certainty that even if there was an increase in central funding as a result of development growth, this funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital items and not what is claimed here). This funding, therefore, would not be available to fund the infrastructure costs that are essential to support the proposed development growth.

During the last year, the Home Office and police partners engaged on potential changes to the police funding formula. However, in the context of changing demand, the Minister for Policing and the Fire Service Nick Hurd has said that providing funding certainty over the next two years to enable the police to plan in an efficient way is his priority. Therefore, proposed changes to the funding formula will be revisited at the next Spending Review. Due to the uncertainty and range of possible outcomes, we have made no assumptions regarding a change to the funding formula in our current financial forecasts. This adds to the level of uncertainty over future government funding.

Local funding

Sussex Police (precepting body) places a demand or precept on the district and borough councils in its area (billing authorities) for a sum of money to be raised through the council tax. The amount to be raised is divided by the Council Tax Base (CTB) or number of households to arrive at an average Band D council tax, from which all other bands of council tax are determined. The growth in the council tax or the amount each household pays is decided by the Police and Crime Commissioner (PCC), having regard to the DCLG rules concerning the need to hold a local referendum where the proposed spending increase in the precept is above a prescribed threshold, currently £12 per Band D property to maintain

real terms funding. The cap on precept uplift was raised to £12 for all forces for the 2018/19 year. Following public consultation the Police and Crime Commissioner proposed an increase in the 2018/19 precept of £12.

During 2017/18 Sussex Police received the 5th lowest precept of any PCC in England and Wales. Sussex Police also had the 7th lowest net revenue cost per head of population in 2017/18 and the 7th lowest total funding per head of population according to the 2017/18 HMICFRS Value for Money Profiles.

There remains potential for the council tax yield to increase simply through a growth in the CTB. However, it should be noted that the CTB is reduced for discounts and exemptions provided under the Local Council Tax Benefit Scheme (LCTBS) and may also be affected by collection rates. Therefore, a growth in households might not lead to a growth in council tax yield where those households benefit under the LCTBS.

The additional funding generated by council tax in 2018/2019 will reduce the severity of the Forces previous savings target. The savings target represents a funding gap between our existing budget requirements and current funding sources. However the latest Medium Term Financial Strategy indicates the PCC will still require a further £17m to be drawn from our reserves to support revenue costs associated with our Local Policing Program over the period to April 2020.

Most importantly, the higher council tax precept will allow our PCC to retain and invest in our workforce and continue supporting our Local Policing Program (LPP). Key considerations driving the precept increase decision included:

- Public demand on police services is increasing exponentially;
- Criminal investigations are becoming increasingly complicated, with huge amounts of digital material to identify, secure and analyse, against an exacting threshold for prosecution;
- The public want to see investment in more visible, local policing, focusing on crimes like burglary and anti-social behaviour and they rightly want to feel safe on the roads, in public spaces and at night-time;
- The public also want to see improvements in the force's approach to public contact and more support to the 101 service;
- HMICFRS (Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services) has recently acknowledged the public's concerns about changes to neighbourhood policing, and stressed the importance of community intelligence;
- And, the PCC's consultations and correspondence with the public show that a majority of Sussex residents are prepared to support their police service through increased precept contributions.

Savings

Since 2010/11 we have seen reductions to the grant funding provided by the Government to Policing Bodies in England and Wales. Over the last eight years Sussex Police have worked hard to deliver savings and have made £88m of reductions and efficiencies to head towards balancing its books (source: Her Majesty's Inspectorate of Constabulary's (HMIC) Police Effectiveness, Efficiency and Legitimacy (PEEL) assessment and 2017/18 revenue budget).

Despite increases in the Council tax yield the 'Sussex Police Medium Term Financial Strategy' (MTFS) identifies a net savings requirement in the region of £3m over the next four years. This is the "budget gap" i.e. the difference between funding and the cost of policing which will need to be met by savings. Savings of £3m in addition to using £17m of reserves

will be required to meet the total in-year gaps over the life of the MTFS and it is anticipated the budget will be balanced at the end of the 2021/22 year.

Capital Funding

Central Government funding for investment in capital infrastructure takes the form of a Home Office Grant. This grant makes up a small part of the overall funding for the Capital Programme and was reduced from £1.766m to 0.906m for the 2017/18 financial year and will remain at this level for the forthcoming 2018/19 year. Our capital and investment program is funded firstly by our capital grant and capital receipts (building sales) and is then supported by reserves or revenue contributions. The latest MTFS capital and investment programme funding sources are shown on the table below:

2017/18 £m	**Funding £m**	**2018/19 £m**	**2019/20 £m**	**2020/21 £m**	**2021/22 £m**	**Total £m**
0.906	Home Office Capital Grant	0.906	0.906	0.906	0.906	3.624
2.025	Revenue Contribution	2.059	3.213	3.699	3.507	12.478
4.264	Capital Receipts	7.250	3.350	2.050	5.500	18.150
20.126	Reserves	1.675	1.966	0	0	3.641
27.321	**Total Capital and Investment Programme**	**11.89**	**9.435**	**6.655**	**9.913**	**37.893**

Home office capital grant is cash limited and has been reduced in recent years due to austerity measures and the requirement to fund national projects such as the new National Police Air Support (NPAS) service and Police Live Services for digital data and technology capabilities. The grant is not affected by movement in the local population of CTB, therefore, any local capital investment creates an additional financial burden on Sussex Police which will be funded through reserves or borrowing. With diminishing reserves and the implications of borrowing both situations both alternative funding mechanisms are inadvisable.

