

MID SUSSEX DISTRICT COUNCIL

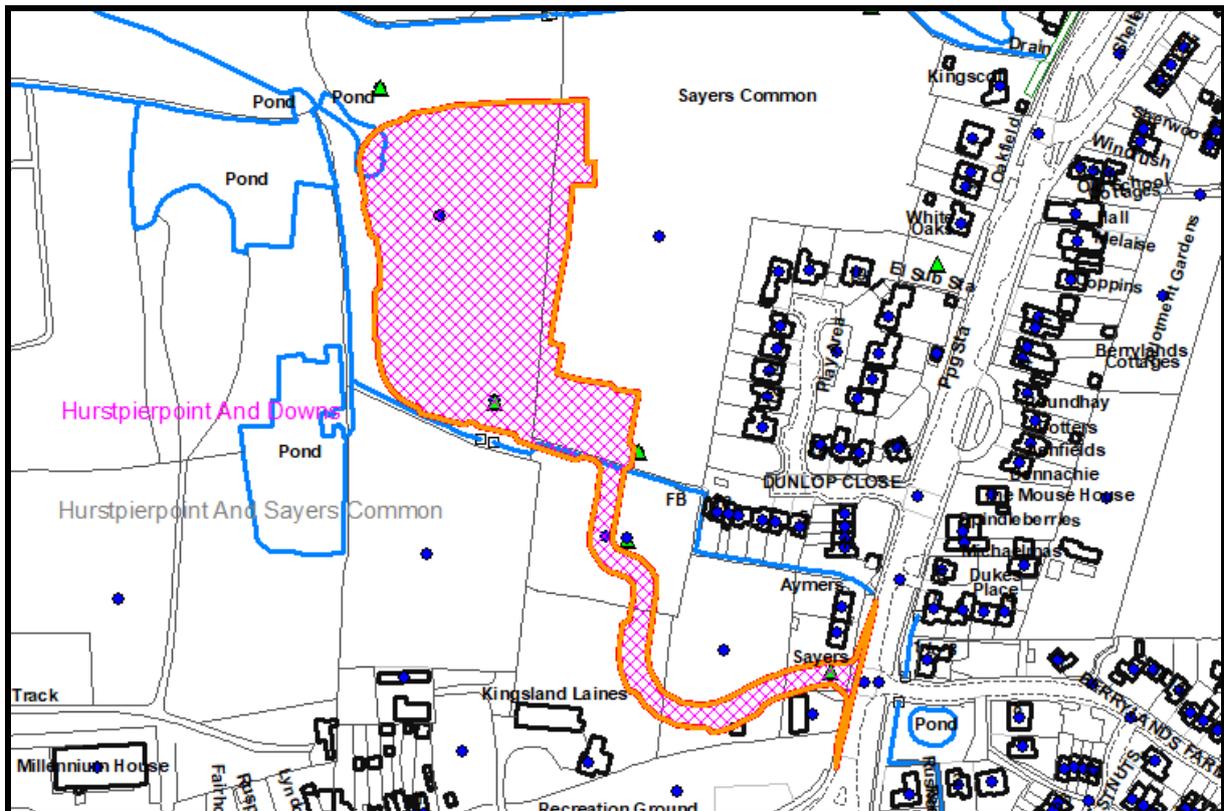
Planning Committee

12 NOV 2020

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/20/2937



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KINGSLAND LAINES REEDS LANE SAYERS COMMON HASSOCKS BN6 9JG

FULL PLANNING APPLICATION TO REVISE THE APPROVED PERMISSION (DM/19/1148) TO PROVIDE FOR 13 ADDITIONAL DWELLINGS INCLUDING 30% AFFORDABLE UNITS WITH ASSOCIATED LANDSCAPING, ROAD LAYOUT, ACCESS AND PARKING.

VISTRY GROUP PLC

POLICY: Planning Agreement / Planning Obligation / Classified Roads - 20m buffer / Area of Special Control of Adverts / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSSC) / Highways Agreement (WSSC) / Built Up Areas / Countryside Area of Dev. Restraint / Sewer Line (Southern Water) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 23rd December 2020

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

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 full planning permission to amend the provision of dwellings on an approved housing site at Kingsland Laines in Sayers Common to deliver a greater number of two and three bedroom properties and a reduction in the number of four and five bedroom properties. This would be achieved by amending the mix of dwellings on part of the western side of the site. The proposal would increase the number of dwellings that would be provided in this redesigned part of the site from 27 to 40, resulting in a net increase of 13 dwellings.

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) (2018) and the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP) (2015). The National Planning Policy Framework (NPPF) is an important material consideration.

The application site lies in countryside, outside the built up area of Sayers Common and thus would be contrary to policy DP12 of the DP as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The proposal is also contrary to policies DP6 as the proposal is for more than 10 dwellings and is not contiguous with the built up area

boundary, and policy DP15 of the DP as the houses do not fall within the special justification of this policy.

In light of the above, it is therefore considered that the application is not in accordance with the development plan, read as a whole, and that this is the proper starting point for decision making. However, in accordance with planning law, the Local Planning Authority (LPA) must also have regard to other material considerations, including the NPPF.

The site lies within an area where planning permission has been granted for a major housing development and works have commenced to implement this planning permission. In recognition of this fact, the sites allocation Development Plan Document (DPD) proposes to amend the built up area boundary for Sayers Common so that the site of this application would be within the built up area. It is considered that these facts, in particular the fact that there is an extant planning permission for residential development on the site, are significant material planning considerations that mean that despite the conflict with policies DP6, DP12 and DP15 in the DP, there are no grounds to object to the principle of this development.

It has been clearly established that policy HurstH3 in the HSCNP does not impose a cap on the number of houses that can be provided in Sayers Common. There is therefore no basis on which to object to the principle of the application in relation to policy Hurst3.

It has been established from the previous planning permission that the whole site can be satisfactorily drained. The applicants have provided information with this application to demonstrate that the replan of this part of the site can be satisfactorily drained.

The access into the site has already been approved and the proposed replan of the site would not result in an increased level of vehicular traffic that would cause a severe impact on the highway network.

The proposed replanned area would not have any adverse impact on the amenities of the existing occupiers to the south and east of the site and there would be no adverse impact on prospective occupiers within the site.

There would be no adverse impact in relation to ecological matters. The Habitats Regulations Assessment for this application concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest Special Protection Area (SPA) and would not have a likely significant effect, alone or in combination, on the Ashdown Forest Special Area of Conservation (SAC).

A legal agreement can secure the infrastructure contributions required to mitigate the impact of the development.

As such these points are neutral in the planning balance.

There would be no change to the impact on the listed buildings to the east of the site

compared to the scheme that has been granted planning permission. The less than substantial harm to these heritage assets is clearly outweighed by the public benefits of making more efficient use of a site that already has the benefit of planning permission.

The proposal would provide a net gain of 13 dwellings which would assist with meeting the Council's housing requirements and would provide a policy compliant level of affordable housing. The proposal would make more efficient use of the site, which accords with policy DP26 in the DP and the aims of the NPPF. There would be economic benefits from the proposal arising from the additional economic activity during the construction phase and also from the additional spending in the local economy from the additional population. These factors all weigh positively in the planning balance and should be given significant weight. A New Homes Bonus would be received but this is given very limited weight in the consideration of this proposal.

The proposal would therefore comply with policies DP17, DP20, DP21, DP26, DP30, DP31 and DP41 in the DP and policies Hurst6 and HurstH7 in the HSCNP.

Weighing against the proposal is the fact that there is a conflict with policies DP6, DP12 and DP15 of the DP as the site lies outside the built-up area as defined in the DP. However, in this case it is considered that the weight to be afforded to this conflict is very significantly reduced because of the extant planning permission for the residential development of the site and the fact that the sites allocations DPD proposes to amend the built up area boundary of Sayers Common to include the site within the built up area, thus reflecting the fact that planning permission has been granted for a major residential development and this is being implemented. There is also 'less than substantial harm' to the setting of Aymers and Kingscot, however the impact on the setting of these listed buildings is no different to what has already been accepted following the original grant of planning permission for the development of this site.

Therefore, taking all the points in this report into account it is considered that there are compelling reasons to approve this application, notwithstanding that it does not comply with some of the policies in the development plan and does not comply with the development plan when read as a whole. It is considered that the unique circumstance of this site already having the benefit of planning permission and it being proposed to be included within the defined built up area of Sayers Common, means that the principle of this proposal is acceptable. There will be no incursion into the countryside beyond what has already been granted planning permission. The proposal would optimise the use of the site which is an aim of development plan policy and the NPPF.

It is therefore considered that subject to a satisfactory legal agreement to secure the required affordable housing and infrastructure contributions and the imposition of suitable conditions, this scheme should be approved.

Recommendation

Recommendation A

It is recommended that permission be granted, subject to the completion of a section 106 planning agreement to secure the necessary affordable housing and infrastructure contributions and the conditions listed at Appendix A.

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 by the 4th February 2021, 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 and affordable housing required to serve the development.

