

MID SUSSEX DISTRICT COUNCIL

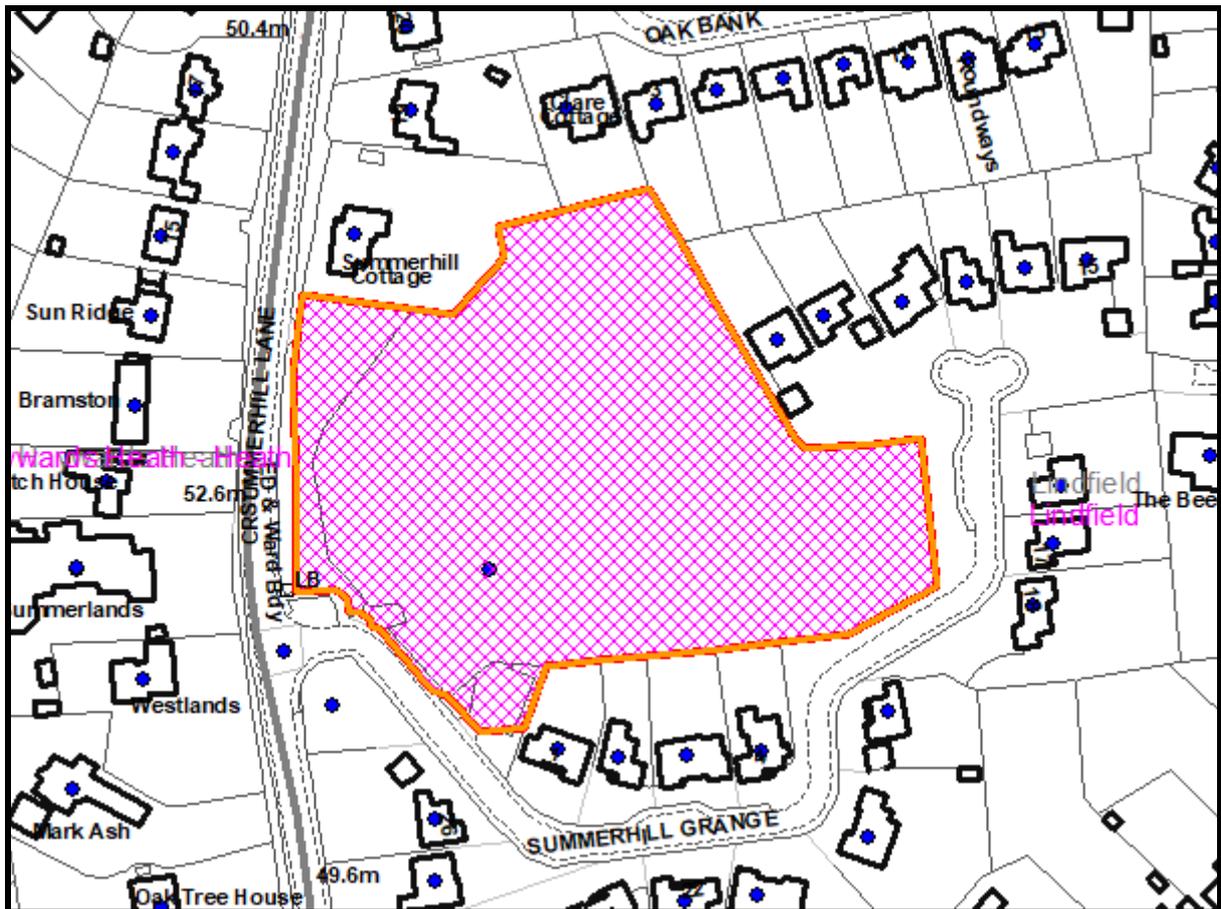
Planning Committee

23 JUL 2020

RECOMMENDED FOR PERMISSION

Lindfield

DM/19/0260



© Crown Copyright and database rights 2019 Ordnance Survey 100021794

**TAVISTOCK AND SUMMERHILL SCHOOL SUMMERHILL LANE  
LINDFIELD HAYWARDS HEATH  
PROPOSED ERECTION OF 38 RESIDENTIAL DWELLINGS COMPRISING  
4 HOUSES AND 34 FLATS WITH ASSOCIATED INTERNAL ACCESS,  
SURFACE-LEVEL CAR PARKING, LANDSCAPING WITH OTHER  
INFRASTRUCTURE. CORRECTED APPLICATION FORM, SITE LAYOUT  
PLAN, DESIGN AND ACCESS STATEMENT AND LANDSCAPING PLANS  
RECEIVED 21/03/2019. PROPOSED CAR PARKING SPACES REVISED TO**

**77. AMENDED PLANS RECEIVED 30 OCTOBER SHOWING REVISIONS TO BLOCK A AND B AND ADDITIONAL SUPPORTING INFORMATION. CCH BUILD SOLUTION (SUMMERHILL LANE) LTD**

POLICY: Areas of Townscape Character / Built Up Areas / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Tree Preservation Order / Tree Preservation Order Points / Highways Agreement (WSSC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 28th September 2020

WARD MEMBERS: Cllr Andrew Lea / Cllr Anthea Lea / Cllr Jonathan Ash-Edwards /

CASE OFFICER: Steven King

**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**

This application seeks planning permission for the erection of 38 residential dwellings comprising of 4 houses and 34 flats with associated internal access on land formally occupied by Tavistock and Summerhill School, Summer Hill Lane, Lindfield.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the District Plan (DP) and the Lindfield and Lindfield Rural Neighbourhood Plan (LLRNP). The National Planning Policy Framework (NPPF) is an important material planning consideration.

The site is within the built-up area of Lindfield and was formally occupied by a school. On this basis it is considered that the principle of a residential redevelopment of the site accords with policy DP6 of the DP which relates to the settlement hierarchy within the District and states that development within towns and villages within defined built up areas will be supported.

With regards to affordable housing, policy DP31 of the DP seeks 30% affordable housing on sites such as this. The proposal would provide 10 units of affordable housing on site. In addition to this there would be a payment of £110,000 to go towards the provision of off site affordable housing. This sum equates to the costs of 2 x 1 bed flats. The on site provision of affordable housing and the payment towards off site provision would need to be secured by a section 106 legal agreement. With

such an agreement in place, the scheme would provide a policy compliant level of affordable housing and therefore policy DP31 of the DP would be met.

There is a requirement for developments of this scale to provide contributions towards the costs of infrastructure to mitigate the impacts of the development. These infrastructure payments would need to be secured in a section 106 legal agreement. With such an agreement in place the development would mitigate its impact on infrastructure and would comply with policy DP20 of the DP.

The Highway Authority do not object to the access arrangements for the site. It is considered that the access into the site is satisfactory and the proposal would not result in a severe impact on the highway network. There is no objection from the Councils Drainage Engineer and it is considered that as a matter of principle the site can be satisfactorily drained. As such policies DP21 and DP41 of the DP would be met.

The scheme would result in a change in outlook for those neighbouring properties that face the site. The test within policy DP26 is whether there would be significant harm to neighbouring amenities. For the reasons outlined in the report it is not felt that the scheme would cause significant harm to neighbouring amenities.

The design of the scheme has attracted a significant level of opposition. It is considered that there are some elements of design that are clearly good (for example, well overlooked attractive public spaces) and there are some elements that are clearly poor design (for example poorly overlooked areas that provide easy opportunities for crime/anti-social behaviour). It is acknowledged that to some extent, the attractiveness of the external appearance of the proposed buildings is a subjective matter. The scheme would result in a development that was markedly different from the surrounding properties. It is your officers view that the proposed buildings are of an acceptable design, notwithstanding the fact that they will be clearly very different to the surrounding buildings. As such, whilst finely balanced, it is your officers view that there is no conflict with policy DP26 of the DP or policy 7 of the LLRNP.

In conclusion, the principle of a residential redevelopment of the site is acceptable. Weighing in favour of the scheme is the fact that the scheme would provide 38 dwellings on a previously developed site, which would contribute to meeting the housing needs of the District. There would also be economic benefits from the proposal arising from both the construction phase and from the additional spend in the local economy from future residents of the development. These are all matters that weigh in favour of the scheme in the planning balance.

It is your officers view that whilst finely balanced, the design of the scheme is acceptable and the impact on the amenities of the neighbouring properties is also acceptable.

The access into the site and car parking arrangements are considered to be acceptable. It is also considered that the site can be satisfactorily drained. There are no objections to the scheme from the Councils Ecological Consultant. Whilst there would be a loss of some preserved trees within the site, there would be extensive

replanting within the site. As such all these matters are neutral in the planning balance

In light of the above it is considered that whilst finely balanced, the scheme is acceptable. Therefore subject to the suggested conditions and the completion of a satisfactory legal agreement to secure the necessary infrastructure payments and affordable housing the scheme is recommended for approval.

### **Recommendation A**

It is recommended that planning permission is granted subject to the conditions listed in the appendix and the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure provision.

### **Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the necessary infrastructure payments and affordable housing provision by the 15 October 2020, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

1. 'The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development and the required affordable housing.'

## **SUMMARY OF REPRESENTATIONS**

Original plans: 141 letters of objection:

- applicant's submissions are inaccurate in relation to trees on the site
- flats would be out of keeping with the area
- design and materials are not sympathetic to the Area of Townscape Character
- landscaping is insufficient to obscure the mass of buildings and car parks
- will result in light pollution
- even if this design had any merit it is not suited to this area
- there is nothing similar to this in the village of Lindfield
- would result in car parking problems on Summerhill Grange as there are insufficient car parking spaces on site for visitors and deliveries
- layout is dominated by car parking
- proposal would be unneighbourly and over power existing houses
- loss of trees would adversely affect character of the area and wildlife
- is an over development of the site
- will result in air pollution
- will devalue properties
- car parking adjacent to boundaries will cause a loss of amenity
- will cause loss of light and over shadowing
- contrary to Neighbourhood Plan and Village Design Statement
- design is contrary to the development plan and National Planning Policy

- no need for these ugly apartment blocks
- visibility splays on Summerhill Lane are not within the ownership of the applicants
- the developers have not secured the rights for the drainage required
- infrastructure is already over stretched
- proposal should provide affordable housing
- will increase noise levels
- I have calculated the affordable housing contribution to be around £992,000. The lodge has been omitted from the developers plans. The developer should not be allowed to avoid providing affordable housing
- developers have not overpaid for the site, they have calculated that affordable housing can be ignored
- if the developer avoids affordable housing then it will set a precedent for other developers to do the same
- will cause a flood risk to our property at 9 Summerhill Grange which is at a lower level than the site. The development as proposed will increase the risk of flooding for those properties at a lower level than the site
- Lindfield Parish Council, Lindfield Preservation Society and Haywards Heath Town Council have both objected to the application
- Members of the committee should visit the site to see the negative impact this development would have on existing residents
- I hope the Planning Committee refuse the application but if not I would expect that the affordable housing contribution be made before any work commences on site
- developer does not have rights to access site from Summerhill Grange because of restrictive covenants
- developer does not have rights to carry out drainage works off site because of restrictive covenants
- it is over 3.5 years since the first application was made. Is there no time limit for how long an application can be drawn out for?
- no one is in support of the design of this scheme apart from the planning officer

Amended plans received after 30 October 2019: 205 letters of objection

- same points as above

## **SUMMARY OF CONSULTEES**

### **County Planning Officer**

Requires infrastructure contributions towards education (primary and secondary), libraries and total access demand.

### **Highway Authority**

No objection subject to conditions.

## **Lead Local Flood Authority**

Current uFMfSW mapping shows that the proposed site is at low risk from surface water flooding. The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.

## **Southern Water**

Southern Water would have no objections to the above proposal.

## **Sussex Police**

I see no evidence of any defensible planting to ground floor vulnerable windows or any demarcation of public/private space for blocks. There are few dwellings that have direct observation of vehicle spaces. In summary the design and layout has created a very permeable development and I have concerns that the vulnerable ground floor windows of the blocks and the unobserved vehicles throughout the development are exposed, easily accessible and open to attack. I feel it too open to promote a sense of ownership, respect, territorial responsibility and community, i.e. there is far too much permeability throughout the site which has created vulnerable areas. I feel there is a lack of active frontage and natural surveillance over the street and public areas.

## **Urban Designer**

This is an attractive site characterised by its mature deciduous trees. The recently demolished two storey Victorian school and the single storey outbuildings sat comfortably on the site providing a generous amount of space around the trees with the building envelopes modest enough to permit views of the trees across the site.

