

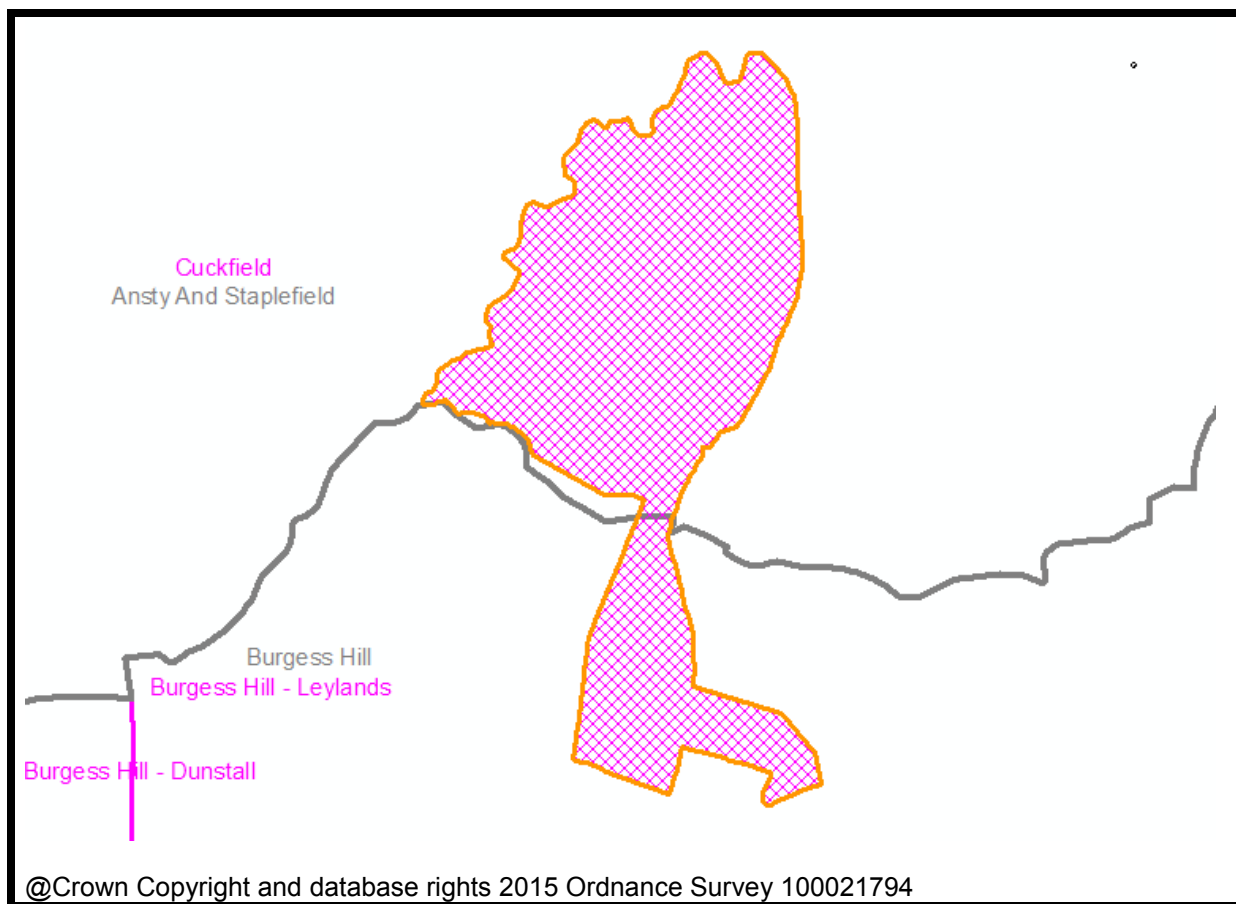
MID SUSSEX DISTRICT COUNCIL

DISTRICT WIDE PLANNING COMMITTEE

4 OCT 2018

PART I - RECOMMENDED FOR APPROVAL

1. DM/18/0509



**LAND TO THE WEST OF FREEKS LANE BURGESS HILL WEST SUSSEX
RESIDENTIAL DEVELOPMENT COMPRISING UP TO 460 DWELLINGS, PUBLIC
OPEN SPACE, RECREATION AREAS, PLAY AREAS, ASSOCIATED
INFRASTRUCTURE INCLUDING ROADS, SURFACE WATER ATTENUATION AND
ASSOCIATED DEMOLITION (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED EXCEPT FOR PRINCIPAL MEANS OF ACCESS FROM MAPLE DRIVE).
HOMES ENGLAND**

POLICY: Ancient Woodland / Areas of Special Control for Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Flood Map - Zones 2 and 3 / Informal Open Space / District Plan Policy / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Sewer Line (Southern Water) / Strategic Gaps / Archaeological Notification Area (WSCC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 9th May 2018

WARD MEMBERS: Cllr Pru Moore / Cllr Cherry Catharine /

CASE OFFICER: Steven King

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks outline planning permission for a residential development comprising up to 460 dwellings, public open space, recreation areas, play areas, associated infrastructure including roads, surface water attenuation and associated demolition (outline application with all matters reserved except for principal means of access from Maple Drive) on an area of land to the west of Freeks Lane in Burgess Hill.

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 Burgess Hill Neighbourhood Plan (BHNP) (2016) and the District Plan (DP) (2018).

The site falls within the area that is allocated for strategic development to the north and north west of Burgess Hill under policy DP9 in the DP. As such, the principle of developing the site for these uses accords with the development plan.

The planning application is in outline form with only the means of access to be determined at the outline stage. The purpose of the application is to establish the principle of the development and to demonstrate that this amount of development can be accommodated within the site and that the proposed access to the development is satisfactory. The parameter plans that have been submitted are to inform what the proposed development will comprise in the different parcels within the site. The plans that are submitted with the application showing the internal

layout of the roads and buildings within the site are for illustrative purposes to help to demonstrate that this amount of development could be accommodated within the site. If outline consent is granted, a subsequent reserved matters application will need to be submitted for the details of the proposal (the appearance, landscaping, layout and scale). It will be at this stage that detailed matters, (for example, an assessment of the design quality of the layout and an assessment of the means of drainage) will need to be assessed.

It is considered that the provision of up to 460 dwellings, including a policy compliant level of 30 per cent affordable housing is a significant benefit.

It is considered that a key issue in this case is transport, in particular highways matters. As the means of access is to be determined at this stage an assessment is required in relation to the vehicular access point and the impact of the development on the wider highway network. It is considered that the new access point into the housing development onto Maple Drive is satisfactory in relation to highway safety. There is no objection to this access from the Highway Authority, the statutory body responsible for roads within the District.

The Highway Authority is satisfied with the offsite highways works that are proposed as part of this planning application. These can be secured by planning conditions/obligations.

It is important to recognise that this planning application is part of the strategic development to the north and northwest of Burgess Hill. The Masterplan for the Northern Arc development explains the strategy for delivering the main road that will run through the Northern Arc (referred to as the Northern Arc avenue) and intended timetable for this. Given the fact that this planning application at Freeks Farm has been submitted in advance of an outline planning application for the whole of the Northern Arc development, it is considered to be reasonable for there to be a planning condition to prevent no more than 130 dwellings on the Freeks Farm site from being occupied until the bridge over the River Adur has been completed together with the completion of the section Five of the Northern Arc avenue between Freeks Farm and Isaacs Lane. This is justified in order to secure the timely delivery of this essential piece of infrastructure.

In conclusion, it is considered that there are clear benefits from the development of this allocated site for the uses that are set out in policy DP9 of the DP. The delivery of housing, including affordable housing should be given significant positive weight. In principle it is considered that the impacts on neighbouring amenities, ecology and drainage are all acceptable. Specific impacts in relation to these issues will need to be carefully considered when the layout of the scheme is submitted at the reserved matters stage. It is considered that a suitably designed layout can be developed at the reserved matters stage to ensure that the scheme provides a high quality environment for prospective occupiers and links in to the existing infrastructure in the locality.

Whilst the change from a green field site to a housing development will cause a significant change to the landscape at the local level, this has been accepted in principle as a result of the site being allocated for development. With appropriate landscaping and careful attention to the final design at the reserved matters stage there is no reason why this scheme should not fit in well in the locality.

Taking all of the issues into account, it is considered that the application complies with the development plan when read as a whole. It is also considered that the proposal complies with the aims of the Northern Arc Masterplan and the Northern Arc Infrastructure Delivery Plan and Phasing Strategy. It is therefore recommended that planning permission is granted subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure required for this development.

Recommendation

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

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES (full comments in appendices)

County Planning Officer

Requires infrastructure contributions towards education, library provision and Fire & Rescue service infrastructure.

West Sussex County Council (WSCC), Lead Local Flood Authority (LLFA)

Requests drainage conditions are imposed on any consent.

Highway Authority

Based upon the information available, there are no apparent severe highways and transport impacts anticipated as a consequence of this proposal. No highway objection would be raised, subject to the resolution of S106 Agreement obligations and confirmation that the application conforms to the general principles for Strategic Development in Burgess Hill.

County Landscape Architect

Recommend for approval in principle subject to the imposition of conditions.

Archaeological Officer

No objection subject to condition.

Environment Agency

To be reported.

Southern Water

Southern water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. Request a drainage condition be imposed on any approval.

MSDC Drainage Officer

We are satisfied that the submitted information has demonstrated the proposed development can be adequately drained in principle. We therefore do not object to this outline application progressing to the next stage of planning. However, we wish to clarify that, as part of any reserved matters and/or condition, we require further information at the Reserved Matters / Condition Stage.

Natural England

No comments.

Ecological Consultant

No objection subject to condition.

Sussex Police

No detailed comments at this stage. Would encourage the applicants to update the Design and Access Statement at the reserved matters stage to include appropriate measures for crime and community safety.

Sussex Police (Infrastructure)

The application site is currently a greenfield site and when built upon will create an additional demand upon the police service that does not currently exist. In order to mitigate against the impact of growth our office have calculated that the capital "cost" of policing new growth as a result of this major planning application equates to £75,691.99.

Horsham and Mid Sussex Clinical Commissioning Group

NHS Sussex contribution based on a formula. The CCG advise that the contribution should be directed to Park View Surgery Leylands Road Burgess Hill (as it was intended originally to take on new residents from the Northern Arc when built in 2007) but in the event that a new Primary Care Centre is delivered within the Northern Arc then the monies be directed thereto.

Urban Designer

This is an outline scheme, in which appearance, design, landscaping and scale are reserved matters. These observations are therefore initial comments on the illustrative proposals. There are two parts of the scheme north and south of the stream, which I will comment on separately.

South of the Stream: This part of the scheme has been revised in response to previous feedback and incorporates a number of improvements. I still have some reservations about the rear court parking, variation in building types and the configuration of terraced houses on the southern boundary.

North of the Stream: The layout north of the stream is generally well laid-out into perimeter blocks which are organised around a ring of concentric roads/routes with a well-positioned open space incorporating a play area near the centre and adjacent to the main spine road which should allow it to become the natural focus of the development particularly if it is allied with the higher density housing / flats.

The site layout drawing is only illustrative and it would be helpful if a more detailed vignette could be provided which demonstrates that the parking arrangements in the higher density areas actually work as suggested.

Housing Enabling & Development Officer

In the southern area of the sight we are also seeking a block of flatted units specifically suitable and age restricted for older persons / 55+. This block should incorporate a lift so as to meet the future needs of this demographic. We would agree an exception to our clustering policy of no more than 10 in order to facilitate the viable delivery of this particular requirement.

The overall affordable dwelling mix should be broadly in accordance with the below in order to meet a wide range of housing needs:

38 x 1 bed flats (including 1 x wheelchair accessible dwelling with private outdoor space)
43 x 2 bed flats (including 1 x wheelchair accessible dwelling with private outdoor space)
40 x 2 bed houses (including 1 x wheelchair accessible dwelling)
14 x 3 bed houses (including 1 x wheelchair accessible dwelling)
2 x 3 bed houses for 6 persons (min GIA 102sqm)

1 x 4 bed house for min 6 persons (min GIA 106sqm)

In order to comply with policy, the tenure of the affordable units should be 75% affordable rent and 25% shared ownership.

Community Leisure Officer

Requires on site provision of play space and infrastructure contributions towards off site play space and community buildings/facilities.

Environmental Protection Officer

As part of this planning application the applicants have submitted an air quality assessment (WYG AQA Jan 2018) which concludes that the overall impact on air quality will be Negligible. This conclusion is accepted. The air quality objective level is not exceeded. Given the justified prominence which air quality now has as a public health issue we do require a mitigation scheme.

Air quality will also be affected during the construction phase and given the large scale of the development, the type of construction and the proximity to sensitive the development is assessed as high risk with regard to potential dust effects. Mitigation and monitoring should therefore be secured by a CEMP condition.

Should the development receive approval, Environmental Protection recommends conditions regarding noise, air quality and construction management.

Contaminated Land Officer

Requires a condition relating to contaminated land.

BURGESS HILL TOWN COUNCIL COMMENTS

To be reported.

INTRODUCTION

This application seeks outline planning permission for a residential development comprising up to 460 dwellings, public open space, recreation areas, play areas, associated infrastructure including roads, surface water attenuation and associated demolition (outline application with all matters reserved except for principal means of access from Maple Drive) on an area of land to the west of Freeks Lane in Burgess Hill.

RELEVANT PLANNING HISTORY

There is no planning application history of specific relevance to the proposed development. However it is relevant to note that the site has been identified for development through the District Plan. The specific policies that apply to this area will be set out later in this report.

There is a current planning application on the southern part of the site for up to 130 dwellings (reference DM/16/3947) that was submitted prior to the submission of this application for up to 460 dwellings. It is expected that this application for up to 130 dwellings would be withdrawn once this planning application has been determined.

SITE AND SURROUNDINGS

The site extends to approximately 20.65 hectares and is located to the north of Burgess Hill. The site largely comprises agricultural land interspersed with hedgerows and scattered woodland. It is bound by Freeks Lane to the east and Maple Drive to the south east whilst its northern boundary comprises a tributary to the River Adur. Agricultural fields lie to the west, north and northeast.

To the north of the site there is a small area of woodland and then beyond this are agricultural fields. To the east the site is bounded by Freeks Lane, a public right of way. Beyond this there is an area of ancient woodland (Big Wood). Further to the east is Bedelands Nature Reserve. There are pockets of fields to the east that are bounded by woodland, including ancient woodland.

To the south there is a field parcel laid to grass that is allocated for residential development in the BHNP for up to 20 dwellings (possibly self build homes).

To the west of the northern field parcel there is a belt of woodland and then a fall in levels down to the River Adur. Beyond this are agricultural fields and then further to the west is Isaacs Lane. The area to the west of the site is within the area of land allocated for strategic development to the north and west of Burgess Hill under policy DP9 (referred to as the Northern Arc). To the west of the southern field parcel there is a site that has planning permission for up to 325 residential dwellings (Class C3), the relocation of the existing residential gypsy site, a community hall with associated access (reference 08/01644/OUT). Clearance works have taken place on this site.

In terms of planning policy, the whole site is within the area of land allocated for strategic development to the north and west of Burgess Hill under policy DP9 in the District Plan (DP). The southern part of the site also lies within the boundary of the Burgess Hill Neighbourhood plan (BHNP). The northern part of the site is outside any Neighbourhood Plan area.

APPLICATION DETAILS

This application seeks outline planning permission for a residential development comprising up to 460 dwellings, public open space, recreation areas, play areas, associated infrastructure including roads, surface water attenuation and associated demolition (outline application with all matters reserved except for principal means of access from Maple Drive) on an area of land to the west of Freeks Lane in Burgess Hill.

The plans show that the vehicular point of access onto Maple Drive would be located opposite an existing access way that serves a number of garages relating to dwellings on Maple Drive. This is to be determined at this stage.

The planning application is in outline form and is accompanied by a Parameters Plan that sets out the principles for development within the site. The application is also accompanied by an illustrative layout plan.

The parameters plan shows that there would be an area of open space either side of the access road that would go into the site from Maple Drive. The parameters plan then shows the smaller southern parcel of the site being residential development. This is shown as being the highest density area on the parameters plan at up to 55dph.

In the larger northern parcel of the site, the plans show that the majority of the site would be residential, at a lower density of up to 45dph. A smaller area in the north eastern side of the site would be residential at a lower density of up to 35dph.

The plans show a landscaped buffer area around the eastern side of the site with a larger landscaped area on the north and western sides of the site. The parameter plan also shows the broad location of the access road within the site that would then cross the watercourse on the western side of the site. The Parameters Plan allows for a highway corridor leading to the north-west of the site to facilitate a future planning application for a bridge across the River Adur and further link across to the wider Northern Arc. The carriageway width within the site is illustratively proposed to be 6.75m on the site access road in order that it is capable of accommodating buses and larger vehicles. It is proposed that 3m footway /cycleways on either side of the carriageway between Maple Drive and the main part of the development site are provided. A separate 3.0m wide foot/cycle path is proposed on the land between the access road and the rear of the properties on The Hawthorns. This will also provide a secondary emergency access route, with everyday vehicular access prohibited by way of demountable bollards at each end. It joins the existing highway network at the southern end of The Hawthorns in the vicinity of the junction with Maple Drive.