SUMMARY OF REPRESENTATIONS

1 letter of objection:

- the background layout is incorrect as plots 19 and 21 should still have the additional flood storage area marked
- how will residents get bins in and out of their gardens
- affordable housing should be distributed more evenly across the site
- the position with the care home is still not resolved
- concerned about the Southern Water connection to the main sewer and pumping station in Sayers Common
- The operational employees of Southern Water, who have saved us from problems over the last few years, and more recently during a 2 week period, 24/7, of continuous sucking out of the sewage to stop the pumping station falling over, are clear that upgrading our pumping station is not enough. A four inch diameter pipe, with plenty of left / right turns up to Cuckfield Road is too small and then of course the Cuckfield Road CSO has not the capacity. This is truly disconnected thinking. Whilst this is not a reason to object to this application there is a duty of care to protect both existing and new residents in our village

SUMMARY OF CONSULTEES (full comments in appendices)

County Planning Officer

To be reported.

County Planning - Minerals & Waste Planning Authority

No objection

West Sussex County Council Fire and Rescue Service

I have viewed the plans and the provision of 3 hydrants will be sufficient for this phase, dependant on their location and spacing; we look to ensure there is a fire hydrant within a maximum of 175 metres of all properties, a requirement for all dwellings and within 90 metres of any commercial properties.

Highway Authority

No objection. Planning conditions on the original consent should apply to this application and request a condition regarding electric vehicle charging points.

West Sussex County Council Lead Local Flood Authority

I can confirm that the LLFA have no objection to the amendment to DM/19/1148 provided the conditions suggested by the District Drainage Engineer are applied.

Archaeological Consultant

No Archaeological Concerns

Sussex Police

I have no major concerns with the proposals,

Southern Water

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

Environment Agency

This application falls outside our External Consultation Checklist so we do not have any comments to make.

Ecological Consultant

To be reported.

Contaminated Land Officer

The previous decision notices for the development 12/01540/OUT (permitted under appeal AP/13/0007) and DM/15/1467 included conditions to assess and, if necessary, land that may be contaminated. These are sufficient to control the environmental risks from land contamination.

Environmental Health Officer

The conditions included in the decision notices for 12/01540/OUT (allowed under appeal AP/13/0007) and DM/15/1467 are sufficient to address any adverse environmental impacts. So long as these are transposed into any new approvals, if indeed that is necessary, no additional conditions are required. I have no objection to the proposal.

Leisure Officer

The additional contributions required toward leisure infrastructure are as follows:

Play £5,411 - Reeds Lane playground

Kickabout £4,545 - Reeds Lane playground Formal Sport £6,197 - Berrylands Recreation Ground Community Buildings £3,554 - Sayers Common Village Hall

Housing Officer

If permission is granted four further affordable units would be required, three for affordable rent and one for shared ownership. 4 x 2B/4P houses are being proposed and a split of 3 x 2B/4P for affordable rent and 1 x 2B/4P house for shared ownership would be acceptable. The units would need to be tenure blind and their proposed location on tenure layout P1506/24 Revision E would be acceptable.

Drainage Engineer

No objection subject to condition.

Tree Officer

To be reported.

Urban Designer

I believe this scheme is consistent with the design principles set out in the original consent ((DM/19/1148) and sufficiently meets the relevant provisions of the draft Design Guide as set out in chapters 3,4 and 6; I therefore raise no objections. I would nevertheless recommend that conditions are included seeking the further approval of:

- The facing materials;
- The position of the rainwater downpipes on the front elevations;
- The boundary treatment of the rear gardens which face the streets;
- The design of the canopies on the type E houses.

PARISH COUNCIL COMMENTS

Refusal - The Parish Council strongly objects. There is still no indication of the outline plans for phase 2. The impact of the additional dwellings on the surface water run-off has not been commented on, only the foul water. These additional dwellings

represent a 50% increase within this block, on the original plan for phase 1, which was already totally disproportionate to this small settlement and its available amenities. It represents a further abuse of the numbers as set out in the Hurstpierpoint & Sayers Common Parish Council Neighbourhood plan.

INTRODUCTION

This application seeks full planning permission to amend the provision of dwellings on an approved housing site at Kingsland Laines in Sayers Common to deliver a greater number of two and three bedroom properties and a reduction in the number of four and five bedroom properties. This would be achieved by amending the mix of dwellings on part of the western side of the site. The proposal would increase the number of dwellings that would be provided in this redesigned part of the site from 27 to 40, resulting in a net gain of 13 dwellings.

RELEVANT PLANNING HISTORY

Planning application reference 12/01254/OUT, which was determined by the Secretary of State, granted outline planning permission for the following development:

'Outline application for 120 dwellings (including 30% affordable housing), community facility, office space, care home, retail units with primary access off the B2118 (London Road) with some matters reserved.'

This decision followed a protracted process that involved two Public Inquiries and two judicial reviews. As a result of this the outline planning permission was granted on 7th December 2017.

A subsequent application to vary a planning condition and remove a planning condition that was attached to planning permission reference 12/01540/OUT was approved on 28th March 2019 under reference number DM/18/4331.

A reserved matters application for the 120 dwellings on the site was approved on 18th December 2019 under reference number DM/19/1148. Works have commenced to implement this consent with the access onto the London Road being constructed and some dwellings on the eastern side of the site coming out of the ground. The property that was at Kingsland Laines has been demolished.

SITE AND SURROUNDINGS

The site of the original planning permission comprises an area of 5.85 hectares which is roughly level and rectangular in shape. The south part of the site consisted of the residential dwelling Kingsland Laines and its associated domestic gardens and outbuildings, including stables. As noted above these have now been demolished. The remainder of the site to the north comprises fields that were used as paddocks subdivided by hedging and streams/ditches with some mature trees the majority of

which are sited on the site boundaries or within the field hedges. There is one pond on the site which is interlinked with those on adjacent land in the northwest corner.

To the north is the house and grounds of LVS Hassocks/Priory of Our Lady set within a parkland setting with mature trees on rising ground. These buildings are clearly visible from the application site. To the east is existing residential development fronting London Road or the more modern development of Dunlop Close. To the west is a wet woodland strip with open farmland beyond and to the south is an area of open space which is used as recreation ground as well as properties fronting Reeds Lane. The site lies outside the built up area as defined in the District Plan.

As noted above, works have commenced to implement the outline and subsequent reserved matters consent. The access onto the London Road has been built and this is being used for construction traffic.

APPLICATION DETAILS

The proposal seeks to amend the provision of dwellings to deliver a greater provision of two and three bedroom properties and reduction in four and five bedroom properties. This would be achieved by amending the mix of dwellings on part of the western side of the site. The proposal would increase the number of dwellings that would be provided in this redesigned part of the site from 27 to 40, resulting in a net gain of 13 dwellings. The proposal would provide 4 affordable dwellings. The table below demonstrates the consented and proposed mix for the portion of the site proposed to be amended:

| Dwelling Bedroom Size | Consented Replan Area Mix | | Proposed Replan Area Mix | |
|-----------------------|---------------------------|--------------------|--------------------------|--------------------|
| | Market Housing | Affordable Housing | Market Housing | Affordable Housing |
| 1 | - | - | - | - |
| 2 | 5 | - | 18 | 4 |
| 3 | 3 | - | 13 | - |
| 4 | 12 | - | 5 | - |
| 5 | 7 | - | - | - |
| Total | 27 | 0 | 36 | 4 |

The proposal would result in a reduction in 4 and 5 bedroom detached properties and a greater proportion of 2 bedroom and 3 bedroom semi-detached and terraced properties. This will result in fewer larger properties and fewer detached dwellings compared to the approved scheme.

The basic layout of this part of the site would remain the same as the consented scheme. The design of the individual dwellings follows the same design approach as

the consented scheme. The external materials of the dwellings would feature a mix of brick, tile hanging, weatherboarding and tiled roofs.

The replanned area of the site would provide a total of 100 car parking spaces (16 allocated spaces, 64 allocated spaces on driveways, 5 garage/car barn spaces and 15 visitor spaces). The replanned area would also have 33 electric vehicle charging points (EVCP) attached to individual properties.

LIST OF POLICIES

Mid Sussex District Plan

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

Relevant policies:

DP6 Settlement Hierarchy
DP12 Protection and Enhancement of Countryside
DP15 New Homes in the Countryside
DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 Securing Infrastructure
DP21 Transport
DP26 Character and Design
DP30 Housing Mix
DP31 Affordable Housing
DP34 Listed buildings and other Heritage Assets
DP41 Flood Risk and Drainage

Neighbourhood Plan

The Hurstpierpoint and Sayers Common Neighbourhood Plan was made on 19 March 2015.

Policy Hurst C1: Conserving and enhancing character
Policy Hurst H1: Hurstpierpoint and Sayers Common new housing development
Policy HurstH3: Sayers Common Allocated Sites
Policy HurstH5: Development Principles
Policy HurstH6: Housing Sites Infrastructure and Environmental Impact Assessment
Policy HurstH7: Affordable Homes

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council is currently in the process of adopting a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide has been through public consultation and the Scrutiny Committee for Housing, Planning and Economic Growth have recommended to Council its adoption as an SPD for use in the consideration and determination of planning applications. While not yet adopted, it is considered that this document carries weight and is a material consideration in the determination of the application.

