

MID SUSSEX DISTRICT COUNCIL

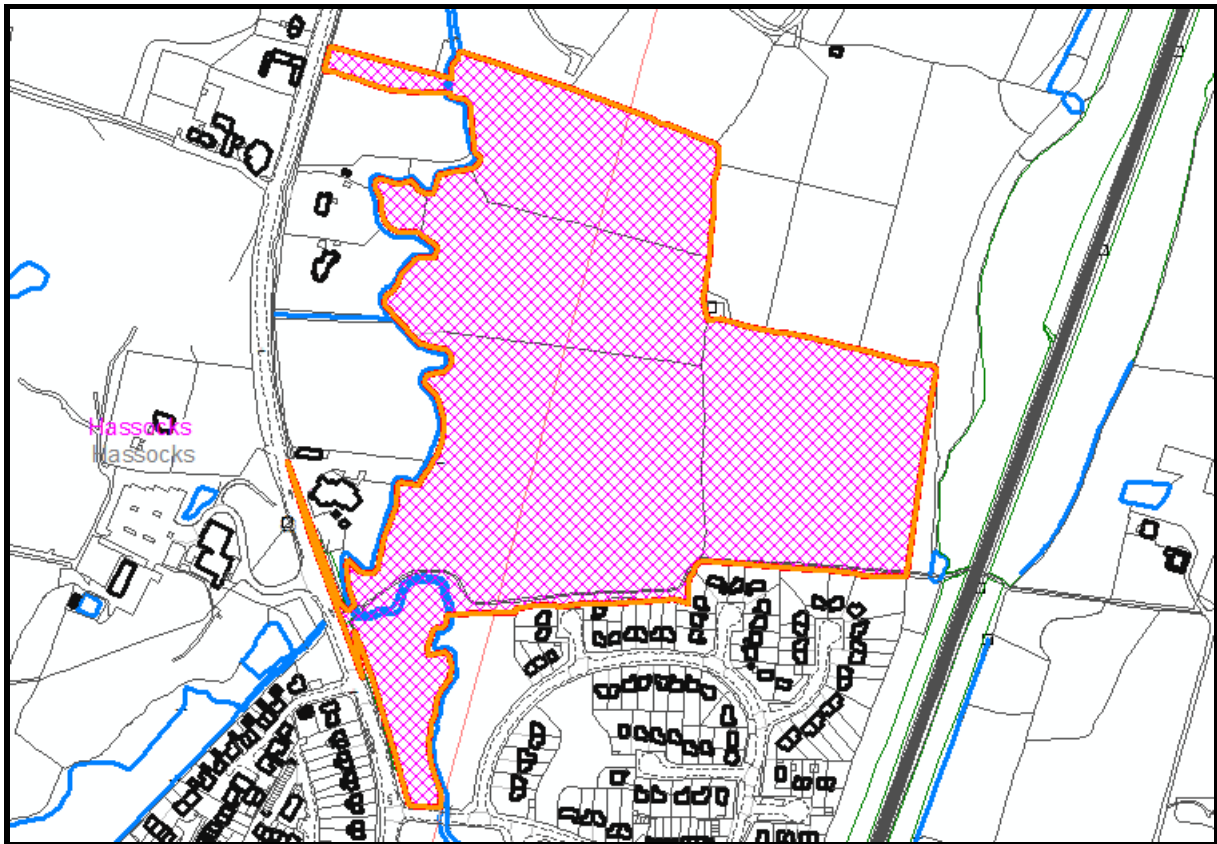
District Wide Committee

**29 NOV 2018**

RECOMMENDED FOR PERMISSION

**Hassocks**

**DM/18/2342**



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**LAND TO THE REAR OF FRIARS OAK LONDON ROAD HASSOCKS WEST SUSSEX**

**HYBRID APPLICATION COMPRISING OF OUTLINE PROPOSAL FOR RESIDENTIAL DEVELOPMENT OF 130 DWELLINGS CONSISTING OF 12NO. 1 BEDROOM APARTMENTS, 27NO. 2 BEDROOM HOUSES, 47NO. 3 BEDROOM HOUSES AND 44NO. 4 BEDROOM HOUSES AND ASSOCIATED ACCESS, TOGETHER WITH CHANGE OF USE OF PART OF THE LAND FOR COUNTRY OPEN SPACE, FOLLOWING THE PROVISION OF A NEW FOOTBRIDGE ACROSS THE RAILWAY. ALL MATTERS RESERVED APART FROM ACCESS.**

**RYDON HOMES LTD**

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 / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey / Tree Preservation Order Points / Archaeological Notification Area (WSSCC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 13th September 2018

WARD MEMBERS: Cllr Gordon Marples / Cllr Michelle Binks / Cllr Sue Hatton /

CASE OFFICER: Steven King

#### **PURPOSE OF REPORT**

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

#### **EXECUTIVE SUMMARY**

This application seeks planning permission for the following: Hybrid application comprising of outline proposal for residential development of 130 dwellings consisting of 12no. 1 bedroom apartments, 27no. 2 bedroom houses, 47no. 3 bedroom houses and 44no. 4 bedroom houses and associated access, together with change of use of part of the land for country open space, following the provision of a new footbridge across the railway. All matters reserved apart from access.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan (DP). The Regulation 16 Submission of the Hassocks Neighbourhood Plan is not a made plan and therefore does not form part of the development plan.

The application site lies in the countryside, outside the built up area of Hassocks and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The proposal is also contrary to policy DP6 of the District Plan as the proposal is for a development of more than ten units on a site that is contiguous with the built up area of Hassocks.

As the proposed scheme does not comply with certain aspects of the Development Plan, other material considerations need to be considered in determining the application, including the National Planning Policy Framework (NPPF).

It is considered that there are other material considerations, specific to this site that are relevant to this application. These include:

- The views of the Secretary of State (SoS) on a previous application on this site for the same development (with the exception of the pedestrian bridge across the railway bridge that is part of this application).
- The location of consented development at the Hassocks Golf Club to the west of the application site.
- The proposal would deliver 130 dwellings, 30% of which would be affordable units. The mix of dwellings within the scheme is felt to be reasonable. A clear aim of National Government Policy is to significantly boost the delivery of housing. It is considered that there is no reason why a well designed and laid out scheme cannot come forward in a subsequent reserved matters application should outline consent be granted for this development. It is therefore considered that there would be compliance with policies DP26, DP30 and DP31 of the District Plan.
- It is relevant that since the SoS dismissed the previous application on 1 March 2018, the Local Planning Authority has allocated the site at Clayton Mills to the east of this application for approximately 500 dwellings and a primary school. The Council received the Inspectors Report on the District Plan on 12 March 2018 and the District Plan was adopted on 28 March 2018. As such this is a clear change in circumstances because there will now be a major northward extension to Hassocks that would mean that the site at Friars Oak will now be located in-between major housing developments at the Golf Course and Clayton Mills

It is considered that the proposal would provide a satisfactory vehicular access and would not result in a severe impact on the highway network, which is the policy test in both the development plan and the NPPF. The Highway Authority does not object to the scheme.

The proposal now provides for the provision of a pedestrian bridge over the railway line to seek to overcome the sole reason why the SoS refused planning permission for the previous proposal for 130 dwellings on this site. The bridge would be delivered under permitted development rights by Network Rail. A planning condition would be imposed on this permission to prevent development from taking place until the bridge had been provided. The proposed bridge would deliver a clear safety benefit by removing an unmanned railway crossing. The main drawback from the proposed bridge would be that it would not be fully accessible to those with mobility issues, those with pushchairs/prams and to a lesser extent, cyclists. However the current unmanned crossing is also not accessible to these groups as there are steps up to the railway line which is on an embankment at this point. Policy DP22 in the District Plan seeks to prevent development that adversely affects a public right of way. It is considered that accessibility for those using the public right of way would be no worse with the proposed bridge compared to the current situation (there are steps to access the crossing now and in the future there would be steps to access the bridge and then steps on the bridge itself). For those accessing the crossing the bridge would provide a safe means of crossing the railway line. It is therefore felt policy DP22 of the District Plan would be met.

It is considered that the scheme can be satisfactorily drained. The detailed means of drainage for the site can be controlled by condition. There are no objections from the Environment Agency or the Council's Drainage Engineer.

There are no ecological objections to the scheme from the Council's Ecological Consultant. The Council's Tree Officer also has no objection to the scheme.

The proposal will have a limited impact on the air quality management area at Stonepound Crossroads. The Council's Environmental Health Officer is of the view that the development is not likely to cause unacceptable levels of pollution, and is consistent with the local air quality action plan and he raises no objection to the scheme.