The scheme proposes the following off site highways and transport works:

- A new access will be created onto Maple Drive to serve the development;

- Removal of the existing setts and refuge on Maple Drive to accommodate a new puffin crossing of Maple Drive to aid pedestrian crossing movements across Maple Drive and resurfacing the carriageway in the vicinity;
- Relocation of the existing bus stop and flag from the eastern side of the junction with The Hawthorns to the western side of the junction with The Hawthorns;
- Resurfacing of Freeks Lane (a public right of way) between Maple Drive and Leylands Road;
- A273 Isaacs Lane / Fairbridge Way/ B2036 Cuckfield Road junctions: Provision of road widening and capacity improvements;
- Leylands Park / Leylands Drive: provision of widened approaches on both arms of the junction;
- Pedestrian and cycle improvements at a number of roads/pavements in the vicinity of the site;
- Fund additional cycle parking provision at the Wivelsfield railway station;
- Implement a Travel Plan

The illustrative housing mix is set out below:

Type	Quantity (%)	Quantity (units)
1 Bed Flats	13%	60
2 Bed Flats	23%	107
2 Bed House	13%	60
3 Bed House	29%	135
4 Bed House	21%	98
5 Bed House	0	0

LIST OF POLICIES

Mid Sussex District Plan

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

Relevant policies include:

DP6 Settlement Hierarchy

DP7 General Principles for Strategic Development at Burgess Hill

DP9 Strategic allocation to the north and northwest of Burgess Hill

DP12 Protection and Enhancement of Countryside

DP13 Preventing Coalescence

DP15 New Homes in the Countryside

DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP20 Securing Infrastructure

DP21 Transport

DP22 Rights of Way and other Recreational Routes

DP23 Communication Infrastructure

DP26 Character and Design

DP27 Dwelling Space Standards
DP29 Noise, Air and Light Pollution
DP30 Housing Mix
DP31 Affordable Housing
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

Burgess Hill Neighbourhood Plan (2016)

Made plan with full weight.

Policy LR1 'Improved Recreation Facilities and new community/sports hall at Leylands Park.' This policy supports a link between the proposed Northern Arc strategic development and Maple Drive running to the north of the Hawthorns, providing the existing play facilities are relocated to at least the existing standard and satisfaction of the Council.

Policy S4 'Parking standards for new developments' sets out the parking requirements for new developments within the Neighbourhood Plan area.

National Policy and Legislation

National Planning Policy Framework (NPPF) (July 2018)

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

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

Paragraph 38 of the NPPF states that Local Planning Authorities should approach decisions on 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

Technical Housing Standards

Other Material Considerations

Northern Arc Masterplan (2018)

Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018)

Burgess Hill Town Wide Strategy (2011)

ASSESSMENT

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

- The principle of development;
- Landscape Impacts
- Design/layout/housing mix
- Affordable housing and mix
- Neighbour amenity
- Highways matters
- Air quality
- Noise
- Trees and Ecology
- Drainage
- Infrastructure
- Ashdown Forest
- Archaeological matters
- Whether the proposal would be sustainable development; and
- 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 Burgess Hill Neighbourhood Plan (BHNP) (2016).

Policy DP6 in the District Plan 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.*

The site is allocated for development under policy DP9 in the DP. As such the principle of the development is supported by policy DP6 as the site is allocated for development in a specific policy in the DP. Policy DP9 states:

Strategic mixed-use development (which will need to conform to the general principles in Policy DP7: General Principles for Strategic Development at Burgess Hill), as shown on the inset map, is allocated to the north and north-west of Burgess Hill for the phased development of:

- *Approximately 3,500 additional homes and associated new neighbourhood centres, including retail, education, health, employment, leisure, recreation and community uses, sufficient to meet the day to day needs of the whole of the development and located as far as possible so at least one new neighbourhood centre is within 10 minutes' walk of most new homes;*
- *25 hectares of land for use as a high quality business park south of the A2300 and served by public transport;*
- *Two new primary schools (including co-location of nursery provision and community use facilities as appropriate) and a new secondary school campus, in each case in locations well connected with residential development and neighbourhood centres;*
- *A Centre for Community Sport in the vicinity of the Triangle Leisure Centre and St Paul's Catholic College;*
- *Provision of permanent pitches for settled Gypsies and Travellers to contribute, towards the additional total identified need within the District commensurate with the overall scale of residential development proposed by the strategic development; or the provision of an equivalent financial contribution towards off-site provision of pitches towards the additional total identified need within the District (or part thereof if some on-site provision is made) commensurate with the overall scale of residential development proposed by the strategic development, if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale; unless alternative requirements are confirmed within any Traveller Sites Allocations Development Plan Document or such other evidence base as is available at the time the allocation-wide masterplan is approved (as appropriate); and*
- *A new Northern Link Road connecting through the Strategic Allocation Area from the A2300 to the A273 Isaacs Lane. New junctions will be provided on the A2300, B2036 Cuckfield Road and A273 Isaacs Lane. A road link across the river corridor will be required to facilitate a public transport route to Maple Drive.*

Strategic mixed-use development in this location will:

- *Progress in accordance with an allocation-wide masterplan, Infrastructure Delivery Strategy, Phasing Strategy and Financial Appraisal which will have been submitted to*

and approved by the local planning authority. Each planning application to be determined should accord with such approved documents unless otherwise agreed by the local planning authority.

The Allocation-wide Infrastructure Delivery Strategy will demonstrate that the development of the Strategic Allocation Area will deliver, in a timely manner, sufficient infrastructure to cater for the needs of the Strategic Allocation Area as a whole and also mitigate to an acceptable level the effects of the whole development upon the surrounding area and community; this will include provision of:

- a) the infrastructure, as set out in the Council's Infrastructure Delivery Plan, the Burgess Hill Town Wide Strategy and identified in technical assessments to be implemented before or alongside development in accordance with a Phasing Strategy approved by the local planning authority;*
- b) sustainable transport measures and other infrastructure requirements, including measures to mitigate impacts upon the local and Strategic Road Network in Burgess Hill and the surrounding area. This will include (i) the new Northern Link Road through the Strategic Allocation Area helping to alleviate additional traffic to the town and offering an alternative route around Burgess Hill; the road will be designed as a central boulevard offering a highly attractive and functional route through the Strategic Allocation Area; (ii) improved links across the A2300 and A273 Sussex Way/Jane Murray Way to improve integration with the remainder of Burgess Hill; (iii) improved east-west connections across the strategic site; (iv) provision of new bus routes or diversion of existing routes to connect with key hubs including railway and bus stations and Burgess Hill and Haywards Heath town centre; (v) a legible and permeable network and hierarchy of safe streets and public rights of way including pedestrian cycleways and appropriate high quality street furniture; (vi) streets and spaces that are attractive and pedestrian friendly; and (vii) appropriate of-street car parking and secure cycle parking in accordance with relevant standards.*

The Allocation-wide Phasing Strategy will set out the proposed phasing of the Strategic Allocation Area, including the relevant land uses and infrastructure delivery for each phase:

- Identify and take account of environmental, landscape and ecological constraints including where possible avoiding or minimising harm to sensitive receptors and appropriately responding to the landscape setting including retention of woodland, hedgerows and other important natural features wherever possible and appropriate landscaping and safe design of balancing ponds and water/drainage features; and deliver opportunities and requirements as set out in Policy DP7: General Principles for Strategic Development at Burgess Hill and DP38: Biodiversity including new publicly accessible open space and routes including the continuation of the existing 'Green Circle' comprising multi-functional paths and areas, mostly within a 20 metre to 30 metre corridor along the stream running through the Strategic Allocation Area, with spokes to the north and south which incorporate and respond to ecological constraints, topography, flooding issues and landscaping features; links into the town*

- centre; provision of natural and semi-natural green space, children's play space and community allotments; and provision of pedestrian and cycle links to such spaces;
- Take account of on-site flood plains and avoid areas of current and future flood risk through a sequential approach to site layout to comply with Policy DP41: Flood Risk and recommendations in the Strategic Flood Risk Assessment;
 - Identify, avoid, mitigate and manage the risks posed to water quality associated with the historic land uses and support the delivery of 'Good' ecological status of the River Adur and Copyhold Stream in accordance with DP42: Water Infrastructure and the Water Environment;
 - Consider the relationship between the Goddards Green Waste Water Treatment Works and the Strategic Allocation Area including appropriate measures to avoid or mitigate odour impacts from the Treatment Works including the appropriate location of sensitive land uses; and
 - Ensure access to existing sewerage infrastructure for maintenance and improvements. An Allocation-wide Financial Appraisal in a format to be agreed in advance with the Council and in accordance with relevant guidance, reporting on the financial viability of the development of the whole (and relevant phases) of the Strategic Allocation Area and justifying the form and content of the proposals set out in the Allocation-wide Masterplan, Infrastructure Delivery Strategy and Phasing Strategy (including the amount and type of affordable housing and, if applicable, land reserved for custom or self-build homes) should be submitted to and approved by the local planning authority.

Phase-specific further requirement

To be acceptable, planning applications that cover a phase or part of the Strategic Allocation Area must be accompanied by:

- *An application-specific Masterplan and Delivery Statement for approval by the local planning authority that relates to the application site and sets out:*
 1. *Site-specific infrastructure requirements and how these relate and adequately contribute to the Allocation-wide Infrastructure Delivery Strategy;*
 2. *Details of proposed development and its phasing, proposed triggers/ thresholds for the delivery of associated infrastructure and how in each case these relate and adequately contribute to the Allocation-wide Spatial Masterplan, Infrastructure Delivery Strategy and to the Phasing Strategy and conform with the general principles in Policy DP7: General Principles for Strategic Development at Burgess Hill; and*
 3. *Details of how proposed publicly accessible space, routes and facilities would be managed and maintained.*

An Allocation-wide Financial Appraisal in a format to be agreed in advance with the local planning authority and in accordance with relevant guidance, reporting on financial viability issues associated with the development and its relationship and contribution to the Allocation-wide Financial Appraisal and justifying the form and content of the proposals applied for in respect of the relevant phase or part (including the amount and

type of affordable housing and, if applicable, land reserved for custom or self-build homes) should be submitted to and approved by the local planning authority.

In light of the above, the principle of this development on the site accords with development plan policy. It is therefore necessary to go on to make an assessment as to whether the details that have been provided to support this application comply with the criteria that is set out in policy DP9.

Policy DP7 refers to the general principles for strategic development at Burgess Hill and states

All strategic development at Burgess Hill, as shown on the inset map, is required to support the general principles set out in this policy.

Strategic development will:

- *Be designed in a way that integrates it into the existing town providing connectivity with all relevant services and facilities;*
- *Provide additional, high quality employment opportunities including suitably located Business Park developments accessible by public transport;*
- *Improve public transport, walking and cycling infrastructure and access to Burgess Hill and Wivelsfield railway stations and Burgess Hill Town Centre, including the provision of, or contributions to enhancing transport interchanges;*
- *Provide necessary transport improvements that take account of the wider impact of the development on the surrounding area;*
- *Provide highway improvements in and around Burgess Hill including addressing the limitations of the A2300 link road and its junction with the A23 and east-west traffic movements across Burgess Hill and, where necessary, improvements across the highway authority boundary in East Sussex;*
- *Provide new and improved community, retail, cultural, educational, health, recreation, play and other facilities to create services and places that help to form strong local communities and encourage healthy lifestyles;*
- *Provide new and/or improved and well connected sports, recreation and open space in and around Burgess Hill, including the continuation of the existing 'Green Circle' of linked areas of informal open space around the town along with its associated network of multi-functional paths, the Green Circle network, and links into the town centre;*
- *Support the delivery of a multi-functional route between Burgess Hill and Haywards Heath;*
- *Provide a Centre for Community Sport in the vicinity of the Triangle Leisure Centre;*
- *Provide a range of housing including affordable housing, in accordance with policy DP31: Affordable Housing and housing for older people;*
- *Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan including DP38: Biodiversity; Provide an effective telecommunications infrastructure, including provision for broadband; and*

- *Wherever possible, incorporate on-site 'community energy systems', such as Combined Heat and Power or other appropriate low carbon technologies, to meet energy needs and create a sustainable development. The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measures to demonstrate high levels of sustainability.*

In support of the above policies, the Council has approved a Masterplan and an Infrastructure Delivery Plan (IDP) and Phasing Strategy to provide a comprehensive framework for the delivery of the Northern Arc over a 15 year time-frame as a material planning consideration in the determination of planning applications. The IDP is a material consideration in the determination of planning applications and sets out the sequencing of development at the Northern Arc and the timing and arrangements for the delivery of the necessary supporting infrastructure and has been based on a financial appraisal.

The aims of the Masterplan align with the vision that is set out in the Burgess Hill Town Wide Strategy. This is a document that was produced by Burgess Hill Town Council in 2011. The purposes of the Burgess Hill Town Wide Strategy were that it could be used as an evidence base in any future local development plan, it would demonstrate local community support for the future development of the town, it could provide confidence to developers and landowners in and around the town and it could identify how the strategy could potentially be delivered.

The Vision for the Northern Arc set out in the Masterplan is underpinned by four priority themes which are also the main objectives of the District-wide vision, and which aim to promote the development of sustainable communities. These are:

1. Protecting and enhancing the environment
2. Promoting economic vitality
3. Ensuring cohesive and safe communities
4. Supporting healthy lifestyles

The Masterplan explains that the overarching Vision for the Northern Arc is translated into spatial and development proposals through 24 Strategic Development Principles (SDP). These are divided into five key topic areas:

1. Access and movement
2. Built form
3. Community and employment
4. Landscape and infrastructure
5. Sustainability

In determining this outline planning application it is necessary to make an assessment of the proposals against the requirements of the Northern Arc specific policies in the District Plan (DP7 and DP9) and also the requirements of the Masterplan and IDP.

Landscape Impacts

Policy DP12 seeks to secure the protection of the countryside by minimising the amount of land taken for development and preventing development that does not need to be there. In this case, there is no conflict with policy DP12 because the site has been allocated through the District Plan for development. It is still necessary however to make an assessment as to how the development will fit into the landscape.

One of the five topic areas in the Masterplan is Landscape and Infrastructure. This is translated into 7 SDPs. In relation to landscape, SDP14 in the Masterplan seeks to preserve the established framework of woodland, trees and hedgerows as part of the commitment to create a high quality and distinctive place.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). This assessment defines the existing landscape conditions, assesses the character and quality of the landscape and analyses the visual and landscape effects of the proposals. The illustrative plans show the main important boundary screening around the site being retained. The parameter plans show an area of landscaping to the north and west of the site.

The LVIA sets out in detail a professional assessment of the landscape impacts of the proposal. There are no reasons to question the methodology of this assessment. It is however clearly the case that an assessment of the impact of the proposal on the character of the landscape is ultimately a subjective one for the decision maker to make.

It is clear that with any green field development there will be a significant change at the local level from that of an undeveloped landscape to a housing development. It is accepted that many people would regard this as a significant adverse impact on the landscape. In order to meet the housing needs of the District, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). By definition, a significant change to the landscape has been accepted as part of the planning policy process as a result of the allocation of the site in the District Plan for a major development. It is therefore considered that there are no grounds to resist the application based on landscape matters.

The LVIA has been considered by the Council's Landscape Architect and her consultation response is set out in full in the appendices. Your officer agrees with the overall findings of the LVIA and the Council's Landscape Architect. It is considered that a high quality landscape led development will be acceptable on this site without having an unacceptable impact on local landscape character and views. The application is therefore considered to comply with policy DP12 and the aims of the SDPs set out in the Masterplan.

Design/layout/housing mix

Design/Layout

Policy DP26 in the District Plan states

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.*

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."*

One of the five key topic areas in the Masterplan is Built Form. This is expressed through 5 SDPs. In summary the aims of the Masterplan are to produce a range of well designed housing opportunities to create a distinctive and high quality place to live and work that has convenient access for people to walk to local facilities and services, as well as being accessible by cycle, public transport and the car.

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

Whilst the layout plans within the site are illustrative, they are important to demonstrate that this amount of development could be accommodated on the site in a manner that complies with the design policies identified above. In light of this, the Council's Urban Designer has been consulted on the proposals and his comments are summarised at the start of the report and set out in full in the appendices.

In general terms the Urban Designer is satisfied with the principles that are shown on the illustrative layout. He states the illustrative plans for the northern part of the site show *"perimeter blocks which are organised around a ring of concentric roads/routes with a well-positioned open space incorporating a play area near the centre and adjacent to the main spine road (connecting the rest of the Northern Arc via the proposed new bridge) which should allow it to become the natural focus of the development particularly if it is allied with the higher density housing / flats. This arrangement also allows the building frontages to face out towards the attractive countryside and boundary trees including the public right of way along Freeks Lane. Rear court parking has been employed in the higher density parts of the site which will reduce the dominance of parking within the street and provides for good street enclosure."*

In relation to the southern part of the site, the Urban Designer has flagged up a number of issues on the illustrative layout plans that he would wish to see addressed at the reserved matters stage. This includes the area of rear court parking behind the block of flats on the western boundary, which would benefit from being broken up to reduce its size.

If outline consent is granted, all of the issues relating to the detail of the layout and design of the dwellings within the site will need to be addressed in the reserved matters submission. It is helpful that the issues referred to by the Urban Designer have been identified at this stage because this will assist in informing any reserved matters submission. It would not be appropriate to seek to resist this outline planning application on these detailed matters of design because these matters are not before the LPA for determination; it is the principle of the development and the means of access that are to be considered now.

It is considered that the illustrative plans have demonstrated that a high quality scheme can come forward at the reserved matters stage to comply with policy DP26 and the aims of the Masterplan.

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

Housing Mix

Policy DP30 of the DP seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs. SDP6 in the Masterplan relates to Housing Mix, Density and Capacity. It states that a full range of housing opportunities will be provided that maximise the potential for sustainable design and non-car based travel. Higher densities will be focussed around the three neighbourhood centres, with lower densities of around 35dph in more sensitive edge locations.