In my previous observations dated 21/3/19 I commented that the originally submitted application drawings were an improvement upon the earlier withdrawn planning application proposal both because of the quality of the building design and because more space had been provided between the buildings allowing a better setting / outlook. The revised drawings incorporate a number of further improvements. In particular, the most visible blocks A and B (when viewed from Sunninghill Lane) have been reduced in size and re-modelled to break-up the facades by staggering the footprint and incorporating more defined top floor set-backs. This has reduced their actual and apparent scale, and consequently they sit better in their parkland setting allowing more open space around them and the attractive retained trees.

While the proposed buildings will be distinctly different from the surrounding suburban houses, their design benefits from architectural integrity (missing in the withdrawn application) and a bespoke approach that responds to the specific site conditions, safeguarding the retained trees and the parkland setting, and giving the scheme a strong sense of place. The absence of private gardens (with the exception of the 4 dwellings in block D) and the flexibility in the positioning of the access road and parking, which is possible with an apartment-based scheme, has also contributed to maintaining the site's open parkland character, while enabling its development potential to also be optimised.

For these reasons I withdraw my objection to the application. To secure the quality of the design, I nevertheless recommend the following conditions requiring the approval of further drawings and information in respect of:

- 1:20 scale section and elevation drawings of block B's south-west frontage, showing the full height of the building including the stairwell bay, balconies and typical windows.
- The configuration, depth and design of block D's gardens.
- The soft and hard landscaping including boundary treatment.
- The facing materials

An informative should also be included that states that roof structure will require further consent.

### **Housing Officer**

'The scheme proposed by the applicant comprises 18 x 1 bed flats, 16 x 2 bed flats and 4 x 5 bed houses, making 38 units in total. A policy compliant scheme requires 30% (12) units for affordable housing. A viability appraisal based on the revised scheme mix and costings has now been assessed and the applicant has agreed to provide Block C for affordable Housing. This block comprises 10 units of which 8 units would be for affordable rent (First Floor - 2 x 2B/4P flats & 2 x 1B/2P flats and Second floor - 2 x 2B/4P flats and 2 x 1B/2P flats) and 2 units would be for shared ownership (Ground floor - 2 x 2B/4P flats). The applicant has also agreed to provide an affordable housing contribution in the sum of £110,000. As a result the proposed scheme is now policy compliant with regards to affordable housing provision'.

### **Environmental Health Officer**

No objection subject to conditions

### **Drainage Engineer**

No objection subject to conditions

### **Tree Officer**

No objections

### **Ecological Consultant**

No objection subject to conditions

### **Community Leisure Officer**

Requires infrastructure contributions towards children's play space, formal sport and community buildings.

## **Environmental Protection Officer**

Requires conditions regarding construction of the development

## **Contaminated Land Officer**

No comment

## **HAYWARDS HEATH TOWN COUNCIL**

Objects to the application.

## **LINDFIELD PARISH COUNCIL**

Lindfield Parish Council strongly objects to this application which, despite a reduction in the number of dwellings proposed compared to the previous application, remains totally unsuited to its location and contrary to the approved District and Neighbourhood Plans.

### Mid Sussex District Plan

DP 6 Settlement Hierarchy - "to promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character ... To provide the amount and type of housing that meets the needs of all sectors of the community ... 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 the character ... of the settlement."

DP 26 - Character and Design "All development... will be well designed and reflect the distinctive character of the towns and villages ... creates a sense of place while addressing the character and scale of the surrounding buildings ... 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 ...including taking account of the impact on privacy, outlook, daylight and sunlight ... incorporates well integrated parking that does not dominate the street environment..."

DP31 - Affordable Housing "The requirement for the provision of affordable housing applies to all types of residential developments falling within Use Class C3 ... The Council will seek ... a minimum of 30% on-site affordable housing... Proposals that do not meet these requirements will be refused..."

### Lindfield and Lindfield Rural Neighbourhood Plan

P1 - A spatial Plan for the Parishes - to encourage modest proposals ... that can be satisfactorily accommodated without undermining the quality of life for local people."

P2 - Housing Windfall Sites - "It is important that as many affordable homes are delivered as possible..."

P7 - Areas of Townscape Character - "Development proposals will be supported...provided applicants can demonstrate they have had regard to their impact on the appearance and character of the area and have sought to retain features important to the character of the area, as defined in the Lindfield Village Design Statement."

Lindfield Village Design Statement

5.1 New Housing - "...must be laid out sensitively in broad form, scale and detailing to respect and avoid harm to its existing structure and existing character areas..."

This latest proposal provides for flats, seemingly designed in a 60/70's style campus format, which is completely out of place in a location immediately adjacent to an Area of Townscape Character and shows no consideration of the identity and character of the village. The design of the flats is inappropriate in terms of both visual impression and the impact of the detail of the design on nearby properties. The proposed balconies will negatively impact the privacy of existing residents and the bulk of the buildings is detrimental to the outlook, daylight and sunlight currently enjoyed by such properties.

The apparent avoidance of any element of affordable housing, in addition to being contrary to policy, robs the proposal of any potential merit in contributing to support new younger buyers to the village. Notwithstanding S106 contributions, the infrastructure of the village is unable to cope with existing traffic volumes and the proposed density will exacerbate those problems, noting that there is insufficient space to sufficiently modify village roads to accommodate this. Accordingly, a wider, holistic approach needs to be considered by both WSCC Highways and the Planning Authority as to managing such traffic increase, perhaps encompassing sustainable transport methodology.

The Council supports and indeed encourages the appropriate redevelopment of this site and considers that this is likely to be through the development of maximum two storey units, potentially comprising a mix of maisonettes, terraced and semi-detached housing with suitable parking provision and greenspace.

In terms of the detail of this application several aspects stand out as being improperly addressed or plain wrong:

- Parking spaces - the plan does not seem to tie up with the descriptions.
- Location - reference to Haywards Heath when the site is located within Lindfield Village
- Trees - the proposal seems to make no attempt to preserve the significant trees on this site, nine of which are subject to TPOs, merely seeking to destroy those that are in the way of the unsuitable plans. Any plans for this site should protect and improve the natural street scene.
- Local consultation - the views of two councils, other consultees and residents would seem to suggest that this exercise was at best, perfunctory, and at worst, ignored.
- S106 contributions - in the unfortunate event that this application obtains approval despite failing to meet most, if not all, applicable policies under the respective District and Local Plans, the contributions or ideally physical improvements should be structured to achieve a meaningful improvement in local

infrastructure rather than allocated 'in case' an improvement is identified in the future.

It is felt that the applicant employed architects with no feel for the location (hence the references to Haywards Heath and the overbearing nature of the proposals seen to date) and who have produced entirely inappropriate off the shelf plans to address the applicants brief, leading to the proposed overdevelopment of the site.

The Council notes the objections raised by Hayward Heath Town Council which substantially align with its own views and fully recognises HHTC's interest in the site given its proximity to Haywards Heath and the shared impact on local infrastructure of this poorly thought out proposal.

#### Corrected plans

The minor changes in the latest application do nothing to assuage the Council's detailed concerns spelt out in its response dated 22/2/19 and Lindfield Parish Council re-confirms its strong objections contained therein.

---

## **INTRODUCTION**

This application seeks planning permission for the erection of 38 residential dwellings comprising of 4 houses and 34 flats with associated internal access on land formally occupied by Tavistock and Summerhill School, Summer Hill Lane, Lindfield.

## **RELEVANT PLANNING HISTORY**

An application that sought prior approval for the demolition of all the existing buildings at the former Tavistock and Summerhill School, Summerhill Lane, Lindfield (reference DM/17/3068) was approved by the Local Planning Authority (LPA) on 22 August 2017. The former school has been demolished and the site is now cleared.

A planning application that sought consent for the erection of 48 residential dwellings comprising of 6 houses and 42 flats with associated internal access (reference DM/18/0733) was withdrawn by the applicants on 31 August 2018.

## **SITE AND SURROUNDINGS**

The site is located on the eastern side of Summerhill Lane. The site used to contain a number of buildings that were formally in use as a school. These have now all been demolished, and the site has been cleared. There are three vehicular entrances/exits from the site, two from Summerhill Grange and one from Summerhill Lane. There are also many trees on the site that are the subject of Tree Preservation Orders, including a significant Category A tree towards the southern part of the site.

The site is bounded by residential development on all sides. Residential properties known as Summerhill Cottage, Clare Cottage, 3 Oak Bank and 1-4, 9 and 10 Summerhill Grange, directly abut the site to the north, north west, east and south. All other residential properties on Summerhill Grange are separated from the site by the

road, Summerhill Grange. The site is within the built-up area of Lindfield and is not within a conservation area. The northern part of the site does fall within an Area of Townscape Character as defined in the Lindfield and Lindfield Rural Neighbourhood Plan (LLRNP).

There are some significant changes in levels through the site. For example, there is a fall of some 3m from the north western boundary of the site to the north-eastern corner of the site. There is a similar fall from the southwestern side of the site to the south eastern corner of the site.

## **APPLICATION DETAILS**

The proposal comprises a total of 38 residential units with multiple building types. The proposed unit mix is as follows:

- 18 x one bed flats
- 16 x two bed flats
- 4 x five bed houses

The plans show that there would be three blocks of flats on the northern and western sides of the site. The four houses would be located on the eastern side of the site. The plans show one vehicular point of access onto Summerhill Lane and one on Summerhill Grange. There would be a total of 71 car parking spaces provided within the site, of which 8 would be for the four houses.

Block A would be a 3 storey building with a flat roof. It would have 23 car parking spaces located to the south and west of the building of which 16 would be allocated and 7 unallocated. External elevations would feature silver grey-brown facing brickwork, timber boarding with Powder coated composite aluminium/ timber frames. There would be an access road located to the south of the building that would provide access to block C and the houses on the eastern side of the site.

Block B would be similarly designed 3 storey building with a flat roof. It would have 20 car parking spaces located to the west of the building of which 18 would be allocated and 2 unallocated. External elevations would feature silver grey-brown facing brickwork, timber boarding with Powder coated composite aluminium/ timber frames.

Block C would also be a 3 storey building with a flat roof. The elevations would be similar to the other two blocks of flats. There would be 16 allocated car parking spaces located to the east of this building and within the ground floor level within the building. There would be 4 unallocated spaces to the southeast of this building.

Finally, the plans show 4 houses arranged as a terrace in the eastern corner of the site. These would also be arranged over 3 floors. The ground floor would feature an integral single garage with a single car parking space in front. The external elevations would utilise the same pallet of materials as the block of flats.

The centre of the site would be a landscaped open space that would retain the existing mature tree within the centre of the site. The plans show a series of

interconnecting pedestrian pathways within the site between the various blocks. There would also be landscaped open space between blocks A and B and B and C.

When the application was originally submitted, the applicants stated that the scheme would not be viable if it provided any affordable housing. They provided financial information to support this assertion and this has been independently assessed by consultants appointed by the LPA. The view of the consultants appointed by the LPA was that the scheme was capable of providing affordable housing. Following discussion with the applicants, the scheme has been amended so that all of block C would be provided as affordable housing (10 units) and there would also be a requirement for a payment of £110,000 for off site affordable housing. This payment equates to the costs of 2 x 1 bed flats. This is required on the basis that a policy compliant level of 30% affordable housing would be 12 units.

The mix of housing on site is therefore as follows:

Block A (market housing)

8 x 1 bed flats  
4 x 2 bed flats

Block B (market housing)

6 x 1 bed flats  
6 x 2 bed flats

Block C (affordable housing)

4 x 1 bed flats  
6 x 2 bed flats

Block D (market housing)

4 x 5 bed houses

## **LIST OF POLICIES**

### **District Plan**

The District Plan was adopted in March 2018.

DP6 Settlement Hierarchy  
DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
DP20 Securing Infrastructure  
DP21 Transport  
DP26 Character and Design  
DP27 Dwelling Space Standards  
DP28 Accessibility  
DP29 Noise, Air and Light Pollution  
DP30 Housing Mix  
DP31 Affordable Housing  
DP38 Biodiversity  
DP39 Sustainable Design and Construction

DP41 Flood Risk and Drainage

## **Neighbourhood Plan**

The Lindfield and Lindfield Rural Neighbourhood Plan (LLRNP) (2016) is a made plan with full weight.