A section 106 legal agreement will be completed to secure the necessary infrastructure contributions to mitigate the impact of the development. These contributions will go towards the costs of providing County Council services (Education and libraries), District Council services (leisure and community buildings), Health Services and towards Policing Services. As these impacts would be mitigated by the section 106 agreement, these matters are neutral in the planning balance.

Weighing against the scheme is that the fact that dwellings are being proposed outside the built up area and would normally be restricted under the relevant District Plan and emerging Neighbourhood Plan policies. There would also be a limited adverse impact on the landscape as a result of the proposed development on a greenfield site but this is an inevitable outcome of building on an undeveloped site.

Also weighing against the scheme is a conflict with the emerging Hassocks Neighbourhood Plan, which proposes to allocate this site as a local green space. However the weight that can be attached to this issue is considered to be limited since the Hassocks Neighbourhood Plan can be afforded limited weight at present due to its stage in preparation.

Overall it is considered that the proposal is not in compliance with all of the policies in the development plan. In particular there is a conflict with policies DP6 (Settlement Hierarchy), DP12 (Protection and Enhancement of the Countryside) and DP15 (New Homes in the Countryside) of the District Plan because the proposal involves a major residential development in the countryside. The conflict with these policies in the development plan weighs against the proposal.

However it is considered that the proposal would comply with other policies within the development plan (DP13 Preventing Coalescence, 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, DP26 Character and Design, DP27 Dwellings space standards, DP29 Noise Air and Light Pollution, DP30 Housing Mix, DP31 Affordable Housing, DP37 Trees Woodlands and Hedgerows, DP38 Biodiversity, DP39 Sustainable Design and Construction and DP41 Flood Risk and Drainage).

In summary, the applicants have sought to address the single reason why the

Secretary of State refused planning permission for this development in March 2018, by including the provision of a pedestrian footbridge over the railway line. It is important to note that the planning policy position has moved on since the Secretary of States decision, with the adoption of the District Plan which replaced the Mid Sussex District Plan. At the present time the District Council can demonstrate a 5 year housing land supply and therefore the policies in the District Plan command full weight. However the views of the Secretary of State remain a very important material consideration in the determination of this application.

There would be conflict with some policies in the District Plan and conformity with others. There would be a conflict with policies 1 and 3 in the Regulation 16 Submission Hassocks Neighbourhood Plan. However the weight that can be attached to the Neighbourhood Plan is limited due to its stage in preparation. The scheme would provide additional housing, including a policy compliant level of affordable housing in a sustainable category 2 settlement which would accord with the aim of the NPPF to significantly boost housing delivery.

In light of all the above it is considered that there are other material planning considerations that justify a decision that is not in full conformity with all of the policies in the development plan. In light of the above it is considered that the balance of advantage in this case means that the application should be approved.

### **Recommendation**

#### Recommendation A

Recommend that planning permission be granted subject to the completion of a section 106 legal agreement to secure the necessary infrastructure contributions and affordable housing and the conditions listed in the appendix.

#### Recommendation B

Recommend that if the applicants have not entered into a satisfactory section 106 agreement to secure the necessary infrastructure payments and affordable housing by 21st February 2019 then the application should be refused at the discretion of Divisional Lead for Planning and Economy for the following reason:

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

## **SUMMARY OF REPRESENTATIONS**

Friars Oak Fields Residents Association (FOFRA) document with 153 replies setting out why people think the site is valued and special as a green space

148 letters of objection:

- Hassocks has already had to absorb a huge number of houses, 500 at Clayton Mills, Hassocks Golf Course, Ham Fields
- site is contrary to Neighbourhood Plan as the site is allocated as a local green space
- will result in a loss of habitat and an adverse impact on wildlife
- will result in drainage problems and potential flooding
- field already floods on a regular basis
- infrastructure is already overstretched
- schools and doctors surgeries are full
- proposed footbridge over railway will not be accessible to all and is contrary to the Equalities Act
- will bridge be enclosed to prevent objects being thrown on the line
- developers are trying to bully the Council and wear residents down
- will cause further traffic congestion
- will have an adverse impact on air quality management area at Stonepound Crossroads
- village is being turned into a town and planners are ruining the countryside
- proposal is contrary to policies DP6, DP12, DP13 and DP15 in the District Plan
- site is a valuable amenity for residents, walkers, dog walkers
- will pollute Herring Stream one of the ultra-rare 200 or so Chalk Streams that exist in the world for no good reason
- the Council can demonstrate a 5 year housing land supply so there is no presumption in favour of the development
- there is no need for additional dwellings in Hassocks as the village has met its housing targets
- will cause coalescence between Hassocks and Burgess Hill
- will have an adverse impact on peoples mental health by removing a quiet area that people can use to get in touch with nature
- a tunnel should be built instead of a bridge
- proposal would ignore the Neighbourhood Plan
- traffic is already grid locked in Hassocks at rush hour
- will set a precedent for more developments elsewhere
- with the development in place there will be more use of the public footpath so there should be a fully accessible crossing over the railway line
- railway crossing is the shortest route to many destinations in Hassocks
- the proposed footbridge would have a detrimental, intrusive and overbearing visual impact and urbanising effect within the locality. This is due to the overall scale and height of the structure that would be required to accommodate the railway embankment and the additional height--clearance required for the bridge span to accommodate the railway rolling stock
- design of the railway crossing cannot be left vague and must be dealt with in detail in this planning application. Unless it is certain that the solution can be implemented from a technical and planning perspective, to a design that satisfies inclusion and accessibility requirements, it is not acceptable to grant planning permission.

- we frequently see bats flying over the field at night and a variety of frogs, toads, reptiles, slow worms, and newts in the field

## **SUMMARY OF CONSULTEES (full comments in appendices)**

### **County Planning Officer**

Requires infrastructure contributions towards education and library provision

### **West Sussex County Council (WSSCC), Lead Local Flood Authority (LLFA)**

TBR

### **Highway Authority**

Based on the revised Transport Statement, the LHA does not consider that the proposed would have 'severe' residual impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

### **Public Rights of Way Officer**

It will be necessary for FP5K to be diverted before development can begin. A new footbridge is proposed over the railway line. This is welcomed to reduce the opportunity of footpath users crossing the railway at-grade and their risk of conflict with trains. Having a new footbridge (as referred to above) will to some extent mitigate the situation but, given that the railway runs on an embankment, this will be a limitation to some. Also, cyclists will not be accommodated. The applicant must be encouraged to investigate alternative solutions to overcome this deficiency.

### **Network Rail**

Having considered the details of the proposal I can confirm that Network Rail have no objections. We are working with the applicant to deliver an alternative means of crossing the railway. We hope to be in a position to start the feasibility study before Christmas.

### **Archaeological Officer**

Recommend Predetermination Archaeological Assessment. A Written Scheme of Investigation for the programme of archaeological works should be produced, submitted and approved in advance of any work commencing.

### **Environment Agency**

No objection subject to condition

### **Southern Water**

The wastewater discharged from the proposed development will be drained to Southern Water's Goddards Green Wastewater Treatment Works. The works

currently does not have the capacity to accommodate flows from the proposed development. Improvements are planned to provide for capacity to serve future developments. These are planned to be completed at the end of the current AMP period. We would wish occupation of development to be deferred until adequate treatment capacity is available to serve the development and request a condition to this effect.

### **MSDC Drainage Officer**

I am satisfied that the site can be satisfactorily drained without increasing flood risk subject to details to be provided at the Reserved Matters stage should this application be approved.

### **Ecological Consultant**

There are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the reserved matters application being supported by a full Ecological Impact Assessment Report, prepared in accordance with current Chartered Institute of Ecology and Environmental Management guidelines and BS42020: 2013 Biodiversity Code of Practice for Planning and Development in order to allow a thorough assessment of the detailed proposals (including measures to prevent impacts on the adjacent stream) and other conditions.

### **Sussex Police**

The development in the main has outward facing dwellings with back to back gardens. Unobserved parking courts should be avoided.

### **Sussex Police (Infrastructure)**

Requires a contribution of £20,490.85 to mitigate the impact of the development.

### **National Health Service**

Requires a contribution of £82,590 to mitigate the impact of the development.

### **Urban Designer**

This is an outline scheme in which appearance, design, landscaping and scale are reserved matters. My observations are therefore initial comments. The scheme benefits from a perimeter block layout with frontages that face the street and some of the boundary threshold. I do have some concerns about the location of the open space, configuration of some plots and some of the parking layout.

### **Housing Enabling & Development Officer**

The applicant is proposing a residential development of 130 dwellings which gives rise to an onsite affordable housing requirement of 30% (39 units). The applicant's indicative affordable housing mix proposes 10 x 1 bed dwellings, 17 x 2 bed dwellings and 12 x 3 bed dwellings. The applicant has been advised that this mix



contains too high a number of 3 bed affordable dwellings and this will need to be addressed by reserved matters stage. An increased number of smaller affordable dwellings will better meet housing need.