The indicative mix for all housing (open market and affordable) is as follows:

Type	Quantity (%)	Quantity (units)
1 Bed Flats	13%	60
2 Bed Flats	23%	107
2 Bed House	13%	60
3 Bed House	29%	135
4 Bed House	21%	98
5 Bed House	0%	0

It is considered that this indicative mix would comply with the aims of policy DP30 and the objectives of the Masterplan. The final details of the housing types would be submitted and determined at a subsequent reserved matters application.

Affordable Housing

Policy DP31 in the District Plan seeks to secure 30% affordable housing on sites such as this. Policy DP30 in the District Plan seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs.

The Northern Arc Infrastructure Delivery Plan and Phasing Strategy confirm that Homes England is committed to the delivery of at least 30% affordable housing during the whole development period.

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

The scheme would provide a policy compliant level of affordable housing of 30% affordable dwellings, which equates to 138 units. The applicants have stated that they are content with the proposed mix of affordable housing that has been set out by the Councils Housing Officer. The final details of the affordable dwellings would be submitted and determined at a subsequent reserved matters application.

In light of the above it is considered that the proposal complies with policy DP31 and that the provision of affordable housing should be afforded significant positive weight in the determination of this application.

Neighbour Amenity

Policy DP26 seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

If this outline application is approved, it would be at the subsequent reserved matters application that the detail of the layout of the site and the design of the proposed buildings would be submitted and assessed. It is therefore at the reserved matters stage that a detailed assessment about the impact of the proposed development on the amenities of existing occupiers surrounding the site would need to be made since it is at this stage that the detail of these relationships would be known.

Nonetheless it is relevant to make an assessment of the outline application in relation to its impact on the amenities of existing residential occupiers based on the illustrative information that has been submitted. In this case the illustrative layout plans show that the closest dwellings to the site would be those on The Hawthorns at the south eastern side of

the site, where there are 3 properties that back directly onto the site and a further 4 that back onto the field to the south of the site. The illustrative plans show the nearest dwellings being some 35m away from these properties.

There will be a significant change for the occupiers of the properties on The Hawthorns from the proposed development. The open fields to the rear of these existing properties will be replaced with a major residential development. However, it is not considered that this will result in significant harm to the amenities of neighbouring residents for the reasons explained below. The principle of this change has been accepted as a result of the decision that was made in the DP to allocate this site for residential development. The illustrative layout shows a substantial distance between the new properties and those on The Hawthorns, existing boundary treatment being retained and there is no reason to suggest that a suitable layout could not be progressed at the reserved matters stage.

The illustrative plans show that there would be a childrens play area to the south of the access road from Maple Drive into the site. This area would be to the north of houses on The Hawthorns. It is considered that there is no reason why a satisfactorily laid out play area cannot come forward at the reserved matter stage and have an acceptable relationship with the houses on The Hawthorns.

The point of access onto Maple Drive would be some 20m away from the nearest property to the east on Maple Drive. It is considered that this is a sufficient distance for there to be no significant harm caused by virtue of noise and disturbance from the use of this access road. There will be an increase in vehicular movements along Maple Drive as a result of the development. However this will not cause any neighbour amenity issues.

In light of the above there is no conflict with policy DP26 in relation to neighbour amenity.

Access, Parking, and Highway Safety

The application is in outline form, with the means of access to the site to be determined at the outline stage. The proposed highway works and changes to crossing and pedestrian routes were summarised earlier in this report. The application is accompanied by a Transport Assessment (TA) that is available on file for inspection.

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."

(NB Paragraph 109 in the new NPPF is similarly worded to paragraph 32 in the previous version on the NPPF, which is referred to by the Highway Authority in their comments, although it makes clear that permission should be refused where there would be an unacceptable impact on highway safety.)

The Masterplan contains four SDPs relating to access and movement at the site. These aims include providing a permeable layout that makes the best use of the existing highway network, providing new infrastructure, including the Northern Arc avenue, enhancing the Green Circle, providing new pedestrian and cycle links in order to provide attractive, convenient and safe routes to facilitate sustainable movement.

As part of the assessment of this application, it is necessary to consider both the proposed access arrangements into the site and also how this proposal fits in with the wider Northern Arc development.

The TA sets out trip generation arising from this development. This is based upon the use of TRICS data. TRICS uses survey data from other comparable (in terms of scale, location and nature) developments to forecast vehicle movements. The Highway Authority is satisfied that the appropriate sites have been used to determine the TA. The trip generation has been based upon 460 residential dwellings with the assumption that 70% of properties will be private dwellings and 30% affordable housing.

The development is forecast to generate 240 vehicular trips (70 arrivals, 170 departures) in the AM network peak (0800 - 0900) and 266 vehicle trips (163 arrivals, 104 departures) in the PM network peak (1700 - 1800). Vehicular trips generated by the development have been distributed across the highway network by trip purpose.

The impact of the additional vehicle movements upon the capacity of the highway network has been considered upon the peak periods. The network peaks are typically 0800-0900 and 1700-1800. The highway network is recognised as its busiest and most sensitive to change during the peak periods. Therefore, whilst the development would generate traffic throughout the day, assessing the impact of the development on the network peak periods is the recognised method of assessing impact upon capacity. The capacity impacts of the development have been considered on a number of junctions. These impacts have been considered for a 2021 assessment year based upon surveyed demand calculated from 2014 traffic surveys and factored up using traffic growth values derived from TEMPRO. This uses data from the national traffic Model to forecast growth in car ownership levels.

A number of committed developments have been included separately in the future year assessment. This includes the Sheddingdean Baptist Church in Maple Drive, the former gas works in Leylands Road, Fairbridge Way former Sewage Treatment Works, Martlets shopping centre in Burgess Hill, Keymer Tiles site, the residential developments at Kingsway and the employment hub on the A2300.

The Highway Authority has made the following comments in relation to capacity on junctions in the locality of the development:

"Site Access / Maple Drive Junction:

The assessment has demonstrated that the proposed site access (as shown on updated plan ITL12127-sk-005) will operate within capacity and with minimal queuing and delays.

Maple Drive / Petworth Drive junction:

The assessment has demonstrated that the development has no material impact upon the operation of the junction with only minor queuing occurring on one arm.

B2036 London Rd / Maple Drive / Dunstall Ave:

The junction assessment has demonstrated that with the addition of the development traffic, the junction continues to operate within capacity and no severe impact occurs.

A273 Isaacs Lane / Fairbridge way/ B2036 Cuckfield Road junctions:

This junction is formed of two separate, linked roundabout junctions. The northernmost roundabout has been shown to operate satisfactorily. The southernmost junction shows substantial queuing in the development scenario for the B2036 London Road arm of the roundabout. Mitigation to reduce the potential queuing is proposed in the form of alignment changes and widening to accommodate the forecast increased demand. Subsequent re-assessment demonstrates that with the proposed mitigation, the junction can operate at a satisfactory level to accommodate the demand generated by the development site.

West St / Leylands Rd / B2036 London Rd:

To the south of the A273, London Rd meets Leylands Rd and West St in the form of two linked, mini roundabout junctions. Operational assessment shows that vehicle queuing occurs with the development and committed developments added to the Leylands Road distribution. This queuing occurs within the AM peak hour (0800 - 0900), but at a level that is forecast to be less than the queuing forecast as part of application DM/16/3947. This net reduction in queuing has been forecast as a result of a 3% reduction in traffic calculated from localised AM surveys undertaken between 2014 and 2017. Consequently, the residual cumulative impacts of the proposed development fall short of the severe test and are deemed acceptable.

Leylands Park / Leylands Drive:

The junction assessment shows that Leylands Road (East) will be operating substantially over capacity in the design year as a result of the committed development and application site. The flows in an east-west direction create a large queue at the junction with Leylands Park. Mitigation in the form of widening suggests that this delay can be reduced substantially to a level that is not considered severe."

In relation capacity issues, the test in both local plan policy DP21 and in the NPPF, relates to severe residual impacts and severe traffic congestion. Given the views of the Highway Authority on the TA, it is not considered that this is a case where there would be severe traffic congestion that would conflict with this policy and guidance.

A key issue with this application relates to the main road that will run through the site and form part of the wider spine road for the Northern Arc, referred to in the Masterplan as the Northern Arc avenue. The parameter plan submitted with this application shows the broad location of the bridge on the western side of the site that will be required to provide

the link road across to Isaacs Lane. This would comply with policy DP9, which states that as part of the Northern Arc the proposal will be required to provide a link road across the river corridor to facilitate a public transport route to Maple Drive.

The Masterplan indicates that the Northern Arc avenue would be divided into six sections. Section Six will be the section of the Northern Arc avenue within the site of this planning application at Freeks Farm. Section Five would be between the A273 (Isaacs Lane) and Freeks Farm.

The Masterplan confirms that section Five of the Northern Arc avenue (Isaacs Lane to Freeks Farm) will not only serve residential development but also the neighbourhood centre, primary school, secondary school and the Freeks Farm development. To prevent the route becoming a through route/rat run between Maple Drive and Isaacs Lane, the Masterplan states that the design speed of the road would be constrained. To enforce this frontage access onto street parking will be utilised along with a narrower highway corridor. The Masterplan states that through the design of this section, the need for a bus gate between the Freeks Farm site and Isaacs Lane can be avoided.

The detailed design of section Five of the Northern Arc avenue will come forward in a separate planning application. It will be at this point that the LPA can ensure that the design of this section of road is appropriate to achieve the aims that have been set out above. There is no reason why these aims cannot be achieved.

Discussions have taken place with the applicants about the most appropriate way to secure the provision of section Five of this road. Discussions have also taken place about the interrelated issue concerning the means of access for construction of the development under consideration here at Freeks Farm. This has fed into how the delivery of infrastructure can best be achieved at Freeks Farm.

The Masterplan also provides an indicative timetable for the development of the whole of the Northern Arc. This envisages the timetable being as follows:

Q4 2018 Determination of the Freeks Farm application
Q4 2018 Submission of Northern Arc Site wide Outline Planning Application
Q1 2019 Submission of a Full Planning Application for the Freeks Farm bridge and link road to Isaacs Lane
Q2 2019 Determination of the Northern Arc site wide Outline Planning Application and the Full Planning Application for the Freeks Farm bridge and link road to Isaacs Lane.
Q3 2019 Submission of Freeks Farm Reserved Matters Application.
Q4 2019 Determination of Freeks Farm Reserved Matters Application.
Q1 2020 Construction commences on Freeks Farm (including the bridge and link road to Isaacs Lane).

It is anticipated that there will be a separate planning application submitted in March 2019 for section Five of the road to Isaacs Lane and the bridge on the western side of the site (this is set out in the indicative timetable in the Masterplan referred to earlier in this

report). The applicants anticipate that this road could be delivered after the completion of 130 dwellings on the Freeks Farm site.

It is recommended that a planning condition is imposed limiting the amount of dwellings that can be constructed before section Five of the road to Isaacs Lane is provided. The imposition of such a condition will provide the certainty that the link road is provided in a timely manner to tie in with the delivery of houses on the Freeks Farm site and reduce the impact of construction traffic on resident's amenity living in the Maple Drive locality.

It is also recommended that a planning condition is imposed on this consent requiring the approval of a construction management plan (CMP) for the development. The CMP will require the applicants to provide the details of how they intend to access the site for construction works. It will then be a matter for the applicants to provide satisfactory details in order to discharge this condition. It is recognised that the construction of the development is an important issue. Whilst it is inevitable that there will be some disruption associated with the construction of a major housing site such as this, a CMP will be able to mitigate this. The onus will be on the applicants to demonstrate, for example, that their construction traffic can safely access the site prior to works commencing to implement the consent. If for whatever reason the LPA is not satisfied with the details that have been provided, the CMP condition would not be discharged and works could not commence on implementing the planning permission. There are no grounds to seek to resist the planning application based on matters relating to construction because these can be properly controlled by an appropriate planning condition.

Pedestrian/cycle access

The illustrative layout submitted with the application indicates a number of potential pedestrian links that could be formed from the site to Freeks Lane to the east. The plans also show pedestrian and cycle access that would form part of the Green Circle Network. At the southern end of the site the illustrative site layout plan shows a pedestrian/cycle link to the Hawthorns and a further pedestrian link onto Maple Drive. The final details of all of these proposed links would need to be submitted and assessed at the reserved matters stage when the layout of the development within the site was being determined. However it is considered that the illustrative site layout has demonstrated that such links are capable of being provided and therefore the scheme would accord with the principles set out in policy DP7 and the aims of the Masterplan.

Air quality

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

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

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

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

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

As part of this planning application the applicants have submitted an air quality assessment which concludes that the overall impact on air quality will be Negligible. This conclusion is accepted by the Councils Environmental Health Officer (EHO). The EHO asked the applicants to submit details of an emissions mitigation calculation, with the intention being to identify, and ensure the integration of, appropriate mitigation into a scheme at the earliest stage. This has been provided by the applicants. The EHO is content that the information that has been provided is satisfactory and that as the mitigation that is required to address the issue of air quality (EV charging infrastructure, cycle storage and cycle routes) are included in the applicants Travel Plan, a planning condition can be used to secure these items.

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

In light of the above it is considered that policy DP29 of the DP is met.

Noise

In relation to noise, policy DP29 states *"The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from*

unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

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

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

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

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

Noise is a material planning consideration. The Planning Practice Guidance (PPG) states neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

The PPG advises that increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. The PPG that advises that noise should not be considered in isolation to the economic, social and environmental dimensions of the proposed development.

The application is accompanied by a noise assessment that has considered traffic noise, construction noise, noise from the waste transfer site and the play areas. The report indicates that due to high noise levels, mitigation will be required for properties nearest to the A273 and those nearest to the waste transfer site. The mitigation can be secured by condition. The EHO has stated *"Where additional ventilation is required, to allow windows to be closed to meet required standards, this should be a last resort, as per ProPG: Planning & Noise - New Residential Development guidance, and should provide adequate air flow to allow thermal comfort.*

Where recommended noise levels cannot be met, which is the case for the majority of properties in the development at night time, due to high levels of traffic noise from the A273, and for many of the properties during the day due to traffic noise or noise from the waste transfer station, residents would have to close windows in order to meet the noise

levels recommended by the World Health Organisation and stated in BS8233. This in turn would mean that additional ventilation would be required to allow thermal comfort."

The EHO has gone on to state *"In our view, closed windows with additional ventilation is not an ideal solution, but may be acceptable where developers can demonstrate that good design has been used to minimise the need for artificial ventilation."* Your officer agrees with this assessment. It is clear that whilst the issue of noise and its impact is an important consideration, it is not a consideration to be viewed in isolation. It is considered that it is possible to design a layout that took account of the issue of noise to seek to minimise the need for closed windows and ventilation. Whilst closed windows and ventilation is not the ideal scenario, it must be acknowledged that this site has been through the planning policy process and has been found to be acceptable for residential development following a lengthy Examination in Public into the District Plan. It is considered that when weighed in the planning balance, the positives associated with the application (delivery of housing, including affordable housing, economic benefits) outweigh the potential disadvantages of having some properties on the site that may sometimes require closed windows and additional ventilation.

The EHO has expressed a view that *"a ventilation system should be a mechanical air supply ventilation system which can be used as a viable alternative to opening windows in order to allow the provision of outside air for breathing and allow residents control of their thermal comfort. It is our view that a forced, rapid mechanical ventilation supply system (not necessarily extract system), should be provided where BS8233/WHO internal noise levels are not achievable with windows open."* The type of ventilation that may be required can be controlled by a planning condition.

In light of the above, it is considered that policy DP29 of the DP will be met.

Ecology and Trees

Policy DP38 in the District Plan seeks to protect and enhance biodiversity.

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 170 of the NPPF states:

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

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."*

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 SDP's in the Masterplan relating to Landscape and Infrastructure has the aims of preserving and enhancing the established framework of woodland trees and hedgerows,

providing a rich variety of attractive open spaces and protecting the Ancient Woodlands within the Northern Arc.

The planning application is accompanied by an Environmental Statement that sets out the desktop work and habitat surveys that have taken place to inform the planning application. Specific Phase 2 surveys were undertaken in respect of bats, Badger, Dormouse, Otter, Water Vole, breeding birds, reptiles, amphibians and White-clawed Crayfish within the survey area in 2012 and 2013. Further survey work was undertaken in 2014 in respect of bats, Badger, Dormouse and reptiles, whilst update surveys have been undertaken in 2016. The habitat type in and around the site can be briefly summarised as follows:

Ancient Woodland

No areas of ancient woodland are located within the Site, although an area of ancient semi-natural woodland (ASNW) is located immediately to the east of the Site. Further areas of ASNW and plantations on ancient woodland sites (PAWS) are located within the wider surrounds of the Site.

Other woodland

A number of wooded areas are present within the Site, whilst further small wooded areas occur in the nearby surrounds.

Unimproved grassland

A number of areas of unimproved grassland are located adjacent to the Site.

Ponds

Three ponds are present within the Site, although these comprise only shallow hollows, with two of the ponds also heavily shaded by surrounding wooded vegetation.

Watercourses

Watercourse WC1 (the River Adur) forms the western boundary of the Site. This is a relatively substantial watercourse, generally 3-4m in width, with a depth of 1m in parts and a moderate flow of water over a silty base. A minor watercourse (WC3), forming a tributary of WC1, flows in a westerly direction across the middle of the Site.

Hedgerows

A number of hedgerows are present within the Site, forming a number of field boundaries. These are variable in character and quality and generally support a moderate range of woody species, although none of the hedgerows are considered likely to qualify as 'important' under the wildlife and landscape criteria of the Hedgerows Regulations 1997.