Conclusions on funding

Like many other public sector organisations, Sussex Police have seen a real terms reduction in grant funding in recent years, which has necessitated changes to the policing model. At the same time the demands placed on the police service increase, whilst the service has to deal with the changing nature of crime at both the national and local level, for example, cybercrime, child sexual exploitation and terrorism are areas of particular concern. Additional funding granted towards policing will support and sustain local policing services to Sussex residents.

In conclusion it remains necessary to secure Section 106 contributions or direct CIL funding for policing infrastructure, due to the direct link between the demand for policing services and the changes in the operational environment beyond Sussex Polices control i.e. housing growth and the subsequent and permanent impact it has upon policing.

Securing modest contributions means that the same level of service can be provided to residents of new development as it is to existing residents and without compromising frontline services. The consequence of no funding is that existing infrastructure will eventually become stretch to breaking point, and none of the communities we serve will received adequate policing.

Whilst national and local funding must continue to cover salary and maintenance costs, there would be insufficient funding to provide the infrastructure required for officers to carry out their jobs effectively, Sussex Police consider that these infrastructure costs arising directly as a result of the development proposed and that funding for the police under S106 or CIL is both necessary and justified.

2. Assessment and Request

Our office have undertaken an assessment of the implications of growth and the delivery of housing upon the policing of Mid Sussex and in particular the areas of these district where new development is being directed towards. We have established that in order to maintain the current level of policing, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and is a fundamental requirement to the sound planning of the districts. In the absence of developer contributions towards the provision of essential policing infrastructure the additional strain placed on our resources would have a negative impact on policing of both the development and forcewide policing implications within the district.

This submission will provide the most recent annual statistics for crime/incidents in Mid Sussex which will be compared to the number of existing households. This provides an incident per existing household (or person) within Mid Sussex which can then be used as the background to the various items of infrastructure outlined in this funding request.

Nationally, the Police Force ensure that we take regular legal advice and guidance from industry professionals on the applicability of NPPF tests relating to the application of Regulation 122 on our funding requests for S106 agreements and Infrastructure Development Plans. This included advice as to what is infrastructure which can be summarised as follows:

- The first point to note is that "infrastructure" is not a narrowly defined term. Section 216 of the Planning Act 2008 provides a list of "infrastructure" but is clear that that list is non-exhaustive. That fact is demonstrated by the use of the word "includes" prior to the list being set out.
- There is no difficulty in the proposition that contributions towards Police infrastructure can be within the definition of infrastructure for the purposes of the 2008 Act. In policy terms this is reinforced by the reference to security infrastructure in paragraph 156 of the National Planning Policy Framework.
- Infrastructure is not limited to buildings and could include equipment such as vehicles, communications technology, and surveillance infrastructure such as CCTV.

The submission set out below is based on the same methodology previously found sound by Planning Inspectors, the Secretary of State and the High Court and has been found sound. The costs included in this submission are sites specific costs which are envisaged to be secured via a Section 106 agreement. The significant costs relating to revenue will be met by local and national taxation.

3. Current Policing requirements in the district of Mid Sussex

Sussex Police's existing estate
At present, Neighbourhood policing in Mid Sussex is delivered from Burgess Hill, Haywards Heath and East Grinstead Police stations. Burgess Hill and Haywards Heath are the main operational bases for Neighbourhood Policing Teams (NPT) and Neighbourhood Response Teams (NRT) in the District. East Grinstead police station is our new drop-in office within the Chequer Meads arts centre.

Burgess Hill police station forms part of 'The Brow' area, which is due for redevelopment; part of which will include a new Police Station, to replace the existing. This station is likely to be built out within the next 24-36 months and will support existing teams working from Burgess Hill police station. As a key growth area providing a strong police presence within the town is a key priority for the Chief Constable.

The Estates department have undertaken a full capacity analysis of our sites across Sussex and identified police stations where we have issues with existing capacity and would therefore be unable to support additional officers and staff required due to population growth. This study shows that Haywards Heath and Burgess Hill police station have a very limited capacity and could not support additional staff or NPT/NRT officers to mitigate against this development.

These stations provide the principal base for front line policing and other neighbourhood policing roles which will be required to support this development.