SPD Development Infrastructure and Contributions (2018)

National Planning Policy Framework (NPPF) (Feb 2019)

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

Paragraph 12 of the NPPF states:

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

Paragraph 38 of the NPPF states:

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

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

National Planning Policy Guidance

National Design Guide

*Technical Housing Standards
Ministerial Statement and Design Guide*

On 1 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.

ASSESSMENT

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

- The principle of development;
- Design and impact on character of area
- Neighbour amenity
- Access and Transport
- Ecology
- Drainage and Flood risk
- Affordable Housing and Housing Mix
- Infrastructure provision
- Ashdown Forest
- Impact on heritage assets
- Planning balance and conclusion

Principle of Development

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) (2018) and the Hurstpierpoint and Sayers Common Neighbourhood Plan (HSCNP) (2015). The National Planning Policy Framework (NPPF) is an important material consideration.

The NPPF states that planning should be genuinely plan-led. The Council has an up to date District Plan and is able to demonstrate that it has a 5 year housing land supply. The balance to be applied in this case is therefore a non-tilted one.

Policy DP12 of the DP seeks to protect the character of the countryside. It states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- it is necessary for the purposes of agriculture; or*
- it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded.'

The above policy is a key part of the overall spatial strategy of the DP, which seeks to protect the countryside and to focus development on the higher category settlements which have a wider range of services, facilities and better accessibility.

A fundamental principle of this policy is that the countryside is protected for its intrinsic beauty. Development can be permitted where it maintains or enhances the quality of the rural landscape character of the District and it is supported by a policy reference elsewhere in the DP, a development plan document or a neighbourhood plan.

Policy DP6 in the DP relates to the settlement hierarchy in the District. It states:

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

The growth of settlements will be supported where this meets identified local housing, employment and community needs.

Outside defined built-up area boundaries, the expansion of settlements will be supported where:

- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
- 2. The site is contiguous with an existing built up area of the settlement; and*
- 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

The developer will need to satisfy the Council that:

- The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
- A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

Policy DP15 in the DP allows for new dwellings in the countryside subject to a number of criteria. This proposal does not fall into one of the categories of development that are permitted under policy DP15.

Policy HurstC1 in the HSCNP States:

'Development, including formal sports and recreation areas, will be permitted in the countryside, where:

- It comprises an appropriate countryside use;*
- It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;*
- In the South Downs National Park, policy HurstC2 will take precedent.'*

Whilst the site is in the countryside, given the fact that planning permission exists for residential development, it is not considered there would be a conflict with the assessment criteria of policy HurstC1 because the rural quality and landscape character outside the site would not be affected any more than it has been already by the consented scheme on the site.

In light of the above, it is considered that the proposal would be contrary to the policies DP6, DP12 and DP15 in the DP because the proposal is for a major development of residential development outside the built up area of Sayers Common. As such in accordance with planning law it is necessary to consider other material planning considerations to determine if there are grounds to come to a decision that is not in compliance with the development plan.

In this case it is considered that the planning history of the site is a key material planning consideration in coming to a view about the principle of the development. Outline planning permission has been granted on the site for a development of 120 dwellings and community facility, office space, care home and retail units. Reserved matters consent has been granted for the residential element of this planning

permission and works have commenced to implement the development. The principle of this site being developed for housing is therefore established.

This position is acknowledged by the fact that the Site Allocation Document, which will identify sufficient housing sites to provide a five year housing land supply to 2031 and will also make sure that enough land is allocated to meet identified employment needs, is intending to change the built up area boundary of Sayers Common to reflect the fact that planning permission has been granted for 120 dwellings and community facility, office space, care home and retail units on this site. The proposed amendment to the built up area boundary would include all of the site of this application within the built up area of Sayers Common.

The NPPF (para. 48) allows for Local Planning Authorities to give weight to policies in emerging plans, according to (a) the stage of preparation of the emerging plan; (b) the extent to which there are unresolved objections to the relevant policies; and (c) the degree of consistency between the relevant emerging policies and the Framework.

Mid Sussex District Council published its Site Allocations Development Plan Document (DPD) for Regulation 19 consultation and this ran from 3rd August 2020 to 28th September 2020. The Sites DPD is therefore in its second formal stage of preparation and carries weight, albeit limited.

The Sites DPD has four main aims, which are:

- to allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;
- to allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;
- to allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
- to set out additional Strategic Policies necessary to deliver sustainable development.

Following the consultation on the draft DPD, the comments will be considered by the Council and will help to inform the next stage of preparing the plan.

Taking the above into account, it is considered that whilst there is a conflict with policy DP12 as the site is within the countryside as defined by the DP, the weight to be afforded to this conflict is very significantly reduced in this particular case because of the site specific circumstances outlined above, namely the fact that the principle of development on the site is established by the planning permission that has been granted under reference 12/01540/OUT and the intention to include the site within the built up area of Sayers Common, which will reflect the reality on the ground, that this site will be a new housing development.

It is therefore felt that despite the conflict with policies DP6, DP12 and DP15, the unique circumstances that pertain to this site mean that an objection to the principle of the application should not be raised in this case.

The Parish Council have objected to the application and have stated that *'It represents a further abuse of the numbers as set out in the Hurstpierpoint & Sayers Common Parish Council Neighbourhood plan.'* Policy HurstH3 in the HSCNP states:

'Subject to existing water drainage issues being resolved, to remove the incidence of localised flooding, new housing will be permitted at Sayers Common. It is anticipated that the village will accommodate around 30-40 dwellings during the Plan period. A review and appraisal of deliverable housing sites will be undertaken at an early stage in the Plan period'

The Inspector's report on the recovered appeal for 120 dwellings and community facility, office space, care home and retail units on the site stated:

'Policy Hurst H3 was amended by the NP Examiner by the deletion of reference to a cap of 30-40 dwellings as this was not considered to accord with the Framework. The word "anticipated" was substituted. The Policy adds that an appraisal of deliverable sites will be undertaken at an early stage in the plan period, although it now seems that the appraisal is unlikely to take place. There is no doubt that the proposal for 120 dwellings considerably exceeds the anticipated figure for Sayers Common. That does not mean, however, that it would involve a breach of the policy. Without a cap there cannot realistically be any breach in terms of numbers.'

In allowing the appeal, the Secretary of State stated:

'For the reasons given at IR13.43, the Secretary of State agrees with the Inspector's conclusion regarding Policy Hurst H3 that the proposal for 120 dwellings considerably exceeds the anticipated figure for Sayers Common. However, he agrees that without a cap on dwellings, there cannot realistically be any breach in terms of numbers.'

In light of the above, it is quite clear that policy HurstH3 in the HSCNP does not impose a cap on the number of dwellings that can be built in Sayers Common. There is therefore no basis on which to object to the principle of the application in relation to policy HurstH3.

Policy HurstH1 in the HSCNP states:

'To meet the future needs in the Neighbourhood Plan Area new housing development will be supported in areas which:

- (a) Enhance the existing settlement pattern of the village;*
- (b) In Hurstpierpoint, can also provide significant areas of parkland adjacent to the built zones, to be owned and managed by the local community;*
- (c) In Sayers Common, can enhance the flood and drainage management in the village.'*

With regards to criteria (a), the settlement pattern of Sayers Common will not be changed from what has already been approved because this proposal is for a replan within the consented development. As such there is no conflict with criteria (a). With regards to criteria (c), drainage will be discussed later in this report. It should be noted however that it is not a requirement of the more recent drainage policy (DP41) in the DP for enhancements to flood and drainage management: the requirement in policy DP41 is to ensure development is safe across its lifetime and does not increase flooding elsewhere. Policy DP41 also states that particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Policy HurstH6 in the HSCNP relates to housing sites in the Parish and states:

'Housing sites infrastructure and environmental impact assessment:

New housing developments which meet the policies of this plan and meet the criteria below will be supported:

- a) the provision of a satisfactory access point or points to the site for motor vehicles, cyclists and pedestrians;*
- b) the preparation and submission of an up to date Transport Assessment and Travel Plan to include the consideration of the cumulative impact of traffic and the provision of any necessary off-site transport improvements;*
- c) the provision of a comprehensive package of highway and footpath improvements, for vehicular, pedestrian and cycling uses, serving the local area;*
- d) the retention and protection of significant landscape features within the site and along the site's boundaries;*
- e) an ecological survey to be carried out and appropriate mitigation and enhancement measures to be undertaken;*
- f) the provision of adequate surface water and foul water drainage capacity;*
- g) the provision of, or financial contributions towards, community facilities and the provision of public open space;*
- h) the provision of parkland areas, to be owned and managed by the local community.'*

As outline consent has been granted with the means of access approved, part a) of this policy has already been addressed. The applicants have provided a Transport Addendum Note with this application. The consented scheme has a planning condition regarding the approval of a Travel Plan. As such part b) of this policy is met.