The remainder of the Site is dominated by species-poor grassland together with small areas of scrub, tall ruderal vegetation and scattered trees.

The species within and around the site can be briefly summarised as follows:

Bats (roosting)

The main building at Lowlands Farm located adjacent to the eastern boundary of the Site, is considered to support a small maternity roost of Brown Long-eared *Plecotus auritus* bats and also small non-breeding Common Pipistrelle. A moderate number of trees within the Site have been identified as providing bat roosting potential, largely associated with Freeks Lane along the eastern boundary, together with four infield trees in the northern part of the Site.

Bats (foraging and commuting)

Moderate levels of foraging and commuting activity have been recorded within the Site, although this is largely dominated by Common and Soprano Pipistrelle.

Badger

Two Badger setts have been recorded within the Site itself. The Site is likely to provide some foraging opportunities for Badger in the form of woodland and grassland pasture.

Dormouse

The Site provides good habitat opportunities for Dormouse associated with hedgerows and woodland habitat.

Otter

No evidence of Otter was recorded along watercourses within the Site (or wider survey area).

Water Vole

No evidence of Water Vole was recorded along watercourses within the Site (or wider survey area).

Birds

The Site offers moderate habitat for bird species, largely in association with the woodlands, hedgerows and watercourses. Species recorded are generally widespread and typical of habitats present within the wider area.

Great Crested Newt

The ponds within the Site are considered to be largely unsuitable for Great Crested Newt, being shallow and heavily shaded, and no evidence of this species was recorded at the ponds during survey work in 2012 or 2016. Low populations of Great Crested Newt have been recorded from pond Pg1 adjacent to the Site and pond Pg3 170m to the east of the Site.

Reptiles

The long-sward grassland fields within the southern part of the Site provide potential habitat for reptiles. Specific reptile surveys recorded a low population of Slow-worm from this area.

Invertebrates

No evidence for the presence of any protected, rare or other notable invertebrate species (including White-clawed Crayfish) was recorded within the Site or study area during the survey work undertaken.

The applicants have stated that the likely significant effects on ecology have been assessed with the following mitigation measures incorporated as part of the proposals:

- Retention and protection of Ancient Woodland, with a 15m buffer from residential development maintained from the offsite ASNW;
- Maintenance of a corridor of landscape and open space along the length of the River Adur, generally at least 40m in width (from the edge of built development to the river), providing a buffer to built development and forming a valuable riparian habitat corridor;
- Siting of the proposed road access across the River Adur within an existing break in wooded vegetation to minimise effects on this habitat corridor;
- Retention of key habitat areas including the wooded areas adjacent to watercourses WC1, WC3 and Freeks Lane, and the majority of hedgerows within landscape and open space areas;
- Provision of connective habitat in the form of corridors of landscape and open space between development areas.

•
The applicants Environmental Statement concludes by stating *"The Application Site itself is dominated by species-poor grassland, which is not considered to form a habitat of ecological importance. Habitats within and surrounding the Application Site considered to be of importance at the local level or above include Ancient Woodland and other woodland areas, unimproved grassland, ponds, watercourses and hedgerows. Surveys of protected species have found that the Application Site supports moderate numbers of foraging and commuting bats, Badger, Dormouse, Great Crested Newt, reptiles and a range of birds and other mammal and amphibian species. Habitats also offer some potential for Priority Species including Hedgehog."*

"A range of potential effects have been identified on habitats and fauna within and surrounding the Application Site, with potentially significant effects identified in relation to woodland, watercourses, hedgerows, bats, Dormouse and Great Crested Newt. Mitigation measures are therefore proposed, including construction safeguards, detailed design of housing layout, provision of clear span bridges over watercourse crossings, management of recreational activity to avoid detrimental effects on wildlife habitats, implementation of a SUDS scheme and lighting design, whilst compensatory habitat provision is proposed in the form of new woodland and tree/shrub planting. Furthermore, a range of additional enhancement measures have been identified to provide gains in biodiversity across the Site, including habitat creation and enhancement and provision of new nesting and shelter opportunities for faunal species."

"The Proposed Development and mitigation scheme have been designed to achieve compliance with relevant legislation and planning policy. Following mitigation,

compensation and enhancement measures, it is considered that the Proposed Development would result in an overall gain in the existing ecological interest supported by the Application Site, with particular benefits in respect of habitats, bats, birds, reptiles and invertebrates."

The Councils Ecological Consultant has considered the application and his comments are set out in full in the appendices. He advises that to support the reserved matters submission further surveys will be required to ensure that avoidance, mitigation and compensation measures are all appropriate. In relation to ancient woodland he states *"In my view given the scale of development and potential increase in pressure, ancient woodland should be buffered from any development by a minimum 25m of semi-natural habitat or newly-created semi-natural type habitat and other types of woodland should be buffered by such habitat as far as possible."* It is considered that the reserved matters stage would be the appropriate time to consider the detailed layout of the site and any buffer zones that are required to safeguard ancient woodland. It is helpful that this issue is highlighted now so that the applicants are aware of this and can address this in a reserved matters submission.

The Councils Ecological Consultant goes on to state *"There is likely to be a need for protected species licensing from Natural England for a range of species. However, subject to appropriate mitigation design then, if MSDC considers there to be an overriding public interest case for granting consent (including reasons of a social or economic purpose), then it is likely, in my opinion, that licences will be obtainable."* Given the fact that this site is allocated for housing development this is a clear case where there is an overriding public interest in granting consent.

The Councils Ecological Consultant has advised that there will be additional visitor pressure on Bedelands Local Nature Reserve and that mitigation for this may need to include financial contributions to assist in its management and monitoring of visitor pressure. It is considered that this could be properly controlled by a planning condition that requires details of a management plan to be submitted to the LPA for approval. If the management plan requires off site works at Bedelands Local Nature Reserve (which might involve financial contributions) there should be no reason why these can't be carried out because the District Council is the landowner of Bedelands.

The Councils Ecological Consultant concludes by stating that in his opinion, there are no biodiversity policy reasons for refusal, subject to conditions. Your officer has no reason to dispute his conclusions. It is considered that a suitably worded condition can ensure that the necessary ecological protection, mitigation and compensation measures are provided thus complying with policies DP37 and DP38 in the DP and the aims of the SPD's in the Masterplan.

Drainage

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

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

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

The application is accompanied by a Flood Risk Assessment that is available on file. Levels across the Site south of the Worlds End Stream (WES), a Main River and tributary of the River Adur, rise to a level of circa 32.00m AOD at a high point at the centre of the western boundary. The site is split into two natural catchments;

- i. the northern catchment falls in a northerly direction towards the WES.
- ii. the southern catchment falls in a southerly direction towards an existing pond in the southwest corner.

Levels across the Site north of the WES rise from the WES to a level of circa 30.00m AOD at a high point at the centre of the western boundary. Levels then fall in a north-westerly direction towards the River Adur.

The applicants Flood Risk Assessment describes the existing drainage regime. Bedelands Nature Reserve (BNR) lies 100m east of the Site. All runoff from the site eventually drains into the River Adur, which conveys flows away from BNR.

The site is located in Flood Zone 1 (low probability) defined as "Land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%)."

Surface Water

The proposed development will lead to an increase in impermeable area. As such, it is proposed to employ Sustainable Drainage Systems (SuDS) measures to ensure surface water is managed effectively and will replicate the existing drainage regime. Local geology indicates that the ground is not suitable for infiltration means. It is therefore proposed to provide attenuation storage for the site. Flows will be attenuated within each hydrological catchment within the site before they discharge into the existing MSDC sewer, the existing pond in the southwest corner of the Site, the WES and the River Adur respectively. It is intended that outfalls from the site will be restricted to the greenfield run off rate. This will be achieved by various methods, including pervious pavements, bio-retention areas, swales and detention basins. Maintenance for the proposed SuDS

features will be undertaken by a private management company. The applicants state that the *"proposed SUDS solution provides sufficient storage to attenuate and restrict the runoff from the proposed development to less than the Q1 Greenfield rate of runoff for all storms up to, and including, the 100 year plus 40% allowance for climate change event."*

The Councils Drainage Engineer has considered the information that has been submitted and is satisfied that it has been demonstrated that surface water from the site can be satisfactorily drained. The details of the means of drainage for the site can be controlled by a planning condition.

Foul Drainage

It is proposed that where no gravity connection can be made to the existing foul sewer infrastructure, the Site will drain via gravity to an onsite Pumping Station(s) from where it will be pumped to the nearest foul sewer that crosses the site which has sufficient residual capacity to accept the flows. Properties at the northern edge of the development cannot connect via gravity to the existing system. Therefore a new pumping station will be provided to pump development flows into the existing network.

Southern Water has advised that *"The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework."*

Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows." Southern Water has requested that a condition be imposed regarding foul drainage at the site.

As Members will know, developers have a right to connect to the foul sewer which has been confirmed in the Supreme Court. When there is insufficient capacity in the network, Southern Water requests an appropriate condition to be imposed on the planning permission to secure the means of foul water sewerage disposal, which may include the provision of additional off-site sewers and/or improvements to the existing off-site sewers under the Water Industry Act 1991. Subject to the imposition of such a condition it is considered that the foul drainage from the site will be satisfactory.

In light of the above it is felt that policy DP41 of the District Plan is met.

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

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

and:

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

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

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

The Council has also approved the Northern Arc Infrastructure Delivery Plan and Phasing Strategy as a material planning consideration in the determination of this application.

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122, guidance in the NPPF and the material planning consideration outlined above, the infrastructure included below is to be secured via a planning obligation. Copies of all relevant consultation responses including the housing and leisure officer of the Council, West Sussex County Council, NHS Sussex and the Sussex Police & Crime Commissioner are available in the appendices.

West Sussex County Council Contributions:

West Sussex County Council requires the following infrastructure contributions:

- Early years education - £0.55 million to be used towards the provision of two 50 place nurseries/pre-school facilities, one at each of the two primary schools that will serve the Northern Arc development
- Primary education - £2.76 million to be used towards the provision of two 420 place primary schools to serve the Northern Arc development
- Secondary education including sixth form - £3.16 million to be used towards the provision of one 1500 place secondary school to serve the Northern Arc development
- Special educational needs - £230,000 to be used towards the provision of two 16 place Special Support Centres, one at the first new primary school to serve the Northern Arc development and one at the new secondary school to serve the Northern Arc development
- The indicative education contribution is £6.7 million.
- Financial contribution to the new Burgess Hill library to be calculated using the formula based approach
- Restriction on the occupation of more than 130 dwellings until completion of the bridge link over the river Adur and completion of the link road to Isaccs Lane
- Financial contribution towards Freeks Farm to Wivelsfield Station walking and cycling improvements
- Financial contribution towards Freeks Farm to Sheddingdean Primary School walking and cycling improvements
- Financial contribution of £50,000 to Freeks Lane north and south walking and cycling improvements
- Financial contribution towards the dualling of the A2300
- Provisions relating to a Travel Plan including a financial contribution towards the costs of monitoring the Travel Plan
- Financial contribution towards Burgess Hill Public Transport Strategy
- Financial contribution to redevelopment of Burgess Hill Fire Station (Fire & Rescue Services) using a formula based approach

District Council Infrastructure Requirements (including police and health requirements)

- Affordable Housing: The Planning Obligation will secure 30% of the overall dwellings as affordable dwellings to include a tenure split of 25% shared ownership and 75% rented in accordance with Policy DP31 of the District Plan.
- Childrens play space: There is a requirement for 6,325 sqm plus 2,700 sqm for the re-provision of Hawthornes play area, making a total of 9,025 sqm (0.9ha). This can be accommodated within the on-site provision which consists of a LEAP to the north of the development (minimum size 400m² plus 20m buffer zone) and the large play area to the south of the new link road which should include a fenced NEAP (1000 m² plus a 30 metre buffer zone) and a fenced multi-use games area (minimum size 940 m²). Full details regarding the layout, equipment of these play areas will need to be

secured through the S 106. In addition a financial contribution of up to £10,000 is required to enable the Council to make improvements to the existing kickabout/BMX provision for older children, in Leylands Park, to the north of the new link road.

The LEAP to the north of the development is needed to ensure there is adequate provision within the recommended distance thresholds across the development site.

The S 106 will secure ownership and maintenance responsibilities and necessary associated commuted sums, of the open spaces on the site including childrens play space.

- Formal sport: A financial contribution of £757,423 is required toward formal sport facilities at the new Centre for Community Sport which will serve the Northern Arc development.
- Community buildings: A financial contribution of £354,857 is required toward new community buildings in the Northern Arc development.
- Local community infrastructure provision: A financial contribution calculated in accordance with the Development and Infrastructure SPD towards projects to include allotment provision and improvements to the Green Circle Network.
- Provision of waste facilities: A financial contribution of £51,257 is required towards recycling and waste collection infrastructure as part of the Northern Arc development. A financial contribution is also required in the sum of £30 per dwelling towards on site recycling provision.
- Gypsy and Traveller Accommodation: a contribution is required for the provision of offsite permanent pitches for settled Gypsy and Traveller Accommodation to accord with policy DP9 of the DP. A Gypsy and Traveller contribution is required in this case given; the need to avoid the clustering of Gypsy and Traveller sites and the proximity of the existing pitches at the Bedelands site and at Fairbridge Way; and the difficulty in meeting the requirements on site. In order to provide 16 pitches as set out in the Northern Arc Infrastructure Delivery and Phasing Strategy an area of some 0.6 hectares would need to be provided. There is insufficient space within the Freeks Farm plot to deliver this and it would not be viable to provide 3 pitches on the Freeks Farm site which is the pro rata requirement for this development.
- Financial contribution towards fire and rescue provision
- Healthcare contribution of £351,571. This is a pro rata contribution based on the total cost of providing a primary care centre as part of the Northern Arc development.
- Sussex Police have requested the sum of £75,691.99 towards specified policing infrastructure.

The details of the infrastructure to be provided with this development will be secured by a Planning Obligation by way of agreement pursuant to Section 106 of the Town and Country Planning Act 1990. The full Heads of Terms will be provided to Members at the District Planning Committee meeting.

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017/1012 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Where the likelihood of significant effects exists the District Council must carry out an Appropriate Assessment, and only grant planning permission if satisfied that there would be no adverse effect on the integrity of the sites concerned, unless certain strict conditions are met.

The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

A HRA screening assessment for the development has, however, been undertaken. The outcome is that there is not considered to be a significant in combination effect on the Ashdown Forest SAC. The screening assessment is available to view on the planning file. Given the fact that the application site is not within 7km of the Ashdown Forest SPA and there is not considered to be any likely significant effect on the Ashdown Forest in relation to recreational pressure.

Archaeological matters

The application site is extensive and should therefore be considered to have enhanced potential for containing known and previously unknown below ground heritage assets. The Council's Archaeological Advisor has requested that a planning condition is imposed requiring archaeological work to be secured to establish what archaeological assets are and may be present, and the results of the evaluation will enable suitable mitigation measures to be developed if and where necessary. With such a condition in place the application complies with policy DP34 of the DP.

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 Burgess Hill Neighbourhood Plan (BHNP) and the District Plan (DP).

The site falls within the area that is allocated for strategic development to the north and north west of Burgess Hill under policy DP9 in the DP. As such, the principle of developing the site for these uses accords with the development plan.

The planning application is in outline form with only the means of access to be determined at the outline stage. The purpose of the application is to establish the principle of the development and to demonstrate that this amount of development can be accommodated within the site and that the proposed access to the development is satisfactory. The parameter plans that have been submitted are to inform what the proposed development will comprise in the different parcels within the site. The plans that are submitted with the application showing the internal layout of the roads and buildings within the site are for illustrative purposes to help to demonstrate that this amount of development could be accommodated within the site. If outline consent is granted, a subsequent reserved matters application will need to be submitted for the details of the proposal (the appearance, landscaping, layout and scale). It will be at this stage that detailed matters, (for example, an assessment of the design quality of the layout and an assessment of the means of drainage) will need to be assessed.

It is considered that the provision of up to 460 dwellings, including a policy compliant level of 30 per cent affordable housing is a significant benefit.

It is considered that a key issue in this case is transport, in particular highways matters. As the means of access is to be determined at this stage an assessment is required in relation to the vehicular access point and the impact of the development on the wider highway network. It is considered that the new access point into the housing development onto Maple Drive is satisfactory in relation to highway safety. There is no objection to this access from the Highway Authority, the statutory body responsible for roads within the District.

The Highway Authority is satisfied with the offsite highways works that are proposed as part of this planning application. These can be secured by planning conditions/obligations.

It is important to recognise that this planning application is part of the strategic development to the north and northwest of Burgess Hill. The Masterplan for the Northern Arc development explains the strategy for delivering the main road that will run through the Northern Arc (referred to as the Northern Arc Avenue) and intended timetable for this. Given the fact that this planning application at Freeks Farm has been submitted in advance of an outline planning application for the whole of the Northern Arc development, it is considered to be reasonable for there to be a planning condition to prevent no more than 130 dwellings on the Freeks Farm site from being occupied until the bridge over the River Adur has been completed together with the completion of the section Five of the Northern Arc Avenue between Freeks Farm and Isaacs Lane. This is justified in order to secure the timely delivery of this essential piece of infrastructure.

In conclusion, it is considered that there are clear benefits from the development of this allocated site for the uses that are set out in policy DP9 of the DP. The delivery of housing, including affordable housing should be given significant positive weight. In principle it is considered that the impacts on neighbouring amenities, ecology and drainage are all acceptable. Specific impacts in relation to these issues will need to be carefully considered when the layout of the scheme is submitted at the reserved matters stage. It is considered that a suitably designed layout can be developed at the reserved matters stage to ensure that the scheme provides a high quality environment for prospective occupiers and links in to the existing infrastructure in the locality.