Sussex Police's current policing requirements and projections

For the last year (2017/18) Sussex Police recorded 29,587 incidents in the district of Mid Sussex which accounted for 6% of the total number of incidents in the County (2017/18 incident records). There has also been a notable rise in recorded crimes from 6,494 crimes (2016/17) to 7,179 (2017/18) crimes.

The 2011 census listed 57,400 households in the District of Mid Sussex and taking into account net completions since this has increased by 4,217 homes to the end of the 2016/17 financial year. MSDC housing completion records (Housing Land Supply - Completions 2017/18) indicate that 843 net completions were recorded for the 2017/18 year bringing the total number of homes in Mid Sussex to 62,460 homes. The 2011 census listed the population of Mid Sussex as 139,860 persons which represented an average household of 2.44 persons (139,860 / 57,400).

At present 62,460 households / 152,402 (62,460*2.44) persons generates an annual total of 29,587 incidents that require a Police response. These are not necessarily all "crimes" but are calls to our contact centre which in turn all require a Police response/action, thereby placing a demand on our resources. It should be noted that the total number of crimes recorded in this period was 7,179 which is only 24% of all the recorded incidents.

Taking into account the number of recorded incidents and the recorded number of existing households this results in 0.47 incidents per household or 0.2 incidents per person that require a police response in Mid Sussex each year.

Sussex Police have a duty to respond to all incidents and many of these incidents are not recorded as crimes. Sussex Police deliver crime prevention and presence, attendance and service lead at emergencies e.g. RTA's or flooding, counter terrorism and community reassurance. We must also attend all incidents involving deaths, attend crowd and events policing, attend and input to community safety and crime partnerships, and provide referral responses when there are expressed concerns about the safety or children, the elderly and those with special needs.

Sussex Police have a duty to respond to all incidents and many of these incidents are not recorded as crimes. We deliver crime prevention and presence, attendance and service lead at emergencies e.g. RTA's or flooding, counter terrorism and community reassurance. We must also attend all incidents involving deaths, attend crowd and events policing, attend and input to community safety and crime partnerships, and provide referral responses when

there are expressed concerns about the safety or children, the elderly and those with special needs.

4. Breakdown of predicted incidents as a result of population increase in Mid Sussex

The proposed development of 500 new homes would have a population of approximately 1,220 persons (at 2.44 persons per household). Applying the current ratio of "incidents" to population then the development would generate an additional 244 incidents per year for Sussex Police to attend (0.2 x 1222.6).

These incidents are likely to result in 57 additional recorded crimes per year attributed to this development.

5. Current breakdown of policing delivered in Mid Sussex

A full strategic review of staffing has been undertaken for the purposes of this representation and is considered accurate to date.

Policing is Sussex is divided into three divisions; Brighton & Hove; West division (Adur & Worthing, Arun, Chichester, Crawley, Horsham & Mid Sussex); and East division (Eastbourne, Hastings, Lewes, Rother, Wealden). The SDNP is also covered by respective teams within each division that it overlaps. Sussex Police deliver policing to each 14 local authorities and departments can be categorised into Dedicated (District), Divisional or Forcewide policing roles.

Current statistics show that Sussex Police employ 2622 officers in active duty delivering policing to the residents of Sussex. These roles can be categorized into dedicated policing teams delivering neighbourhood policing; divisional policing delivering specialist services such as response roles and investigations; and Forcewide policing teams delivering specialist policing services across the county such as Firearms, Major crime and counter terrorism. Only departments of over 5 officers have been included within Forcewide staff and officers which removes specialist officer roles which are not clearly directly tied to population growth (ex: Chief Inspectors, specialist management functions).

All of these functions are essential to the success of Sussex Police and will all be utilised in some capacity to deliver policing to the City. Sussex Police also employ 2237 support staff in either dedicated, divisional or Forcewide roles. Staff (officer & support staff) delivering policing to the District of Mid Sussex are spread across the following functions.
In total the Local Authority of Mid Sussex is served by; (all figures = FTE)

Police officers

- 88 dedicated uniformed Officers

Neighbourhood Policing Team officers (NPT), Local Support Team, Response Policing Teams, Police Community Support Officers.

- 14 divisional officers

The West Sussex division has 105 officers not including the dedicated officers listed as dedicated uniformed officers. These roles include Investigation teams, Special Investigations Unit (SUI), CIT (Crisis Intervention Team, Operational support teams. Recorded incidents in Mid Sussex account for 13.4% of the recorded incidents in West Sussex over the last year therefore it is reasonable to allocate 14 divisional officers to the Mid Sussex Districts.

- 49 Forcewide officers

A large number of our officers deliver force wide policing in a variety of roles including Operations, Firearms, Major crime, Public protection, Specialist crime, Custody, Communications, Professional standards and Training roles. There are 821 officers Forcewide officers which deliver policing to the whole of Sussex and are vital to the operation of all types of policing including the functioning of neighbourhood policing. Taking into account into account that 6% of all incidents managed by Sussex Police occur in Mid Sussex, 52.5 officers are required for the policing of these districts.