With regards to criteria c) The legal agreement with the outline consent provides for contributions towards various off site highways improvements and projects. These are set out below:

£5,284 towards the provision of parking restrictions on the development spine road
£5,284 towards parking restrictions on London Road/Reeds lane
£15,000 towards crossing improvements on London Road north side of entrance
£10,000 towards a school safety zone in proximity to Twineham CE Primary School
£10,000 towards a school safety zone in proximity to Albourne CE Primary School

£10,000 towards bus stop improvements £10,000 towards cycle lanes on London Road

The replan does not alter the boundary features compared to the reserved matters consent. As such criteria d) is met.

With regards to part e) ecological matters will be dealt with later in this report. The requirements of part f) relating to drainage will be discussed later in this report.

This application will require a legal agreement to secure the additional infrastructure payments that are required as a result of the increase in houses. With this in place criteria g) of this policy would be met.

With regards to part h), the proposed replan does not alter where the open space was proposed to be located on the site. The approved reserved matters shows an area of open space to the west of the access road into the site. As such the open space sought under part h) of this policy is already provided in the approved reserved matters scheme and is unaffected by this planning application.

Design/layout

Policy DP26 in the DP 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 Hurst H5 in the HSCNP states:

'House designs and the layouts and densities shall respond to the village character of the area and shall follow the Village Design Statement (May 2004).'

Paragraph 124 of the NPPF states that:

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

Paragraph 117 of the NPPF states in part:

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

Paragraph 122 of the NPPF states:

'Planning policies and decisions should support development that makes efficient use of land, taking into account:

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

The road layout is largely the same as the consented scheme. This application differs mostly in terms of the size rather than the character of the houses. The larger number of units generates more parking and this has now been adequately accommodated. Your officer agrees with the conclusion of the Urban Design that *'this scheme is consistent with the design principles set out in the original consent ((DM/19/1148) and sufficiently meets the relevant provisions of the draft Design Guide as set out in chapters 3,4 and 6.'* The Urban Designer has raised no objection to the application subject to conditions regarding detailed elements including rainwater pipes and boundary treatments.

It is therefore considered that the re-plan complies with policy DP26 and the aims of the NPPF and Mid Sussex Design guide which all seek a high standard of design in

new development. The replanned area will fit in appropriately with the rest of the consented development, thereby responding to the character of the area and complying with policy HurstH5 in the HSCNP.

Sustainable design

Policies DP39 and DP42 in the DP seek to promote sustainable design and limit water usage. The applicants have provided a sustainability statement with their application. In summary it states that the development will be designed to reduce energy demand in accordance with the requirements of Policy DP39, in line with the 2013 edition of Part L for energy and limit water use to 110 litres/person/day in accordance with Policy DP42. The approach of the applicants is 'fabric first' and concentrates on reducing energy demand by improving U-values, reducing thermal bridging, improving airtightness, and installing energy efficient ventilation and heating services.

It is considered the applicants have demonstrated the proposal would comply with policies DP39 and DP41 in the DP.

Neighbour amenity

The area of the proposed replan is on the western side of the site and there are no existing neighbours adjacent to the site. As such there will be no neighbour impacts in relation to the dwellings themselves.

There would be additional vehicular movements arising from the development. It is not considered that these extra movements beyond the consented scheme would cause a significant loss of amenity to the occupiers of Sayers, London Road, which adjoins the access road into the site. As such there is no conflict with policy DP26 in relation to neighbour amenity.

Access and Transport

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 means of access into the site has already been approved under the outline planning permission and the internal layout of the housing site has been approved by the subsequent reserved matters consent. Therefore the highways impact of this proposed replan of part of this is limited to the internal layout of the replanned area and the impact from the additional units on the highway network and the approved access.

The Transport Assessment submitted with the original application confirmed that the section of London Road past the development accommodated the following two-way vehicle movements in the AM and PM peak periods:

- AM peak - 853 two-way vehicle movements
- PM peak - 735 two-way vehicle movements

The applicants modelling shows that the proposal is likely to result in an increase of +9 and +8 two-way vehicle movements in the AM and PM peak periods respectively. The Highway Authority agree that these additional trips would be within the daily variation on London Road. The Highway Authority state:

'The proposal is for a reduction in larger homes where car use tends to be greater and an increase in smaller homes; we therefore contend that the actual traffic impact may not be significantly different to that already agreed.'

In relation to car and cycle parking the Highway Authority state:

'42 parking spaces are proposed with a proportion having access to electric vehicle charging. This amount is adequate for the needs of the site. Bicycle parking is accounted for within dwelling curtilages.'

The Highway Authority suggests a condition is imposed relating to electric vehicle charging spaces and conclude that they have no objection to the proposal.

In light of all the above it is considered that the application is acceptable in relation highway and transport matters. The proposal will not result in a severe impact on the highway network, EV charging points can be secured by a planning condition. As such the proposal complies with policy DP21 of the DP.

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.'

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

Paragraph 175 of the NPPF states:

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

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

(b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

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

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

The planning application is accompanied by an Ecological Impact Assessment (EIA). As a result of intensifying the number of units within the western and central area of

the development, the impacts on boundary habitats (within the wider granted development) remains unchanged. The applicants EIA states therefore that *'additional impacts on important ecological features (other than those already identified and mitigated for in the granted scheme) are negligible.'* The EIA sets out the steps that will need to be taken during the construction phase to minimise ecological impact. It also sets out what measures will be implemented to achieve bio diversity net gain, which include landscape planting to improve the foraging potential for bats and birds, bat tubes and bird boxes.

Whilst the comments of the Councils Ecological Consultant are awaited it should be noted the principle of development on this site has been established by virtue of the outline and reserved matters consents that have been granted. There were no objections to the reserved matters application in December 2019 from the Councils Ecological Consultant and as this application is a proposed re-plan within an area that has consent to be developed, it is not expected that there will be any ecological concerns raised by the Ecological Consultant now.

It is therefore considered that the application complies with policy DP38 of the DP.

Drainage and Flood Risk

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

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

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

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

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

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

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

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

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

Policy HurstH1 in the HSCNP states:

'Hurstpierpoint and Sayers Common new housing development:

To meet the future needs in the Neighbourhood Plan Area new housing development will be supported in areas which:

- a) Enhance the existing settlement pattern of the village;*
- b) In Hurstpierpoint, can also provide significant areas of parkland adjacent to the built zones, to be owned and managed by the local community;*
- c) In Sayers Common, can enhance the flood and drainage management in the village.'*

It is considered that there is a degree of conflict between criteria c) of this policy and the more recent policy DP41 in the DP that relates to drainage since there is no requirement in policy DP41 for development proposals to enhance flood and drainage management; the requirement in policy DP41 is to avoid any increase in flood risk. As set out earlier in this report, where there is a conflict between different policies in the development plan, that conflict must be resolved in favour of the most recently adopted policy (in this case the District Plan). It is also well established that developers are not required to address existing infrastructure deficiencies; they are required to mitigate the impact of their proposed development.

Paragraph 163 of the NPPF states:

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

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

The site is located wholly in Flood Zone 1 based on the EA Flood Map for Planning. However, numerous ordinary watercourses and ditches dissect the site. The Dunlop Close Ditch flows from the east side of the B2118 and is culverted under the road, emerging once more in the southeast corner of the site boundary. It then flows east to west along the south side of the properties on the south side of Dunlop Close, then sharply flowing north before flowing west again once more. The Dunlop Close Ditch then divides the site roughly into two parts, flowing from the east boundary to the west boundary. The Dunlop Close Ditch then flows into the Reeds Lane Ditch which flows from south to north along the western boundary. The Reeds Lane Ditch then flows north into an existing pond area prior to leaving the site in the northwest corner, flowing west along the north of Furze Field.

A third ordinary watercourse considered the 'Northern Ditch', forms the northern boundary of the site. The Northern Ditch begins on the west side of the B2118 then shortly enters the site boundary. It then forms the northern boundary of the site until it leaves the northwest corner of the site, eventually joining the unnamed ordinary watercourse north of Furze Field.

Detailed site specific flood modelling was undertaken during the assessment of the reserved matters application to determine the impact the proposed development and layout would have on flood risk both on and off site.

The application is accompanied by a Flood Risk Assessment (FRA) addendum that has been assessed by the Councils Drainage Engineer. The Councils Drainage Engineer states:

'It has been shown by the Ambient FRA addendum, that the amendment should not alter the already approved modelled flood extents associated with the designed swales and watercourses that run through and adjacent to the site. Therefore, it will not be necessary to re-run these models. As a result, the flood risk to the proposed amended area should remain at low flood risk, with safe access and egress remaining available.'

'The Barter Hill technical Note informs that the proposed amendment makes only a small increase in impermeable area in comparison to the already approved area. To manage the increased run-off generated by the increased impermeable area, whilst still keeping the discharge rates to the swale the same under DM/19/1148, it is proposed to increase the storage volume. This is shown in the submitted micro-drainage calculations and would be considered as acceptable.'