Whilst the change from a green field site to a housing development will cause a significant change to the landscape at the local level, this has been accepted in principle as a result of the site being allocated for development. With appropriate landscaping and careful attention to the final design at the reserved matters stage there is no reason why this scheme should not fit in well in the locality.

Taking all of the issues into account, it is considered that the application complies with the development plan when read as a whole. It is also considered that the proposal complies with the aims of the Northern Arc Masterplan and the Northern Arc Infrastructure Delivery Plan and Phasing Strategy. It is therefore recommended that planning permission is granted subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure required for this development.

APPENDIX A – RECOMMENDED CONDITIONS

1. Approval of the details of the landscaping, scale, layout and appearance of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

2. In all aspects the reserved matter submissions shall be broadly in conformity with submitted parameters plan drawing (drawing no 330 A)

Reason: In the interest of appearance, character and amenity of the area to accord with policy DP26 of the District Plan

Pre-commencement conditions

3. Prior to any works commencing on any phase (including site clearance/preparation and/or demolition), a construction management plan for that phase shall be submitted to and be approved in writing by the Local Planning Authority after consultation with WSCC. Thereafter the applicant and contractors shall complete the works in accordance with the approved plan throughout the construction period in order to minimise disturbance during demolition and construction and will include details of the following information for approval:
- a) the phased programme of construction works;
 - b) the means of access and road routing for all construction traffic associated with the development;
 - c) details of a scheme for the monitoring of noise, dust and vibration (including any piling) in accordance with the appropriate British Standard (BS). The report on the assessment made under the BS shall include estimated values of LAeq and show all calculations;
 - d) provision of wheel washing facilities and details of their operation and location;
 - e) construction work including delivery times;
 - f) details of a means of suppressing dust arising from the development and site boundary fencing;
 - g) details of all proposed external lighting to be used during construction;
 - h) details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
 - i) details of areas to be used for the storage of plant and materials associated with the developments;
 - j) details of the temporary construction site enclosure to be used throughout the course of construction;
 - k) details of any construction accesses to be used;
 - l) details of the appropriate public consultation that will be required;
 - m) details of scheme to protect residential properties from the noise sources during construction

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

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

4. The development of any phase hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of

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

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

5. No development of a phase shall take place, including any works of demolition, until a Management of Surface Water during Construction Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- a) The protection of receiving watercourses from polluted runoff including silt;
 - b) The protection of ancient woodland and other wildlife habitats from polluted runoff and silt;
 - c) The pumping of water from excavations and how it will be disposed of
 - d) Methods to prevent runoff from the site during construction to ensure that properties situated lower than the site will be protected from flooding
 - e) Methods to attenuate surface water during construction and how it will be managed following collection.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity and to accord with Policy DP41 of the District Plan 2014 - 2031

6. No development shall take place on any phase until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation for that phase which has been submitted by the applicant and approved by the Planning Authority.

Reason: To identify and to secure the appropriate level of work that is necessary before commencement of the development, and also what may be required after commencement and in some cases after the development has been completed, and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

7. No development of a phase shall take place until details of the finished ground and floor levels for that phase 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: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policy DP26 of the District Plan 2014 - 2031.

8. 1) No works for any phase pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development of that phase commences or within such extended period as may be agreed with the Local Planning Authority:

a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

b) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress

- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (i)c

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

In addition, the following precautionary condition should be applied separately:

3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

- 9. Prior to any development of a phase taking place details of the existing trees/bushes/hedges that are to be retained and protected in that phase in a manner to be agreed with the Local Planning Authority shall be submitted to the Local Planning Authority for their written approval before the development commences for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees/bushes/hedges removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees/bushes/hedges of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity and/or ecology of the area and to accord with Policies DP37 and DP38 of the Mid Sussex District Plan 2014 - 2031. This pre-commencement condition is necessary as it requires tree protection measures during the construction period

- 10. No construction of buildings shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls / roofs /

fenestration of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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

Pre occupation conditions

11. Prior to the occupation of any of the dwellings hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to those dwellings shall be submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any of the dwellings are occupied and shall thereafter be maintained in accordance with the approved details.

The scheme shall include, as a minimum:

- Provision of at least 1 EV rapid charge point per 10 residential dwellings and / or 1000m² of commercial floor space. Where on-site parking is provided for residential dwellings, EV charging points for each parking space should be made.
- Provision of a detailed travel plan(with provision to measure its implementation and effect) which sets out measures to encourage sustainable means of transport (public, cycling and walking) via subsidised or free-ticketing, improved links to bus stops, improved infrastructure and layouts to improve accessibility and safety;
- All gas-fired boilers to meet a minimum standard of <40 mgNO_x/kWh

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

12. Prior to the occupation of any of the dwellings hereby permitted, details of a scheme of acoustic protection for those dwellings shall be submitted, and approved in writing by the Local Planning Authority. The scheme shall be in accordance with recommendations listed in Section 6.1 of the submitted WYG Noise Assessment dated Jan 2018 and shall include details of acoustic protection sufficient to ensure the maximum internal noise levels in bedrooms and living rooms in residential properties, post construction, will comply with those stated in Table 4 of BS8233:2014. Where internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation or other ventilation capable of providing adequate

ventilation for the thermal comfort of the occupants. The scheme shall include details of acoustic protection sufficient to ensure external amenity area & garden noise levels of not more than 55dB LAeq T (where T is 07:00 - 23:00) unless otherwise agreed in writing. All works which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of future residents with regard to external noise and to comply with policy DP29 of the Mid Sussex District Plan 2014 - 2031.

13. No phase of the development shall be occupied until a landscape management plan for that phase, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to and approved in writing by the LPA. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the LPA. The scheme shall include the following elements:

- detail extent and type of new planting (NB planting to be of native species)
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around ancient woodland
- details of management responsibilities

Reasons: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

14. No part of the development shall be first occupied until details indicating the position, design, materials, finish and type of all boundary treatments for that part of the development, 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 and timetable.

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

15. No dwelling within any of the phases shall be occupied until details of the space to be laid out for parking and the stationing of vehicles clear of the public highway, within that phase, have been approved in writing by the Local Planning Authority. No dwelling shall be occupied until the parking space related to that dwelling has been surfaced, drained and completed. The space so provided shall not

thereafter be used other than for the parking of vehicles in connection with the development hereby permitted.

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

16. No residential dwelling shall be first occupied until details of the digital infrastructure for the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the appropriate provision of digital infrastructure and to comply with policy DP23 of the District Plan 2014-2031.

17. Prior to the occupation of the dwellings hereby permitted details of the play areas and open space areas to be provided on site shall be submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall only be implemented in accordance with the approved details.

Reason: To ensure satisfactory provisional equipment and to ensure that play area is provided and retained within the development for use by the general public and to accord with Policy DP24 of the District Plan 2014-2031.

18. Prior to the occupation of any of the dwellings hereby permitted, details of a scheme of acoustic protection for those dwellings shall be submitted, and approved in writing by the Local Planning Authority. The scheme shall be in accordance with recommendations listed in Section 6.1 of the submitted WYG Noise Assessment dated Jan 2018 and shall include details of acoustic protection sufficient to ensure the maximum internal noise levels in bedrooms and living rooms in residential properties, post construction, will comply with those stated in Table 4 of BS8233:2014. Where internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation or other ventilation capable of providing adequate ventilation for the thermal comfort of the occupants. The scheme shall include details of acoustic protection sufficient to ensure external amenity area & garden noise levels of not more than 55dB LAeq T (where T is 07:00 - 23:00) unless otherwise agreed in writing. All works which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of future residents with regard to external noise and to comply with policy DP29 of the District Plan 2014-2031.

19. Prior to the occupation of any of the dwellings hereby permitted and prior to the use of any external ventilation, refrigeration, heating or air conditioning plant or machinery, details of a scheme of acoustic protection shall be submitted, and approved in writing by the Local Planning Authority. The plant or machinery noise rating level shall be at least 5dB below the existing background noise level at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policy DP29 of the District Plan 2014-2031.

Construction phase

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

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays no work permitted

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

21. No burning of demolition/construction waste materials shall take place on site unless first agreed in writing by the Local Planning Authority

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

Post occupation

22. No more than 130 dwellings shall be occupied until Section Five of the Northern Arc Avenue between Isaacs Lane and the application site and the associated bridge over the River Adur (as shown within the Northern Arc Masterplan) have been constructed and made available for use by vehicular traffic.

Reason: In the interests of proper planning and to secure the provision of Section Five of the Northern Arc Masterplan in a timely manner, to protect the amenities of existing residents and to comply with policy DP26 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has

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

2. You are advised that this planning permission requires compliance with a planning condition(s) {b before development commences}. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from:
<https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying>. If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

APPENDIX B – CONSULTATIONS

Burgess Hill Town Council

Recommend Refusal - There would be excessive traffic through one access point. This contravened the Strategic Plan. Access must come from Isaacs Lane.

If Mid Sussex District Council is minded to recommend approval, the Town Council's Planning Committee's recommendations with regard to Section 106 needs associated with this development are as follows:

New Community & Performance Venue, Green Circle Public Art Trail and Green Circle Network.

County Planning Officer

Without prejudice to the informal representations of the County Council in respect of the above planning proposal, I am writing to advise you as to the likely requirements for contributions towards the provision of additional County Council service infrastructure, other than highways and public transport that would arise in relation to the proposed development.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the *National Planning Policy Framework, 2012*.

The advice is as follows:

1. School Infrastructure Contribution

1.1 The Director for Children and Young People's Services advises that early years provision/primary/secondary/further secondary/special education needs and disabilities (SEND) schools and facilities within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal which forms part of the first phase of the wider Burgess Hill Northern Arc development of 3,500 homes. Accordingly, contributions would need to be requested as a proportion of the overall contributions for the wider scheme.

1.2 Financial Contribution

The financial contributions sought by the County Council would be based on the housing allocation at the Burgess Hill Northern Arc providing two new primary schools, the provision of early years and SEND places, and a new secondary campus, as set out in Policy DP9 of the Mid Sussex District Plan 2014-2031. It is calculated that Freeks Farm represents 13% of the overall scheme and contributions have been calculated accordingly.

Early Years Contribution of £550,000 to be used towards the provision of two 50 place nurseries/pre-school facilities, one at each of the two primary schools that will serve the Northern Arc Development.

Primary Education Contribution of £2,760,000 to be used towards the provision of two 420 place primary schools to serve the Northern Arc Development.

Secondary Education Contribution of £3,160,000 to be used towards the provision of one 1500 place secondary school to serve the Northern Arc Development.

Special Educational Needs Contribution of £230,000 to be used towards the provision of two 16 place Special Support Centres, one at the first new primary to serve the Northern Arc Development and one at the new secondary school to serve the Northern Arc Development.

2. Library Infrastructure Contribution

2.1 The County Librarian advises that the proposed development would be within the area served by Burgess Hill Library and that the library would not currently be able to adequately serve the additional needs that the development would generate.

However, a scheme is approved to provide additional floorspace at the library. In the circumstances, a financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

2.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings (by which we mean Social Rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the library's catchment area; the County Council's adopted floorspace standard for library provision; and the estimated costs of providing additional library floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Libraries Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$L/1000 \times AP = \text{Libraries Infrastructure Contribution}$ where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of dwellings, less any allowance for affordable dwellings, as approved by a subsequent reserve matters planning application. The following figures are given as a guideline:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

$L/1000 = \text{Extra library space in sqm. per 1,000 population} \times \text{the library cost multiplier}$ (which currently for the financial year 2018/2019 are 30sq.m and £5,252 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on expansion of the facilities at Burgess Hill Library.

3. Fire & Rescue Service Infrastructure

3.1 Fire Stations

The County Fire Officer advises that a financial contribution from the proposed development towards the cost of fire and rescue infrastructure, principally fire stations and services serving the area within which the proposal stands, would be required. This is necessary due to proposed development in the Northern division and the resultant need to improve service provision across the area. The proposed development should proportionately contribute towards the cost of necessary infrastructure needed to support development.

3.2 Financial Contribution (excluding provision of fire hydrants)

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings (by which we mean Social Rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the fire service provision area; the County Council's adopted standards of fire service cover provision; and the estimated costs of providing additional fire stations. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the fire service contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Fire and Rescue Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$Y \times Z =$ Fire and Rescue Infrastructure Contribution where:

Note: / = divided by, x = multiplied by.

Y = The estimated adjusted increase in population generated by the development using the following figures as a guideline:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

Z = the estimated costs of providing additional Fire and Rescue Infrastructure per head in the Northern Service Division of West Sussex at the time of payment (which, for information, for 2012/2013 was £50).

3.3 Fire and Rescue Service Contribution to be used towards the re-development of Burgess Hill Fire Station.

General points

Please ensure that the applicants and their agents are advised that any alteration to the housing mix, either size, nature or tenure, may generate a different population and require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Review of the contribution towards the provision of additional County Council services should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

Appropriate occupancy rates using the latest available Census data will be used.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

West Sussex County Council (WSCC), Lead Local Flood Authority (LLFA)

West Sussex County Council (WSCC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage.

The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

Flood Risk Summary

Current surface water flood risk based on 30year and 100year events	Low risk
Comments: Current surface water mapping shows the majority of site to be at low risk from surface water flooding. Areas of higher risk do exist on site although these generally correspond with the main rivers or pond.	

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site must be maintained.

Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’

Therefore, a wholesale site level rise via the spreading of excavated material should be avoided.

Modelled groundwater flood hazard classification	Low risk
--	----------

Comments: The area of the proposed development is predominately shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Records of any historic flooding within the site?	No
---	----

Comments: We do not have any records of historic flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

Watercourses nearby?	Yes
----------------------	-----

Comments: The River Adur/WES runs adjacent and across the site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, also exist around the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Future development - Sustainable Drainage Systems (SuDS)

The FRA included with this outline application proposes that permeable areas, bioretention swales and detention basins, with outfalls to either ordinary watercourses/main river, would be used to control the surface water runoff from the site. This method would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

The EA should be consulted with regards to the permits required for discharge and bridge works related to the main river.

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

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

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

Highway Authority

Introduction:

This new application, supported by a Framework Travel Plan and Transport Assessment, has been submitted to West Sussex County Council (WSCC) for consideration alongside the current application (DM/16/3947) for 130 residential units, for which WSCC as the Local Highways Authority (LHA) raised no objection.

The application is for an additional 330 dwellings to be accessed from Maple Drive, an increase from the original application of 130 dwellings.

As stated within the application, this site forms phase one of the Burgess Hill Northern Arc strategic development site and comprises a total of up to 3500 dwellings plus additional other uses. Any application brought forward which forms part of the Burgess Hill Strategic Development site will need to conform to Policy DP7 of the Mid Sussex District Plan, specifically: General Principles for Strategic Development of Burgess Hill. This policy requires the applicant to progress the application in accordance with an allocation wide Masterplan, Infrastructure Delivery Strategy, Phasing Strategy and Financial Appraisal which will have been submitted to and approved by the Local Planning Authority (LPA). Each planning application within this strategic allocation to be determined should accord with such approved documents unless otherwise agreed by the LPA.

The current application has been reviewed on its respective merits and where required in consideration of the strategic development. Further TA's will be required to support subsequent phases of the Northern Arc development. These TA's would be subject to further scoping discussions and subsequent agreement.

A planning application for the southern part of the new application site, DM/16/3947, is currently pending for 130 residential units and vehicular access from Maple Drive. (the 130 dwellings in the current pending application are therefore included within the 460

dwelling figure for this application and not in addition to it). The TA submitted in conjunction with the current application therefore tests an additional 330 dwellings accessed from Maple Drive on the current pending application. The LHA made no objection to the previous application of 130 dwellings subject to the resubmission of site access arrangements and that the applicant made a proportional contribution towards the strategic infrastructure package associated with the strategic allocation.

Access:

The Applicant has submitted an amended site access drawing from the previous application and subsequent to local engagement. Drawing No: ITL12127-SK-005 details the amended access, incorporating a signalised crossing. The plans are subject to a detailed design audit by the LHA and include:

- Priority junction access at Maple Drive
- Visibility splays of 2.4m x 43m;
- Removal of the existing traffic island and over run area on Maple Drive to accommodate a new Puffin Crossing of Maple Drive to aid pedestrian movements;
- Localised carriageway resurfacing to accommodate amendments;
- Relocation of the existing bus stop from the eastern side of The Hawthorns to the western side of The Hawthorns;
- A carriageway width of 6.75m on the access road to accommodate buses and larger vehicles; and
- A crossing of Freeks Lane to permit its continued use as a PROW.

Trip Generation and Capacity:

The TA sets out trip generation arising from this development. This is based upon the use of TRICS data. TRICS uses survey data from other comparable (in terms of scale, location and nature) developments to forecast vehicle movements. The TRICS database has been interrogated and refined to ensure that suitable sites have been used to determine the TA.

The trip generation has been based upon 460 residential dwellings with the assumption that 70% of properties will be private dwellings and 30% affordable housing. The 30% affordable housing will be secured by s106 agreement and reduces the total number of peak hour trips made from the previous application as private housing typically generates higher trip rates during weekday peak hours than affordable housing.

The resultant trip rates have been applied. The development is forecast to generate 240 vehicular trips (70 arrivals, 170 departures) in the AM network peak (0800 - 0900) and 266 vehicle trips (163 arrivals, 104 departures) in the PM network peak (1700 - 1800).

Vehicular trips generated by the development have been distributed across the highway network by trip purpose. Different methods have been used to determine destinations with the potential destination then identifying the local route choice. The means of distribution of each trip type is acceptable.