**Community Leisure Officer**

Requires contributions to mitigate the impact of the development

**Environmental Protection Officer**

No objection subject to conditions regarding noise, air quality and construction.

**Contaminated Land Officer**

No objection subject to condition

**Tree Officer**

Satisfied with the AIA report but an AMS report also needs to be submitted.

**HASSOCKS PARISH COUNCIL COMMENTS**

RECOMMEND REFUSAL.

The following set out why Hassocks Parish Council recommends that this application should be refused:

1. There is no requirement for additional housing in Hassocks, and there is no presumption in favour of development  
Mid Sussex District Council adopted the Mid Sussex District Plan 2014-2031 at its meeting on 28th March 2018, this therefore impacts on the previous statements made in the Inspector's Report following a Public Local Inquiry on a virtually identical application at the same location in June 2017.

District Plan Policy DP6 - Settlement Hierarchy.

*"Based on the overall housing requirement, the minimum housing requirement for each settlement for the first 8 years of the Plan (until 2021/22) can be calculated; this is the 5-year supply period at the time of adoption. On this basis, the majority of settlements have sufficient commitments to meet their need until at least 2021/22. Therefore, the District Plan requirement at 876dpa to 2023/24 does not suggest that Neighbourhood Plans will necessarily need to be reviewed within the next 5 years (as at April 2017) to meet housing supply, although Town and Parish Councils may choose to do so in order to boost supply, or to meet need for the full plan period to 2031.*

*Some settlements (Burgess Hill, Hassocks, Hurstpierpoint, Ashurst Wood, Handcross, Pease Pottage, Scaynes Hill, Ansty, Staplefield, Slaugham and Warninglid) have already identified sufficient commitments/completions to meet their*

*minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans."*

Extracts from the Inspector's Report dated 1 March 2018. Paragraph 12 states that "For the reasons given ... the Secretary of State agrees with the Inspector that limited weight should be given to the emerging Hassocks Neighbourhood Plan (HNP) *until the new housing figures for the MSDP have been settled.*"

Given that those numbers have now been finalised, it would imply that greater weight should now be given to the emerging Hassocks Neighbourhood Plan. The proposed development would be located within the Burgess Hill gap, as defined in Policy 1 of the Regulation 16 Hassocks Neighbourhood Plan, and is thus contrary to Policy 1- Burgess Hill Gap, of the Regulation 16 Draft Hassocks Neighbourhood Plan.

Furthermore given that Mid Sussex District Council has identified a five year housing supply and that Hassocks has met its commitments in the supply of land and housing for the full plan period, this application is in direct conflict with the following District Plan policies which Mid Sussex District Council has a responsibility to apply to protect the countryside in Hassocks:

**DP12 Protection and Enhancement of the countryside** (Supersedes Policy C1 Protection of the Countryside in LP)

Inspector's Report extract:

IR par. 20. *"On the proposals map16, the application site is outside the built-up area boundary of Hassocks, and within a Countryside Area of Development Restraint (CADR). Policy C1 states that the CADR will include all of the plan area outside the defined settlement boundaries, and that within such areas, the countryside will be protected for its own sake, and development firmly resisted.*

IR par. 32. *"The southern half of the site is proposed to be allocated as a Local Green Space (LGS). Policy 3 seeks to protect the proposed LGSs from development that would conflict with their purpose."*

District Plan Policy DP12 extract:

*"To create places that encourage a healthy and enjoyable lifestyle by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to walk, cycle or ride to common destinations. The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

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

Hassocks has lost significant green space to development (notably at Ham Fields) and to lose Friars Oak fields in addition would severely restrict residents in their access to local green space. Therefore, **we conclude that application DM/18/2342**

**is in direct conflict with District Plan Policy DP12 and should be refused on that ground. As the District has a five year land supply this application can only be considered on its merits, without any presumption in favour of development. In our opinion, conflict with policy DP12 on its own is sufficient to warrant refusal.**

### **DP13 Preventing Coalescence (Supersedes C2 Strategic Gap in LP)**

Inspector's Report extract:

IR 21. *"The site is also within a defined Strategic Gap, between the villages of Hurstpierpoint, Hassocks and Keymer and the town of Burgess Hill. Policy C2 states that the Strategic Gaps will be safeguarded, in order to prevent coalescence and retain the separate identity of settlements."*

IR 31. *"On the proposals map, the application site is shown outside the settlement boundary, and within a proposed Burgess Hill Gap. Policy 1 states that the Burgess Hill Gap will be safeguarded to prevent coalescence and to retain the settlements' separate identities."*

District Plan Policy DP13 extracts:

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

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

**This proposed application is therefore in conflict additionally with MSDC policy DP13 Preventing Coalescence, therefore Hassocks Parish Council considers it should be refused on these grounds.**

### **DP15 New Homes in the Countryside**

Inspector's Report extract:

IR par. 20. *"On the proposals map16, the application site is outside the built-up area boundary of Hassocks, and within a Countryside Area of Development Restraint (CADR). Policy C1 states that the CADR will include all of the plan area outside the defined settlement boundaries, and that within such areas, the countryside will be protected for its own sake, and development firmly resisted.*

IR par. 32. *"The southern half of the site is proposed to be allocated as a Local Green Space (LGS). Policy 3 seeks to protect the proposed LGSs from development that would conflict with their purpose."*

District Plan Policy DP12 extract:

*"To create places that encourage a healthy and enjoyable lifestyle by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to*

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

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

Further extracts from the Inspector's Report Para. 9. State that "The Secretary of State considers that the ... most relevance to this case are those set out at IR18-21, and ...he agrees with the Inspector's conclusions at IR151 that the proposed scheme would conflict with Policies C1 and C2 of the MSLP.

**As the proposed application meets none of the criteria to constitute a development under policy DP12, Hassocks Parish Council considers it cannot be approved as a development under this policy.**

## **2. Proposal for the provision of a footbridge across the railway.**

The provision of a footbridge bridge will be a considerable expense and it is considered likely that much of this cost will be funded from S106 contributions, thus reducing the funds available for other community projects.

The gradient and height required for this footbridge would be restrictive to many sectors of the community due to the climb. For example those with mobility difficulties or reduced fitness or health, those using pushchairs or parents/carers walking with young children would find the bridge a significant challenge if not inaccessible. Therefore it is difficult to maintain that this bridge would serve the community as a whole, nor is it a good use of S106 funds.

**Hassocks does not therefore consider the proposed footbridge is either a good use of funds, nor removes a flaw in the development proposal so as to make the proposed building development acceptable. On the contrary, the proposed development is fundamentally at odds with District Plan policies, and it cannot be made acceptable by the addition of a footbridge. Our overall conclusion therefore, is that the plan should be refused owing to conflict with District Plan policies and the false carrot of a footbridge is irrelevant to this conclusion.**

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## **INTRODUCTION**

This application seeks planning permission for the following:

Hybrid application comprising of outline proposal for residential development of 130 dwellings consisting of 12no. 1 bedroom apartments, 27no. 2 bedroom houses, 47no. 3 bedroom houses and 44no. 4 bedroom houses and associated access, together with change of use of part of the land for country open space, following the

provision of a new footbridge across the railway. All matters reserved apart from access.

## **RELEVANT PLANNING HISTORY**

A planning application for the following development was reported to the District Planning Committee on 13 October 2016:

"Hybrid planning application comprising outline application for access only for residential development of 130 dwellings consisting of 12no. 1 bed apartments, 27no. 2 bed houses, 47no. 3 bed houses and 44no. 4 bed houses and associated access, together with change of use of part of land to form country open space."

Members resolved to approve the application subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure contributions. Prior to the decision being issued, the application was called in by the Secretary of State (SoS) for his own determination.

A Public Inquiry was held on 6-8 June 2017. The Planning Inspector appointed by the SoS recommended that the planning application be refused for the sole reason that in the absence of any measure to improve the safety of the unmanned railway crossing, permitting the proposed development in such close proximity to it would involve an unacceptable risk to the safety of future occupiers. The SoS accepted the recommendation of his Inspector and refused planning permission for the development on this basis on 1 March 2018.

## **SITE AND SURROUNDINGS**

The site of the application is a broadly L shaped area of land located to the east of the London Road, Hassocks. The site is to the east of the Friars Oak Public House. The site consists of fields that are laid to grass. The total site is some 10.51 hectares.

Within the southern part of the site there is a public right of way that runs from west to east. To the south of this is the built up area of Hassocks, which includes the residential properties on Shepherds Walk, The Bourne, Bankside and The Spinney. To the east there is a wooded embankment that leads up to the London to Brighton railway line. The public right of way crosses the railway line and then goes eastwards into Hassocks. To the west of the site there is the Herring stream with the Friars Oak public house to the southwest. To the north there are trees and hedge along the field boundaries with open fields beyond this.