Policy 2: Housing Windfall Sites

Policy 7: Areas of Townscape Character

### Documents that are Material Planning Considerations

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

The District Council carried out consultation on the Mid Sussex Design Guide SPD between 9th October and 20th November 2019. Responses are now being processed. This document currently has little weight in the determination of planning applications. However, once adopted this document will be treated as a material consideration in the assessment of all future planning schemes

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

SPD Affordable Housing (2018)

SDP Development Viability (2018)

SDP Development Infrastructure and Contributions (2018) ) Updated October 2019

## **National Policy and Legislation**

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

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

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

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

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

### National Planning Policy Guidance (PPG)

### Ministerial Statement and Design Guide

On 1st October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

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

### Lindfield Village Design Statement

## **ASSESSMENT**

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

- Principle of the development
- Design matters
- Impact on trees
- Ecology
- Impact of the proposal on the amenities of surrounding occupiers
- Highways issues
- Affordable housing
- Infrastructure provision
- Drainage
- Ashdown Forest
- Planning balance and conclusion

## **Principle of the 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.'*

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (2018) and the Lindfield and Lindfield Rural Neighbourhood Plan Neighbourhood Plan (LLRNP) (2016). The District Plan is up to date and has superseded the Mid Sussex Local Plan (MSLP), other than the policies in the MSLP which relate to site specific allocations.

The NPPF states that planning should be genuinely plan-led. The Council has an up to date District Plan and can demonstrate that it has a 5 year housing land supply. This has been confirmed at a recent Public Inquiry in respect of two planning appeals (references APP/D3830/W/19/3231997 and APP/D3830/W/19/3231996). In the consideration of these appeals, the Inspector considered the Councils land supply position as this was a matter in dispute between the Council and appellants. In his decision letter of 16th December 2019, he stated that:

*'I therefore conclude that the Council can demonstrate a 5YHLS.'* (para 115).

The balance to be applied in this case is therefore a non-tilted one.

The site is within the built-up area of Lindfield and is a previously developed site. The principle of a redevelopment of this site for residential purposes is acceptable. The key issue is whether this particular development is acceptable having regard to the relevant policies in the development plan and other material planning considerations.

## **Design issues**

### Impact of the proposal on the character of the area

Policy DP26 in the District Plan seeks a high standard of design in new development. It 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 7 of the LLRNP states:

*'Development proposals in an Area of Townscape Character will be supported, provided applicants can demonstrate they have had regard to their impact on the character and appearance of the area and have sought to retain features important to the character of the area, as defined in the Lindfield Village Design Statement.*

*In particular, proposals should:*

- i. retain trees, frontage hedgerows and walls which contribute to the character and appearance of the area;*
- ii. retain areas of open space, (including private gardens) which are open to public view and contribute to the character and appearance of the area; and*
- iii. avoid the demolition of existing buildings which contribute to the character and appearance of the area.'*

The NPPF makes it clear that good design is a key aspect of sustainable development. Paragraph 172 of the NPPF states:

*'Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

The NPPF is also supportive of achieving appropriate densities on sites. Paragraph 122 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.'*

The surrounding properties are mainly two storey housing of a traditional design. Summerlands Nursing home to the west of the site is a larger scale building that has been extended in the past.

It is considered that in principle, a flatted development would be suitable for the site. This is because the constraints of the site (preserved trees and changes in levels) lends itself to a flatted layout that should be able to incorporate the development into a parkland setting. It is important to note that there are no policies within either the DP or LLRNP that preclude flatted developments within this area.

It is therefore considered that a key issue to assess in this case is the quality of the design and whether this is appropriate to this area. The scheme has been the subject of negotiation with the applicants and the blocks have been redesigned during the course of the application. The most visible blocks, A and B have been

reduced in scale and have been re modelled to break up the facades by staggering the footprint and incorporating a more defined top floor setback. It is considered that this has reduced their actual and apparent scale and allows the buildings to sit more comfortably in their parkland setting.

The concluding comments of the Urban Designer are set out at the start of the committee report. In relation to the layout of the site the Urban Designer states:

*'Unlike the withdrawn application, the current scheme proposes surface parking instead of underground parking. The majority of the parking is adjacent to the western boundary. While this is the most visible part of the site along the Summerhill Lane frontage, much of it is the existing parking area that served the former school. Furthermore, it will be softened by the retained mature trees on this frontage as well as the proposed additional tree planting. The rest of the parking is discreetly accommodated at the rear of the site adjacent to the block D houses or behind / underneath block C; both these areas are accessed via a road that loops around the southern edge of the site that enables the central part of the site to be laid out as open space providing an attractive context for the apartment blocks in particular. The star-shaped configuration of the 4 blocks also provides a central focus to the layout which is anchored by the large retained tree in the middle. The hard surface treatment will nevertheless need to be sensitive to the parkland character.'*

*The greater separation distances between the blocks of flats along with the internal layout ensures they have an outlook that does not undermine privacy or conflict with the existing trees. The reduction in the footprint that has enabled this has been achieved by: an increase in one bedroom flats (in place of two bed flats); smaller communal corridors; and by removing the bin and cycle stores from blocks A and B and incorporating them as stand-alone structures.*

*The incorporation of apartments rather than houses generates an open parkland arrangement with the retained boundary trees providing a highly attractive backdrop; and conversely avoids the trees being marooned in overshadowed back gardens. Block D nevertheless incorporates four houses and I note the revised drawings now show longer gardens than in the original submission, which constrain the space and sight lines around the trees on the southern boundary. For this reason, I am recommending a condition is included that allows the gardens to be marginally reduced to open up this boundary.'*

Overall, whilst it is clear that the layout of the site will be markedly different to the houses that surround the site, it is not felt that this in itself is objectionable. The former use of the site was different in character compared to the surrounding houses. The layout of the site allows for the retention of the main trees.

In relation to the elevational treatment of the buildings, the Urban Designer states:

*'The building design benefits from architectural integrity with care taken over the composition and quality of the detailing with the additional vertical articulation of blocks A-C sitting more comfortably with the four-house division of block D. The four blocks now work harmoniously together as a variation on a design theme. The 2+1 storey flat roof configuration gives them a modest height that in addition to the*

*reduced building footprints and the softening effect of the retained boundary trees ensures the buildings should not overwhelm their surrounds.*

*I was previously critical of block C's rear/east elevation. Although it will still be very visible from Summerhill Grange, the revised scheme shows a reduction in the building's length and a better articulated facade. It is nevertheless important that this eastern boundary features a comprehensively landscaped border that provides a high level of screening/softening.'*

It is recognised that the proposed buildings will be very different to the houses that surround the site. It is also recognised that the proposed design has resulted in a significant number of objections, with the main theme running through these objections being that the design is not appropriate and that a redevelopment of the site should feature houses that are similar in style to those that surround the site.

In respect of policy 7 of the Neighbourhood Plan, the scheme would retain the boundary treatment that contributes to the character of the area, thus meeting the first criteria of policy 7. The scheme would retain open space between the buildings which would be open to public view. As such there would not be a conflict with these two criteria of policy 7. With regards to the third criteria, the site is cleared of all buildings. Therefore whilst in your officers view it was regrettable that the main building at the frontage of the site was demolished, in determining this planning application there is no conflict with this criteria of policy 7 as the buildings that used to be on the site have already been demolished.

The Lindfield Village Design Statement (VDS) (2011) is a material planning consideration in the assessment of planning applications in Lindfield. In the introduction to the VDS it states '*A Village Design Statement (VDS) is a community-based document that describes the qualities and characteristics of a settlement. It sets out design guidance for future development and can influence planning applications and decisions. It will help guide change in a way that will enhance rather than detract from the quality of life in a village and its environment. The objective is to manage change not to prevent it.*' The introduction to the VDS goes on to state '*The VDS is not a Masterplan of ready-made design solutions, and its recommendations should not be viewed as a barrier to modern design. Rather, this document highlights the unique qualities of architectural, historical, and natural importance that contribute to Lindfield's character. It is concerned with how planned development should be carried out, so that it is in harmony with its setting and contributes to the conservation and, where possible, enhancement of local environment.*'

In relation to housing the VDS states '*All new development in and around Lindfield must be laid out sensitively in broad form, scale and detailing to respect and avoid harm to its existing structure and existing character areas in order to sustain the attractive qualities of the village, to protect its landscape and historic buildings and to safeguard the legitimate needs and amenities enjoyed by its population.*'

It is your officers view that the proposed buildings are of an acceptable design in their own right. The VDS notes that it is not a barrier to modern design. It is acknowledged that the proposed flats would be of a different design and scale to the

surrounding houses. The Parish Council is strongly of the view that the proposal is in conflict with the VDS. This is ultimately a matter of judgement that the Planning Committee will have to come to its own view on.

All of the dwellings would meet the national dwelling space standards, in compliance with policy DP27 of the DP.

Policy DP28 of the DP relates to accessibility. For developments of this size it expects proposals to make provision for 20% of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2). For wheelchair user dwellings, 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 applicants have stated '*that 2 of the units are M4(3) compliant and 8 of the units M4(2) compliant (20% and 5% respectively).*' As such policy DP28 of the DP would be met.

### Conclusions on design matters

To conclude, it is clear that the design of the proposed scheme has generated a significant level of opposition; the view of the vast majority of those who have commented on the application is that this design would be out of place in this location. These comments have all been carefully considered. As Members will be aware local opposition alone is not a reason in itself to refuse a planning application. Any refusal of a planning application must be on planning grounds that can be properly substantiated.

It is also accepted that to some extent, design matters are subjective. For example the detailed elevational treatment of a development may elicit different opinions from different people. However, there are some aspects of design that are clearer cut, for example some layouts are generally regarded as a good design approach (perimeter block layouts for example, as set out in the draft Mid Sussex Design Guide SPD), whereas other are not (a series of cul-de-sacs with poor legibility and poor connectivity for example).

In this particular case, your officers are of the view that the proposed flatted layout of the scheme is a sound design. It makes best use of the land and works around the preserved trees on the site. The site lends itself to a flatted layout rather than a traditional layout with buildings fronting onto a street. In its former use the site had a different layout to the traditional houses that surround it. Paragraph 117 of the NPPF states in part that '*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.*' This is reflected in the final criteria of policy DP26 of the DP, which requires applicants to demonstrate that development '*optimises the potential of the site to accommodate development.*'

The scale of the proposed buildings, combined with the elevational treatment will result in a development that is markedly different from the surrounding development. In its own right, it is considered that the elevations of the proposed buildings are of

the high quality design that is sought by policy DP26 of the DP. It is also considered that as a result of their distinctive design, the proposed development would create a sense of place. The layout would be pedestrian friendly, safe, well connected, legible and accessible.

It is considered that the proposed car parking is reasonably well integrated with the scheme. As it is broken up into separate parcels that serve each of the four blocks, it does not overly dominate the site, despite it being in the main, surface car parking.

The design of the development does optimise the potential of the site to accommodate development. The site is some 1.15 hectares and the density of the development is 33 dwellings per hectare.

In conclusion on this issue, if permitted, the development would be markedly different to the surrounding properties. For the reason set out above, officers consider that in their own right the proposed buildings are well designed. The central issue is whether the proposed development is right for this location.

Overall, whilst finely balanced, your officers are of the view that the design of the scheme is acceptable in this location and accords with policy DP26 of the DP and policy 7 of the NP. It is recognised however that this is a subject on which a different view could legitimately be formed and that ultimately this is a matter that the Planning Committee will need to come to its own view on.

### Crime prevention

The NPPF demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Sussex Police have commented on the application and have raised concerns about the vulnerability of ground floor windows in the proposed flats because of a lack of defensible planting. They are also concerned about the lack of demarcation between public and private areas and finally they are also concerned about the lack of natural surveillance for the majority of the proposed car parking.

With regards to the surveillance of the car parking areas, there would be lounge windows on block A that face towards the car parking. On block B, the orientation of the blocks is such that the lounge windows do not face directly towards the car parking area but are at a more oblique angle. The car parking areas to the west of the site are all open so there would not be an opportunity for people to be completely unobserved in this area. With regards to the car parking to the east of block C, it is acknowledged that this would not be as well overlooked as there would only be bedroom windows facing eastwards towards this car parking area. However, this is a relatively modest area of car parking of 12 spaces. It is also the case that Lindfield is not an area that suffers with a high crime rate.

With regards to defensible space around the front of the ground floor flats, it would be possible to install low level fencing to secure an area of defensible space around the front elevations of the flats. This could be secured with a planning condition.

## Sustainable Construction

Policy DP39 in the DP relates to sustainable design and construction. The applicants have provided a sustainability and energy statement that is available on file for inspection. In respect of energy use the statement advises that the strategy for carbon dioxide reduction is based on energy efficiency measures, including high levels of insulation, high levels of passive energy efficiency and low energy lighting. The aim is to achieve carbon dioxide reduction beyond the Part L: 2013 target rate in the building regulations. The scheme also proposes to reduce water demand to a maximum consumption of 105 l/person/day by the implementation of water efficient fittings and water meters.

It is considered that the applicants have satisfactorily addressed policy DP39 of the DP.

### **Impact on trees**

Policy DP37 in the DP states:

*'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. 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 normally be permitted.*

*Proposals for new trees, woodland and hedgerows should be of 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; and*
- *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.*

*Proposals for works to trees will be considered taking into account:*

- *the condition and health of the trees; and*

- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

*The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.*

*Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'*

The site is covered by a Tree Preservation Order (TPO) reference CU/13/TPO/84. The order covers a total of 39 individual trees and a number of group orders.