Police staff

Sussex Police currently employs 2237 support staff delivering policing to the residents of Sussex. These roles can be categorized into dedicated support staff such as police enquiry officers and facilities assistants; Divisional staff teams (ie: East Sussex, West Sussex, and Brighton & Hove) delivering services such as crime prevention, operations, investigations, strategic support, corners office and other essential roles. Forcewide support staff roles such as public protection, joint transport services, crime justice & custody, communications departments and specialist crime command. Some specialist department roles have not been included, however all the above forcewide departments consist of 10 employees or larger. This precludes specialist support staff roles such as the office of the Police and Crime Commissioner which are not directly linked to population growth.

- 6 dedicated support staff

Police Enquiry officers, Facilities officers, Facilities Assistants

- 14 divisional support Staff

As with police officers roles divisional support staff is essential to support front line policing and drawn upon when required. Divisional support staff roles include Investigations teams, Crime Prevention, Licensing, Prosecution case workers, Coroners Office and other essential roles. There are 99 divisional support staff within these departments. Again utilising the ratio of incidents in West Sussex (13.8%), 13.6 support staff are required to support the existing population of Mid Sussex.

- 77 forcewide support staff

The majority of our support staff functions are delivered in a forcewide capacity. Only departments with over 10 or more support staff members have been included within this field which removes specialist roles within Sussex Police which capacity is not directly related to population increase. There are 1202 support staff within these various major support staff departments including Specialist crime command, Public protection, Operations, Human Resources, Communications departments and Joint Transport Service. Taking into account into account that 6.4% of all incidents managed by Sussex Police occur in Mid Sussex, 77 support staff are currently required to support policing in Mid Sussex.

Currently 29,587 incidents are attended by 151 officers per year in Mid Sussex which is a ratio of 196 incidents per officer, per year. To retain this current ratio of 196 incidents per officer per year, an additional 244 incidents per year would require 1.24 additional officers (124% of an officers workload).

In addition to the significant impacts this development would place on our policing teams this development would also require significant investment in our support staff capacity. As we

have shown, approximately 97 police staff are required to support policing to the 62,460 households in Mid Sussex. This is a ratio of 644 households per staff member. Therefore an additional 500 households would require 0.78 additional support staff to retain this existing ratio.

Additional officers/staff required as a result of 500 additional homes

6. COSTS

In order to mitigate against the impact of growth our office have calculated that the capital "cost" of policing new growth as a result of this major planning application equates to £86,175.

These funds would be used for the future purchase of infrastructure to serve the proposed development. This cost will now be broken down clearly to show the capital infrastructure required to support these new officers.

The contribution represents a pooled contribution towards the provision of new infrastructure to serve the site and surrounding area. The pooling of contributions towards infrastructure remains appropriate under the CIL Regulations, provided this does not exceed five separate contributions and subject to other regulatory tests.

The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows;

OFFICER SET UP

The basic set up costs of equipping staff are listed below. Following the start of the 2017/18 tax year we have reviewed and updated the start-up costs per officer which are now as follows:

Sussex Police would utilise the contribution in the following manner;

- £12,111.49 as a maximum of 1 of 5 pooled payments towards the cost of 1 additional officer in the Hassocks NPT to deliver policing to the site and surrounding area.
- £2,453.88 as a maximum of 1 of 5 pooled payments towards the cost of one additional support staff member to be based at the re-provided Burgess Hill police station.

We could not have officers attending this development with less than adequate equipment with unnecessary risk to themselves and occupiers served.

PREMISES

At present policing within the Hassocks ward is delivered from Burgess Hill Police station. Burgess Hill police station forms part of 'The Brow' area, which is due for redevelopment; part of which will include a new Police Station, to replace the existing.

This project has currently been delayed due to the production of the emerging Sussex Police Estates strategy (2017-2022) and difficulties securing an alternative site, however is likely to be brought forward into the 2019-2020 or 2020-2021 financial year. There will be various Mid Sussex NPT / NRT teams, West Divisional support and forcewide policing teams planned to be stationed at this new facility in Burgess Hill and we are currently appraising various options for a new joint site with partners.

Our policy is to provide an alternative facility in the area prior to any station being closed. We are currently investigating opportunities to collaborate with other blue light and public sector partners. This is considered to be more economical, and reflects the future workspace shared working environment we are trying to develop.

It should be noted that the receipts from the sale of the existing station may only partially fund the replacement (re-provided) station, and will re-provided at the same scale as the existing premises, thus not taking account of the growth in space needed as a result of increased policing demands. These funds will not be utilised to fund other infrastructure needed as a result of this development.