The impact of the additional vehicle movements upon the capacity of the highway network has been considered upon the peak periods. The network peaks are typically 0800-0900 and 1700-1800. The highway network is recognised as its busiest and most sensitive to change during the peak periods. Therefore, whilst the development would generate traffic throughout the day, assessing the impact of the development on the network peak periods is the recognised method of assessing impact upon capacity.

The capacity impacts of the development have been considered on a number of junctions. These impacts have been considered for a 2021 assessment year based upon surveyed demand calculated from 2014 traffic surveys and factored up using traffic growth values derived from TEMPRO. This uses data from the national traffic Model to forecast growth in car ownership levels.

A number of committed developments have been included separately in the future year assessment. This includes the Shreddingdean Baptist Church in Maple Drive, the former gas works in Leylands Road, Fairbridge Way former Sewage Treatment Works, Martlets shopping centre in Burgess Hill, Keymer Tiles site, the residential developments at Kingsway and the employment hub on the A2300. For the purposes of the future year assessment, all these developments are adjudged to be completed and operating at capacity.

In terms of the assessments provided, scenarios tested using both JUNCTIONS 9 software (priority junctions and roundabouts) and LinSIG software (signalised junctions) have been undertaken for the junctions described subsequently. The assessment scenario has utilised two separate modelling profiles: flat (which looks at a steady flow rate, equally distributed within the peak period) and ODTAB (which models a realistic 'peak' within a 'peak' to most accurately represent reality). The ODTAB profiles generally provide a worse case assessment of any junction and allow for a robust determination of the impact of any development.

Operational assessments have been targeted at the main junctions within the local area anticipated to experience the greatest changes in flows as a result of the proposal. Paragraph 32 of the National Planning Policy framework states that a development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.

Site Access / Maple Drive Junction:

The assessment has demonstrated that the proposed site access (as shown on updated plan ITL12127-sk-005) will operate within capacity and with minimal queuing and delays.

Maple Drive / Petworth Drive junction:

The assessment has demonstrated that the development has no material impact upon the operation of the junction with only minor queuing occurring on one arm.

B2036 London Rd / Maple Drive / Dunstall Ave:

The junction assessment has demonstrated that with the addition of the development traffic, the junction continues to operate within capacity and no severe impact occurs.

A273 Isaacs Lane / Fairbridge way/ B2036 Cuckfield Road junctions:

This junction is formed of two separate, linked roundabout junctions. The northernmost roundabout has been shown to operate satisfactorily. The southernmost junction shows substantial queuing in the development scenario for the B2036 London Road arm of the roundabout. Mitigation to reduce the potential queuing is proposed in the form of alignment changes and widening to accommodate the forecast increased demand. Subsequent re-assessment demonstrates that with the proposed mitigation, the junction can operate at a satisfactory level to accommodate the demand generated by the development site.

West St / Leylands Rd / B2036 London Rd:

To the south of the A273, London Rd meets Leylands Rd and West St in the form of two linked, mini roundabout junctions. Operational assessment shows that vehicle queuing occurs with the development and committed developments added to the Leylands Road distribution. This queuing occurs within the AM peak hour (0800 - 0900), but at a level that is forecast to be less than the queuing forecast as part of application DM/16/3947. This net reduction in queuing has been forecast as a result of a 3% reduction in traffic calculated from localised AM surveys undertaken between 2014 and 2017.

Consequently, the residual cumulative impacts of the proposed development fall short of the severe test and are deemed acceptable.

Leylands Park / Leylands Drive:

The junction assessment shows that Leylands Road (East) will be operating substantially over capacity in the design year as a result of the committed development and application site. The flows in an east-west direction create a large queue at the junction with Leylands park. Mitigation in the form of widening suggest that this delay can be reduced substantially to a level that is not considered severe.

Accessibility by Sustainable modes:

The site lies adjacent to an established residential area. A walking and cycling audit has been undertaken to and from the application site towards local key services and facilities, as well as Burgess Hill town centre. Key routes have been identified as: Leylands Road to London Road (via Maple Drive), Wivelsfield Station to London Road (via Leylands Road) and Freeks Lane to Burgess Hill station (via Mill Road). These routes all offer a high-quality level of service to pedestrians and cycle users, however a number of offsite improvements to links and crossings are required to further enhance facilities for all users. These improvements will need to be undertaken as part of a S278 agreement secured in a S106 agreement. The required pedestrian and cycle improvements are identified in ITransport drawing No's ITB4076-GA-117 and ITB4076-GA119-120.

It is also recognised that the applicant is undertaking discussions with bus providers to minimise the distance that residents of the application site would need to walk to a bus

stop. This would be achieved by diverting an existing Maple Drive service into the application site.

In addition, the audit identified that Freeks lane, between Maple Drive and Leylands Road is a Public Right of Way (PROW) but its existing surface is uneven and rutted. The route should be resurfaced to create a high-quality surface between the site and Burgess Hill. The applicant has agreed to undertake these improvements under a S278 agreement secured in a S106 agreement.

Framework Travel Plan:

A Framework Travel Plan has been developed by the applicant and submitted as part of the application. The purpose of the FT is to reduce the number of car journeys to the site (targeted at a 15% reduction) and to improve accessibility to the site by non-car modes.

Northern Arc Allocation:

The application is part of the strategic allocation to the North of Burgess Hill and as such must adhere to the policy requirements established to support this strategic development. Notably that the application will contribute support towards the infrastructure needs of the strategic areas as a whole and also mitigate to an acceptable level the effects of the whole development upon the surrounding area and community. This will include the provision of:

- a) The infrastructure, as set out in MSDC's Infrastructure Delivery Plan (IDP) and technical assessments to be implemented before or alongside development in accordance with a Phasing Strategy approved by the local planning authority.
- b) Sustainable transport measures and other infrastructure requirements, including measures to mitigate impacts upon the local and Strategic Road Network in Burgess Hill and the surrounding area.

Conclusion:

Based upon the information available, there are no apparent severe highways and transport impacts anticipated as a consequence of this proposal. No highway objection would be raised, subject to the resolution of S106 Agreement obligations and confirmation that the application conforms to the general principles for Strategic Development in Burgess Hill.

Recommended obligations to support the application:

S278 works secured through a S106 agreement:

- The required pedestrian and cycle improvements as identified in I-Transport Drawing No's ITB4076-GA-117 and ITB4076-GA119-120.
- Provision of a new shared surface on Freeks Lane for pedestrians and cyclists and new crossing points at Maple Drive and Leylands Road.

- Site Access / Maple Drive junction: Provision of improvements as identified in I-Transport drawing: ITL12127-sk-005.
- Provision of a new Puffin Crossing at the location identified on ITL12127-sk-005.
- A273 Isaacs Lane / Fairbridge way/ B2036 Cuckfield Road junctions: Provision of road widening and capacity improvements as identified in I-Transport Drawing: ITL12127-sk-011.
- Leylands Park / Leylands Drive: provision of widened approaches on both arms of the junction as detailed on I-Transport plan: ITL12127-sk-002RevA.

Further obligations to be secured through the S106 agreement to include:

- The establishment and approval of a Framework Travel Plan to support the reduction of single occupancy personal vehicle trips by residents of the development.
- The delivery of public transport improvements including provision of a new bus service serving Maple Drive.
- Provision of additional cycle racks at Wivelsfield Station to be determined in conjunction with WSCC Accessibility officer.

County Landscape Architect

Summary Recommendation -

Recommend for approval in principle subject to the imposition of conditions

It is noted that the application could comply with Paragraph 17, Core Planning Principles of the NPPF which states that planning should:

take account of the different rolls and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic beauty and character of the countryside and supporting thriving rural communities.

It is noted the application documentation could meet the requirements of Section 7, paragraphs 56 -68 of the NPPF which addresses the issue of good design by the application of planning conditions.

It is noted the application documentation has met the requirements of Section 109 of the NPPF with regard to the need to protect and enhance valued landscapes.

It is accepted that the potential adverse impacts on landscape character and visual amenity can mitigated.

2) Reason for Recommendation

Policy context

2.1 Paragraph 17, Core Planning Principles of the NPPF which states that planning should take account of the different rolls and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the

intrinsic beauty and character of the countryside and supporting thriving rural communities.

2.2 Section 11 of the NPPF addresses the conservation and enhancement of the natural environment.

The policies in this section require development to be sustainable as well as contribute to and enhance the natural environment by protecting and enhancing valued landscapes (paragraph 109).

2.3 Section 7 of the NPPF addresses the issue of good design. Paragraphs 56- 68 require that planning policies and decisions should aim to ensure that developments create a **strong sense of place and add to the quality of an area**. Developments are required to respect local character and materials in both built form and open space detailing.

2.4 If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the design requirements of the NPPF and this would include appropriate design details for external hard works and planting.

Landscape and Visual Context

2.5 The Landscape and Visual Impact Assessment (LVIA), Landscape Collective, provides a comprehensive and accurate assessment of the baseline landscape and visual characteristics of the site and surrounding area.

2.6 The principle of housing development on this site has been established through the process of assessing sites for allocation in the District Plan. A high quality landscape led development could be acceptable on this site without having an unacceptable impact on local landscape character and views.

Potential Impacts and Mitigation Measures

2.7 The design strategy for the site is set out in the Design and Access Statement and this seeks to create distinct pockets of development each with an identifiable character. These areas are separated by existing natural features on the site such as hedgerows and trees or woodland. This approach is welcomed as it will help to integrate the development into the local landscape.

2.8 It is noted that the main spine road through the development would have focal points at the junctions to reinforce a sense of arrival. This would help to break up the mass of the development and provide features which help with orientation.

2.9 The central junction and associated open space would be an important focus for the new community.

2.10 The proposed open space corridor surrounding the access from Maple Drive would provide an opportunity to create a high quality and distinctive entrance to the new development. This would help to reinforce a separate identity for the new development.

2.11 The development would be set back from the treed and wooded boundaries so that it is surrounded by a linear open space. This space would provide a buffer to existing trees and woodland and to the users of Freeks Lane. The estate access roads and footpaths would provide a continuous path around this perimeter and the houses would face onto it providing good surveillance. The multifunctional green infrastructure value of this open space corridor would be an asset to the area.

2.12 The hedge which separates the northern two fields of the development would only be retained in part as it would be punched through in four places. Greater separation and a wider GI corridor between these two areas would help to break up this larger part of the development more effectively.

2.13 It is recommended that the application can be supported in principle subject to consideration of the following modifications and conditions:

- a) A wider landscape buffer between the northern parcels including retention of more of the hedge in a green corridor similar to that proposed between the two southern parcels.
- b) Detailed hard and soft landscape schemes for all of the areas including the boundary open spaces.
- c) A long term management plan for the successful establishment and care of the landscaped areas.
- d) Details of tree and hedgerow protection in accordance with BS 5837:2012, Trees in Relation to Design, Demolition and Construction.

Archaeological Officer

Recommend Archaeological Condition

The Heritage Conservation 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 National Planning Policy Framework (Section 12) emphasises that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted, paragraph 141 of the NPPF says that applicants should be required to record and

advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

An archaeological desk based assessment has been submitted in support of the current planning application (Wyg Archaeology, November 2016). The archaeological document incorporates the findings of an earlier desk based assessment provided in support of an application made for the southern portion of the current planning application (Wyg Archaeology September 2016; 16/3947). The archaeological desk based assessment submitted as part of the current planning application (Wyg Archaeology, November 2016) found that:

'The result of any development would be to significantly affect, or even to remove, any previously unrecorded archaeological deposits present on the site. The archaeological potential for the northern portion of the application site is considered to be moderate, and if present, archaeological remains could include evidence for prehistoric / pre-medieval activity, potential material associated with the projected course of the Roman Road, a potential fulling mill, and features associated with medieval and post-medieval agricultural activities.'

And:

'The extant field boundaries are considered 'important' under the Hedgerows Regulations (Archaeological and Historic Criteria Schedule part II) and are protected as such; they also form part of a cohesive assart fieldscape of probable medieval date and contribute positively to the historic landscape.'

Appraisal of this application using the West Sussex Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. Although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that it is considered a condition could provide an acceptable safeguard. The archaeological interest should therefore be conserved by attaching a condition as follows:

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

It is recommended that a field evaluation covering a 5% sample of the proposed development area is undertaken and it is also recommended that any geotechnical works undertaken by the applicant are observed under archaeological watching brief conditions. The field evaluation itself should aim to effectively identify archaeological deposits and features (if present) across the entire site, including identification of the presence/absence of the projected Roman Road and any associated roadside activity; the potential fulling mill; and features associated with medieval and post-medieval agricultural activities. Identification of areas containing waterlogged deposits should also

be made. In addition, the field evaluation should also seek to characterise the nature and extent of previous disturbance across the site, identifying areas where archaeological horizons may survive or may have already been removed.

It is noted that the desk based assessment submitted as part of the current planning application has not included an assessment of available LIDAR data or of the variable impact of the proposed scheme itself. Whilst this is regrettable, to move forward it is recommended that assessment of these two sets of data should be included as appendices attached to the Written Scheme of Investigation when produced.

The results of the field evaluation should accompany future detailed reserved matters application(s), advising on the any further archaeological mitigation which may be required. Provision of the results of the field evaluation will allow our office to advise (if necessary) on suitable mitigation measures which are appropriate to the archaeological significance identified by the field evaluation. In addition, the evaluation report will also assist in the identification of any Archaeological Assets which may prove worthy of preservation in situ and allow recommendations to be made regarding the design and logistics of the development.

Please do not hesitate to contact the Heritage Conservation Team, Surrey County Council should you require further information. This response relates solely to archaeological issues.

Environment Agency

To be reported.

Southern Water

Please find attached a plan of the sewer records showing the approximate position of a public sewer crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the public sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developers expense to the satisfaction of Southern Water under the relevant statutory provisions.

Should the applicant wish to divert apparatus:

1. The 675mm diameter foul sewer requires a clearance of 3.5metres either side of the sewer to protect it from construction works and allow for future access for maintenance.
2. The 300mm and 450 mm diameter foul sewers requires a clearance of 3metres either side of the sewer to protect it from construction works and allow for future access for maintenance.

3. No development or new tree planting should be located within 3.5metres either side of the external edge of the 600 mm and 675 mm foul sewers.
4. No development or new tree planting should be located within 4metres either side of the external edge of the 750 mm and 900 mm foul sewers.
5. No development or new tree planting should be located within 3.5metres either side of the external edge of the 600 mm and 525mm surface water sewers.
6. No development or new tree planting should be located within 3metres either side of the external edge of the 300 mm and 375 mm surface water sewers.
7. No new soakaways should be located within 5metres of a public sewer.
8. All other existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items (1) (8) above also apply.

Please note: Decommissioned foul sewer within the site

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

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

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows.

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing

by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers.

Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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 noncompliance 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.

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.

MSDC Drainage Officer

Recommendation: No objection subject to Reserved Matters / Conditions

Summary

This is an outline application for a proposed development of up to 460 dwellings. This development forms part of the Burgess Hill Northern Arc. This is an assessment and

consultation response regarding the principle of such a proposed development in this location.

We are satisfied that the submitted information has demonstrated the proposed development can be adequately drained in principle. We therefore do not object to this outline application progressing to the next stage of planning. However, we wish to clarify that, as part of any reserved matters and/or condition, we require further information at the Reserved Matters / Condition Stage (detailed in this consultation response).

Assessment

MSDC made an initial consultation response under DM/16/3845 for the submitted EIA scoping request. This is a list of the key comments in Fiona Bishop's response to DM/16/3845:

1. Building will not be appropriate within the identified Flood Zones associated with the River Adur (RA) and the West End Stream (WES), both of which are Main Rivers.
2. There should be an appropriate buffer for maintenance alongside these main rivers.
3. There are also areas of possible surface water flood risk. These areas should not be built on and any possible flow routes, or water retaining areas, should be incorporated into the final design.
4. The proposed FRA will utilise 1D modelling. It is suggested that 2D modelling would provide a truer representation of the flood risks to this site.
5. The proposed FRA should consider the new EA Climate Change Allowances and all sources of flooding.
6. Acknowledged that the proposed development will restore and maintain the RA and the WES as it passes through the site.
7. The proposed bridge will require design input from the EA, as it spans the Main River.
8. Ordinary Watercourse Consent is required for any structure that could alter flow in an ordinary watercourse.
9. Hydrogeology needs to be appropriately investigated for this site.
10. Surface water discharge should follow existing catchments' destinations, restricted to Q1 Greenfield rates, and be able to cater for the 1.0% storm plus climate change.
11. The indicative drainage strategy should show that the site can be adequately drained and will utilise SuDS.
12. Evidence should be supplied within the Drainage Strategy that third party authorities have been contacted and are in agreement with the proposals.
13. The existing volumes of water going into the watercourses should be calculated and the hydrograph for particular events should be produced.
14. A construction management plan should be provided detailing the measures that will be taken to ensure that flood risk is not increased as a result of the development and that the water environment does not become polluted.
15. The development should not increase foul sewage overflows into the river and as such will need to enter into an agreement with Southern Water for off-site improvement works. Information regarding these works and the liaison with Southern

Water should be supplied as evidence. Details of future adoption and maintenance of the sewers should also be provided.

16. There are many existing public sewers crossing this site and close liaison should be made with Southern Water as soon as possible to discuss a layout that they would find acceptable. I do not believe that it would be possible to divert any of these sewers as they are of significant size and serve large parts of Burgess Hill.
17. As part of this site is an old tip site you will need to consider the implications of building on contaminated land and how any gases and leachate from the tip site will be dealt with. The design of the development should not introduce new pathways or receptors for contaminants.