There is an existing access point to the southwest that crosses the stream and provides access into the site.

In terms of planning policy the site lies within the countryside as defined in the District Plan (DP).

## **APPLICATION DETAILS**

The application seeks outline planning permission for the erection of 130 dwellings comprising 12no. 1 bed apartments, 27 no. 2 bed houses, 47no. 3 bed houses and 44no. 4 bed houses. The matter to be determined at the outline stage is the means of access to the site. If this application is approved then a subsequent reserved matters application would need to be made to determine the layout, scale, appearance and landscaping of the site. The illustrative site layout that has been submitted has been provided to demonstrate that this number of dwellings can be accommodated within the site.

The application is proposing that 30% of the dwellings would be affordable.

In addition to this, the application also proposes a change of use of an area of land within the site from agricultural land into a country open space. This area of land is located to the northwest of the site and measures some 180m by 100m.

The proposal provides for the provision of a pedestrian bridge over the railway line to seek to overcome the reason why the SoS refused planning permission for the previous proposal for 130 dwellings on this site. The bridge would be delivered under permitted development rights by Network Rail. The illustrative plans submitted with the application show a stepped footbridge that would be some 5.5m above the railway line.

The proposed vehicular access to the site would from the southwest onto the London Road. The access point would be located some 30m to the south of the existing access on the opposite side of the road that serves the Hassocks Golf Club. The plans show that there would be a new road 5.5m in width that would provide access into the site. The existing bridge across the stream would be replaced with a new bridge with a span of 15m. This bridge would have a footway 3.5m in width on the southern side to allow access by emergency vehicles if the access road became blocked.

This new access road would be on an embankment as a result of the height needed on the new bridge to cross the stream.

The plans show a new right turn lane being formed on the London Road to access the site. The pedestrian refuge island in the London Road would be relocated to the north of the new access. The plans show visibility splays of 3m by 120m in both the north and southerly direction.

## **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

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

## **Neighbourhood Plan**

Hassocks Neighbourhood Plan

Hassocks Parish Council submitted the Regulation 16 Submission version Neighbourhood Plan in June 2016. The Hassocks Neighbourhood Plan is still emerging and is not a "made" plan. It does not therefore form part of the development plan. Works have now ceased on the Regulation 16 Submission and a new version of the Neighbourhood Plan is being worked on by the Parish Council. In light of the above the Regulation 16 Neighbourhood Plan can only attract limited weight in the determination of planning applications.

Policy 1: Hassocks-Burgess Hill Gap (Burgess Hill Gap)  
Policy 3: Local Green Spaces  
Policy 7: Air Quality Management  
Policy 8: Character And Design  
Policy 10: Outdoor Playing Space  
Policy 18: Housing Mix

### *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*

## **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 Impact, local character designations and coalescence
- Access and Transport
- Air quality
- Impact on the railway crossing
- Drainage
- Ecology / Biodiversity
- Design and Layout
- Noise
- Housing Mix and Affordable Housing
- Neighbour amenity
- Infrastructure
- Neighbourhood Planning
- Energy efficiency
- Archaeology
- Impact on Ashdown Forest
- 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. The District Plan has been adopted and has superseded the Mid Sussex Local Plan (MSLP), other than the policies in the MSLP which relate to site specific allocations. The Regulation 16 Submission of the Hassocks Neighbourhood Plan is not a made plan and therefore does not form part of the development plan.

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

*Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement. The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:*

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

*The developer will need to satisfy the Council that:*

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

Whilst the site is contiguous with the built up area boundary of Hassocks it is for more than 10 dwellings. As such the proposal would be contrary to policy DP6.

Objections have been raised to the principle of the development on the basis that Hassocks has already contributed significantly to housing delivery in the District and therefore there is no further requirement for Hassocks to provide additional housing beyond these commitments. There is a table within the District Plan that accompanies policy DP6 that provides clarity between the District Council housing requirements and the role of Neighbourhood Plans in meeting this. The table shows the minimum residual amount of development for each settlement over the plan period as at April 2017. The text within the District Plan explains that

*"During the life of the plan it is likely that the settlement requirements will need to change in response to:*

- *The allocation of additional sites by the District Council*
- *Under or over-delivery by settlements - albeit the figures are assumed to be minima*
- *The identification of future constraints*
- 

*Therefore this position will be updated annually within the Authority Monitoring Report (AMR)."*

*The text goes on to state "Some settlements (Burgess Hill, Hassocks, Hurstpierpoint, Ashurst Wood, Handcross, Pease Pottage, Scaynes Hill, Ansty, Staplefield, Slaugham and Warninglid) have already identified sufficient commitments/completions to meet their minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans. However, this does not preclude Town and Parish Councils from identifying further sites within their Neighbourhood Plans should they wish to do so, in order to boost supply. Similarly, further sites may be allocated in the future to ensure that the minimum residual for each settlement category (set out in DP4: Housing) is met, based on monitoring."*

It is important to note that the figures contained within the table that accompanies policy DP6 are not a cap on development. The numbers are referred to as minimum requirements. The fact that the table indicates that Hassocks has met its minimum requirement for the full plan period is not a reason in itself to resist this application. It is also worth noting that the Inspectors report to the SoS for the previous application stated *"Whilst Hassocks has already made a considerable contribution to the District's housing needs [33, 111], the village is amongst the District's most sustainable locations [24], and there seems no compelling reason why it should not be able to take some more if necessary, consistent with its position in the settlement hierarchy."*

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

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

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

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

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

*Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council. Economically viable mineral reserves within the district will be safeguarded.*

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

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

In light of the above, a key issue is the impact of the proposal on the character of the area which will be assessed later in this report.

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

In light of the above, it is considered that the proposal would be contrary to the policies that have been identified above because the proposal is for a large scale major development of residential development outside the built up area of Hassocks and the site has not been allocated for development. As such it is necessary to

consider other material planning considerations to determine if there are grounds to come to a decision that is not in compliance with the development plan.

In this case it is considered that the planning history of the site is highly relevant to an assessment about the principle of this proposal. Members resolved to approve the same scheme on this site (with the exception of the footbridge over the railway crossing) at the District Planning Committee meeting on 13 October 2016. Prior to the decision being issued, the application was called in by the Secretary of State (SoS) for his own determination. A Public Inquiry was held on 6-8 June 2017. The Planning Inspector recommended that the planning application be refused for the sole reason that in the absence of any measure to improve the safety of the unmanned railway crossing, permitting the proposed development in such close proximity to it would involve an unacceptable risk to the safety of future occupiers. The SoS accepted the recommendation of his Inspector and refused planning permission for the development on this basis on 1 March 2018.

The planning policy background has moved on since the above Public Inquiry was held and the subsequent decision was issued by the SoS. Specifically, at the time of above decision, the development plan consisted of the Mid Sussex Local Plan (MSLP); the District Council could not demonstrate a 5 year housing land supply; and the presumption in favour of sustainable development applied. The planning policy position now is that the District plan has been adopted and the District Council can demonstrate a 5 year housing land supply as required by the NPPF. Consequently, the presumption in favour of sustainable development no longer applies.

However, it is considered that there is a clear benefit in providing additional housing in the sustainable settlement of Hassocks. It is the aim of the NPPF to significantly boost the supply of homes. The provision of this site would assist the LPA with delivering new housing. As per the Inspectors report on the District Plan, the position is that the LPA could demonstrate a 5.2 year housing land supply without the Clayton Mills site and a 5.34 year supply with the Clayton Mills site. It is important for the LPA to maintain the 5 year housing land supply so that the policies in the DP continue to command full weight. It is also relevant that the scheme would provide a policy compliant level of affordable housing. The provision of affordable housing is a corporate priority of the District Council.

It is also relevant to note that there was no overriding objection to the previous scheme from the SoS on environmental grounds.

In light of the above circumstances, it is considered that there are sufficient material considerations that would justify a decision that was not in accordance with the development plan.

Further, and notwithstanding the change in the planning policy background, the views of the Planning Inspector and the SoS on matters such as landscape impact, air quality and flood risk are still considered to be important material considerations in the determination of this planning application.

## **Landscape Impact, local character designations and coalescence**

### Landscape Impacts

The site is not subject to any national landscape designations. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) that is available on file for inspection. 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.

The LVIA notes the MSDC Landscape Capacity Study of 2007 concludes that the wider landscape area of Hurstpierpoint, Hassocks, Keymer, Sayers Common and Albourne being of substantial value. The LVIA also notes that the draft Neighbourhood Plan Local Landscape Capacity Study of 2014 finds the sites visual sensitivity to be low with a moderate capacity for development in the south becoming low to the north. These findings are reflected in the high sensitivity to change attributed in this assessment to the landscape to the north and the high-medium sensitivity to the site and landscape to the east of the railway.