The application is accompanied by an Arboricultural Report that is available on file for inspection. The report surveyed a total of 83 individual trees within the site. The report and accompanying plans show that 13 trees would be removed to allow the development to take place, of which 10 are preserved trees. Of these trees 5 are categorised as U quality, 2 are categorised as C quality and 3 are categorised as B quality. The categories are defined as follows:

Category A: Trees of high quality with an estimated remaining life expectancy of at least 40 years

Category B: Trees of moderate quality with an estimated remaining life expectancy of at least 20 years

Category C: Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm

Category U: Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years

Of the better-quality B category trees that would be removed, two of the trees (both Limes) are in the centre of the site, to the southeast of block C with the remaining B category tree (Scots Pine) being located on the north-western boundary of the site.

The removal of any preserved trees is regrettable. However, their loss does need to be weighed up in the planning balance. The majority of the trees within the site would be retained. Of the preserved trees that would be removed, the majority are lower quality C and U class trees. The Scots Pine to be removed is part of a grouping of trees so the loss of this is not likely to have a significant impact on the character of the area. The two Limes trees are at the end of a line of trees that run to the east. As a result of their positioning at the end of this line of trees, it is considered

that their removal would also not have a significant impact on the wider character of the area.

It should also be noted that the submitted landscaping plan shows that there would be some 74 new trees being planted on the boundaries and within the site. This additional tree planting will help to soften the development.

Overall it is considered that there would be a degree of conflict with policy DP37 arising from the felling of trees on the site that are covered by a TPO. However, the visual impact arising from the loss of these trees would be limited and the plans do show a significant level of new tree planting within the site. The TPO trees to be removed are not A category trees. Taking all the above into account, it is not felt that the loss of the TPO trees required by this scheme should be a reason to resist this planning application.

## **Ecology**

Policy DP38 in the DP states:

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

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

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

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

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

A habitat survey of the site was carried out in May 2017 and an update was carried out in December 2018. The site is not subject to any non-statutory nature conservation designations. The applicants report notes that the majority of the site (some 41%) is made up of poor semi improved grassland, some 25% is bare ground and short perennial/ephemeral vegetation, with the next largest land use being a mixture of hardstanding and semi improved grassland (some 17%).

The main findings of the applicant's report are summarised below:

### Breeding birds

The site does include habitat that is suitable for breeding birds. All breeding birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended). Under this legislation it is an offence to kill or injure a bird, and damage or destroy a bird's nest. Where the proposed works require the removal of trees, hedgerow, scrub and introduced shrubs with potential to support breeding birds, this must be carried out September to February inclusive, to avoid any potential offences relating to breeding birds during their main bird breeding season.

The applicants report recommends that tree felling is carried out September to February.

### Bats

All British species of bat are listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. Under this legislation it is an offence to deliberately capture, kill or disturb a bat and damage or destroy a bat roost.

The applicants have provided a Preliminary Roost Assessment with their application. The survey addresses both the buildings that used to be on the site and the trees within the site. The report states that no bats emerged from any of the buildings during the bat emergence surveys, therefore absence of roosting bats is considered likely. All the buildings that used to be on the site have now been removed.

Of the trees proposed for removal the applicants report states that one tree (Lime) was assessed as having moderate potential to support a bat roost, four had low potential and four were of negligible suitability. The report advises that an aerial tree inspection of the tree with moderate potential to support bat roosts is recommended.

The applicants report also makes recommendations in relation to future lighting of the site and the future provision of artificial roost features.

### Reptiles

All species of reptile are protected from killing or injuring under the Wildlife and Countryside Act 1981 (as amended). Under this legislation it is an offence to kill or

injure reptiles. The applicants preliminary ecological survey states that reptile surveys carried out in 2017 confirmed the likely absence of reptiles from site.

### Proposed works

The applicants propose to install 7 bat boxes, 7 bird boxes, 3 bumble bee boxes and 4 bug nests within the site. The applicants tree planting plan shows some 74 new trees being planted within the site. The applicants plans also show the proposed ornamental planting within the site around the buildings and parking areas.

### Conclusions on ecology matters

The Councils Ecology Consultant has assessed the application. He notes that the site appears to be very poor for biodiversity. He recommends a planning condition is imposed to require a method statement for implementation of wildlife mitigation to be approved by the LPA prior to development commencing. He states:

*'in my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals.'*

A planning condition can be imposed as recommended by the Councils Ecological Consultant. Whilst there would be a significant number of new trees planted, the tree planting plan indicates that these would be mostly be modest in size to begin with (2.4m to 2.7m). As such it is not considered that it can be definitively said that the proposals would result in an immediate net gain in bio diversity. However, given the findings of the ecological surveys and the views of the Councils Ecological Consultant it is considered that the evidence indicates that there would not be a net loss of bio diversity as set out in policy DP38. At two previous appeals in the District on the same site (references DM/18/0953 and DM/18/0954), determined in December 2019, the Inspector stated *'While I do not consider that the proposals would lead to a net gain in biodiversity, I am of the view that the schemes would not lead to a net loss of biodiversity. The landscape proposals for the scheme would incorporate biodiversity features and green infrastructure within the developments such that I consider the schemes overall would comply in a biodiversity respect with policies DP37 and DP38 of the District Plan.'*

Given the way policy DP38 has been interpreted by a Planning Inspector, it is considered that as the evidence on this site is that there would not be a net loss of bio diversity and there are no objections from the Councils Ecological Consultant, overall it would not be reasonable to seek to resist the application based on policy DP38 of the DP.

### **Impact of the proposal on the amenities of surrounding occupiers**

One of the criteria of policy DP26 seeks to resist developments that would 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, day light and sunlight and noise, air and light pollution. The policy threshold in terms of impacts on neighbour amenity, ('significant harm'), is a high one.

Block A would be some 24m to the north of 1 Summerhill Grange at its closest point. 1 Summerhill Grange is also angled so that its rear elevation does not face directly to the north. Whilst there would be a major change to the view for the properties to the south on Summerhill Grange, given the distance between these properties and the new development it is not considered that they would be over bearing or overly dominant. There would be new overlooking from the first floor of Block A towards Summerhill Grange from bedroom windows, but this is a built-up area where a degree of mutual overlooking is to be expected. The balconies for the first floor of Block A have been arranged so that they face towards the west, east and north. The second floor of Block A has been arranged so that the main habitable windows for the flats do not face southwards towards Summerhill Grange, but face towards the east and west.

There would be a block of 3 car parking spaces to the northwest of 1 Summerhill Grange. With suitable boundary treatments in place it is not felt that the activity associated with these car parking spaces would cause a significant loss of amenity in respect of noise and disturbance.

Block B would be some 28m to the southwest of Summerhill Cottage. Whilst Block B would be visible from Summerhill Cottage it is felt that given this distance there would not be significant harm to their residential amenities. The internal layout of Block B has been arranged so that there are not main habitable windows in the northwest facing elevation.

The balconies on Block B have been arranged so that they are on the northeast, southeast and southwest elevations. At its closest point, the northeast facing balcony is some 10m from the mutual boundary with Summerhill Cottage. However it is orientated to face away from the property, which is to the northwest. Given the orientation of the balconies, it is not felt that they would cause significant harm to the amenities of Summerhill Cottage.

Block C would be some 39m to the south of Clare Cottage at its closest point and would be at a higher level (some 1.4m). Block C would be clearly visible from Clare Cottage but at this distance it is not felt that the new block would be overly dominant or overbearing or create unacceptable levels of overlooking.

Block C would be some 15m away from the side elevation of 9 Summerhill Grange at its closest point. There is a first floor window in the side elevation of 9 Summerhill Grange which serves a bathroom. There is a 2m hedge on the boundary. The northern part of Block C would be some 16m from the rear garden boundary with 9 Summerhill Grange. There would be bedroom windows in the first and second floor side elevation of Block C facing towards 9 Summerhill Grange and due to the inset of these windows within Block C, they would be some 17m from the side elevation of 9 Summerhill Grange. Given this distance and the fact that these windows would be facing the side elevation of 9 Summerhill Grange, it is not felt there would be a significant adverse impact on their amenities.

The corner of the new houses in Block D would be some 26m away from the front elevation of 17 Summerhill Grange at its closest point. It is not considered that there would be a significant loss of residential amenity to the occupiers of 16-18

Summerhill Grange from the positioning of Block D. The north eastern elevations of the houses in Block D would be angled so they face the front gardens of the houses at the end of the Summerhill Grange cul-de-sac. It is considered that this relationship would not cause a significant impact on the residential amenities of those properties on Summerhill Grange.

The houses in Block D would be some 34m away from the rear elevation of 4 Summerhill Grange at their closest point. The houses on Block D would be angled so they would not directly face the rear elevations of the properties to the south. It is not felt that there would be significant harm to the residential amenities of the 1 to 4 Summerhill Grange from this relationship.

## Highways Issues

Policy DP21 in 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.*

*Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'*

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 109 of the NPPF, which states:

*'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The proposal would have two vehicular points of access. The first would be onto Summerhill Lane and this would serve the 23 car parking spaces for block B. The second would be off Summerhill Grange and would serve the remainder of the development. The applicants have carried out a speed survey in relation to the access onto Summerhill Lane to inform the required visibility splays. This details 85th% speeds are 37.6mph northbound and 35.7mph southbound at site 1 (north of the access) and 35.9 mph northbound and 37.6mph southbound at site 2 (south of the access).

The Highway Authority has raised no objection to the application. They consider that the speed survey that has been undertaken has properly justified the proposed visibility splays for this junction. On this basis it is considered that the proposed access onto Summerhill Lane would be safe and is acceptable in relation to highway safety. The Highway Authority have provided a plan that show the required visibility splays for the Summerhill Lane access would be within the public highway and are therefore achievable.

Vehicle speeds on Summerhill Grange will be much lower as this is a cul-de-sac. It is considered that the proposed vehicular access onto Summerhill Grange is acceptable in relation to highway safety. The Highway Authority have provided a plan that shows the highway boundary responsibility of Summerhill Grange. The required visibility splay for this access are either within the highway boundary or are within the site boundary. As such these splays are achievable.

Some objectors have stated that the applicants to not have the right to use a vehicular access onto Summerhill Grange to serve the development. The question of whether there are private covenants/restrictions that prevent a vehicular access being formed onto Summerhill Grange is not a planning matter but would be a private legal matter between the interested parties. The LPA can impose a planning

condition requiring the works to create the access to be completed prior to other development on the site commencing. It would then be a matter for the applicants to comply with the planning condition. If they could not comply because of private legal restrictions then they would not be able to implement the planning permission.

With regards to the visibility splays, these are shown within the red line that denotes the site of the planning application and they are also shown as being within the highway boundary. Some objectors have questioned whether the visibility splays can be provided if the land is not in the applicant's ownership. The Highway Authority have advised your officers that *'A highway is a legal right over land. It does not connote freehold ownership of the land. The majority of the freehold on which there is highway maintainable at public expense are not owned by the highway authorities and a freehold owner of land on which there are highway rights cannot obstruct or interfere with such public rights.'* The Highway Authority are therefore clear in their view that as the visibility splays are within the highway boundary, they can be secured.

The applicants have served notice on Crest, who they believe are the landowners of the visibility splays. The Council does not hold records of land ownership and if there is a dispute about land ownership then this would be a private legal matter between the interested parties.

Policy DP21 seeks to avoid severe traffic congestion, which reflects the advice in the NPPF. The applicants have provided figures that show that the proposed development would generate fewer peak hour movements than the previous use of the site. Whilst all the buildings on the site have now been demolished and the site has in effect a nil use, this is a useful comparison. Given the scale of the development it is not considered that it could be reasonably argued that the proposal would result in a severe impact on the local highway network in relation to traffic congestion.

With regards to car parking, the LPAs car parking standards were set out in the Development Infrastructure and Contributions supplementary planning document (SPD). These were expressed as minimum indicative standards. The car parking standards in the SPD were 1 space per 1 bed unit, 2 spaces per 2/3 bed unit and 3 spaces per 4 bed dwellings. Using these standards the scheme should provide a minimum of 74 spaces. The scheme provides a total of 71 car parking spaces.

This SPD was updated in October 2019 to reflect new car parking guidance provided by WSCC. The County Council have an updated car parking demand calculator that predicts the car parking requirements for each of the parishes within the County.

Applying this calculator, using the figures for allocated and unallocated spaces (58 and 13 respectively) provided by the applicants, the predicted parking demand is for a total of 69 spaces (58 allocated and 11 unallocated).