The details of the required works can be controlled by a planning condition. The principle of developing the site has been established, as has the means of drainage for the development. In light of the positive comments of the Councils Drainage Engineer, it is considered that the amendments to the previously approved scheme that are sought in this application are acceptable in relation to surface water drainage matters. The scheme therefore complies with policy DP41 of the DP.

Foul drainage

It is proposed that foul drainage from the proposed development will discharge into the public foul sewer situated outside the entrance to the site in the London Road.

As Members will know, developers have an absolute right to connect to the public foul sewer system, which has been confirmed in the Supreme Court. If there are capacity issues in the public foul sewer network the normal way to resolve this is to impose a planning condition that requires details of the drainage works that are required before a development can be occupied. This can require works off site to provide the necessary capacity.

In this case, Southern Water have stated that they can facilitate foul sewerage disposal for the development. Southern Water are the statutory body responsible for providing foul sewerage disposal in this part of the District. Southern Water has requested a condition to control the details of the foul drainage. With such a condition in place the details of foul drainage for the replanned area of the site can be satisfactorily controlled and there would be no conflict with policy DP41 of the DP.

Affordable Housing and Housing Mix

Policy DP30 in the DP seeks to provide a mix of dwelling types and sizes to reflect current and future housing needs. Policy DP31 of the DP seeks to provide 30% affordable housing on sites such as this.

The proposal would result in an increase of 13 dwellings on the site, which generates a requirement for 4 of these units to be affordable. The layout shows two pairs of semi detached houses within the replanned area that would not be adjacent to one another. The Councils Housing Officer has stated:

'An application has previously been approved to provide 36 affordable dwellings (27 homes for rent and 9 for shared ownership) on the above site as part of a scheme totalling 120 units. A new application has now been received to revise this permission to provide for 13 additional dwellings including 30% affordable. If permission is granted four further affordable units would be required, three for affordable rent and one for shared ownership. 4 x 2B/4P houses are being proposed and a split of 3 x 2B/4P for affordable rent and 1 x 2B/4P house for shared ownership would be acceptable. The units would need to be tenure blind and their proposed location on tenure layout P1506/24 Revision E would be acceptable'.

The design of the proposed affordable units would be tenure blind. The provision of affordable housing is a corporate priority for the District Council and the provision of an additional 4 units of affordable housing should be afforded significant positive weight in the planning balance. The proposal complies with policy DP31 of the DP and policy HurstH7 of the HSCNP.

The proposal would result in a greater number of smaller units being provided in this part of the site. The table presented earlier in this report sets out the differences between the consented and proposed housing mix. The provision of a greater number of smaller units of accommodation is welcomed. There would be an increase in the number of units overall, which would assist the Council in meeting its housing requirement. The District Councils Housing and Economic Development Needs

Assessment (HEDNA) (February 2015) which formed part of the evidence base for the District Plan examination stated:

'...over the plan period, there will be a significant need for smaller dwelling types, with the majority of new households being 1 or 2 person households with a very high proportion of need arising for elderly persons (75+) with the majority of such households being 1 or 2 person households. A significant proportion of future household growth will also be for family sized homes at around 30% of total growth, with 15% of total household growth requiring smaller family sized homes of 2-3 bedrooms and 15% requiring larger family sized homes of 3+ bedrooms.'

There is therefore clear evidence of the need for smaller units of accommodation. As such policy DP30 in the DP would be met by this proposal.

Infrastructure

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

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

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

The NPPF sets out the government's policy on planning obligations in paragraphs 54 and 56 which state:

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

and:

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

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

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

The following infrastructure requests have been made for the development:

County Council

Primary Education - To be reported.
Secondary Education - To be reported.
Libraries - To be reported.

District Council

Play space £5,411 - Reeds Lane playground
Kickabout £4,545 - Reeds Lane playground
Formal Sport £6,197 - Berrylands Recreation Ground
Community Buildings £3,554 - Sayers Common Village Hall
Local Community Infrastructure £4,026

It is considered that the above contributions meet the CIL Regulations and policy DP20 and will appropriately mitigate the impact of the development. Developers are only required to mitigate the impact of their development, they are not required to address any existing infrastructure deficiencies.

With a suitable legal agreement in place to secure the required infrastructure contributions the scheme would comply with policy DP20 of the DP.

Impact on 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.

Impact on heritage assets

Listed buildings

The site lies immediately to the south and west of Sayers and Aymers which is a grade II listed building. It is timber framed construction, possibly 17th Century, refaced with brick and tile hanging and was originally 4 rural workers cottages.

Where a planning application affects a listed building, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (s66, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Listed Buildings and Conservation Areas Act, the desirability of preserving the settings of listed buildings should be given 'considerable

importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. Policy DP34 of the DP seeks to protect listed buildings and their settings.

Paragraph 196 of the NPPF states:

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

In granting outline planning permission for the development, the SoS stated *'The Secretary of State agrees with the Inspector at IR15.13 that there would be 'less than substantial' harm to the setting of Aymers and Sayers and that this harm carries considerable weight. In accordance with paragraph 134 of the Framework, he has weighed that harm against the public benefits of the proposal at paragraphs 45-46 below.'* He went on to conclude *'the Secretary of State agrees with the Inspector at IR15.13 that the benefits of the appeal scheme are collectively sufficient to outweigh the identified 'less than substantial' harm to the significance of Aymers and Sayers. He considers that the balancing exercise under paragraph 134 of the Framework is therefore favourable to the proposal.'*

The impact on the setting of the listed building was further assessed during the determination of the reserved matters application (DM/19/1148) for the 120 dwellings at the site. It was accepted in the approval of the reserved matters consent, that the harm to the setting of this listed building was 'less than substantial' and that this harm was outweighed by the public benefits of the scheme.

In this case the proposed replan is on the western side of the site and would be some 116m from Aymers. The approved plans show consented new houses in between the listed building and the replanned area of the site. It is therefore considered that the harm to the setting of the listed building will not be changed from what has already been accepted by the approval of the outline planning permission and reserved matters application. The less than substantial harm to the setting of the listed building is outweighed by the public benefits of the scheme (provision of new housing, including affordable housing, on a site that has outline planning permission for residential development, economic benefits including construction jobs and additional spending in the locality).

Kingscot is a grade 2 listed building on London Road. This would be some 167m from the replanned area, with consented new dwellings in between Kingscot and the proposed replan area. As with Aymers it is therefore considered that the harm to the setting of the listed building will not be changed from what has already been accepted by the approval of the outline planning permission and reserved matters application. The less than substantial harm to the setting of the listed building is outweighed by the public benefits of the scheme (provision of new housing, including affordable housing, on a site that has outline planning permission for residential development, economic benefits including construction jobs and additional spending in the locality).

Archaeology

Policy DP34 of the DP seeks to conserve heritage assets in a manner appropriate to their significance. Significance can be defined as the special interest of a heritage asset, which may be archaeological

The application is supported by a report detailing the results of a trial trench archaeological evaluation previously undertaken across the site in association with an earlier application. The archaeological evaluation report is acceptable and details the excavation of forty trial trenches across the site. Despite an intact subsoil being present across the site which shows a good potential for archaeological survival, no archaeological features were encountered which pre dated the late post medieval period. The Councils Archaeological Consultant has concluded that *'As on balance, it can be demonstrated that there is a low potential for the proposals to impact on any previously unknown below ground archaeological remains, and therefore I do not consider that there is a need for any additional archaeological evaluation or mitigation work here and have no further archaeological concerns regarding this proposal.'* There are no reasons to disagree with this assessment.

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 HSCNP.

The application site lies in countryside, outside the built up area of Sayers Common and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The proposal is also contrary to policies DP6 and DP15 of the DP.

It is considered that the application is not in accordance with the development plan, read as a whole, and that this is the proper starting point for decision making. However, planning law says the LPA must also have regard to other material considerations, including the NPPF.

The site lies within an area where planning permission has been granted for a major housing development and works have commenced to implement this planning permission. In recognition of this fact, the sites allocation DPD proposes to amend the built up area boundary for Sayers Common so that the site of this application would be within the built up area. It is considered that these facts, in particular the fact that there is an extant planning permission for residential development on the site are very significant material planning considerations that mean that despite the conflict with policies DP6, DP12 and DP15 in the DP, there are no grounds to object to the principle of this development.

It has been clearly established that policy HurstH3 in the HSCNP does not impose a cap on the number of houses that can be provided in Sayers Common. There is

therefore no basis on which to object to the principle of the application in relation to policy Hurst3.

It has been established from the previous planning permission that the whole site can be satisfactorily drained. The applicants have provided information with this application to demonstrate that the replan of this part of the site can be satisfactorily drained.

The access into the site has already been approved and the proposed replan of the site would not result in an increased level of vehicular traffic that would cause a severe impact on the highway network.

The proposed replanned area would not have any adverse impact on the amenities of the existing occupiers to the south and east of the site and there would be no adverse impact on prospective occupiers within the site.

There would be no adverse impact in relation to ecological matters. The Habitats Regulations Assessment for this application concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest Special Protection Area (SPA) and would not have a likely significant effect, alone or in combination, on the Ashdown Forest Special Area of Conservation (SAC).