*The LVIA states "Acknowledging that the landscape is sensitive the proposed scheme has incorporated a number of inherent design measures to ensure a fit within the environment and to limit impacts on immediate and surrounding areas. Of particular note is the retention and conservation of the existing hedgerows and trees, the retention of the wooded corridors along the Herring Stream course and the railway embankment, the provision of wide landscape buffers and the landscape approach to treating the attenuation ponds."*

*The LVIA concludes by stating "In conclusion whilst a few significant effects have been identified, these are all contained locally and are not considered to be detrimental to the South Downs National Park, the settlement character of Hassocks or to the wider landscape character of the area."*

*Whilst it will change the nature of existing views for some of residents in the immediate vicinity, and will amend the built edge of the village, the natural enclosure and considerate design effectively limits these effects such that important landscape features are retained and the perception of change minimised including any possible perceived reduction in the Strategic Gap.*

*On balance the Site is considered to be developable without undue or significant harm on the wider landscape or townscape, or on visual amenity value beyond that which might be reasonably expected of any residential development. The principles represented by the illustrative scheme and the measures they include are considered to be comprehensive and aimed at securing a good fit with the environment. They should be taken forward at the detailed stage and opportunities for other associated enhancements and improvements, such as lighting and biodiversity, incorporated at the appropriate stage."*

It is clear that with any green field development there will be a significant change at the local level from that of an undeveloped field 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). It is also the case that much of Mid Sussex is subject to national designations (AONB and the South Downs National Park) that further limit the available area for new development.

Although it is your officer's view that there would be an impact on the landscape as a result of the proposed development it is considered that this impact will be localised and that it could be ameliorated by the retention of landscape planting and new planting within the development. This site provides the opportunity for a well-designed residential development that would provide a good environment for people to live in. The significant benefits of new housing must be weighed in the planning balance when considering the adverse local impact on the landscape of this proposal.

It is considered that there will be fairly significant change at the local level as a result of the construction of the new access into the site. The new access road would result in the loss of a large number of trees and would contribute to the urbanisation of this part of Hassocks. However the extent of this harm in visual terms would be limited to the areas surrounding the proposed access and would not be experienced in the wider locality.

As the access road runs into the site it will be on an embankment and will then return to the natural ground level. At its highest point where it will adjoin the new bridge, the embankment would be some 1.75m above the existing ground level. It would then join the natural ground level some 105m to the east. The proposed embankment and road would have some adverse impact on the landscape as they would appear as a manmade engineered feature. The plans show that the slope on either sides of the embankment would be 1 in 3. It is considered that this element of the proposed scheme would have some adverse impact on the landscape and this is a negative factor in relation to the scheme. However this harm is limited to the immediate locality around the access road and does not have an impact on the wider landscape.

It is relevant to note that in terms of changes to the wider landscape, the site is bounded to the south by existing residential development and will have housing development in the future to the west where consent exists for a residential development on the Golf Course and also by a strategic residential development to the east where a site has been allocated for 500 dwellings and a primary school. On this basis the harm to the character of the landscape is limited because this proposal will not be seen as an isolated incursion into the countryside. It will predominantly be enclosed by existing development to the south and the consented development to the west and allocated development to the east. As such the settlement boundary of Hassocks will not be extended further northwards than the allocated site to the east.

In his report to the SoS, the Inspector appointed to make a recommendation on the previous scheme for 130 dwellings on this site stated "*As noted earlier, I agree that*

*there would be some harm to the landscape, irrespective of the coalescence issue [156]. But the site is not unduly visible. Most of the existing landscape features could be retained, and some mitigation could be achieved through new planting. On balance, the harm to the landscape would not be so great as to warrant refusal on this ground."* The SoS did not disagree with the views of his Inspector on this point. It is considered that notwithstanding the fact that this called in application was determined under a different planning policy background, the conclusions of the Inspector in relation to landscape impact should still be afforded significant weight.

As the previous proposal did not include a bridge over the railway line, this was not an issue that was before the Inspector. It is clear that the proposed bridge would be a fairly significant structure. The applicants state that it would be some 5.5m above the railway line with a maximum height of some 7m. It may be the case that some trees would need to be removed to install the bridge. However due to the wooded nature of the majority of the embankment it is unlikely that the bridge would have a significant adverse impact on local landscape character and views. It is also the case that bridges are a typical feature over railway lines so as a standalone structure it would not be appear as out of the ordinary.

Given the above it is considered that whilst there will be some harm to the landscape as a result of the site changing from a green field to a residential development, the impact of this can be limited by appropriate boundary treatments and is also tempered by the consented residential development to the west and strategic housing allocation to the east. Your officer agrees with the views of the Planning Inspector that it would not be appropriate to refuse this application based on landscape matters. Therefore whilst there is some conflict with policy DP12 of the DP, this can be mitigated by the works that have been outlined above.

### Coalescence

Policy DP13 in the District Plan seeks to prevent coalescence. It states

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

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

*Local Gaps can be identified in Neighbourhood Plans or a Site Allocations Development Plan Document, produced by the District Council, where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements. Evidence must demonstrate that existing local and national policies cannot provide the necessary protection."*

The District Plan does not define strategic gaps on any policy maps. It is the role of Neighbourhood Plans to identify local gaps in accordance with the criteria laid out in policy DP13.

Policy 1 in the HNP states

*A Gap has been defined and will be safeguarded between Burgess Hill and Keymer/Hassocks (as defined on the Proposals Map), with the objectives of preventing coalescence and retaining the separate identity and amenity of settlements.*

*Development will be supported within the Burgess Hill Gap where:*

- *It is necessary for the purposes of agriculture, or some other use which has to be located in the countryside;*
- *It is necessary for the purposes of the provision of formal/informal open space to serve the existing residents of Clayton Mills and new residents of development at land north of Clayton Mills and Mackie Avenue (Policy 15: Land to the north of Clayton Mills and Mackie Avenue)*
- *It makes a valuable contribution to the landscape and amenity of the Gap and enhances its value as open countryside; and*
- *It would not compromise individually or cumulatively the objectives and fundamental integrity of the Gap.*

The clear aim of policy DP13 in the DP and policy 1 in the HNP is to prevent coalescence between Burgess Hill and Hassocks. The issue therefore is whether this proposal would result in coalescence between the two settlements. There would be a distance of some 1.34km between the edge of the built development proposed in this scheme and the built up area of Burgess Hill at its closest point. At present at this point the distance between the two built up areas is some 1.56km.

Whilst it is a fact that the distance between the built up areas of Hassock and Burgess Hill would be reduced as a result of this proposal, the issue is whether this results in coalescence between the settlements.

In assessing the issue of coalescence on the called in application, the Inspector stated *"Policy C2's purpose is more targeted, in seeking to preserve a gap between Hassocks and Burgess Hill. But that does not necessarily justify protecting the whole of the existing gap in its entirety. The development already approved at Hassocks Golf Club will result in the gap being narrowed to some extent. In that context, the proposed development at Friars Oak would not reduce it any further. Although the development would be seen in glimpsed views from London Road, and distantly from the edge of Burgess Hill, it would not be unduly dominant in the landscape, nor would it extend the village threshold [68 - 71]. A clear gap of around 1.3km to Burgess Hill would still remain. As such, although the development would conflict with Policy C2, and would cause some landscape harm, it would not significantly damage the policy's main aims with regard to coalescence and preserving settlement identity. In the circumstances, it seems to me that the conflict with Policy C2 should carry no more than moderate weight."* The SoS did not disagree with his Inspector's conclusion on this point.



As the MSLP has been superseded, policy C2 from that plan no longer exists. It has been replaced with policy DP13 which has similar aims.

Since the Inspector's report on the previous application here, a further change has been the allocated of a strategic site for 500 dwellings and a primary school at Clayton Mills in Hassocks. The site allocation at Clayton Mills extends further northwards than the site of the planning application at Friars Oak field.

In light of the Inspector's conclusions, which were not disputed by the SoS, the fact that consent has been granted on the Hassocks golf club for residential development and the fact that a strategic site for development has been allocated on the eastern side of the railway line, it is not considered that a reason to refuse the application based on coalescence could be sustained. Given the fact that the site is well screened from the Highway, it is your officer's view that the proposal would not result in coalescence between the two settlements and that their individual identity would be maintained. It is not considered that the proposed development would result in coalescence between Hassocks and Burgess Hill. When travelling along the London Road between the two settlements it is not felt that there would be a noticeable difference in the journey between the two settlements after the development being constructed compared to the current situation and there would still be a clear experience of departing from one settlement and then arriving in another. As such there is no conflict with policy DP13 in the DP and policy 1 in the HNP.