It is therefore considered that there are no grounds to resist the application based on the numbers of car parking spaces that are intended to be provided.

The scheme proposes 17 active electric charging points for vehicles in line with the request of the Highway Authority. The plans also state that ducts will be laid to all other spaces to facilitate future electric charging points.

## **Affordable housing**

Policy DP31 of the DP requires a minimum of 30% on site affordable housing on developments providing more than 11 dwellings. The policy states that 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.

National guidance recognises that viability is a material planning consideration. The PPG states:

*'Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.'*

The PPG makes it clear that:

*'Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.'*

When the application was first submitted, the applicants have stated that the site would not be viable to provide any affordable housing. They provided financial appraisals, and these were independently assessed by consultants appointed by the LPA. Based on the scheme as it was at that time, the Councils appointed consultants concluded as follows:

*'As requested following receipt of Martin Warren Associates cost consultant's review of Taylor Associates' cost plan and Icenis most recent rebuttal to our viability review I have now had the opportunity to consider the response and the cost plan.'*

*'Without going through each point of the Icenis response, the effect of the submitted cost plan is to remove any surplus that we identified previously through our review; leaving a significant deficit against the benchmark land value. Martin Warren Associates consider the cost plan to be reasonable (and in fact suggest slightly higher overall costs). I have attached for reference.'*

*'There are also a number of other assumptions where a difference of opinion remains between Icenis and DSP (which I suggest that there is no point addressing at this stage given the impact of just the cost assumptions here).'*

*'I don't have a working copy of Icenis's development appraisal but making (only) the cost plan adjustments to our original appraisal (i.e. ignoring any other areas of*

*disagreement) the residual land value drops from £3,365,669 to £587,561 (with 100% market housing) and therefore significantly below the BLV (now agreed at £1.275m. This compares to Icen's assertion that the development produces a negative residual land cost of -£1,041,256 (i.e. £2.3m below the BLV).*

*I have noticed that the gross area of the development is now significantly larger than previously assumed (increased from 3,921m<sup>2</sup> to 4,888m<sup>2</sup> which indicates a relatively inefficient use of space within the flats). However, we can only review the scheme / design as presented.*

*Unfortunately, I am not sure that there is anywhere else we can go with this other than to suggest potentially that a review mechanism is inserted into the s106 agreement that potentially captures any positive (in viability terms) changes in costs and values.'*

The above viability assessment carried out by the Council's consultants DSP in March 2019 and the subsequent review of the applicants cost plan in July 2019 were based on a scheme comprising 6 x 1 bed units, 28 x 2 bed units and 4 x 5 bed units. The scheme has now been amended to comprise 18 x 1 bed units, 16 x 2 bed units and 4 x 5 bed units.

In light of this change, the Council's appointed consultants have carried out a further review of the applicants submitted viability position. Their report dated April 2020 is available for inspection on the planning file. In summary they now conclude:

*The development appraisals submitted for review produced a residual land value of £262,577; £1,012,423 below the stated benchmark land value of £1,275,000. This leads to a profit on GDV of approximately 13% as submitted by the applicant (and we have to assume, given this is the position submitted, that this is the level of profit acceptable to bring the development forward?)*

*As part of our audit style approach, we have again reviewed and made adjustments to the applicant's 100% market appraisal to explore the extent to which a more positive viability outcome should be possible. These include:*

- *Adjusting the benchmark land value;*
- *Adjusting the ground rent revenue assumptions;*
- *Reducing the overall finance rate to bring it in line with other similar schemes;*
- *Reducing the professional fees and sales and marketing fees to bring those in line with typical parameters;*
- *Alterations to site works costs;*
- *Reducing the profit assumption.*

*In order to calculate the level of financial surplus potentially available to contribute towards affordable housing in the first instance (we don't have a policy compliant development appraisal with which to adjust / look at the impact of the above changes) we have run a residual land value calculation based on a fixed developer's profit of 17.5% on GDV. This produces a residual land value of £1,576,144 (DSPv1) or a surplus over the DSP BLV of £976,144.*

*A second appraisal has been carried out that reduces the profit to 15% on GDV. This leads to a RLV of £1,890,832 (DSPv2) or a surplus of £1,290,832.*

*Both results exceed the viability letter benchmark land value of £1,275,000 and significantly exceed the DSP estimated BLV of £600,000.*

*Overall therefore, at this stage, based on the evidence submitted it is not possible for us to agree with the approach put forward. The results of our appraisals indicate that there may be scope for a proportion of affordable housing to be secured from this site; potentially up to a policy compliant level.'*

In light of the findings of the latest review by the Councils appointed consultants, the LPA put the following two options to the applicants in relation to the provision of affordable housing on the site:

Option 1: The application will have all of block C as affordable housing. This will be 10 units. There would also be a requirement for a review clause in the S106 agreement because 10 affordable units would not be fully policy compliant. A policy compliant level of affordable housing would be 12 units.

Option 2: The application will have all of block C as affordable housing. This will be 10 units. There would also be a requirement for a payment towards off site affordable housing for the other 2 units of affordable housing that would not be being provided on site. This would be £110,000 which equates to the costs of 2 x 1 bed flats. There would be no viability review clause as the scheme would be policy compliant in relation to affordable housing provision.

*In response to this the applicants have stated 'Following extensive discussions with yourself and your colleagues over a series of meetings and correspondence, the applicant has carefully listened to your advice and has continued to respond to the Council's requests over a long period of time, making extensive reductions to the amount of development, considerable design changes and over recent months, significant increases to the affordable housing contribution. The applicants are prepared to accept what the Council considers to be reasonably necessary in order for it to support a residential planning permission on what is an obvious and very suitable site for residential development.'*

The applicants have stated that their preference would be for option 2. Therefore, the scheme as submitted would provide block C, comprising 10 units, as affordable housing and there would be a payment of £110,000 to go towards off site affordable housing. It would not be practical for management purposes to provide the additional 2 affordable units on site in one of the other blocks of flats. As such an offsite contribution would be acceptable in this case to make up the balance of affordable housing requirements generated by the development.

The above on site affordable housing and financial contribution towards off site affordable housing would need to be secured by way a section 106 legal agreement. With these two matters secured, it is considered that the proposal would be acceptable in relation to affordable housing provision because it would be providing

an overall policy compliant level of affordable housing (the majority secured on site with a contribution towards off site provision for the remaining 2 units).

### **Infrastructure provision**

Policy DP20 of the DP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the District Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

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

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

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

and:

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

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

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

### West Sussex County Council Contributions:

Library provision: £10,932

Education Primary: £39,918

Education Secondary: £42,963

TAD: £103,541

### District Council Contributions

Children's play space £16,854 - Hickmans Lane Rec

Kick about £14,157 - Hickmans Lane Rec

Forma sport £31,098 - for pitch drainage and / or pavilion improvements at Hickmans Lane  
Community buildings £17,836 - King Edward Hall and / or Hickmans Lane pavilion  
Local community infrastructure £22,032 - for electronic bus stop signage within the village

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

It is considered that the above contributions are justified having regard to this Councils development and infrastructure SPD and would meet the test of the CIL Regulations. Subject to the completion of a legal agreement to secure these contributions there would be no conflict with policy DP20 of the DP.

## **Drainage**

Policy DP41 in the District Plan seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. Paragraph 163 of the National Planning Policy Framework states:

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

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

It is proposed for surface water to discharge to the existing surface water system of Summerhill Grange at two points. The Councils Drainage Engineer has advised that there is an opportunity to reduce the volume of surface water discharging from the site compared to the current rate so there should be less peak flow into the Summerhill Grange surface water system post development, compared to the existing. The Councils Drainage Engineer raises no objection to the proposed surface water drainage of the site.

In respect of foul drainage, it is proposed to run new foul and surface water drains from the eastern boundary of the site, through a parcel of green land, and then under the highway where they will connect to the existing public foul and surface water sewers. This approach appears to be crossing third party land. Concerns have been

raised by third parties about how this will be achieved, and the Council's Drainage Engineer has also asked this question.

The key issue in assessing the planning application is whether as a matter of principle there is a technical solution that would mean that the site could be drained satisfactorily. The details of the drainage design can be secured by a planning condition that could prevent works from taking place until the details of the proposed drainage solution have been approved by the LPA. It would therefore be lawful for the Council to approve drainage details that involved works taking place across third party land. It would be a matter for the applicants to ensure that they could then deliver any such off site works. If they could not, then they would not be able to fulfil the requirements of the planning condition and therefore would not be able to implement the planning permission.

In this case the Council's Drainage Engineer has raised no objection to the application and has advised that the details of the foul and surface water drains should be controlled by a planning condition. In light of all the above it is considered that as a matter of principle the site is capable of being properly drained and therefore there would be no conflict with policy DP41 of the DP.

### **Ashdown Forest**

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

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

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

### **Recreational Disturbance**

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

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative

Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, **mitigation is not required.**

#### Atmospheric Pollution

Increased traffic emissions as a consequence of new development may result in 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 has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as **windfall development**, 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. Sufficient windfall capacity exists within the development area. 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 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.

### **PLANNING BALANCE AND CONCLUSION**

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the DP and the LLRNP. The NPPF is an important material planning consideration.

The site is within the built-up area of Lindfield and was formally occupied by a school. On this basis it is considered that the principle of a residential redevelopment of the site accords with policy DP6 of the DP and is acceptable.

With regards to affordable housing the proposal would provide 10 units of affordable housing on site. In addition to this there would be a payment of £110,000 to go towards the provision of offsite affordable housing. This sum equates to the costs of 2 x 1 bed flats. The onsite provision of affordable housing and the payment towards off site provision would need to be secured by a section 106 legal agreement. With

such an agreement in place, the scheme would provide a policy compliant level of affordable housing and therefore policy DP31 of the DP would be met.

There is a requirement for developments of this scale to provide contributions towards the costs of infrastructure to mitigate the impacts of the development. These contributions would need to be secured via a section 106 legal agreement. With such an agreement in place the scheme would comply with policy DP20 of the DP.

It is considered that the access into the site is satisfactory and the proposal would not result in a severe impact on the highway network. There is no objection from the Highway Authority to the development. There is no objection from the Councils Drainage Engineer and it is considered that as a matter of principle the site can be satisfactorily drained. As such policies DP21 and DP41 of the DP would be met.

The scheme would result in a change in outlook for those neighbouring properties that face the site. The test within policy DP26 is whether there would be significant harm to neighbouring amenities. For the reasons outlined in the report it is not felt that the scheme would cause significant harm to neighbouring amenities.

The design of the scheme has attracted a significant level of opposition. It is considered that there are some elements of design that are clearly good (for example, well overlooked attractive public spaces) and there are some elements that are clearly poor design (for example poorly overlooked areas that provide easy opportunities for crime/anti-social behaviour). It is acknowledged that to some extent, the attractiveness of the external appearance of the proposed buildings is a subjective matter. It is your officers view that the proposed buildings are of an acceptable design, notwithstanding the fact that they will be clearly very different to the surrounding buildings. As such it is your officers view that there is no conflict with policy DP26 of the DP or policy 7 of the LLRNP.

In conclusion, the principle of a residential redevelopment of the site is acceptable. Weighing in favour of the scheme is the fact that the scheme would provide 38 dwellings on a previously developed site, which would contribute to meeting the housing needs of the District. There would also be economic benefits from the proposal arising from both the construction phase and from the additional spend in the local economy from future residents of the development. The Council would also receive a New Homes bonus for the dwellings created. These are all matters that weigh in favour of the scheme in the planning balance.

It is your officers view that although design of the scheme would be markedly different from the surrounding houses, whilst finely balanced, it would nonetheless be acceptable. With regards to the impact on the amenities of the neighbouring properties, it is acknowledged that there will be some new overlooking as a result of the proposal and the development would be clearly visible from around the site. The test in policy DP26 is whether there would be a significant loss of amenity. It is your officers view that the scheme would not cause a significant loss of residential amenity to the occupiers of the surrounding properties.

The access into the site and car parking arrangements are acceptable. It is also considered that the site can be satisfactorily drained. There are no objections to the

scheme from the Councils Ecological Consultant. Whilst there would be a loss of some preserved trees within the site, there would be extensive replanting within the site. As such all these matters are neutral in the planning balance

In light of the above it is considered that whilst finely balanced, the scheme is acceptable. Therefore subject to the suggested conditions and the completion of a satisfactory legal agreement to secure the necessary infrastructure payments and affordable housing the scheme is recommended for approval.