The Flood Risk Assessment and Drainage Strategy Report submitted for DM/18/0509 states that it has addressed comments made by MSDC, Southern Water and the Environment Agency for DM/16/3845.

SMA Flood Risk Assessment and Drainage Statement

The site is 20.6 ha.

Rainfall run-off management will follow procedures laid down by NTS for SuDS.

It has been identified that the whole site is made up of five catchment areas, which will manage surface water run-off via SuDS.

C1 - Bioretention swales.

1 point discharge, surface water to existing 600mm diameter MSDC surface water culvert (Ordinary Watercourse - tributary to World's End Stream).

Attenuated discharge of 0.3 ls-1 (Q1 = 0.5 ls-1) for 1:100 + 40%cc.

C2 - Permeable areas, bioretention swales and detention basins.

1 point discharge, surface water to weir overflow of existing pond to existing watercourse (Ordinary Watercourse - tributary of River Adur).

Attenuated discharge of 5.8 ls-1 (Q1 = 5.8 ls-1) for 1:100 + 40%cc.

C3 - Permeable areas, bioretention swales and detention basin.

1 point discharge, surface water to existing watercourse (Main River - World's End Stream).

Attenuated discharge of 2.9 ls-1 (Q1 = 2.9 ls-1) for 1:100 + 40%cc.

C4 - Permeable areas, bioretention swales and detention basins.

3 points discharge, surface water to existing watercourse (Main River - World's End Stream).

Attenuated discharge of 8.9 ls-1 (Q1 = 13.9 ls-1) for 1:100 + 40%cc.

C5 - Permeable areas, bioretention swales and detention basin.

1 point discharge, surface water to existing watercourse (Main River - River Adur).

Attenuated discharge of 6.2 ls-1 (Q1 = 8.2 ls-1) for 1:100 + 40%cc.

The proposed development looks to building away from the rivers, watercourses and places of possible flooding, allowing for suitable buffer for inspection and maintenance.

A hydrological assessment has been undertaken in this area. This included blockage scenarios of existing and proposed structures within rivers and watercourses. It has been established that the lowest FFL will be set 3.76m above the predicted 100 year climate change flood levels for the World's End Stream and the River Adur. So no properties on the site should be a risk from fluvial flooding.

Surface water discharge from the whole site is proposed to be restricted to less than the Q1 greenfield rate, and be able to cater for the 1.0% storm plus extra capacity for climate change, which is acceptable. This is achieved through the use of SuDS methods including detention basins with flow control devices, bioretention swales and permeable surfaces.

Southern Water has been contacted, and they have provided information and comments regarding the sections of decommissioned foul sewer crossing the site. A detailed survey has been undertaken of the network and decommissioned/live sections identified. Southern Water has also identified upgrading requirements to the local system in order to cater for the proposed development.

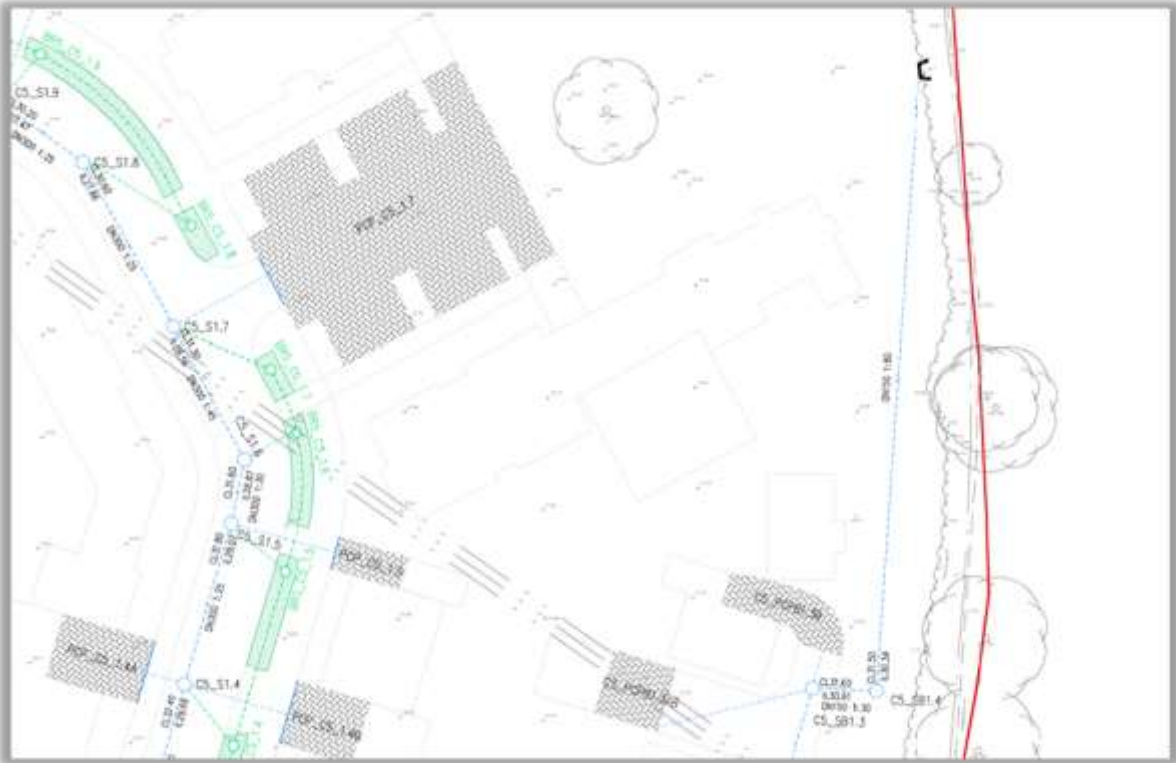
Consultation Comments

We are satisfied that the submitted information has demonstrated the proposed development can be adequately drained in principle. We therefore do not object to this application progressing to the next stage of planning. However, we wish to clarify that, as part of any reserved matters and/or condition, we require the following points to be addressed:

- a. Please can you clarify that the proposed development will restore and maintain the River Adur and World's End Stream as it passes through the site?
- b. Ordinary Watercourse Consent will be required for the following structures:
 1. Catchment 1 outfall - connection to MSDC culvert.
 2. Catchment 2 outfall - weir overflow to existing watercourse.
 3. Catchment 5 outfall - headwall structure along east boundary watercourse* (please see point I. below for this particular outfall).
- c. Contact needs to be made with the Mid Sussex District Council Property Team property@midsussex.gov.uk regarding obtaining approval for connection to the MSDC surface water culvert for Catchment 1.
- d. Permits from the Environment agency will be required for the other discharge points and structures that could impact upon the Main Rivers. We will need to see evidence

that contact has been made with the Environment Agency for environmental permits for this proposed development.

- e. We will need to see evidence of consultation and/or design input from the Environment Agency for the proposed access bridges that span the River Adur and World's End Stream.
- f. Catchment 1 is over an existing landfill site. The proposed surface water pipework network in this area may have to be specially sealed to prevent the ingress of leachate, which in turn could discharge to the watercourse. We will need to see that this has been fully considered and any necessary action taken to prevent pollution.
- g. We require section and detail drawings, and supporting calculations, of the proposed SuDS structures including swales, attenuation basins and permeable areas. It needs to be shown that the catchments within the final design can cater for the 1% storm plus 40% for climate change. It also needs to be shown that the following discharge rates are upheld for the final design:
 - C1 - 0.3 ls-1 (Q1 = 0.5 ls-1) for 1:100 + 40%cc.
 - C2 - 5.8 ls-1 (Q1 = 5.8 ls-1) for 1:100 + 40%cc.
 - C3 - 2.9 ls-1 (Q1 = 2.9 ls-1) for 1:100 + 40%cc.
 - C4 - 8.9 ls-1 (Q1 = 13.9 ls-1) for 1:100 + 40%cc.
 - C5 - 6.2 ls-1 (Q1 = 8.2 ls-1) for 1:100 + 40%cc.
- h. We require final layout plan of the proposed foul and surface water drainage systems.
- i. We require a final maintenance and management plan that identifies how the various drainage structures will be managed for the lifetime of the development, who will undertake this work and how it will be funded.
- j. There are no details regarding a construction management plan that informs of measures taken to ensure that flood risk is not increased during construction and that the water environment does not become polluted from run-off contaminated by the construction process, such as oil, silt, etc. Please can we see a construction management plan.
- k. We will require an exceedance flood plan that shows how the site will manage under extreme rainfall events that exceed the design capacity. This should show how people will not be placed at risk and will be able to reach a place of relative safety.
- l. On plan Sheet 6 for the Eastern Sector Drainage Strategy, there is an outfall marked within Catchment 5 along the eastern boundary. This appears not to have been included within the FRA drainage strategy. If not omitted, please can we have detail of this outfall; what will it discharge to, discharge rate, etc.?



(C5 outfall along eastern boundary)

Moving forward, this proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods.

However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event.

As this is for multiple dwellings, we will need to see a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing greenfield rates and follow natural drainage routes as far as possible.

- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development does have some ribbons of identified possible pluvial flood risk.

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

Surface Water Drainage Proposals

It is proposed that the development will utilise SuDS methods to attenuate and clean water with controlled discharge at less than the Q1 rate.

Foul Water Drainage Proposals

It is proposed that the development will utilise a mix of gravity and pumped drainage to existing and diverted public system. Upgrade of local network is also required.

Suggested Conditions

C18F - Multiple Dwellings

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

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

Further Drainage Advice

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

Flood Risk and Drainage Information for Planning Applications

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

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

Pre-app	Outline	Full	Reserved	Discharge	Document submitted
		√	√	√	Discharge agreements (temporary and permanent)
		√	√	√	Development Management & Construction Phasing Plan

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

Useful links:

[Planning Practice Guidance](#) - Flood Risk and Coastal Change

[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

[Water.People.Places.](#) - A guide for master planning sustainable drainage into developments

[Climate change allowances - Detailed guidance](#) - Environment Agency Guidance

Further guidance is available on the Susdrain website at

<http://www.susdrain.org/resources/>

1.

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

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

2.

For the use of soakaways:

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

3.

For the use of SuDs and Attenuation:

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

Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and

40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken. Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing Greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this. You cannot discharge surface water unrestricted to a watercourse or sewer.

4.

Outfall to Watercourse:

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

5.

Outfall to Public Sewer:

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

6.

Public Sewer Under or Adjacent to Site:

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

7.

MSDC Culvert Under or Adjacent to Site:

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

event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council, Scott Wakely, 01444 477 055.

8.

Watercourse On or Adjacent to Site:

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

Natural England

Natural England has **no comments** to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Ecological Consultant

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

The reserved matters application shall be supported by:

- a full Ecological Impact Assessment report (prepared in accordance with best practice guidelines and BS42020: 2013) supported by up-to-date ecological survey

information (including further studies to determine Annex II bat species presence in the zone of influence);

- a construction environmental management plan setting out details of wildlife / habitat protection and mitigation measures for the construction phases;
- a landscape and habitat management plan setting out details of biodiversity compensation and enhancement measures for existing and newly-created habitats and including details of how increased recreational pressure on existing habitat (on and off site, including Bedelands LNR) will be monitored and managed;

The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species, mitigated and compensate for impacts where they cannot be avoided and contribute to a net gain in biodiversity as far as practicable, in accordance with DP38 of the District Plan and 170 and 175 of the NPPF.

Comments

The supporting ecological data is somewhat dated, though does benefit from surveys having been taken over a period of time and in terms of the principle of development, unlikely that anything will have changed significantly. However, the detailed application will need to be accompanied by a full Ecological Impact Assessment, supported by up to date survey data to ensure that avoidance, mitigation and compensation measures are all appropriate. In respect of bats, given the scale of development in proximity to ancient woodland and other high value foraging habitat, this should in my view include advanced survey methods to determine presence of Annex II species, particularly maternity colonies of such species in order to ensure that mitigation and monitoring is adequate.

In my view, given the scale of development and potential increase in pressure, ancient woodland should be buffered from any development by a minimum 25m of semi-natural habitat or newly-created semi-natural type habitat and other types of woodland should be buffered by such habitat as far as possible.

Mitigation for additional visitor pressure on Bedelands LNR, may need to include provision for financial contributions to assist in its management and monitoring of visitor pressure.

There is likely to be a need for protected species licensing from Natural England for a range of species. However, subject to appropriate mitigation design then, if MSDC considers there to be an overriding public interest case for granting consent (including reasons of a social or economic purpose), then it is likely, in my opinion, that licences will be obtainable.

I understand that Natural England have been consulted with regard to statutory sites and therefore I have not considered impacts on the Ashdown Forest in my response as this is Natural England's remit.

Sussex Police

Thank you for your correspondence of 15th February 2018, advising me of an outline planning application for a residential development comprising up to 460 dwellings, public open space, recreation areas, play areas, associated infrastructure including roads, surface water attenuation and associated demolition (outline application with all matters reserved except for principal means of access from Maple Drive), at the above location for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and I offer the following comments.

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

Given that this application is outline, only to seek approval in principle with all matters reserved except for means of access, I have no detailed comment to make at this stage. At the reserved matters stage I would encourage the applicant to update the Design and Access Statement to include appropriate measures for crime prevention and community safety using the principles of Secured by Design and the attributes of safe, sustainable places. These are:

- Access and movement - places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security.
- Structure - places that are structured so that different uses do not cause conflict.
- Surveillance - places where all publicly accessible spaces are overlooked.
- Ownership - places that promote a sense of ownership, respect, territorial responsibility and community.
- Physical protection - places that include necessary, well designed security features.
- Activity - places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.
- Management and maintenance - places that are designed with management and maintenance in mind, to discourage crime in the present and the future.

I thank you for allowing me the opportunity to comment and I look forward to being further consulted to provide in-depth crime prevention advice at the reserved matters stage.

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

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

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

Sussex Police (Infrastructure)

I write on behalf of the Office for the Police and Crime Commissioner (PCC) for Sussex concerning the application DM/18/0509 seeking planning permission for 460 residential units on the land to the West of Freeks Lane, Burgess Hill.

Sussex & Surrey Police are an active member of the National Police Estates Group and now act as one on all infrastructure and town planning related matters across their combined geographical area. Our approach to Section 106 requests is in accordance with national best practice recommended by the National Police Chief's Council (NPCC). The approach now adopted has been tested at public inquiries nationally and found to be in accordance with the statutory CIL tests.

The large numbers of housing being developed across Sussex and more specifically the district of Mid Sussex will place a significant additional demand upon our police service. These impacts will be demonstrated in this submission and the necessity of investment in additional policing services is a key planning consideration in determination of this planning application.

This development will place permanent, on-going demands on Sussex Police which cannot be fully shouldered by direct taxation. Like many other public services, policing is not fully funded via public taxation. This request outlines a number of the capital costs that will be incurred by Sussex Police to enable safe policing of this development. All of the infrastructure outlined in this funding request has been found compliant with regulation 122 of the Community Infrastructure Levy and are considered directly related to the development in scale and kind and necessary to make the development acceptable in planning terms.

The application site is currently a greenfield site and when built upon will create an additional demand upon the police service that does not currently exist. The police will need to recruit additional staff and officers and equip them. The development will also require the services of a police vehicle. Staff and officers will also need to be accommodated in a premises that will enable them to serve the development. This request is proportionate to the size of the development and is intended to pay for the initial, additional costs resulting directly from the development for those areas where the police do not have existing capacity. The request also explains how the police service is funded, outlines National Planning Policy support for policing contributions and references numerous appeal decisions where police requests for developer contributions have been upheld.

Police forces nationally, are not in a position to support major development of the scale now being proposed for many of the nation's town and cities without the support from the planning system. If we are obliged to do so using our own resources only, then it is reasonable to conclude that there will be a serious risk of service degradation as existing coverage is stretched to encompass the new development and associated population growth. This is already evident across Sussex due to the significant numbers of housing being developed and clearly shown by the increasing numbers of recorded crimes in Sussex over the last year. Our force must ensure that development growth is supported by the infrastructure necessary to guarantee the safety and security of the new communities.

It is the responsibility of the PCC to ensure our Chief Constable has sufficient financial support to deliver a high level of policing to the residents of Sussex. Our office continues to actively seek financial contributions via Section 106 agreements and Community Infrastructure Levy funds to support our capital program. This will enable Sussex Police to deliver the highest possible service to ensure the protection of the communities that we serve. In line with many other police forces Sussex & Surrey Police have updated our methodology for infrastructure requests to ensure our representations are transparent and provide an up to date, accurate reflection of our current capacity in the districts.

Our new methodology has been developed through a joint partnership with Leicestershire, Thames Valley, West Mercia, Warwickshire and other active members of the National Police Estates Group. This methodology was considered Community Infrastructure Levy REG122 compliant by Mr Justice Green in the case of *Jelson v SoSCLG and Hinckley and Bosworth Council* [2016] CO/2673/2016 (Appendix 1). In addition, there are a significant number of recent appeal decisions and High Court judgments supporting both the principle of Police contributions and our methodology (see attached appendices). The principle of developer contributions towards Sussex Police has recently been upheld by the Secretary of State in the allowed appeal relating to new 400 homes on the land east of Fontwell Avenue, West Sussex (Appeal ref: APP/C3810/V/16/3143095 - Appendix 2).

In order to mitigate against the impact of growth our office have calculated that the capital "cost" of policing new growth as a result of this major planning application equates to

£75,691.99. These funds would be used for the future purchase of infrastructure to serve the proposed development. This cost will now be broken down clearly to show the capital infrastructure required to support these new officers.