### **Access and Transport**

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 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.*

The proposal seeks the approval of the means of access at the outline stage. The views of the Inspector and SoS on the previous application are material considerations in the determination of this application.

With regards to the new access onto the London Road, the vehicular access will be provided with a 6m wide access reducing to 5.5m as it enters the site. The 6m width of the access, is sufficient to allow two large vehicles to pass and re pass. The plans show that the new crossover would provide visibility splays of 3m by 120m in each direction. At this point the speed limit of the road is 30mph. According to Design Manual for Roads and Bridges (DMRB) visibility splays of 90m should be provided where the speed limit is 30mph. As such the visibility splays would be sufficient and there is no objection from the Highway Authority to this element of the scheme.

With regards to the impact of the development on the highway network, traffic surveys have been undertaken at the Stonepound Crossroads and the golf club

access to inform the applicant's submissions. Automated Traffic Count (ATC) including vehicle speeds has been undertaken on the A273 London Road in the vicinity of the proposed site access. The above traffic surveys were undertaken on behalf of RPS by 360 TSL traffic survey company on Thursday 19 April 2018. The ATC traffic and speed survey was undertaken on the week period commencing on 16 April 2018. The resultant peak highway hours are 08.00 to 09.00 and 16.45 to 17.45.

The applicants have also factored in a number of schemes as committed development in their highway modelling. These are the development at Little Park Farm and Highfield Drive (157 dwellings), Hassocks Golf Club (130 dwellings) and land at Ham Fields (129 dwellings). Clayton Mills is a site that has been allocated in the District Plan for some 500 dwellings and a new primary school. The site sits between the railway line and Ockley Lane and is to the north of the development off Mackie Avenue. Vehicular access to this site will be via Ockley Lane. The TA states that a review of potential movements to and from the site using the work place destinations shows that very few if any trips are likely to pass through the Stonepound crossroads; as such no movements associated with this site have been included for this in the TA submitted with this application.

The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposal. It suggests that there will be 83 and 80 two way movements in the morning and evening peak hours respectively.

The following improvements have previously been agreed with WSCC and are those being put forward as part of the development at the Hassocks Golf Course by i-transport:

- Introduction of MOVA version 6 (updated version of existing MOVA);
- A HGV/bus detectors;
- Re-positioning of loops for right turning traffic at stop-lines;
- Change Stage Sequence to improve efficiency;
- Road widening on Hurst Road to enable a left turn filter on Hurst Road;
- Upgrade the existing controlled crossing; and
- Including tactile paving and dropped kerbs at all crossing points.

In relation to capacity on the network, the Highway Authority have stated *"The junction analysis has been undertaken using the Industry standard Junctions 9 computer programme for the site access priority junction and LINSIG programme for the signalised junction. The results of the assessment show that the proposed access arrangement will operate well within capacity, the existing signalised junction is demonstrated to operate above its design capacity in the existing situation and with the introduction of the committed and proposed development traffic, this level of capacity reduces further. The mitigation measures identified have been agreed with WSCC and will either be implemented as part of this development proposal or as part of the Hassocks Golf Course application which also proposes these measures. The measures identified are considered to be sufficient to mitigate the developments impact at this junction.*

*It is recognised that this proposal would give rise to a more intensive use of London Road; however, based on the above it is not anticipated to result in a severe cumulative impact on the operation of the local network."*

In making his recommendation to the SoS on the previous application, the Inspector stated *"Traffic impact and the safety of the proposed vehicular access are dealt with in the TA, and the Highway Authority's initial objections have been overcome [82-85]. Even with the proposed junction improvement at Stonepound, there would continue to be some queuing, but the development's net effect would not be severe, and therefore would not justify refusal on those grounds. The safety of the access onto London Road has been properly audited, and I see no reason to disagree with the conclusions reached by the Highway Authority."* Whilst it is acknowledged that there have been further developments since this report was written (the additional units at Ham Fields compared to the originally consented scheme and the allocation of the site at Clayton Mills) it is considered the comments by the Inspector demonstrate the importance and weight that was given by the Inspector to the views of the Highway Authority, who are the statutory body responsible for the highway network in the District.

Given the views of the Highway Authority on the evidence that has been submitted, it is not considered that the proposal would have a severe impact on the operation of the highway network. As such there would be no conflict with this element of policy DP21 in the District Plan or the NPPF.

The proposed plans show the creation of a 15m single span bridge. This would require an embankment to be formed for the bridge and access road. The sections provided by the applicant show that at the point of the bridge, the road level would be some 2m above the existing ground level. Moving eastwards into the site, the sections show that the access road would be raised above the existing ground level for some 130m into the site at which point the natural ground level rises and would then meet the new road. The Highway Authority had no objection to the principle of this bridge on the previous application and has raised no issue in relation to the proposed bridge on the current application.

With regards to pedestrian accessibility to the site, the proposed pedestrian crossing over the railway line will be addressed separately. Hassocks is a category 2 settlement as defined in the District Plan with the associated services that come with such a designation, such as shops, public houses, school and places of employment. Footway provision extends as far north as Hassocks Golf Club and to the signalised junction with the B2116 to the south of the site. There is a pedestrian link through the site into Shepherds Walk to the south. It would therefore be possible for prospective residents to walk to the centre of Hassocks to access a variety of amenities. In this respect the pedestrian access of the site is considered to be similar to the site allocated (and now with the benefit of planning permission) in the Neighbourhood Plan at Hassocks Golf Club for development on the opposite side of the London Road. Therefore whilst prospective residents are likely to use the private car for many day to day trips, this would be no different to the golf club site opposite.

## Public right of way

The Council is in receipt on a separate application (reference DM/16/3730) to stop up a section of the public right of way that runs through the site and to divert it. This application is submitted under Section 257 of the Town and Country Planning Act 1990. This permits the making of an order for the stopping up or diversion of a footpath or bridleway which is necessary to enable development to be carried out either in accordance with a valid planning permission or by a government department. The order cannot be made unless the LPA (or Secretary of State) is satisfied the order is necessary to enable the development in question to proceed.

The diverted section would be some 195m in length. The purpose of this would be to divert the PROW around a proposed flood compensation area that is shown within the illustrative site plan. The applicants have stated that this will allow the continued use of the footpath through the development, even during flood events where currently sections are impassable during flood events.

In terms of timing, the LPA can make an order either once planning permission has been granted or, following an amendment to Section 257 by the Growth and Infrastructure Act 2013, in anticipation of planning permission (i.e. once an application for planning permission has been made) but an order made in advance of planning permission cannot be confirmed until that permission has been granted. An order can take at least 3 months to be confirmed (if unopposed). If there are unresolved objections, the order must be submitted to the relevant Secretary of State for confirmation and a local inquiry may need to be held. This can delay the decision for 12 months or more.

As with the previous application, the Council have received a number of objections to the application to divert the PROW. In relation to this planning application, concerns have been raised that if the PROW cannot be diverted, the applicants will not be able to provide the flood compensation area that is shown in the southwest corner of the site. Whilst this concern is noted, it must be remembered that this is an outline planning application to establish the principle of providing 130 dwellings on the site. It is only the means of access that is to be determined at the outline stage; the layout that has been submitted is for illustrative purposes.

If outline planning permission is granted for this development, it will be subject to a number of conditions, including conditions regarding foul and surface water drainage. A subsequent reserved matters application will need to be made to the LPA showing the proposed layout of the site. If the application to divert the PROW is not approved, this will simply mean that the applicants will have to revise their proposed layout, including any proposed flood compensation areas, to take account of this. If the developer cannot satisfy the LPA that the drainage condition that is attached to the outline planning permission can be satisfactorily discharged, then the LPA would not discharge the planning condition and the planning permission could not be implemented.

In making his recommendation on the previous application, the Inspector stated "*The diversion of public footpath 5k, to accommodate one of the proposed attenuation ponds and the new access road [10], would lengthen it slightly, and would add to the*

*changes to its character. But there is no reason to doubt that the path would be retained, and that an appropriate surfacing and landscape treatment could be devised. Although the separate application for the footpath diversion remains before MSDC for a decision, for the purposes of the present inquiry, the SCG records the parties' view that the proposed diversion does not give any grounds to justify a refusal of permission for the proposed housing development<sup>154</sup>. I agree."*

In light of all the above it is considered that there are no reasons to resist the application based on the proposal to divert a section of the PROW through the site.