---

## APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

### **Pre commencement**

2. 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.
    - a scheme for the protection of neighbouring properties from noise generated during construction work has first been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with BS5228-1:2009 'Noise and Vibration control on construction and open sites'.
    - a scheme for the protection of the existing neighbouring properties from dust

Reason: In the interests of highway safety and the amenities of the area and to accord with and Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

3. No development shall commence until a method statement for implementation of wildlife mitigation measures has been submitted to, and approved in writing by, the local planning authority. This shall be a practical document that can be used for reference on site and show how the measures related to each stage of the development. The approved method statement shall be implemented in full unless otherwise agreed in writing with the local planning authority. The wildlife habitat enhancements shown on the 'ecology' drawing ref 0212/801 by ND Studio Landscape Design, dated 29.11.2019 shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the ecology of the area and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

4. Details of the existing trees/bushes/hedges that are to be retained shall be submitted to the Local Planning Authority for their written approval prior to any development commencing on site, together with the methods for their protection. Those trees/bushes/hedges shall be retained and protected as approved for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees/bushes/hedges removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees/bushes/hedges of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity and/or ecology of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031.

5. No development shall commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

6. No development shall take place unless and until details of the existing and proposed site levels 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 / amenities of adjacent residents and to accord with Policy DP26 of the District Plan 2014 - 2031.

7. No development above slab level shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:
  - 1:20 scale section and elevation drawings of block B's south-west frontage, showing the full height of the building including the stairwell bay, balconies and typical windows.
  - The configuration, depth and design of block D's gardens.
  - The soft and hard landscaping including boundary treatment.
  - The facing materials

Reason: In order to secure a high quality development and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

8. The vehicular accesses serving the development shall be constructed in accordance with the approved plans prior to any other development taking place on the site.

Reason: To ensure that the access points are provided and in the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

9. No development above slab level shall take place until a detailed scheme for the future maintenance of all the open space and landscaped areas within the site has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure a high quality development and to comply with policy DP26 of the Mid Sussex District Plan 2014 - 2031.

10. No development shall commence until visibility splays of 2.4 metres by 39.1m to the northwest and 2.4 metres by 39.9m to the southeast have been provided at the proposed site vehicular access onto Summerhill Grange in accordance with the approved planning drawings.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

11. No development shall commence until visibility splays of 2.4 metres by 68.2m to the south and 2.4 metres by 59.1m to the north have been provided at the proposed site vehicular access onto Summerhill Lane in accordance with the approved planning drawings.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

### **Pre occupation**

12. Prior to the occupation of any dwelling subject of this permission details of proposed screen walls/fences and/or hedges have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences or hedges associated with them have been erected or planted.

Reason: To protect the amenities of adjacent residents and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

13. The dwellings shall not be occupied until the parking spaces/turning facilities/and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning/and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the District Plan 2014 - 2031.

14. Prior to the occupation of any dwelling the subject of this permission, details shall be submitted to the Local Planning Authority for the provision of dropped kerbs and tactile paving at the junction of Summerhill Lane and Summerhill Grange. The scheme shall be implemented in accordance with the approved details.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the District Plan 2014 - 2031.

15. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the District Plan 2014 - 2031.

16. The scheme shall be implemented in accordance with the Landscape Masterplan, Tree Planting Plan and Planting Plan submitted with the application unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaping scheme and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

17. No dwelling in the development hereby permitted shall be occupied until details of external lighting within the site have been submitted to and approved in writing by the local planning authority. The lighting scheme installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) for zone E3. Thereafter the approved installation shall be maintained and operated in accordance with zone E3 requirements unless the Local Planning Authority gives its written consent to a variation. The development shall be implemented in accordance with the approved details.

Reason: To safeguard the visual appearance of the area and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

18. Prior to the occupation of any of the dwellings hereby permitted, details shall be provided of the facilities for charging plug-in and other ultra-low emission vehicles for the written approval of the Local Planning Authority. The scheme shall be constructed in accordance with the approved details.

Reason: To provide facilities for plug in and ultra-low emission vehicles in the interests of sustainability and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031

19. No dwelling hereby permitted shall be occupied until details, including a timetable for implementation, of ducting to premises infrastructure, to facilitate connection to high speed broadband and 4G, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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.

### **Construction phase**

20. Works of construction, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday to 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 DP26 of the Mid Sussex District Plan 2014 - 2031.

21. Deliveries or collection of plant, equipment or materials for use during the construction phase shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 Hours;

Saturday: 09:00 - 13:00 Hours

Sunday & Public/Bank holidays: None permitted

Reason: to protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

22. No burning of demolition/construction waste materials shall take place on site.

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031

### **Approved Plans**

23. 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 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. 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](http://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 £34 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.

### Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	0527.EXG.001	B	15.05.2019
Existing Site Plan	0527.EXG.002	B	21.01.2019
Existing Sections	0527.EXG.003	B	21.01.2019
Existing Sections	0527.EXG.004	B	21.01.2019
Proposed Block Plan	0527.PL.001	G	26.06.2020
Proposed Site Plan	0527.PL.002	D	02.12.2019
Proposed Site Plan	0527.PL.003	C	02.12.2019
Proposed Site Plan	0527.PL.004	C	02.12.2019
Proposed Site Plan	0527.PL.005	D	10.01.2020
Proposed Floor Plans	0527.PL.101	A	30.10.2019
Proposed Floor Plans	0527.PL.102	A	30.10.2019
Proposed Floor Plans	0527.PL.103	B	02.12.2019
Proposed Floor Plans	0527.PL.104	A	30.10.2019
Proposed Sections	0527.PL.201	C	09.01.2020
Proposed Sections	0527.PL.202	C	09.01.2020
Proposed Elevations	0527.PL.301	B	09.01.2020
Proposed Elevations	0527.PL.302	B	09.01.2020
Proposed Elevations	0527.PL.303	B	09.01.2020
Proposed Elevations	0527.PL.304	B	02.12.2019
Landscaping Details	0212/901	G	02.12.2019
Sections	0212/503		02.12.2019
Access Plan	0212/002	G	02.12.2019
Landscaping	0212/301	G	02.12.2019
Landscaping	0212/302	G	02.12.2019
Drainage Details	0212/304	G	02.12.2019
Sections	0212/501	G	02.12.2019
Sections	0212/502	G	02.12.2019
Landscaping Details	0212/801	G	02.12.2019
Survey	0212/001	F	30.10.2019
Access Plan	762/210B		02.12.2019
Access Plan	762/211B		02.12.2019
Access Plan	762/212B		02.12.2019
Access Plan	762/213B		02.12.2019
Access Plan	762/214B		02.12.2019
Access Plan	762/216C		02.12.2019
Access Plan	762/217B		02.12.2019
Access Plan	762/218B		02.12.2019
Other	762/219B		02.12.2019
Landscaping Details	0212/100	H	02.12.2019

## APPENDIX B – CONSULTATIONS

### Parish Consultation (received 22 February 2019)

DM/18/0733 - TAVISTOCK AND SUMMERHILL SCHOOL, SUMMERHILL LANE  
LINDFIELD Proposed erection of 38 residential dwellings comprising of 4 houses and 34 flats with associated internal access, surface-level car parking, landscaping with other infrastructure.

Lindfield Parish Council strongly objects to this application which, despite a reduction in the number of dwellings proposed compared to the previous application, remains totally unsuited to its location and contrary to the approved District and Neighbourhood Plans.

#### Mid Sussex District Plan

DP 6 Settlement Hierarchy 'to promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character' To provide the amount and type of housing that meets the needs of all sectors of the community '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 the character' of the settlement.'

DP 26 ' Character and Design 'All development' will be well designed and reflect the distinctive character of the towns and villages' creates a sense of place while addressing the character and scale of the surrounding buildings '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' including taking account of the impact on privacy, outlook, daylight and sunlight' incorporates well integrated parking that does not dominate the street environment"

DP31 ' Affordable Housing 'The requirement for the provision of affordable housing applies to all types of residential developments falling within Use Class C3'The Council will seek 'a minimum of 30% on-site affordable housing' Proposals that do not meet these requirements will be refused"

#### Lindfield and Lindfield Rural Neighbourhood Plan

P1 ' A spatial Plan for the Parishes ' to encourage modest proposals 'that can be satisfactorily accommodated without undermining the quality of life for local people.'

P2 ' Housing Windfall Sites ' 'It is important that as many affordable homes are delivered as possible"

P7 ' Areas of Townscape Character ' 'Development proposals will be supported 'provided applicants can demonstrate they have had regard to their impact on the appearance and character of the area and have sought to retain features important to the character of the area, as defined in the Lindfield Village Design Statement.'

#### Lindfield Village Design Statement

5.1 New Housing ' "must be laid out sensitively in broad form, scale and detailing to respect and avoid harm to its existing structure and existing character areas"

This latest proposal provides for flats, seemingly designed in a 60/70's style campus format, which is completely out of place in a location immediately adjacent to an Area of Townscape Character and shows no consideration of the identity and character of the village. The design of the flats is inappropriate in terms of both visual impression and the impact of the

detail of the design on nearby properties. The proposed balconies will negatively impact the privacy of existing residents and the bulk of the buildings is detrimental to the outlook, daylight and sunlight currently enjoyed by such properties.

The apparent avoidance of any element of affordable housing, in addition to being contrary to policy, robs the proposal of any potential merit in contributing to support new younger buyers to the village. Notwithstanding S106 contributions, the infrastructure of the village is unable to cope with existing traffic volumes and the proposed density will exacerbate those problems, noting that there is insufficient space to sufficiently modify village roads to accommodate this. Accordingly, a wider, holistic approach needs to be considered by both WSCC Highways and the Planning Authority as to managing such traffic increase, perhaps encompassing sustainable transport methodology.

The Council supports and indeed encourages the appropriate redevelopment of this site and considers that this is likely to be through the development of maximum two storey units, potentially comprising a mix of maisonettes, terraced and semi-detached housing with suitable parking provision and greenspace.

In terms of the detail of this application several aspects stand out as being improperly addressed or plain wrong:

*'Parking spaces'* the plan does not seem to tie up with the descriptions.

*'Location'* reference to Haywards Heath when the site is located within Lindfield Village

*'Trees'* the proposal seems to make no attempt to preserve the significant trees on this site, nine of which are subject to TPOs, merely seeking to destroy those that are in the way of the unsuitable plans. Any plans for this site should protect and improve the natural street scene.

*'Local consultation'* the views of two councils, other consultees and residents would seem to suggest that this exercise was at best, perfunctory, and at worst, ignored.

*'S106 contributions'* in the unfortunate event that this application obtains approval despite failing to meet most, if not all, applicable policies under the respective District and Local Plans, the contributions or ideally physical improvements should be structured to achieve a meaningful improvement in local infrastructure rather than allocated 'in case' an improvement is identified in the future.

It is felt that the applicant employed architects with no feel for the location (hence the references to Haywards Heath and the overbearing nature of the proposals seen to date) and who have produced entirely inappropriate off the shelf plans to address the applicants brief, leading to the proposed overdevelopment of the site.

The Council notes the objections raised by Hayward Heath Town Council which substantially align with its own views and fully recognises HHTC's interest in the site given its proximity to Haywards Heath and the shared impact on local infrastructure of this poorly thought out proposal.

### **Parish Consultation (received 25 April 2019)**

The minor changes in the latest application do nothing to assuage the Council's detailed concerns spelt out in its response dated 22/2/19 and Lindfield Parish Council re-confirms its strong objections contained therein.

## **Parish Consultation (received 22 November 2019)**

Lindfield Parish Council continues to strongly object to the proposal for the development of three storey flats on this site and accordingly reiterates its detailed objections submitted in February 2019, reconfirmed in April 2019.

These latest tweaks to the proposal do nothing to assuage either the Council's or resident's concerns and contravene both District and Neighbourhood Plan policies. Specifically:

1. MSDC Policy DP 26, given its overbearing impact and unsympathetic design, it does nothing to "...protect valued townscapes and the separate identity and character of towns and villages..." The flats as proposed are the antithesis of the local street scene and visual approach to the village of Lindfield.
2. Lindfield and Lindfield Rural Neighbourhood Plan Policy 7 and Design Statement Section 4: the size and design of the proposed estate represent an alien, urban concept that is inimical to the semi-rural character of Lindfield.
3. MSDC Policy DP 31 - the absence of affordable housing violates the 30% requirement. Indeed, that this can apparently be overcome by an assessment predicated on the price (over?) paid for the site suggests that the policy itself needs enhancing.
4. MSDC Policy DP 37 - the proposal continues to promote the destruction of a number of protected trees.

At a practical level, there are already several flatted developments with the adjoining town of Haywards Heath which appear to be struggling to sell, and more are currently being built.

In conclusion, against the background of the combination of policy contraventions, the unsuitable nature of the proposals and evident oversupply of flats in the local area, further consideration of three storey, modernist, flatted developments on this site appear to be a significant waste of resources for both the proposer and planning authority.