The new Burgess Hill police station will accommodate our existing teams at a similar scale to the existing station. Sussex Police's capital budget does not have capacity to future proof our relocation projects and provide sufficient rooms to accommodate growth over the period of Mid Sussex's development plan. Funding equivalent to the scale of this development is therefore sought from this development to provide additional floorspace in the relocated Burgess Hill Police station.

Sussex Police are required to maintain a high capacity of accommodation for staff and officers, with any additional capacity delivered via new works to provide floor space. Taking an average of the floor space provision over our sites in Sussex which deliver neighbourhood policing we have determined that each new officer/member of staff should be allocated approximately 7.93sqm of office floor space. We are also required to provide a minimum of 1sqm for officers/staff for storage (locker room etc). This bring the total space requirement to 8.93sqm Sussex Police would utilise the contribution in the following manner;

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Sussex Police have previously used Saxon House in Newhaven as an example to estimate costings for a new build or extension/adaption of existing building. This facility is a new facility shared with East Sussex Fire and Rescue and Lewes District Council which replaced the old police station. For new buildings such as Saxon House [the cost was estimated to be between £2500-3000/sqm].

Following the start of the 2018/19 tax year, Sussex Police will use the up to date BCIS costings index for all future S106 requests. The 17/03/18 issue of the RICS BICS costs (Appendix 5) which lists the median cost for new police stations at £2,631 (Median) which would be considered the minimum cost appropriate to support the additional officers/staff and the new Burgess Hill police station.

The cost of accommodating a minimum of 2.02 additional officers/staff (which are required to police this development) would be 8.93 x £2,631 x 2.02 = £47,459.56

VEHICLES

A vital part of providing effective policing to the residents of Mid Sussex is maintaining the large fleet of vehicles. These vehicles range from General Response Vehicle (GRVs or patrol cars), unmarked general support vehicles, Public Service Unit vans and minibuses, scientific (e.g. Scene of Crime Officers) vehicles, pursuit vehicles - 4 x 4 and high speed, motorcycles. Current fleet deployment in Mid Sussex administrative area (serving 62,460 households) currently consists of 25 active divisional vehicles and 38 forcewide vehicles. Maintaining our forcewide fleet is essential to the success of Sussex Police and important to enable the force to efficiently combat cross border crime. There is currently no capacity to meet the additional policing needs this development will present, therefore investment towards increasing fleet capacity is sought from this development.

In total there are 25 divisional vehicles and 38 forcewide vehicles delivering policing to the district of Mid Sussex.

The average capital cost of a new vehicle is £17,000 (not including fuel and maintenance). Our guideline for the majority of marked vehicles is to replace every four years or £125,000 miles. The condition of vehicles at the end of their police life varies however Sussex Police forecast that they will redeem, on average 5% of a vehicles value on disposal.

The development will require fleet investment far exceeding 4 years therefore Sussex Police would require at least an 8 year life of provision. This contribution is justified because there is insufficient funding within the police's revenue income to take on the capital cost after just four years, without diverting money from elsewhere. Sussex Police estimate that the 4 year lifetime cost per vehicle is approximately £42,240 including running costs and capital charges.

63 vehicles at net value of £1,071,000

Existing number of households in Mid Sussex (62,460) = £17.15 per Household (1,071,000 / 61,617) x 500 Households x 2 = £17,150 to give 8-year life of provision.

The same methodology has been used to calculate our fleet requirement as the Warwickshire police representation which has been supported in the most recent appeal decision concerned contributions towards policing (Appendix 6 - APP/R1845/W/17/3173741) issued on the 18th March 2018. Sussex Police consider this would be the most appropriate methodology to use in this and all future section 106 requests.

It is vital to ensure fleet deployment in maintained in line with the existing population of Mid Sussex and therefore a financial contribution towards fleet capacity is essential to make this development acceptable in planning terms.

Vehicles are fundamental capital policing infrastructure to deliver community safety and address crime especially at neighbourhood level. Fleet deployment is related to the known policing demands of comparable developments in the locality.

The direct demand from the new development can be accurately forecast and delivering policing direct to this development will not be possible without additional vehicles to do so. Levels of demand and mitigations have been determined by the scale of the development and demonstrate only a proportion of a vehicle's time will be spent policing this development.

ANPR CAMERAS

Sussex Police are currently promoting a roll out of Automatic Number Plate Recognition (ANPR) Cameras throughout Sussex. There is a limited budget for this at present but a requirement to roll out more cameras to ensure criminals can be identified quickly and efficiently. The number and location of cameras is driven by the scale and location of the proposed development and the road network in the area. Cross border crime is a growing issue in Sussex with criminals travelling from London and the surrounding Home Counties into Sussex to commit offences. Additional ANPR coverage will be required to ensure criminals are quickly identified entering and exiting this new neighbourhood. An assessment of this application has been undertaken and it has been assessed that there is a requirement for an additional fixed ANPR camera to mitigate the impact of this major development.