As such these points are neutral in the planning balance

There would be no change to the impact on the listed buildings to the east of the site compared to the scheme that has been granted planning permission. The less than substantial harm to these heritage assets is clearly outweighed by the public benefits of making more efficient use of a site that already has the benefit of planning permission.

The proposal would provide a net gain of 13 dwellings which would assist with meeting the Council's housing requirements and would provide a policy compliant level of affordable housing. The proposal would make more efficient use of the site, which accords with policy DP26 in the DP and the aims of the NPPF. There would be economic benefits from the proposal arising from the additional economic activity during the construction phase and also from the additional spending in the local economy from the additional population. These factors all weigh positively in the planning balance and should be given significant weight. A New Homes Bonus would be received but this is given very limited weight in the consideration of this proposal.

The proposal would therefore comply with policies DP17, DP20, DP21, DP26, DP30, DP31 and DP41 in the DP and policies Hurst6 and HurstH7 in the HSCNP.

Weighing against the proposal is the fact that there is a conflict with policies DP6, DP12 and DP15 of the DP as the site lies outside the built-up area as defined in the DP. However, in this case it is considered that the weight to be afforded to this

conflict is significantly reduced because of the extant planning permission for the residential development of the site and the fact that the sites allocations DPD proposes to amend the built up area boundary of Sayers Common to include the site within the built up area, thus reflecting the fact that planning permission has been granted for a major residential development and this is being implemented. There is also 'less than substantial harm' to the setting of Aymers and Kingscot, however the impact on the setting of these listed buildings is no different to what has already been accepted following the original grant of planning permission for the development of this site.

Therefore, taking all the points in this report into account it is considered that there are compelling reasons to approve this application, notwithstanding that it does not comply with some of the polices in the development plan and does not comply with the development plan when read as a whole. It is considered that the unique circumstance of this site already having the benefit of planning permission and it being proposed to be included within the defined built up area of Sayers Common means that the principle of this proposal is considered to be acceptable. There will be no incursion into the countryside beyond what has already been granted planning permission. The proposal would optimise the use of the site which is an aim of development plan policy and the NPPF.

It is therefore considered that subject to a satisfactory legal agreement to secure the required affordable housing and infrastructure contributions and the imposition of suitable conditions, this scheme should be approved.

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.

2. No development above slab level shall take place 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.

In order to meet with this condition, we will need to receive and be satisfied with:

- an amended drainage layout plan for the entire site that incorporates the amended area

- any amended technical drainage details
- any amended drainage calculations
- a copy of the finalised Maintenance and Management plan (which may have to be amended to reflect the proposed amendment).

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

3. No development above slab level shall take place until details of the following matters have been submitted to and approved in writing by the Local Planning Authority.

- The facing materials;
- The position of the rainwater downpipes on the front elevations;
- The boundary treatment of the rear gardens which face the streets;
- The design of the canopies on the type E houses.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

4. With the exception of individual domestic curtilages, no external lighting, including security lighting, is to be installed other than in accordance with a scheme that shall previously have been submitted to and approved in writing by the local planning authority.

Reason: To protect the character of the area and to comply with policy DP29 of the Mid Sussex District Plan 2014-2031.

5. The development hereby permitted shall not be occupied until details, including the position, design, materials, finish and type of all boundary treatments, and a timetable for implementation, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To protect the character of the area and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

6. The development shall be implemented in accordance with the Construction Management Plan details that were approved under condition 12 of planning permission reference DM/18/4331 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

7. Works of demolition, site clearance, or construction, including the use of plant and machinery on the site, shall not take place outside 08.00-18.00 hours Monday to Friday and 09.00-13.00 hours on a Saturday, nor at any time on Sundays or bank/public holidays.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

8. No building hereby permitted shall be occupied until the junction of the site access with the B2118 London Road, including the visibility splays shown on Plan No 55027- 107B, has been constructed in accordance with the details that approved pursuant to condition 14 of planning permission reference DM/18/4331 and is fully operational.

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

9. Once formed, the visibility splays associated with the junction of the vehicular/pedestrian/cycle access with the B2118 London Road shall thereafter be retained and kept free of all permanent obstructions exceeding 0.6 metres above ground level.

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

10. The development shall be implemented in accordance with the Travel Plan details that were approved under condition 17 of planning permission reference DM/18/4331 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To seek to reduce the reliance on the use of the private motor car and to comply with Policy DP21 of the District Plan 2014 - 2031.

11. The development shall be implemented in accordance with the Archaeological details that were approved under condition 25 of planning permission reference DM/18/4331 unless otherwise agreed in writing by the Local Planning Authority.

Reason: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

12. The development shall be implemented in accordance with the sustainability details that were approved under condition 26 of planning permission reference DM/18/4331 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the site is sustainable in its use of energy and to comply with policy DP39 of the Mid Sussex District Plan 2014 - 2031.

13. The electric vehicle charging points shown on plan number P1506/25 F shall be provided and be available for use before the occupation of the dwellings that they are intended to serve.

Reason: To promote more sustainable transport choices and to comply with Policy DP21 of the District Plan 2014 - 2031.

14. The development shall be implemented in accordance with the details that have been submitted relating to condition 23 of planning permission reference DM/18/4331. No part of the development shall be occupied until a Completion

Report, confirming that the remediation has been carried out as approved, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of health of future occupiers and to accord with paragraph 178 of the National Planning Policy Framework.

15. If, during development, contamination not previously identified, is found to be present at the site, then no further development on that part of the site (unless otherwise agreed in writing by the local planning authority) shall be carried out until remediation works in accordance with a Method Statement for remediation, including a timetable, that has previously been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: In the interests of health of future occupiers and to accord with paragraph 178 of the National Planning Policy Framework.

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

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 |
|-----------------|------------|---------|----------------|
| Planning Layout | P1506/21 | K | 07.08.2020 |
| Planning Layout | P1506/22 | F | 07.08.2020 |
| Planning Layout | P1506/23 | E | 07.08.2020 |
| Planning Layout | P1506/24 | E | 07.08.2020 |
| Parking Layout | P1506/25-2 | | 07.08.2020 |
| Parking Layout | P1506/25 | F | 07.08.2020 |
| Planning Layout | P1506/26 | D | 07.08.2020 |
| Planning Layout | P1506/27 | E | 07.08.2020 |

| | | | |
|------------------------------------|-----------------|---------|------------|
| Location Plan | P1506/28 | B | 07.08.2020 |
| Street Scene | P1506.SS.P2.01 | A | 07.08.2020 |
| Tree Survey | LIN22887-03 | (North) | 07.08.2020 |
| Tree Survey | LIN22887-03 | (South) | 07.08.2020 |
| Landscaping Details | LIN22887 11 | s1-Soft | 07.08.2020 |
| Landscaping Details | LIN22887 11 | s2-Soft | 07.08.2020 |
| Landscaping Details | LIN22887 11 | s3-Soft | 07.08.2020 |
| Landscaping Details | LIN22887 11 | s1-Hard | 07.08.2020 |
| Landscaping Details | LIN22887 11 | s2-Hard | 07.08.2020 |
| Landscaping Details | LIN22887 11 | s3-Hard | 07.08.2020 |
| General | 7657/502-04 | P1 | 07.08.2020 |
| General | 7657/509-04 | P1 | 07.08.2020 |
| Landscaping | LIN218710 DR | | 07.08.2020 |
| Proposed Floor and Elevations Plan | P1506.2.P2.01 | | 07.08.2020 |
| Proposed Roof Plan | P1506.2.P2.01 | | 07.08.2020 |
| Proposed Floor Plans | P1506.AL.P2.01 | | 07.08.2020 |
| Proposed Roof Plan | P1506..AL.P2.01 | | 07.08.2020 |
| Proposed Elevations | P1506..AL.P2.02 | | 07.08.2020 |
| Proposed Floor and Elevations Plan | P1506.B.P2.01 | | 07.08.2020 |
| Proposed Roof Plan | P1506.B.P2.01 | | 07.08.2020 |
| Proposed Floor and Elevations Plan | P1506.CW.P2.01 | | 07.08.2020 |
| Proposed Roof Plan | P1506.CW.P2.01 | | 07.08.2020 |
| Proposed Floor and Elevations Plan | P1506.CW.P2.02 | | 07.08.2020 |
| Proposed Roof Plan | P1506.CW.P2.02 | | 07.08.2020 |
| Proposed Floor and Elevations Plan | P1506.CW.P2.03 | | 07.08.2020 |
| Proposed Roof Plan | P1506.CW.P2.03 | | 07.08.2020 |
| Proposed Floor and Elevations Plan | P1506.E.P2.01 | | 07.08.2020 |
| Proposed Roof Plan | P1506.E.P2.01 | | 07.08.2020 |
| Proposed Floor and Elevations Plan | P1506.E.P2.02 | | 07.08.2020 |
| Proposed Roof Plan | P1506.E.P2.02 | | 07.08.2020 |
| Proposed Floor and Elevations Plan | P1506.E.P2.03 | | 07.08.2020 |
| Proposed Roof Plan | P1506.E.P2.03 | | 07.08.2020 |
| Proposed Floor and Elevations Plan | P1506.E.P2.04 | | 07.08.2020 |
| Proposed Roof Plan | P1506.E.P2.04 | | 07.08.2020 |
| Proposed Floor and Elevations Plan | P1506.E.P2.05 | | 07.08.2020 |
| Proposed Roof Plan | P1506.E.P2.05 | | 07.08.2020 |
| Proposed Floor Plans | P1506.M.P2.01 | | 07.08.2020 |
| Proposed Roof Plan | P1506.M.P2.01 | | 07.08.2020 |
| Proposed Elevations | P1506.M.P2.02 | | 07.08.2020 |
| Proposed Elevations | P1506.M.P2.03 | | 07.08.2020 |
| Proposed Floor Plans | P1506.M.P2.03 | | 07.08.2020 |