## **HAYWARDS HEATH TOWN COUNCIL**

Although this application relates to a site that falls just outside of Haywards Heath in the neighbouring parish of Lindfield, it is right on the town's boundary and undoubtedly has an impact on those residents of the town who live in this locality. Haywards Heath Town Council therefore welcomes the opportunity to make representation in respect of this proposal.

The Town Council notes the submission of amended plans (received by Mid Sussex District Council on 30/10/2019) and is disappointed to see proposals being presented that are very similar to the original application under this reference number. These do nothing to address the issues raised previously. The Town Council has ongoing concerns about the suitability of a development along these lines in this location and, therefore, objects to the application and reiterates the following objections, comments and observations, to which Mid Sussex District Council (MSDC) is asked to give due consideration:

1. the current proposal would be out of keeping with the local environment, surrounded as it is by Areas of Townscape Character;
2. concern about the impact that the proposed blocks of apartments would have on the residential amenities of neighbouring properties - overbearing, loss of outlook, loss of sunlight;

3. inadequate screening to protect the privacy of existing residents from users of the proposed apartment balconies;
4. the adequacy of the proposed number of parking spaces is questionable;
5. the provision for recreational facilities is questionable;
6. the current proposal conflicts with the Lindfield Village Design Statement, the Lindfield and Lindfield Rural Neighbourhood Plan, and Policies DP6, DP26 and DP31 of the Mid Sussex District Plan 2014-2031;
7. the proposal represents an opportunistic attempt to overdevelop the site;
8. it is disingenuous and unacceptable that the proposal does not deliver a 30% affordable housing element. This deficit is contrary to both the Lindfield and Lindfield Rural, and Haywards Heath Neighbourhood Plans, and the Mid Sussex District Plan 2014-2031. The Committee notes the very strong resistance by MSDC applied to more sustainable sites elsewhere in Haywards Heath that do not deliver the 30% affordable housing requirement. It is even more important that it is applied on the Tavistock site without deviation from this policy;
9. the siting of the two blocks of three-storey apartments, to the front (western side) of the site and at its highest point, would give rise to an obtrusive and overbearing form of development, which would be out of keeping with the present character of the area and contrary to elements of Policy E9 of the Haywards Heath Neighbourhood Plan;
10. the construction of 34 apartments within three, three-storey blocks would constitute an undesirable intensification of residential development at a density which would be out of keeping with and would detract from the bordering Townscape Area, contrary to both the Lindfield and Lindfield Rural, and Haywards Heath Neighbourhood Plans;
11. there are three (BS5837) Category B trees - two limes and a Scots pine - that have been recommended for removal 'due to their proximity to the proposed landscaping requirements'. The trees are an integral part of the natural heritage of the site and, by extension, of Lindfield itself and must be preserved. Haywards Heath Neighbourhood Plan Policy E9 6.30 requires 'in the townscape character areas, Haywards Heath Town Council expects developers to demonstrate how their proposals for development or redevelopment will reinforce the local character and thus meet Objective 6F of this Plan.

In particular, proposals should:

- retain trees, frontage hedgerows and walls which contribute to the character and appearance of the area;
  - retain areas of open space, (including private gardens) which are open to public view and contribute to the character and appearance of the area; and
  - avoid the demolition of existing buildings which contribute to the character and appearance of the area.'
12. the Town Council challenges the credibility of the Viability Report and does not accept the Report's conclusion that the Residual Site Value 'cannot support contributions to planning obligations beyond the £329,210 contributions already included'. It is not the responsibility of the local planning authority to underwrite the profit objectives of the developer;

13. Members feel that the developer/applicant has not provided anything which delivers Haywards Heath Neighbourhood Plan Policies E8, E9 or E10 - listed below:

Policy E8 Critically the application does not demonstrate how it will contribute to the improvement of the health and well-being of the community.

Policy E9 Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- height, scale, spacing, layout, orientation, design and materials of buildings or makes best use of the site to accommodate development;
- car parking is designed and located so that it fits in with the character of the proposed development.

Policy E10 Development proposals in an Area of Townscape Character will be required to pay particular attention to retaining the special character and to demonstrate how they support and enhance the character of the area in question.

This site in Lindfield abuts areas of significant and important Townscape Character; however, notwithstanding that the site itself was not identified within the extant Neighbourhood Plan, the Town Council feels its proximity and prominent location requires that effectively it be treated as if it were.

14. In terms of the implications for the local highway network, West Sussex County Council - through its local Members - should consider any potential development of this site in conjunction with other developments in the wider area, i.e. a holistic approach is required in order to assess the effect of development on the flow of traffic in roads such as Summerhill Lane, Portsmouth Lane and Gander Hill. Specifically, Haywards Heath Neighbourhood Plan Rural Setting Objective 6C applies in this area, together with Objective 6F with the location identified in section 6.29.

In the unwelcome event that permission is granted despite the Town Council's objections, it is requested that developer Section 106 contributions for local community infrastructure - approximately £27,600 - are allocated towards developing and improving the streetscape on the route between the development and the Haywards Heath Station Quarter. Furthermore, it must be a condition that if the development is to be serviced by larger, Eurobin facilities - which will be collected by a commercial waste operator - no collections shall be permitted before 0700 hours in order to protect resident amenity.

In common with Lindfield Parish Council and the Friends of Summerhill Lane Area of Townscape Character, the Town Council is open to the principle of development on this newly created brownfield site. However, to have any prospect of gaining support, a scheme would have to consist of houses starting with two bedrooms upwards and not flats, and therefore be of a lower density than that currently proposed and would be expected to be in keeping with the surrounding Townscape Character environment of the area.

## County Planning Officer

### Summary of Contributions

<b>Education</b>			
Locality	Haywards Heath/Cuckfield		
Population Adjustment	73.0		
	Primary	Secondary	6th Form
Child Product	0.4340	0.4340	0.2344
Total Places Required	3.0380	2.1700	0.0000
<b>Library</b>			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£11,502		
Population Adjustment	73.0		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	38		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	73.0		
Net Parking Spaces	82		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

### Summary of Contributions

S106 type	Monies Due
<b>Education - Primary</b>	£54,441
<b>Secondary</b>	£58,590
<b>Education - 6<sup>th</sup> Form</b>	No contribution required
<b>Libraries</b>	£11,502
<b>Waste</b>	No contribution required
<b>Fire &amp; Rescue</b>	No contribution required
<b>No. of Hydrants</b>	To be secured under Condition
<b>TAD</b>	£106,412

<b>Total Contribution</b>	<b>£230,945</b>
---------------------------	-----------------

*Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for fire fighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)*

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

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.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 38 Net dwellings and an additional 82 car parking spaces.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

## 5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2019. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) **Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) **Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be spent on additional facilities at Blackthorns Community Primary Academy.

The contributions generated by this proposal shall be spent on small scale improvements at Oathall Community College.

The contributions generated by this proposal shall be spent on upgrading of digital services at Haywards Heath Library.

The contributions generated by this proposal shall be spent on:

- Bus infrastructure improvements between Lindfield and Haywards Heath
- A safer routes to school scheme at Lindfield Primary, to include footpath improvements.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus 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.

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.

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.

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

### **Breakdown of Contribution Calculation Formulas:**

#### **1. School Infrastructure Contributions**

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as TPR- Total Places Required). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (cost multiplier).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

TPR = (No of year groups) x (child product)

Year groups are as below:

- Primary school- 7 year groups (aged 4 to 11)
- Secondary School- 5 year groups (aged 11 to 16)
- Sixth Form School Places- 2 year groups (aged 16 to 18)

Child Product is the adjusted education population multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

$$\text{Child Product} = \text{Adjusted Population} \times 14 / 1000$$

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2018/2019, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £17,920 per child
- Secondary Schools- £27,000 per child
- Sixth Form Schools- £29,283 per child

## 2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

$$\text{Contributions} = \text{SQ M Demand} \times \text{Cost Multiplier}$$

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The local floorspace demand (LFD) figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

$$\text{Square Metre Demand} = (\text{Adjusted Population} \times \text{LFD}) / 1000$$

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,252 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2018/2019 period.

## 3. TAD- Total Access Demand

The methodology is based on total access to and from a development. An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The Sustainable Transport Contribution is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2018/2019 is £1,373 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£686).

Sustainable transport contribution = (net car parking - occupancy) x 686

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

### Highway Authority

The application is for the erection of 38 residential dwellings at Tavistock and Summerhill School, Summerhill Lane, Haywards Heath.

A previous proposal ref DM/18/0733 for 48 residential dwellings was withdrawn however no highway objection was raised.

This is the second WSCC Highways response and responds to information contained within Technical Note - Speed Survey provided to address my previous comments on the suitability of visibility splays from the Summerhill Lane access.

The applicant has undertaken speed surveys which details 85th% speeds are 37.6mph northbound and 35.7mph southbound at site 1 (north of the access) and 35.9 mph northbound and 37.6mph southbound at site 2 (south of the access).

Visibility splays of 2.4m x 59.1 to a 1.1.m offset (or 2.4m x 68.2m to the centreline) is achievable to the south and to the north 2.4m x 59.1m is achievable. The provision of the splays are considered acceptable.

### Conclusion

No objection to the proposal is raised subject to the following s106 and conditions:  
S106 - Total Access Demand contribution

#### Conditions

Provision of Dropped Kerbs and Tactile Paving at junction of Summerhill Lane and Summerhill Grange.

Reason: To encourage and promote sustainable transport.

### *Vehicle parking and turning*

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

### *Cycle parking*

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

### *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.

### Additional comments 5 November 2019

Further Information has been received on the application that details the reduction in size of a number of dwellings. Information has also been provided to show how the development conforms with the WSCC parking standard guidance which was adopted in August 2019.

Having reviewed the documents the following comments are offered.

Swept Paths plans have been provided and are acceptable.

Parking and EV plan, A total of 71 parking spaces of which 14 EV parking spaces are to be provided. In line with the WSCC guidance that applies a growth index this should be increased to 17 spaces (24% of the total provision)

### Conclusion

Subject to the increase of EV parking provision to 24% then no objection is raised and I am content to rely on the S106 and conditions as recommended in my reply dated 2nd April 2019.

## Lead Local Flood Authority

West Sussex County Council (WSSCC), 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	Low risk
<p>Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere’.</p> <p>Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.</p>	
Modelled ground water flood risk susceptibility	Low risk
<p>Comments: The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.</p> <p>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.</p> <p>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.</p>	

Ordinary watercourses nearby?	No
<p>Comments: Current Ordnance Survey mapping shows no ordinary watercourses within the boundary of the site although local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</p>	

Records of any flooding of the site?	No
<p>Comments: We do not have any records of historic surface water flooding within the confines of the proposed site although other locations nearby in Summerhill Grange have suffered from historic flooding. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

### **Future development - Sustainable Drainage Systems (SuDs)**

The Surface Water Management Strategy for this application proposes that permeable paving, below ground attenuation, with restricted discharge to main sewer would be used to control the surface water from this development. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

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

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

### **Southern Water**

Southern Water would have no objections to the above proposal.

Southern Water can facilitate foul sewage and surface water runoff disposal at proposed restricted flow rate to service the proposed development. Southern Water requires a formal application for a connection to the public sewers to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

As no detailed drainage was provided for assessment, 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. The applicant shall take into account that no tanks or other water conveying features shall be located within 5 meters of adoptable sewers.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

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.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

### **Sussex Police**

Thank you for your correspondence of 28th January 2019, advising me of an outline planning application for the proposed erection of 38 residential dwellings comprising 4 houses and 34 flats with associated internal access, surface-level car parking, landscaping with other infrastructure 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. Further details can be found on [www.securedbydesign.com](http://www.securedbydesign.com)

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

The application describes the development as four clusters of built form, three apartment blocks and one row of four houses. Block A & B each accommodate 12 apartments with block C accommodating 10 apartments.

I can see no evidence of any defensible planting to ground floor vulnerable windows or any demarcation of public / private space for the blocks. It is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence. As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8 metres.

The proposed parking is spread out across the development with the main being unobserved from the dwellings. Even when it is close to the residential units such as the houses and block A, there are few dwellings that have direct observation over the vehicles. Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

In summary the design and layout has created a very permeable development and I have concerns that the vulnerable ground floor windows of the blocks and the unobserved vehicles throughout the development are exposed, easily accessible and open to attack. I feel it too open to promote a sense of ownership, respect, territorial responsibility and community, i.e. there is far too much permeability throughout the site which has created vulnerable areas. I feel there is a lack of active frontage and natural surveillance over the street and public areas.

I thank you for allowing me the opportunity to comment.

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

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

therefore, that before making any amendments to the application, the applicant or their agent first discuss these comments with the Local Planning Authority.