The contribution represents a pooled contribution towards the provision of new infrastructure to serve the site and surrounding area. The pooling of contributions towards infrastructure remains appropriate under the CIL Regulations, provided this does not exceed five separate contributions and subject to other regulatory tests.

(NB The full comments of the Police relating to infrastructure with all their appendices are available on the planning file)

Horsham and Mid Sussex Clinical Commissioning Group

In the light of the updated information regarding the change in emphasis and that there may be a possibility of a Primary Care Centre within the Northern Arc.

As Kate has said, these are early initial stages of planning and flexibility on options remains the key.

In this regard, I have reworked the Section 106 application given the Illustrated possible housing mix which gives a revised reduced total figure of £268, (as there are flats included) Originally our indicative figure was £300,186.

This calculates a total occupancy of 1027 persons and on a pro rata basis the Section 106 figure of £268,027 equates to an average of £664 for houses and £440 for flats

I have attached the revised formula.

I think in view of the circumstances, the Section 106 monies should be directed to Park View Surgery Leylands Road Burgess Hill (as it was intended originally to take on new residents from the Northern Arc when built in 2007) but in the event that a new Primary Care Centre is delivered within the Northern Arc then the monies be directed thereto.

This then gives the flexibility needed.

Urban Designer

This is an outline scheme, in which appearance, design, landscaping and scale are reserved matters. These observations are therefore initial comments on the illustrative proposals.

There are two parts of the scheme north and south of the stream, which I will comment on separately.

South of the Stream

This part of the scheme is also subject to the planning application referred to as land south of Freeks Lane (DM/16/3947) where the layout has been revised in response to previous feedback and now corresponds to the layout in this DM/18/0509 application incorporating the following improvements:

Integration of the attenuation pond in the south west corner of the site that together with the backdrop of attractive trees will now be visible from the main spine road that borders it on the east side. It also benefits from with building frontages that face it and provide the necessary natural surveillance over it.

- The main play area along the connecting road from Maple Drive has been repositioned adjacent to the junction with Maple Drive where it will provide better natural surveillance.
- The houses and access road have a better relationship with Freeks Lane that helps to reveal more of the trees on the eastern boundary to the public realm and there is also a more comfortable separation distance around the trees.
- The large area of parking on the western boundary behind the blocks of flats immediately north of the attenuation pond has ostensibly been subdivided.
- The blocks of flats straddling each side of the access road at the entrance point to the developed part of the site have been reconfigured as L shaped blocks overlooking the open space adjacent to the umbilical access link from Maple Drive.

The latter measure is needed to provide natural surveillance along this otherwise poorly overlooked link. For this to have an impact it needs to be done in unison with the raising of the tree canopies on the part of Freeks Road to the south of the access road.

I still have the following reservations about this part of the development:

The rear court parking behind the block of flats on the western boundary is still too big and it needs to be physically divided-up.

- The variation in building types and sizes along the main axis potentially undermines the cohesiveness of the scheme, and the formality of the building that terminates the axis is weakened by the fact that it is not symmetrically configured. I feel the blocks of flats on the western side would be better organised as three or four more equal size blocks which should also allow the parking to be more easily divided-up at the rear.
- The main axis road and ponds at the southern edge would benefit from being be more strongly overlooked and defined. Also the southern boundary is poorly addressed with the terrace houses configured at right angles.

North of the Stream

The layout north of the stream is generally well laid-out into perimeter blocks which are organised around a ring of concentric roads/routes with a well-positioned open space

incorporating a play area near the centre and adjacent to the main spine road (connecting the rest of the Northern Arc via the proposed new bridge) which should allow it to become the natural focus of the development particularly if it is allied with the higher density housing / flats. This arrangement also allows the building frontages to face out towards the attractive countryside and boundary trees including the public right of way along Freeks Lane.

Rear court parking has been employed in the higher density parts of the site which will reduce the dominance of parking within the street and provides for good street enclosure. On street front threshold parking still features and has been incorporated in some areas more comfortably than others; for instance, in the north-east part of the site it has been cleverly integrated within a well-defined square between a run of two parallel frontages and is successfully softened with well-considered landscaping. Elsewhere such as in the south west of the site, right angle parking risks being unduly dominant with too little defensible space provided around the flats. The site layout drawing is only illustrative and it would be helpful if a more detailed vignette could be provided which demonstrate that the parking arrangements in the higher density areas actually work as suggested.

Design and Access Statement

The DAS on pages 64 to 69 describes the characteristics of the different parts of the site north of the stream. I particularly support the idea of designing the primary access street / spine road with regularly spaced street trees, although this could be further reinforced by architectural consistency.

Creating diversity across this large site is important, however the descriptions are quite generic and the characteristics between the areas could be more differentiated; furthermore the example photographs of building typologies are disappointingly reliant on ubiquitous pastiche designs based loosely on the local vernacular. There is more scope to differentiate between the areas through greater variations in density and building design.

The street hierarchy section is more specific, but its success will be dependent upon the extent that car parking can be accommodated off street in the higher density areas with flats and terrace houses which account for a large proportion of the site.

Topography

It is not clear how much the topography has been taken into consideration as contours have not been overlaid on the site plan and there are no site sections.

Housing Enabling & Development Officer

The applicant is proposing a development of up to 460 dwellings giving rise to an onsite affordable housing requirement of 30% (138 units). The southern area of the site is proposed to be of a higher density and it is considered therefore that a mix of 1 & 2

bedroom affordable flats would be appropriate here, including 1 x 1 bed flat and 1 x 2 bed flat provided as wheelchair accessible units that meet the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) as contained in Category 3 - wheelchair user dwellings of Schedule 1 of the Building Regulations 2010. In order to properly accommodate these requirements, which also apply to the wheelchair accessible houses, the applicant will need to allow additional space over and above that which is required by Nationally Described Space Standards. This is set out in our soon to be adopted Affordable Housing SPD.

In the southern area of the sight we are also seeking a block of flatted units specifically suitable and age restricted for older persons / 55+. This block should incorporate a lift so as to meet the future needs of this demographic. We would agree an exception to our clustering policy of no more than 10 in order to facilitate the viable delivery of this particular requirement.

The overall affordable dwelling mix should be broadly in accordance with the below in order to meet a wide range of housing needs:

38 x 1 bed flats (including 1 x wheelchair accessible dwelling with private outdoor space)
43 x 2 bed flats (including 1 x wheelchair accessible dwelling with private outdoor space)
40 x 2 bed houses (including 1 x wheelchair accessible dwelling)
14 x 3 bed houses (including 1 x wheelchair accessible dwelling)
2 x 3 bed houses for 6 persons (min GIA 102sqm)
1 x 4 bed house for min 6 persons (min GIA 106sqm)

In order to comply with policy, the tenure of the affordable units should be 75% affordable rent and 25% shared ownership. We are seeking a high level of social integration across this development. The applicant is expected to adopt a tenure blind approach to design and materials and provide the affordable dwellings in no more than 10 units per cluster (with clusters distinctly separate from each other by the use of market housing).

All of the affordable housing units on the development must meet our minimum Occupancy Rates under National Space Standards in order to comply with our soon to be adopted Affordable Housing SPD.

Community Leisure Officer

Thank you for the opportunity to provide updated comment on the plans for the development of 460 residential dwellings on Land To The West Of Freeks Lane, Burgess Hill on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with District Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

The quantity guidelines for children's playing space, outlined in the Council's Development Infrastructure and Contributions SPD, are 0.25ha for equipped designated play areas and 0.3ha for other outdoor provision per 1,000 population. Based on these figures and average occupancy of 2.5 persons per unit there is a requirement for 6,325 sqm plus 2,700 sqm for the reprovision of Hawthornes play area, making a total of 9,025 sqm (0.9ha). This can be accommodated within the on-site provision which consists of a LEAP to the north of the development (minimum size 400m² plus 20m buffer zone) and the large play area to the south of the new link road which should include a fenced NEAP (1000 m² plus a 30 metre buffer zone) and a fenced multi-use games area (minimum size 940 m²). Full details regarding the layout, equipment and on-going maintenance of these play areas will need to be agreed by condition.

In addition, the developer should make a financial contribution of up to £10,000 to enable the Council to make improvements to the existing kickabout/BMX provision for older children, in Leylands Park, to the north of the new link road.

The developer has also proposed three further indicative sites for LAPS within the development and although the areas of public open space are welcome, the LAPS are not necessary as they only provide limited play value.

FORMAL SPORT

In the case of this development, a financial contribution of £757,423 is required toward facilities at the new Centre for Community Sport which will serve the Northern Arc development. Sum based on a pro-rata contribution toward the overall cost of formal sport provision.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £354,857 is required toward new community buildings in the Northern Arc development. Sum based on a pro-rata contribution toward the overall cost of community facility provision.

OTHER

The links to the Green Circle network are very important and this development also provides an opportunity to strengthen the public right of way network. The applicant identifies a number of 'potential' links to the Freeks Lane footpath and these should be essential to the scheme to ensure access to the wider countryside. The footpath appears to be outside of the development site but there may be an opportunity to upgrade it to a bridleway to allow leisure use by cyclists.

The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Environmental Protection Officer

I refer to the above application and make the following comments in relation to air quality and noise.

Air Quality

As part of this planning application the applicants have submitted an air quality assessment (WYG AQA Jan 2018) which concludes that the overall impact on air quality will be Negligible. This conclusion is accepted. The air quality objective level is not exceeded.

However, no emissions mitigation calculation has been included with the report. The purpose of this calculation is to assess the local emissions generated by the development and determine the appropriate level of mitigation required to help in reducing the potential effect on health and the environment. The intention is to identify, and ensure the integration of, appropriate mitigation into a scheme at the earliest stage. A development such as this can make a significant contribution to MSDC's air quality strategy and also have an influence on public behaviour; for example, by providing 3 or 7kW home charge points in garages/drives and also on-street charging bays, so that residents can be encouraged to consider switching to low emission vehicles. Additionally, charge points are much cheaper and easier to install during the construction phase rather than by way of retrofit. The submitted Framework Travel Plan states that "Electric vehicle (EV) charging infrastructure within the development is proposed" (para 4.3.4), but does not give any details. It is requested that the developers submit details of the emissions damage mitigation calculation. Our concern re air quality is health based, it is the additional health damage we are seeking to address. There is now evidence from both WHO and COMEAP that NO₂ can be harmful even at levels significantly below 40 ug/m³. On this basis, and given the justified prominence which air quality now has as a public health issue we do require a mitigation scheme.

Air quality will also be affected during the construction phase and given the large scale of the development, the type of construction and the proximity to sensitive the development is assessed as high risk with regard to potential dust effects. Mitigation and monitoring should therefore be secured by a CEMP condition (below).

Noise

With regard to noise, the submitted WYG noise assessment (Jan 2018) has considered traffic noise, construction noise, noise from the waste transfer site and the play areas. The report indicates that due to high noise levels, mitigation will be required for properties nearest to the A273 and those nearest to the waste transfer site. The mitigation can be secured by condition (below). Where additional ventilation is required, to allow windows to be closed to meet required standards, this should be a last resort, as per ProPG: Planning & Noise - New Residential Development guidance, and should provide adequate air flow to allow thermal comfort.

Where recommended noise levels cannot be met, which is the case for the majority of properties in the development at night time, due to high levels of traffic noise from the A273, and for many of the properties during the day due to traffic noise or noise from the waste transfer station, residents would have to close windows in order to meet the noise levels recommended by the World Health Organisation and stated in BS8233. This in turn would mean that additional ventilation would be required to allow thermal comfort. In this case there are two questions which the Planning officer may wish to consider:

- 1) How acceptable is it to have residents in this development living for long periods of time in a windows closed environment?
- 2) What type of ventilation would be deemed appropriate for these residents?

With regard to the first question, there are a number of Planning appeals where this issue has been commented on. The prevailing view of Inspectors seems to be that closed window solutions are not desirable but can be acceptable for traffic noise and/or general background noise but far less acceptable where noise is of an industrial/commercial nature.

In our view, closed windows with additional ventilation is not an ideal solution, but may be acceptable where developers can demonstrate that good design has been used to minimise the need for artificial ventilation. This point is made in the submitted noise assessment: "Care should be taken to minimise the potential impact of noise via careful design, within the buildings themselves, living rooms and bedrooms should ideally be located on shielded façades with non-sensitive spaces such as corridors, bathrooms, en-suite, utility rooms, windowless gable ends and kitchens located on the road and railway facing façades of residential properties."

In any event, a judgement is required on whether closed windows for notable periods will provide an acceptable living environment for future occupiers. Could a S106 agreement be used to fund additional mitigation at the noise sources eg earth bunds and acoustic barriers?

With regard to the second question, developers and consultants tend to argue that attenuated trickle ventilation and suitably glazed windows should suffice where a noisy area means internal noise levels will be compromised with open windows. Our view is that a ventilation system should be a mechanical air supply ventilation system which can be used as a viable alternative to opening windows in order to allow the provision of outside air for breathing and allow residents control of their thermal comfort. It is our view that a forced, rapid mechanical ventilation supply system (not necessarily extract system), should be provided where BS8233/WHO internal noise levels are not achievable with windows open.

The Environmental Statement Chapter 10, Noise & Vibration advises that "noise from the proposed play areas and MUGA can be controlled by the use of consented conditions on operating hours. There is potential for barriers however this is dependent on final layout and location." This is agreed.

Accordingly, should the development receive approval, Environmental Protection recommends the following conditions:

Conditions:

- **Air Quality:** Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

The scheme shall include, as a minimum:

- Provision of at least 1 EV rapid charge point per 10 residential dwellings and / or 1000m² of commercial floor space. Where on-site parking is provided for residential dwellings, EV charging points for each parking space should be made.
 - Provision of a detailed travel plan (with provision to measure its implementation and effect) which sets out measures to encourage sustainable means of transport (public, cycling and walking) via subsidised or free-ticketing, improved links to bus stops, improved infrastructure and layouts to improve accessibility and safety;
 - All gas-fired boilers to meet a minimum standard of <40 mgNO_x/kWh
- **Construction hours:** Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

Reason: To protect the amenity of local residents.

Construction Environmental Management Plan: Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of:

- measures to monitor and control noise and vibration affecting nearby residents (in accordance with BS5228:2014 *Code of practice for noise and vibration control on construction and open sites* - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);
- dust management plan - monitoring and control in accordance with industry best practice

- control of artificial illumination
- complaints procedure and site contact details in case of complaints from nearby residents.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during construction.

- **Smoke:** No burning of demolition/construction waste materials shall take place on site unless first agreed in writing by the Local Planning Authority

Reason: To protect the amenity of local residents from smoke, ash, odour and fume.

- **Soundproofing** - Prior to the commencement of the development hereby permitted, details of a scheme of acoustic protection shall be submitted, and approved in writing by the Local Planning Authority. The scheme shall be in accordance with recommendations listed in Section 6.1 of the submitted *WYG Noise Assessment dated Jan 2018* and shall include details of acoustic protection sufficient to ensure the maximum internal noise levels in bedrooms and living rooms in residential properties, post construction, will comply with those stated in Table 4 of BS8233:2014. Where internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation or other ventilation capable of providing adequate ventilation for the thermal comfort of the occupants. The scheme shall include details of acoustic protection sufficient to ensure external amenity area & garden noise levels of not more than 55dB LAeq T (where T is 07:00 - 23:00) unless otherwise agreed in writing. All works which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of future residents with regard to external noise.

- **Use of the Multi Use Games Area (MUGA) and Play Areas** - Prior to the use of the MUGA and play areas, a scheme to control noise from such activity shall be submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

- **Plant & Machinery (Operational):** Prior to use of any external ventilation, refrigeration, heating or air conditioning plant or machinery, details of a scheme of acoustic protection shall be submitted, and approved in writing by the Local Planning Authority. The plant or machinery noise rating level shall be at least 5dB below the existing background noise level at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

Environmental Health Officer Additional comments

The travel plan advises that cycling infrastructure and ev charging will be implemented but that it is too early to know details. It acknowledges that these can be secured by condition. As my suggested AQ condition requires a scheme to be submitted including a certain level of EV charging and provision of cycling infrastructure I am happy that the condition remains appropriate.

No further action required at present IMO.

Contaminated Land Officer

Main Comments: The application looks to create 460 dwellings, public open space, recreation areas, play areas and associated infrastructure.

As part of the application a ground conditions desktop study has been undertaken by WYG (ref: Chapter 13 - Ground Conditions, Land at Freeks Farm, Phase 1 and 2 - Environmental Statement, Volume 1, A078699-1), dated January 2018, and has been submitted as part of the application.

This report has been assessed and has been found to meet current standards. It agreed that given the past uses and current uses of the site that further physical testing is required at the application site if it is to be used for residential apartments.

Therefore a phased contaminated land condition should be attached to ensure the site is safely developed for its end use.

Additionally a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions

- 1) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development

commences or within such extended period as may be agreed with the Local Planning Authority:

~~a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites code of practice. The report shall contain a conceptual model showing the potential pathways that exposure to contaminants may occur both during and after development;~~

and unless otherwise agreed in writing by the LPA,

Please note: section a) of this condition has been purposely stricken through, as the desktop study undertaken by WYG (ref: Chapter 13 - Ground Conditions, Land at Freeks Farm, Phase 1 and 2 - Environmental Statement, Volume 1, A078699-1), dated January 2018, is deemed to have met this requirement.

b) A *site investigation report* documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that will be made so by remediation;

and, unless otherwise agreed in writing by the LPA,

c) A *remediation method statement* detailing the remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a *design report* and an *installation report* for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person¹ to oversee the implementation and completion of the works.

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of conditions (i)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation).

Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under conditions (i)c

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

In addition, the following precautionary condition should be applied separately:

- 3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.