| | | | |
|------------------------------------|--------------------|--------|------------|
| Proposed Roof Plan | 4 P1506.M.P2.0 | | 07.08.2020 |
| Proposed Elevations | 4 P1506.M.P2.0 | | 07.08.2020 |
| Proposed Floor and Elevations Plan | 5 P1506.P.P2.01 | | 07.08.2020 |
| Proposed Roof Plan | P1506.P.P2.01 | | 07.08.2020 |
| Topographical Survey | 13211RB | 1 of 4 | 07.08.2020 |
| Topographical Survey | 13211RB | 2 of 4 | 07.08.2020 |
| Topographical Survey | 13211RB | 3 of 4 | 07.08.2020 |
| Topographical Survey | 13211RB | 4 of 4 | 07.08.2020 |

APPENDIX B – CONSULTATIONS

Parish Consultation

Refusal ' The Parish Council strongly objects. There is still no indication of the outline plans for phase 2. The impact of the additional dwellings on the surface water run-off has not been commented on, only the foul water. These additional dwellings represent a 50% increase within this block, on the original plan for phase 1, which was already totally disproportionate to this small settlement and its available amenities. It represents a further abuse of the numbers as set out in the Hurstpierpoint & Sayers Common Parish Council Neighbourhood plan.

County Planning Officer

TBR

County Planning - Minerals & Waste Planning Authority

Joint mineral Local Plan (2018)

The application site is within an identified Brick Clay Safeguarding Area, and the proposed number of dwellings (133) exceeds the consultation threshold criteria of 10. It is therefore considered that the proposed development would, if approved, result in sterilisation of the mineral resource.

However, the site has previously gained outline permission (12/01540/OUT) for residential development, and reserved matters have been approved under DM/19/1148. No mineral concerns were raised as per the previous approvals. Therefore, the MWPA would offer No Objection on the basis that the application meets the exemption criteria detailed within 2.4 of the Minerals and Waste Safeguarding Guidance (March 2020, found here).

WSSC Waste Local Plan (2014)

There are no identified safeguarded waste operators within proximity of the site that would have their operations prevented or prejudiced as a result of the development. The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23).

West Sussex County Council Fire and Rescue Service

This proposal has been considered by means of desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC mapping and Fire and Rescue Service information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments:

1) Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

Amended comments

I have viewed the plans and the provision of 3 hydrants will be sufficient for this phase, dependant on their location and spacing; we look to ensure there is a fire hydrant within a maximum of 175 metres of all properties, a requirement for all dwellings and within 90 metres of any commercial properties.

As part of the original e-mail sent we also need evidence a fire appliance has access to within 45 metres of all parts of all dwellings and would not need to reverse more than 20 metres to make their exit from the property they are attending. There appears to be a dead end situation more than 20 metres in length with no turning area at the top of the site near to White Oaks, which does not comply with AD-B Volume 1 section 13.

Highway Authority

The highway authority has no objection to the proposed use.

The application includes a transport addendum note setting out the impacts of the proposal on traffic, parking and access for large vehicles. Other matters have already been considered at outline and reserved matters stages.

The note estimates the vehicle trip impact additional to that already agreed as follows:

| Peak Period | In | Out | Total |
|-------------|----|-----|-------|
| AM Peak | +3 | +6 | +9 |
| PM Peak | +5 | +3 | +8 |

Table 2.3: Additional Two-Way Vehicle Movements for 13 Residential Units

It is suggested that these additional trips will be within daily variation on London Road and we agree. The proposal is for a reduction in larger homes where car use tends to be greater and an increase in smaller homes; we therefore contend that the actual traffic impact may not be significantly different to that already agreed.

The current site road access to London Road is adequate to hold the estimated additional traffic.

42 parking spaces are proposed with a proportion having access to electric vehicle charging. This amount is adequate for the needs of the site. Bicycle parking is accounted for within dwelling curtilages.

Tracking drawings show that the reconfigured site is accessible to all vehicles likely to require access.

We assume that all relevant conditions agreed at previous planning stages will also apply to this new proposal. However, we suggest that the following be added with regard to provision for charging electric vehicles:

Electric Vehicle Charging Spaces

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

West Sussex County Council Lead Local Flood Authority

I can confirm that the LLFA have no objection to the amendment to DM/19/1148 provided the conditions suggested by the District Drainage Engineer are applied.

Archaeological Consultant

No Archaeological Concerns:

The Historic Environment Planning Team, Surrey County Council provides advice to borough and district councils located within Surrey, in accordance with appropriate Local Plans and the National Planning Policy Framework.

The Historic Environment Planning Team, Surrey County Council provides advice to Mid Sussex District Council in accordance with the Mid Sussex Local Plan and the National Planning Policy Framework. The district council is located within the County Council of West Sussex.

The application is supported by a report (CgMs 2019) detailing the results of a trial trench archaeological evaluation previously undertaken across the site in association with an earlier application. The archaeological evaluation report is acceptable and details the excavation of forty trial trenches across the site. Despite an intact subsoil being present across the site which shows a good potential for archaeological survival, no archaeological features were encountered which pre dated the late post medieval period.

The excavated trial trenches did vary from that agreed in the Written Scheme of Investigation, with 10 trenches unable to be excavated due to access issues, largely in the south of the site. As this forms a significant area of the site, it would usually be preferable to ensure that these are undertaken to ensure full evaluation coverage. However as the remaining nearby trenches were wholly negative, and in terms of finds only a handful of unstratified prehistoric flints were recovered from the rest of the site, it is unlikely that the southernmost portion of the site contains remains of significant archaeological activity.

As on balance, it can be demonstrated that there is a low potential for the proposals to impact on any previously unknown below ground archaeological remains, and therefore I do not consider that there is a need for any additional archaeological evaluation or mitigation work here and have no further archaeological concerns regarding this proposal.

Sussex Police

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security - Dwellings), that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at www.securedbydesign.com

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

This application seeks to redesign the western area of the site that currently holds 27 detached and semi-detached private dwellings with 40 detached, semi-detached and terraced dwellings in a mix of both private and affordable tenures, an addition of 13 dwellings.

I have no concerns with this application other than to recommend that a shared gate (lockable from both sides) be fitted to the front of the building line between plots 23 & 24 where unobserved access is gained to the rear gardens and the space between the dwellings.

I have had the opportunity to examine the amended site plan and visit my previous comments. From a crime prevention perspective I have concluded that further crime prevention advice is not necessary other than my above comment. The previous advice given within my correspondence of PE/MID/19/09/A dated 17th April applies and remains extant.

Southern Water

Thank you for your letter dated 25/08/2020.

Please find attached a plan of the sewer records showing the approximate position of a public foul sewer immediate vicinity of the site. The exact position of the public foul sewer

must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works. Please refer to: southernwater.co.uk/media/default/PDFs/stand-off-distances.pdf.

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. To make an application visit developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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.

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.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Environment Agency

This application falls outside our External Consultation Checklist so we do not have any comments to make.

Ecological Consultant

TBR

Contaminated Land Officer

The previous decision notices for the development 12/01540/OUT (permitted under appeal AP/13/0007) and DM/15/1467 included conditions to assess and, if necessary, land that may be contaminated. These are sufficient to control the environmental risks from land contamination.

Environmental Health Officer

The conditions included in the decision notices for 12/01540/OUT (allowed under appeal AP/13/0007) and DM/15/1467 are sufficient to address any adverse environmental impacts. So long as these are transposed into any new approvals, if indeed that is necessary, no additional conditions are required. I have no objection to the proposal.

Leisure Officer

Thanks for the opportunity to comment on the revised housing mix for the Kingsland Laine development.

The additional contributions required toward leisure infrastructure are as follows:

Play £5,411 - Reeds Lane playground
Kickabout £4,545 - Reeds Lane playground Formal Sport £6,197 - Berrylands Recreation
Ground Community Buildings £3,554 - Sayers Common Village Hall

Housing Officer

An application has previously been approved to provide 36 affordable dwellings (27 homes for rent and 9 for shared ownership) on the above site as part of a scheme totalling 120 units. A new application has now been received to revise this permission to provide for 13 additional dwellings including 30% affordable. If permission is granted four further affordable units would be required, three for affordable rent and one for shared ownership. 4 x 2B/4P houses are being proposed and a split of 3 x 2B/4P for affordable rent and 1 x 2B/4P house for shared ownership would be acceptable. The units would need to be tenure blind and their proposed location on tenure layout P1506/24 Revision E would be acceptable.