## **Air Quality**

The Stonepound crossroads to the south of the site was designated an Air Quality Management Area (AQMA) with Defra in March 2012 due to the levels of nitrogen dioxide (NO<sub>2</sub>) being above the target. The boundary of the AQMA has been defined on the basis of the areas which are, or are likely to exceed the air quality objectives for nitrogen dioxide and where there is "relevant exposure", that is places where people live close to the road. The Air Quality Management Area at Stonepound Crossroads includes parts of Keymer Road, Brighton Road, London Road and Hurst Road. Eight properties are affected within the Designated Area, 1-6 Overcourt and The Coach House, Keymer Road, and Shouldarry, Brighton Road Hassocks.

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

In locations where particular pollutants are found to be above National Air Quality Objective levels, which are based on expert advice concerning health effects relating to AQ, the local authority must declare an Air Quality Management Area (AQMA) and formulate an Air Quality Action Plan which specifies the steps to be taken to move towards the air quality objectives. The only AQMA in Mid Sussex district is at Stonepound Crossroads. The pollutant of concern is NO<sub>2</sub> which tends to be related to traffic fumes. Measured levels have remained above the Air Quality Objective level of 40 ug/m<sup>3</sup>. The Council are not required to monitor particulate matter (PM) levels locally but levels are monitored county wide by Sussex Air. The monitored levels are below the objective levels for PM.

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".*

*The PPG states "Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife)."*

Given the fact that there is an AQMA around 1km to the south of the site it is considered that air quality is a material planning consideration in the determination of this application.

The planning application is accompanied by an Air Quality report that is available on file for inspection. This report has been reviewed by the Councils Environmental Health Officer (EHO). The EHO explains *"The submitted Air Quality report refers to the NO<sub>2</sub> monitored results obtained by the Environmental Protection Team. This data was obtained by using passive monitoring devices at various sites around the area of Stonepound Crossroads. These are described as either kerbside or façade sites and are determined by the monitoring location. Two additional sites, both facades, were installed in 2013.*

*In the Stonepound area monitoring is carried out using passive devices rather than a continuous monitor as there is no suitable representative site to locate a continuous monitor.*

*Passive devices are not as accurate as continuous monitoring, so a bias-adjustment factor is applied that makes them as accurate as possible. This bias-adjustment factor is derived from a Defra approved method where the passive devices are located with numerous continuous monitors around the country so comparisons between the two methods can be made. The bias-adjustment figure is calculated from the average of all of these comparisons and applied to the less accurate raw data from the passive devices.*

*To assess the potential impact of the proposed development on air quality, the report uses an advanced air quality forecasting model, 'ADMS Roads ', which is a recognised model for such a process. The model requires a variety of information to be inputted, which includes: traffic data; emission factors and meteorological data.*

*The inputted traffic data was obtained from a specialist company using both automated and manual traffic counts and includes the Annual Average Daily Traffic and traffic speed. The traffic data was validated by comparison with other available traffic survey data.*

*Pollution mitigation measures for traffic related pollutants derive mainly from ever increasing emissions standards. Defra figures indicate that overall pollution levels are expected to drop over time as the standards increase and technology improves. To account for this the modelling incorporates an emissions factor. The emission factor is taken from a Defra approved database."*

*It is necessary to use modelling to predict future air quality; it is not possible to measure the future. The EHO explains that "Any model is reliant upon the accuracy of the data used. With future predictions the uncertainty is greater and the model cannot be verified (compared to measured data) at the time. Instead projections provided by DfT and DEFRA are used to estimate traffic volumes, background pollution and vehicle emission changes and these projections result in the emissions factor mentioned above. However a disparity has become evident between the projected NO<sub>2</sub> levels and actual measured levels - NO<sub>2</sub> levels were expected to fall by around 15% from 2002 to 2009 but actually remained broadly stable.*

*In order to account for this modelling uncertainty, the AQ assessment has included a "best case" and "worst case" scenario, with modelled NO<sub>2</sub> levels both with DEFRA's predicted improvements and using the consultants' specialist CURED model. It seems likely that actual future levels will fall somewhere between the best and worst case scenarios.*

#### **MODELLED POLLUTION IMPACTS**

*The scheme, if approved, will result in a small increase in the volume of road traffic (i.e. in relation to the existing volume). It is predicted that by the time the residential units are occupied, NO<sub>2</sub> levels will be below the objective level of 40ug/m<sup>3</sup>. Impacts are therefore assessed as being Low/Imperceptible overall as the increase in NO<sub>2</sub> caused by development traffic is not predicted to cause a breach of the objective levels. It should be noted that while there is a risk of short term slight adverse impacts at two properties within the AQMA, by the time the development is completed in 2024 the assessed impact will be negligible at all properties."*

*The conclusion of the EHO is that "The development is not likely to cause unacceptable levels of pollution, and is consistent with the local air quality action plan. It is therefore in accordance with national and local guidance. The proposed mitigation measures are welcomed. These are:*

- *Travel Plan*



- *Electric vehicle charging points for all allocated spaces as part of Marketed Units and possibly those associated with the affordable units subject to further discussion with the Housing Association;*
- *Covered cycle parking for units without garages;*
- *Information identifying routes to public transport and local facilities by foot and cycle;*
- *Improvements to the Stonepound traffic signals, improving the flow of traffic through the junction;*
- *Cycle and public transport travel vouchers;*
- *Low NOx boilers for all residential units;*
- *Information on Car Sharing Schemes; and*
- *Provision of a new footbridge over the railway from the site that will allow good pedestrian access to local amenities and also encourage existing local residents to travel via walking rather than private vehicle use."*

In light of the above it is considered that the application complies with policy DP29 and the impact on air quality is acceptable.

### **Impact on the railway crossing**

The previous application was refused by the SoS for a sole reason relating to the impact of the development on the safety of the pedestrian crossing over the London to Brighton railway line. The SoS agreed with the recommendations of his Inspector on this issue. The Inspector stated *"For access to most local facilities, the walking distances from the application site do not differ markedly, whatever the choice of route, whether by the Woodside railway crossing, or the Woodland Tunnel or the Semley Road/ Stanford Avenue route [86, 87, 125]. Faced with this range of options, it seems probable that, for these types of trips, the majority would opt for the easier and safer alternatives, rather than the unmanned rail crossing, with its steep steps, stiles, sometimes muddy paths and lack of surveillance, to say nothing of the likely feeling of danger in crossing the track itself.*

*I acknowledge the argument that users of the rail crossing should be responsible for their own actions. But in a development of 130 dwellings there is also the likelihood that some potential users would be persons classed as vulnerable, for one reason or another, who could not necessarily take such responsibility. In this context, paragraph 32 of the NPPF requires safe and suitable access for all people. Although in this case the rail crossing would not be the only access available, the issues that it raises would still potentially affect the safety of some persons in accessing the development.*

*Drawing these considerations together, it seems to me that the potential implications for public safety are an important consideration. In the absence of any measures to improve the safety of the unmanned railway crossing, permitting the proposed development in such close proximity to it would in my view involve an unacceptable risk to the safety of future occupiers, contrary to the aims of NPPF paragraph 32."*

The SoS stated *"...in the absence of any measure to improve the safety of the unmanned railway crossing, the Secretary of State concludes that permitting the proposed development in such close proximity to the crossing would involve an*

*unacceptable risk to the safety of future occupiers and, for this reason, the development should be resisted.*

*Overall, therefore, the Secretary of State concludes that, despite the benefits that would flow from the proposal, the unacceptable risk to the safety of future occupiers from the unmanned railway crossing represents a sufficiently substantial material consideration to outweigh the benefits, so that the application should be refused."*

The applicants have sought to address this reason for refusal by including the provision of a footbridge over the railway line in the description of their application. The applicants state that *"Network Rail will provide the footbridge and install it under Permitted Development rights within their current land boundaries. A limited local diversion of Public Footpath FP 5K will be required to access the footbridge on either side of the track, together with the closure of the section of the public footpath that currently runs across the railway track. The pedestrian bridge will be constructed in steelwork, will span the running rails, with stairs and trestle support on each side and will provide clearance of around 5.5m above the rails with a maximum height above the track of about 7m. A similar footbridge has recently been installed at Dean Valley, Redhill. The provision of the new footbridge will be secured by means of a S106 Planning Obligation to which Network Rail will be signatories. The provision of the footbridge will not only protect occupiers of the new houses but will also benefit the safety of all current and future users of the crossing. It will contribute to Network Rail's objective to remove all unmanned surface crossings of the railways where the opportunity presents itself."*

The Equality Act 2010 came into force on 1 October 2010. It provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. As part of the Equality Act, a Public sector equality duty came into force on 5 April 2011. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The equality duty covers the nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The broad purpose of the equality duty is to integrate consideration of equality and good relations into the day-to-day business of public authorities.

This is relevant in a planning context and a claim that the Public Sector Equality Duty (PSED) has not been discharged in reaching a relevant decision can be cited in a challenge seeking, for example, to quash a planning permission or a declaration that a certain policy is unlawful.