There are many benefits of ANPR cameras which can be used overtly or covertly and are regulated by the Regulation of Investigatory Powers Act 2000 (RIPA). Using cameras at either fixed locations or portable locations, images are captured and recorded along with the vehicle registration mark (VRM) or number plate, time and location of the vehicle, which can then be instantly checked against database recorded of vehicle of interest. The instant search of database records of vehicles of interest can confirm whether a vehicle associates with a known criminal has been in the area at the time of a crime. Importantly, ANPR can be used in real time. This means that police officers can intercept and stop the vehicle, check it for evidence and make arrests if necessary. The use of ANPR in this way has proved important in the detection and prosecution of many cases of major crime.

Three principal benefits of using ANPR are: 1) Increase the information and intelligence available to identify criminals; 2) Enable the police to deploy resources to respond to criminals of interest in real time; 3) Improve investigations after crimes have been committed.

In addition to the benefits of ANPR coverage for the residents of this development the camera would also serve to identify any crimes occurring on the development site during the build process such as the theft of machinery or building materials. ANPR also serves as an effective preventative security measure for the development.

At present there is limited ANPR capacity covering the site and surrounding area. Due to the increased volume of traffic that will be travelling through Ockley Lane as the primary site access, an additional camera would assist our safer neighbourhood team officers in identify vehicles suspected of criminal offences upon leaving this new neighbourhood.

The cost of an ANPR camera is shown below:

Fixed Site ANPR camera (£7,000), intelligent single lane reading Vector camera with infrastructure in place for single carriageway road. - Vector camera x 1 £5,000. Installation and setup cost £2,000

7. Compliance with National Policy and CIL Regulations

Firstly, the pooling of S106 contributions is acceptable under CIL regulation 123 subject to each infrastructure item not exceeding 5 separate developer contributions. Within Mid Sussex the majority of policing is carried out by the NRT/NPT teams, therefore our office would recommend funds received from Section 106 agreements should be spent directly on supporting these teams, which in the case of this development is the Hassocks NPT.

At present there are no S106 planning contributions secured to support the Hassocks NPT, therefore complying with the pooling restrictions under CIL regulation 123. There are also no other S106 contributions secured towards the re-provide/relocation of Burgess Hill Police station.

The assessment for these infrastructure contributions is outlined in CIL Regulation 122, which requires each item to meet the following three tests. From the numerous appeal / Secretary of State decisions and High Court judgements there is significant evidence that all the items listed in this request comply with CIL Regulation 122.

The costs of training officers have been included in this request and have been found sound (and compliant with Regulation 122) in numerous appeal decisions included as Appendix 2. In the respect of training in particular, the Sketcheley house decision (page 19 of Appendix 2) makes specific reference to "protective clothing, uniforms and bespoke training" and were endorsed by the Inspector in his report at paragraph 11.57 and by the Secretary of State at paragraph DL22.

It is therefore plain that the Secretary of State and numerous Planning Inspectors consider that National Planning Policy and legislation is capable of encompassing these types of infrastructures.

1. Necessary to make the proposed development acceptable in planning terms

The creation of safe and accessible environments where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion is fundamental to planning for sustainable development as confirmed in the National Planning Policy Framework.

The Mid Sussex District Plan (2014-2031) lists one of the major challenges facing the District as the need to achieve sustainable, attractive and inclusive communities to ensure that the District continues to benefit from low crime levels, good health and an attractive natural and built environment.

One of the priority themes of the emerging plan is 'Ensuring cohesive and safe communities'. Crime prevention and crime management is essential to ensure strategic objective 12 is met which aims "To support sustainable communities which are safe, healthy and inclusive".

With regard to adopted local planning policy, Policy G3 of the adopted Mid Sussex development plan does allow for police contributions. The policy includes a non-exhaustive list of infrastructure requirements. The fact that it does not cite police contributions specifically does not preclude the need for these contributions. The policy is expressed with sufficient width that it encompasses any necessary infrastructure, which could and should lawfully include police contributions. Such contributions are, in principle, within the lawful ambit of the policy regime which requires financial contributions from developments to help defray the external costs of the proposals which would otherwise fall on general taxation. The adopted Mid Sussex District Council Development Infrastructure and Contributions SPD (July 2018) includes detailed calculations of Sussex Police's infrastructure requirements. Certain statistics have been updated for this representation however the majority of data is in accordance with the adopted SPD.

The Secretary of State has recognised that it is not a rigid requirement to have express reference to policing within local planning policy because the overarching principle of ensuring safe communities is recognised in the NPPF. The Planning Inspector in the case of North-west Leicester District Council vs Money Hill Consortium (Appendix 4) stated:

62. The obligations of the Undertaking, other than that to support Police operations, are all related to requirement of development plan policies and are all necessary to make the development acceptable in planning terms. They are all furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Agreement, setting aside the Police contributions, therefore complies with Regulation 122 of the CIL Regulations 2010. Furthermore, taking into account the submissions of NWLDP, LCC and LP, the Agreement complies with Regulation 123 of the CIL Regulations 2010.