Drainage Engineer

FLOOD RISK

It has been shown by the Ambiental FRA addendum, that the amendment should not alter the already approved modelled flood extents associated with the designed swales and watercourses that run through and adjacent to the site. Therefore, it will not be necessary to re-run these models.

As a result, the flood risk to the proposed amended area should remain at low flood risk, with safe access and egress remaining available.

SURFACE WATER DRAINAGE

The Barter Hill technical Note informs that the proposed amendment makes only a small increase in impermeable area in comparison to the already approved area. To manage the increased run-off generated by the increased impermeable area, whilst still keeping the discharge rates to the swale the same under DM/19/1148, it is proposed to increase the storage volume. This is shown in the submitted micro-drainage calculations and would be considered as acceptable.

FOUL WATER DRAINAGE

It is proposed that the development will follow the already approved design.

SUGGESTED CONDITIONS

In order to control the proposed amendments to the drainage system design, and to ensure that MSDC keeps accurate records, we will require copies of the most up-to-date plans, details and information for the whole site which includes the proposed amended area. We therefore suggest the below condition.

In order to meet with this condition, we will need to receive and be satisfied with:

- an amended drainage layout plan for the entire site that incorporates the amended area
- any amended technical drainage details
- any amended drainage calculations
- a copy of the finalised Maintenance and Management plan (which may have to be amended to reflect the proposed amendment).

C18F - MULTIPLE DWELLINGS/UNITS

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.

GENERAL DRAINAGE REQUIREMENT GUIDANCE SURFACE WATER DRAINAGE

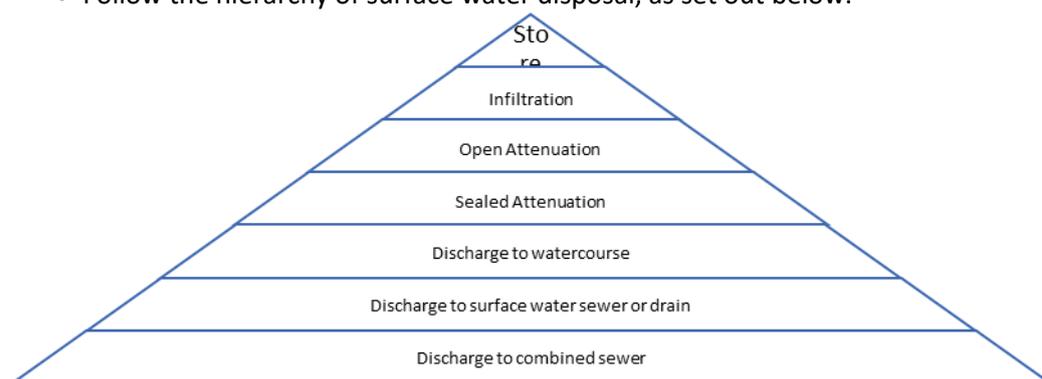
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change. Climate change allowances should be in line with the Environment Agency's climate change allowance recommendations.

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

Multiple dwellings / multiple unit development will need to provide 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, as set out below.



- 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.

FOUL WATER DRAINAGE

This proposed development will need to fully consider how it will manage foul water drainage. The preference will always be to connect to a public foul sewer. However, where a foul sewer is not available then the use of a package treatment plant or septic tank should be investigated.

The use of non-mains foul drainage should consider the Environment Agency's General Binding Rules. We would advise applicants that 'General Binding Rules 2020' came into force as of 1st January 2020.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

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

| 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) |
| | ✓ | | ✓ | | | 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 |
|--|--|--|---|---|---|--|

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/>

INFORMATION REQUIREMENTS

The following provides a guideline into the specific information required based on the type of development, location and type of surface water drainage management proposed. Multiple lists may be relevant to a single application.

| DESCRIPTION OF DEVELOPMENT | INFORMATION REQUIRED |
|---|--|
| <p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified (including increased surface water flood risk)</p> | <ul style="list-style-type: none"> Flood Risk Assessment which identified 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. |

| DESCRIPTION OF DEVELOPMENT | INFORMATION REQUIRED |
|--|---|
| Multiple plot development | <ul style="list-style-type: none"> • A Maintenance and Management Plan that shows how all drainage 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. |
| Public sewer under or adjacent to site | <ul style="list-style-type: none"> • Evidence of approvals to build over or within proximity to public sewers will need to be submitted. <p><u>Advice</u> Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development.</p> <p>Building any structure over or within proximity to such sewers will require prior permission from the sewerage undertaker. Any development within 8m of a sewer will require consultation.</p> |

| DESCRIPTION OF DEVELOPMENT | INFORMATION REQUIRED |
|--|--|
| MSDC culvert under or adjacent to site | <ul style="list-style-type: none"> • Evidence of approvals to build over or within proximity to MSDC assets will need to be submitted. <p><u>Advice</u> 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. Consultation should be made where such an asset is within 8m of any development.</p> <p>Building any structure over or within 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.</p> <p>This matter can be discussed with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p> |
| Watercourse on or adjacent to site | <ul style="list-style-type: none"> • Plan showing watercourse maintenance strip <p><u>Advice</u> 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.</p> |

INFORMATION REQUIREMENTS – SURFACE WATER DRAINAGE

| <p>PROPOSED SURFACE WATER DRAINAGE METHOD</p> | <p>INFORMATION REQUIRED</p> |
|--|--|
| <p>Infiltration e.g. Soakaways</p> | <ul style="list-style-type: none"> • Percolation test results • Sizing calculations, details and plans 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. Climate change allowances for residential development is 40% and for commercial development is 30%. • Calculations which show the proposed soakaway will have a half drain time of 24 hours or less. |
| <p>Outfall to watercourse</p> | <ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with <i>West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</i> (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf). <p><u>Advice</u> You cannot discharge surface water unrestricted to a watercourse.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change.</p> <p>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 <i>Ordinary Watercourse Consent (OWC)</i> may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at</p> <p>https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p> |

| <p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p> | <p style="text-align: center;">INFORMATION REQUIRED</p> |
|--|--|
| <p>Outfall to public sewer</p> | <ul style="list-style-type: none"> • Evidence discharge rate will be restricted in accordance with <i>West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</i> (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf). • Evidence connection and discharge rate has been approved with responsible sewerage undertaker. <p><u>Advice</u> You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change. Unless agreed otherwise with the sewerage provider.</p> |
| <p>SuDS and attenuation</p> | <ul style="list-style-type: none"> • Evidence any discharge rates will be restricted in accordance with <i>West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</i> (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf). • Percolation test results • Sizing calculations, details and plans to demonstrate that any infiltration / attenuation will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%. • Calculations which show the proposed soakaway will have a half drain time of 24 hours or less. <p><u>Advice</u> 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.</p> <p>You cannot discharge surface water unrestricted to a watercourse or sewer.</p> |

Tree Officer

TBR

Urban Designer

This revision of the consented scheme has been the subject of pre-application consultation and it largely accords with drawings that have informally been agreed.

The road layout is largely the same as the consented scheme and differs mostly in terms of the size rather than the character of the houses. The approach to the different street frontages is consistent with the façade treatment established by the defined character areas set out in the consented scheme. Plots 1-10 is the most prominent frontage and is cohesively organised with a series of gable frontages and featuring clay hanging tiles. Plots 34-40 has a more contemporary aesthetic featuring black boarding that is consistent with the other houses in the street. The other houses have a blander all brick facades however they are more tucked away on the west boundary of the site and in the cul-de-sac, and the clay-hung tiling that feature on the pair of semi's on plots 20/21 and the corner houses on plots 10 and 33 (NB: the latter needs showing on streetscene drawing) break this up a little.

The larger number of units generates more parking. This has now been adequately accommodated. The parking in between plots 2 to 9 and 34 to 40 features timber pergola enclosures that help to reduce the impact of parking by containing it. The impact of the parking in the cul-de-sac has been softened by trees and planting.

The canopies on the type E houses are differently configured in the streetscenes provided on drawing P201 rev A and in the DAS, and this is not clarified by the detailed elevations as they do not show the semi-detached configurations. As advised at the pre-app stage the canopies would be more tidily designed so they just define the entrance door and don't extend across the toilet window (ie. as per plot 8+9) and allows the vertical division between the plots to be clearly read.

In conclusion, I believe this scheme is consistent with the design principles set out in the original consent ((DM/19/1148) and sufficiently meets the relevant provisions of the draft Design Guide as set out in chapters 3,4 and 6; I therefore raise no objections. I would nevertheless recommend that conditions are included seeking the further approval of:

- The facing materials;
- The position of the rainwater downpipes on the front elevations;
- The boundary treatment of the rear gardens which face the streets;
- The design of the canopies on the type E houses.