## **Urban Designer**

### **Summary and Overall Assessment**

This is an attractive site characterised by a large number of mature deciduous trees. The recently demolished two storey Victorian school and the single storey outbuildings sat comfortably on the site providing a generous amount of space around the trees with the building envelopes modest enough to permit views of the trees across the site.

This scheme is an improvement upon the withdrawn planning application proposal. In particular the building design is of a higher quality and there is a little more space between the buildings allowing a better setting / outlook from the proposed dwellings. Nevertheless, the 3 storey height when combined with the considerable size of block A, B and C's building envelope, is out of character with the surrounding domestic-scaled 2 storey suburban houses and imposes too much on the attractive site itself, and the trees around it. Furthermore the blocks will be clearly visible from the surrounding public realm including Summerhill Lane and Summerhill Grange and from certain vantages the blocks will visibly merge with each other, further increasing their apparent size and constraining views of the trees across this attractive site. While the impact from Summerhill Lane is mitigated to some extent by the softening effect of the frontage trees, this will be less the case during the winter months. In conclusion, I object to this application.

### **Layout**

Unlike the withdrawn application, the current scheme proposes surface parking instead of underground parking. The majority of the parking is adjacent to the western boundary. While this is the most visible part of the site along the Summerhill Lane frontage, much of it is the existing parking area that served the former school. Furthermore, it is softened by the mature trees on this frontage (at least during summer months), most of which will be retained. The rest of the parking is discreetly accommodated at the rear of the site adjacent to the block D houses or behind / underneath block C; both these areas are accessed via a road that loops around the southern edge of the site that enables the central part of the site to be laid out as open space providing an attractive context for the apartment blocks in particular. The star-shaped configuration of the 4 blocks also provides a central focus to the layout which is anchored by the large retained tree in the middle.

The blocks of flats have been laid out with more space around them (than the previous scheme) and have been internally organised so they have an outlook that does not undermine privacy or conflict with the existing trees. However I agree with Irene Fletcher's concerns about the proximity of trees to buildings, this especially seems to be the case in respect of the houses in block D which is also uncomfortably close to the eastern boundary with Summerhill Grange.

### **Elevations**

Unlike the withdrawn application, the building design benefits from architectural integrity and care has been taken over its detailing. While I am supportive in principle of a contemporary approach and 2+1 storey configuration, the scale/footprint needs to be reduced to allow the buildings to sit more comfortably with the surrounding domestically scaled and traditionally designed houses; at present they dominate the surrounds and the site itself constraining views of existing trees across the site.

The blocks of flats are not only too big, but the horizontal proportions dominate too much, and do not do enough to vertically break up the long elevations. By contrast the four-house subdivision of block D benefits from vertical articulation that more successfully breaks up its scale; however it also has a smaller/more appropriate sized footprint than blocks A to C.

Block C's rear/east elevation features large un-fenestrated areas; while this may reduce potential overlooking it generates a less attractive elevation and with its great length is likely to be an imposing presence over the adjacent Summerhill Grange houses.

### **Housing Officer**

'The scheme proposed by the applicant comprises 18 x 1 bed flats, 16 x 2 bed flats and 4 x 5 bed houses, making 38 units in total. A policy compliant scheme requires 30% (12) units for affordable housing. A viability appraisal based on the revised scheme mix and costings has now been assessed and the applicant has agreed to provide Block C for affordable Housing. This block comprises 10 units of which 8 units would be for affordable rent (First Floor - 2 x 2B/4P flats & 2 x 1B/2P flats and Second floor - 2 x 2B/4P flats and 2 x 1B/2P flats) and 2 units would be for shared ownership (Ground floor - 2 x 2B/4P flats). The applicant has also agreed to provide an affordable housing contribution in the sum of £110,000. As a result, the proposed scheme is now policy compliant with regards to affordable housing provision''

### **Environmental Health Officer**

Given the proximity of residential properties, Environmental Protection has no objection to this application, subject to the following conditions:

**Construction hours:** Works of construction, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday to 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.

**Deliveries:** Deliveries or collection of plant, equipment or materials for use during the construction phase shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 Hours;  
Saturday: 09:00 - 13:00 Hours  
Sunday and Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

**Control of construction noise:** Construction work shall not commence until a scheme for the protection of neighbouring properties from noise generated during construction work has first been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with BS5228-1:2009 'Noise and Vibration control on construction and open sites'. The scheme as approved shall be operated at all times during the construction phases of the development.

Reason: To protect neighbouring residents and residences from noise and vibration.

**Minimise dust emissions:** Construction work shall not commence until a scheme for the protection of the existing neighbouring properties from dust has been submitted to, and approved in writing by, the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

Reason: To protect the amenity of local residents from dust emissions.

**Informative:**

Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

No burning of construction waste materials shall take place on site.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

**Drainage Engineer**

**Recommendation:** No objection subject to conditions

**Summary and overall assessment**

The total site area is 1.15Ha

The proposed impermeable area is 0.49Ha

The Greenfield Run-off Rates for 1.15Ha is:

$$1:2 = 49 \text{ ls}^{-1}$$

$$1:100 = 143 \text{ ls}^{-1}$$

It is proposed for surface water to discharge to the existing surface water system of Summerhill Grange at two points of  $5 \text{ ls}^{-1}$ , total  $10 \text{ ls}^{-1}$ .

The existing arrangement shows a surface water discharge mix to the existing local foul system and surface water system.

The surface water discharge to the existing surface water system of Summerhill Grange is known/found to be  $1:2 = 20 \text{ ls}^{-1}$ , and  $1:100 = 60 \text{ ls}^{-1}$ .

The greenfield run-off rate for the whole site (1.15Ha) is found to be  $1:1 = 5.8 \text{ ls}^{-1}$ , and  $1:100 = 21.5 \text{ ls}^{-1}$ .

As the site has an impermeable drained area of 0.49Ha, the greenfield run-off equivalents are:

$$1:1 = \frac{5.8 \text{ ls}^{-1} - 1}{1.15 \text{ Ha}} * 0.49 \text{ Ha} = 2.47 \text{ ls}^{-1} - 1$$

$$1:100 = \frac{21.5 \text{ ls}^{-1} - 1}{1.15 \text{ Ha}} * 0.49 \text{ Ha} = 9.16 \text{ ls}^{-1} - 1$$

So, in order to match the greenfield run-off rates for the site, in accordance with the Non-Statutory Technical Standards for SuDS, discharge from the proposed impermeable areas should be restricted to 1:1 = 2.5 ls<sup>-1</sup> up to 1:100 = 9.2 ls<sup>-1</sup>.

However, what is proposed is a total surface water discharge of 10 ls<sup>-1</sup>. And when compared to the existing found brownfield run-off rate, this is a betterment of 1:2 = -10 ls<sup>-1</sup> and 1:100 = -50 ls<sup>-1</sup>. So there should be less peak flow into the Summerhill Grange surface water system post development, compared to the existing. This is a welcome approach, as there are historic flooding issues associated with properties at the lower end of Summerhill Grange, and the comparative reduction in surface water run-off should help to reduce this flood risk.

In addition, the removal of surface water from the existing foul system will also increase capacity within the local foul network.

It is proposed to run new foul and surface water drains from the eastern boundary of the site, though a parcel of green land, and then under the highway where they will connect to the existing public foul and surface water sewers. This approach appears to be crossing third party land. How will this be achieved? Will these sewers be requisitioned by Southern Water, or will there be a third party agreement? We expect this to be detailed as part of any forthcoming drainage condition.



This proposed development will need to continue fully considering 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 should 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 historic records of flooding occurring downstream of this site and in this area. This is chiefly with regards to properties at the cul-de-sac end of Summerhill Grange where the 1.2m surface water storage pipe was installed.



### **Surface Water Drainage Proposals**

It is proposed that the development will attenuate surface water on site with two controlled discharges of  $5 \text{ ls}^{-1}$  each ( $10 \text{ ls}^{-1}$ ). Whilst this is an increase compared to the impermeable area's greenfield run-off rate, it is in fact a reduction of  $1:2 = -10 \text{ ls}^{-1}$  and  $1:100 = -50 \text{ ls}^{-1}$  compared to the site's existing brownfield condition. This will drain to the existing public surface water sewer of Summerhill Grange. It has not been confirmed how this will be

achieved across third party land, but we expect this could be undertaken via S98 Sewer Requisition with Southern Water.

### Foul Water Drainage Proposals

It is proposed that the development will discharge foul water to the existing public foul sewer of Summerhill Grange. It has not been confirmed how this will be achieved across third party land, but we expect this could be undertaken via S98 Sewer Requisition with Southern Water.

### Suggested Conditions

#### C18F - Multiple Dwellings

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

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

### Further Drainage Advice

Applicants and their consultants should familiarise themselves with the following information:

#### Flood Risk and Drainage Information for Planning Applications

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the Practice Guidance for the English non-statutory SuDS Standards

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
√	√	√			Flood Risk Assessment / Statement (checklist)
√	√	√			Drainage Strategy / Statement & sketch layout plan (checklist)
	√				Preliminary layout drawings
	√				Preliminary "Outline" hydraulic calculations
	√				Preliminary landscape proposals
	√				Ground investigation report (for infiltration)

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
	√	√			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		√		√	Maintenance program and on-going maintenance responsibilities
		√	√		Detailed development layout
		√	√	√	Detailed flood and drainage design drawings
		√	√	√	Full Structural, hydraulic & ground investigations
		√	√	√	Geotechnical factual and interpretive reports, including infiltration results
		√	√	√	Detailing landscaping details
		√	√	√	Discharge agreements (temporary and permanent)
		√	√	√	Development Management & Construction Phasing Plan

Additional information may be required under specific site conditions or development proposals

Useful links:

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

Water.People.Places.- A guide for master planning sustainable drainage into developments

Climate change allowances - Detailed guidance - Environment Agency Guidance

Further guidance is available on the Susdrain website at <http://www.susdrain.org/resources/>

1.

**For a development located within Flood Zone 2, Flood Zone 3, which is greater than 1 hectare in area, or where a significant flood risk has been identified:**

A Flood Risk Assessment will need to be submitted that identifies what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.

2.

**For the use of soakaways:**

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. It will also need to be demonstrated that the proposed soakaway will have a half drain time of at least 24 hours.

### 3.

#### **For the use of SuDs and Attenuation:**

Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken. 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. A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.

You cannot discharge surface water unrestricted to a watercourse or sewer.

### 4.

#### **Outfall to Watercourse:**

If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. OWC applications can be discussed and made with Mid Sussex District Council, Scott Wakely, 01444 477 005.

### 5.

#### **Outfall to Public Sewer:**

Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining Greenfield area, is not an increase above the pre-developed Greenfield rates.

### 6.

#### **Public Sewer Under or Adjacent to Site:**

Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.

### 7.

#### **MSDC Culvert Under or Adjacent to Site:**

Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an "easement" strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055.

**8.**

**Watercourse On or Adjacent to Site:**

A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.

**Tree Officer**

The tree planting appears less 'squashed' and more account seems to have been taken of the trees growth.

If approval is recommended, please condition adherence to latest landscape masterplan.

We still don't seem to have a method statement regarding RPAs, type of fencing etc but this could be required by condition.

No objections

**Ecological Consultant**

Recommendation

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

No development shall commence until a method statement for implementation of wildlife mitigation measures has been submitted to, and approved in writing by, the local planning authority. This shall be a practical document that can be used for reference on site and show how the measures related to each stage of the development. The approved method statement shall be implemented in full unless otherwise agreed in writing with the local planning authority.

The wildlife habitat enhancements shown on the 'ecology' drawing ref 0212/801 by nd studio landscape design, dated 29.11.2019 shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Comments

The site appears to be very poor for biodiversity, which is not surprising given its location. Whilst the surveys were undertaken some time ago, it is unlikely that there would be changes that would significantly affect compliance with biodiversity policies and warrant refusal. However, a method statement should be prepared prior to commencement to ensure that mitigation measures recommended in the submitted reports are updated as necessary to reflect current site conditions and are embedded in the construction programme.

**Community Leisure Officer**

Thank you for the opportunity to comment on the plans for the development of 38 residential dwellings at Tavistock And Summerhill School, Summerhill Lane, Haywards Heath RH16 1RP 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

Hickmans Lane Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area to the development site. This facility will face increased demand from the new development and a contribution of £31,011 is required to make improvements to play equipment (£16,854) and kickabout provision (£14,157).

#### FORMAL SPORT

In the case of this development, a financial contribution of £31,098 is required toward sports pitch drainage at Hickmans Lane Recreation Ground.

#### COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £17,836 is required to make improvements to the King Edward Hall, Lindfield

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (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.

#### **Contaminated Land Officer**

Approve.