63. The contributions of £219,029 towards Police infrastructure is not related to requirement of development plan policies. The figure has been arrived at following a close and careful analysis of the current levels of policing demand and deployment in Ashby. The proposed development, in terms of population increase, would have a quantifiable and demonstrable effect on the ability of the Police to carry out their statutory duties in the town. LP has not sought any contribution to some aspects of policing, such as firearms and forensics, but only for those where there is no additional capacity. The contribution is necessary because the new housing that would be created would place a demonstrable additional demand on Police resources in Ashby. The financial contributions to Police operations thus satisfies Regulation 122 of the Community Infrastructure Levy Regulations 2010 and a provision of the Undertaking would ensure that the contribution also satisfies Regulation 123 of the Community Infrastructure levy Regulations 2010.

The importance of policing contributions is importantly recognised in recent court judgments and considered an essential core principle of the NPPF. The judgment of Mr Justice Green 01/11/2016 (Appendix 1) with regard to the High Court challenge of Jelson Limited vs Secretary of State for Community and Local Government (1) Hinkley and Bosworth District Council stated:

"The gist of the Inspectors reasons are adequately set out in paragraphs [44]-[47] (see above). She records that LP has adequately demonstrated that the sums would be spent on equipment and services which arose "... Directly from the new households occupying the proposed development".

Accordingly she concluded, in terms of causality, that there was a proper nexus between the expenditure and the new development. She also records that the proposed spending was properly attributed between individual projects and procurement such as property adaption and contributions towards a vehicle in order to prevent a need for pooling contributions".

"Mr Lambert cited empirical data based upon existing crime patterns and policing demand and deployment from nearby residential areas which established the direct and additional impacts of the development upon local policing. That data established that there would be an incremental demand in relation to such matters as calls and responses per year via the police control centre; an increase in annual emergency events within the proposed development; additional local non-emergency events which trigger follow-up with the public; additional recorded crimes in the locality based upon beat crime and household data and a proportionate increase in anti-social behaviour incidents an increase in demand of patrol cover; and, an increase in the use of vehicles equating to 12% of an additional vehicle over a six year period."

Moreover, the wider principles of sustainable development within the NPPF also require consideration of all necessary infrastructure requirements, as observed by Foskett J in R. (Police and Crime Commissioner for Leicestershire) v Blaby DC and others. This judgment stated:

11. It is obvious that a development of the nature described would place additional burdens on local health, education and other services including the police force. The focus in this case is upon the effect upon the local police force. If it sought to shoulder those additional and increased burdens without necessary equipment (including vehicles and radio transmitters/receivers for emergency communications) and premises, it would plainly not be in the public interest and would not be consistent with a policy that encourages "sustainable development": see for example, paragraphs 17 of 79 of the National Planning Policy Framework (NPPF). It is that that leads to the Claimants interest in the matters".

As shown in section 1, there is no dedicated Government funding to comprehensively cover the capital costs associated with policing new housing development. Unless contributions from new developments are secured then Sussex Police would be unable to maintain the current levels of policing with resources diverted and stretched, inevitably leading to increased incidents of crime and disorder within the local area. Sussex Police strive the reduce the level of crime in the County however due to the significant numbers of new housing being brought forward the need for more front line staff and associated infrastructure has never been more relevant as a fundamental planning policy consideration.

Appeal decision APP/C3240/W/16/314445 (Appendix 2) issued on the 21st March 2017 provides further support for developer contributions towards the capital costs of additional policing infrastructure arising from new development. The Planning Inspector stated:

165: There is no doubt that the proposed development would generate a need for policing and that need would require additional resources which have been calculated on a pro-rata dwelling basis. The Framework identifies a need for safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. In addition, an extensive array of appeal decision supports the principle of police contributions. Overall, the balance of the evidence before me points to the

obligation (based on the underlying pro-rata calculation) being necessary and proportionate mitigation for the development.

We would also bring to attention dicta from the High Court judgment by Mr Justice Foskett in Police and Crime Commissioner for Leicestershire vs Blaby Council. Paragraph 61 and 62 of the judgment state:

61. I do not, with respect, agree that the challenge mounted by the Claimant in this case can be characterised as a quibble of a minor factor. Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would want to know that the police service can operate efficiently and effectively in the area. That would plainly be "consumer view" of the issue. The providers of the service (namely, the Claimant) have statutory responsibilities to carry out and, as the witness statement of the Chief Constable makes clear, that itself can be a difficult objective to achieve in these financially difficult times. Although the sums at stake for the police contributions will be small in comparison to the huge sums that will be required to complete the development, the sums are large from the point of view of the police.

62. I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide police with sufficient contribution to its funding requirements to meet the demands of policing the new area: lawlessness in one area can have effects in another nearby area. Miss Wigley, in my judgment, makes some entirely fair points about the actual terms of the section 106 Agreement so far as they affect the Claimant.

Appeal decision APP/K2420/W/15/3004910 provides further evidence for developer contributions towards necessary policing infrastructure required to enable effective policing of new housing development. The Planning Inspector supported the methodology used for this calculation and compliance with the specific capital infrastructure items detailed in our request.

44. Leicestershire Police (LP) have demonstrated adequately that the sums request would be spent on a variety of essential equipment and services, the need for which would arise directly from the new households occupying the proposed development. It would be necessary, there, in order to provide on-site and off-site infrastructure and facilities to serve the development commensurate with its scale and nature consistent with LP Policy IMP1. The planning contribution would also enable the proposed development to comply with the Framework's core planning principle of supporting local strategies to improve health, social and cultural wellbeing and delivering sufficient community facilities to meet local needs".
In respect of the methodology used for this request the same Planning Inspector stated "47 - I consider this to be a no less realistic and robust method of demonstrating the criminal incidents likely to arise in a specific area than the analysis of population data which is normally used to calculate the future demand for school places. The evidence gives credence to the additional calls and demands on the police service predicted by LP".

A financial contribution towards essential policing infrastructure is clearly essential to make new housing development acceptable in planning terms. The policing infrastructure items outlined in this request are essential to help support new officers required due to population growth and most importantly keep existing and future residents of Mid Sussex safe.

2. Directly related to the proposed development

There is a functional link between new development and the contributions requested. Put simply without new development taking place and the subsequent population growth there would be no requirement for the additional infrastructure. The additional population growth will lead to an increase in incidents, which will require a Police response. The infrastructure outlined in this request has been specifically identified by the NPT/NRT teams policing the areas of Mid Sussex as necessary to deal with the likely form, scale and intensity of incidents this new housing development will generate.

3. Fairly and reasonably related in scale and kind to the proposed development.

Securing proportionate developer contributions towards necessary capital expenditure is essential to help meet a proportionate increase in police infrastructure costs and to enable Surrey Police to maintain its current level of service in the Borough. This infrastructure has been identified by Surrey Police as necessary to provide an appropriate level of policing to serve the proposed development and maintain the existing high level of community safety.

A clear numerical, evidence based approach has been demonstrated which is supported by case law and recent appeal decisions by the Planning Inspectorate. The various items of capital expenditure and infrastructure requested are considered CIL compliant and are necessary to enable new officers to undertake their role to meet the policing needs of the development and mitigate impacts to existing resources. A reasonable and proportionate approach has been adopted.

We would also highlight two recent appeal decisions in Leicestershire (APP/F2415/A/12/2179844 & APP/X2410/A12/2173673, Appendix 2). In assessing the request from Leicestershire police for developer contributions towards infrastructure the Inspector commented at para 29 of decision 2179844;

The written evidence submitted by Leicestershire Police detailed the impact the proposed development would have on policing, forecasting the number of potential incidents and the anticipated effect this would have on staffing, accommodation, vehicles and equipment. In view of the requirement of national planning policy to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life, it is considered that, on the evidence before me, a contribution towards policing is necessary to make the development acceptable in planning terms.

Furthermore with regard to appeal decision 2173673, the Inspector is unequivocal in highlighting the acceptability of police contributions being recipients of developer's contributions;

Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries. Para 292

These appeal decisions confirm that the approach of Surrey Police in assessing the impact of development, having regard to an assessment of the potential number of incidents generated by growth is appropriate, and fundamentally it confirms that police infrastructure should be subject to developer contributions as the provision of adequate policing is fundamental to the provision of sustainable development.

Furthermore the requirement to ensure that crime and the fear of crime is addressed through the planning process runs through the revised NPPF (2018);

Paragraph 20 (b) retains reference to 'security infrastructure' and advises that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

c) Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat).
d) Paragraph 91 advises that planning policies should 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 - for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

Paragraph 95 outlines the importance of engaging with the security services to inform planning policy decision and promote public safety and defence requirements. This will be achieved by:

a) Anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant area (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
b) Recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

The Glossary to the new NPPF includes an entry entitled 'Essential Local Worker'. It states 'these are public sector employees who provide frontline services in areas including health, education and community safety - such as NHS Staff, teachers, police, firefighters and military personnel, social care and childcare workers'. This recognises the emergency services as essential for the public, alongside education and health.

I trust this sets out sufficiently our office's request for infrastructure contributions relating to this major development on the land north of Clayton Mills, Hassocks.

Southern Water

Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network.

This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

Southern Water hence requests the following condition to be applied:

"Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development"

It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future customers.

Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:

- Initial feasibility, detail modelling and preliminary estimates
- Flow monitoring (If required)
- Detail design, including land negotiations
- Construction

The overall time required depends on the complexity of any scheme needed to provide network reinforcement.

Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site and provided that Planning approval has been granted.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the

relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.