In this particular case, objections have been received to the provision of the proposed footbridge as a means of addressing the refusal of the previous planning application on the basis that the footbridge would not be accessible to those with physical disabilities, persons with pushchairs and prams. Objectors to the scheme

have stated that the proposed bridge would conflict with modern standards of inclusivity and sustainability and that the applicants and Network Rail should install a pedestrian tunnel under the railway line instead.

This issue has also been raised by the PROW Officer at WSCC. She has stated

*"This site is adjacent to the Clayton Mills strategic allocation site. That site, combined with this proposal, will create a significant number of new residential houses in close proximity. There is, therefore, good reason to ensure safe and convenient connections between each and their surroundings. Presently the London - Brighton mainline railway creates a barrier to safe and convenient local access. Having a new footbridge (as referred to above) will to some extent mitigate the situation but, given that the railway runs on an embankment, this will be a limitation to some. Also, cyclists will not be accommodated. The applicant must be encouraged to investigate alternative solutions to overcome this deficiency and so realise MSDC policies DP21 and DP22. It may be beneficial for both the applicant and the applicant / consortium developing Clayton Mills to work together to identify and propose a solution."*

Policy DP22 in the DP states

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

*Access to the countryside will be encouraged by:*

- *Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes;*
- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible;*
- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders)."*

It is important to recognise that the current unmanned pedestrian crossing over the railway is not accessible to those with physical disabilities, persons with pushchairs and prams. The railway line is on top of a substantial embankment and there are steep steps up to the crossing itself and also stiles at either side of the crossing. It is acknowledged that a tunnel under the railway line would be accessible to more people such as those with impaired mobility compared with a footbridge. However that is not the proposal that is before the LPA. The applicants have submitted a proposal for a footbridge, to be delivered under permitted development rights and it is this proposal that the LPA must come to a decision on.

In light of the above facts, it is not considered that the provision of the footbridge would reduce accessibility to those wishing to cross the railway line. At present it is only the able bodied who can access the crossing. The provision of the footbridge would provide a safe means of crossing the railway line and is likely to increase

usage of the public right of way. It is not considered that there is a conflict with policy DP22 because the PROW would not be "lost" or "adversely affected". The route will remain in place. Whilst there will be additional steps to traverse to cross the bridge, there are already a significant number of steps to get to the top of the embankment. On this basis it is not considered that there is a breach of the Equalities Act from this proposal.

The PSED referred to above does not mean that the scheme has to provide access for the disabled but for the reasons that have been outlined above, the proposed bridge would not be accessible to such persons because of the number of steps that would need to be climbed. There is a pedestrian tunnel under the railway line that is some 800m to the south of the site (this is the actual distance to walk and not as the crow flies). As such there is an available alternative to cross the railway line for those unable to access the proposed footbridge.

## **Drainage**

### Surface Water

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 supported by a Flood Risk Assessment (FRA) which has been considered by WSCC, as Local Lead Flood Risk Authority, the Environment Agency (EA) and your own drainage engineer.

The applicants FRA state that in terms of the site itself, there is a band of land adjacent to the Herring Stream on the western side of the site and falls within Flood Zones 2 and 3. The majority of the site is located within Flood Zone 1.

The NPPF contains a Sequential Test that is a decision making tool designed to direct development away from areas at high risk of flooding. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower

probability of flooding. In Table 1, Paragraph 065 of 'Planning Practice Guide - Flood Risk and Coastal Change', land is divided into four basic zones:

Zone 1 Low Probability: Land having a less than 1 in 1,000 annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map - all land outside Zones 2 and 3)

Zone 2 Medium Probability: Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. (Land shown in light blue on the Flood Map)

Zone 3a High Probability: Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding. (Land shown in dark blue on the Flood Map)

Zone 3b The Functional Floodplain: This zone comprises land where water has to flow or be stored in times of flood. Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. (Not separately distinguished from Zone 3a on the Flood Map)

The PPG identifies the vulnerability of land uses to flooding by dividing land use into five distinct categories

- i. Essential infrastructure
- ii. Highly vulnerable
- iii. More vulnerable
- iv. Less vulnerable
- v. Water-compatible development

Table 3 in the Planning Practice Guidance (PPG) that accompanies the NPPF states

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	✗	Exception Test required	✓	✓

Zone 3b *	Exception Test required *	X	X	X	✓*
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Key:

- ✓ Development is appropriate
- X Development should not be permitted.

The PPG provides the Government's detailed guidance on flood risk matters. In relation to Flood Risk Vulnerability Classification the PPG defines Essential Infrastructure as follows:

- Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk.
- Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood.
- Wind turbines.

The Exception Test, as set out in paragraph 159 of the NPPF, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

The two parts to the Exception Test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

Concerns were raised by third parties, including FOFRA in relation to drainage issues at the site on the previous application. One of the concerns raised related to the Sequential Test as set out in the NPPF. Objectors to the scheme contended that a Sequential Test is required in the first instance and that this then determines whether an Exception Test can even be applied. FOFRA contended that the LPA must first consider the extent to which Sequential Test considerations have been satisfied for identifying a site for development and be satisfied that there are no alternative sites available that have a lower risk of flooding. FOFRA contended that if there are no alternative sites having a lower risk of flooding and if the Exception Test is passed, only then would it be appropriate to assess the technical solutions for draining the site within the planning application. The same concerns have been raised with this new application.

The applicant states that the housing element of the scheme lies entirely within Flood Zone 1 but the proposed access will cross areas designated as Flood Zones 2 and 3. The applicant therefore contends that the proposal should be assessed in its component parts. Flood Risk vulnerability is set out in table 2 to the PPG. Dwellings are a "more vulnerable" use and in this case the more vulnerable use is restricted to

Flood Zone 1. As such the applicant contends that the Sequential Test does not need to be applied to the housing element.

The applicant then contends that essential infrastructure (in this case the access road into the site) can be appropriate to any of the Flood Risk Zones but an Exception Test is required in relation to essential infrastructure projects that are proposed within Zones 2 and 3. The applicants state that the proposal would pass the Exception Test because the benefits of new housing, including affordable housing in a sustainable location will contribute to meeting the housing needs of the District. It has also been shown in the Flood Risk Assessment that risk can be managed, there will be no increased flood risk elsewhere and there is a potential reduction in flood risk overall.

On the previous application, your officer's report to committee stated *"It is considered that it is an arguable point as to whether the applicants should have carried out a Sequential Test in relation to the development as a whole. The purpose of the Sequential and Exception Tests is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. However the fact of the matter is that such an assessment has not been carried out and a planning application has been submitted that the LPA has a duty to determine."* Issues relating to the drainage of the site were addressed by the Planning Inspector who conducted the Public Inquiry and his report is relevant to the determination of this application.

The PPG states *"Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere."*

In assessing the issue of the drainage of the site the Inspector stated

*"RHL's proposed drainage strategy has been subjected to extensive and rigorous testing [74-78]. The resulting scheme has been accepted by all of the relevant bodies who have statutory responsibilities for drainage and flooding [80]. There is no technical evidence to counter that of the applicants. Although some elements, such as the proposed road bridge, are not yet designed in full detail, the testing has taken in an appropriate range of worst-case scenarios. I therefore see no reason to doubt that the scheme would be effective in controlling surface water run-off by sustainable means, managing flooding from fluvial and any other sources, maintaining a safe, dry access route, and accommodating 130 dwellings and open space, without risk to future occupiers or to the surrounding area."*

*Although the western part of the site is within flood zones 2 and 3, the applicants have adequately demonstrated that vulnerable development would not need to be located in this area. If this were not the case, then in accordance with PPG advice, it would have been necessary to apply the sequential test (and possibly also the exceptions test), based on the scheme as a whole. But in this case the scheme lends itself to the 'component-parts' approach that the applicants have taken [79]. That approach is not ruled out by anything in the PPG, and indeed is clearly envisaged in the third footnote to Table 3. In any event, in the present case it is evident that through the MSDP process, MSDC has already sought to identify the*

*most suitable sites for housing, and it seems likely that any sequentially preferable alternative sites would by now have come to light. In this context, the sites already identified in the HNP are not alternatives, as they are already part of the identified supply. In the circumstances, I consider that the approach taken by the applicants is acceptable.*

*Satisfactory arrangements will be needed for the future management and maintenance of the drainage infrastructure. However, the need for such arrangements is commonplace in large developments. There is no reason why this cannot be dealt with satisfactorily by condition.*

*I therefore conclude that the proposed development could be carried out without giving rise to unacceptable flood risks, either on or off-site. In this regard, the scheme would comply with the relevant MSLP Policies CS13, CS14 and CS15, which together seek to ensure that all developments have adequate drainage, and that river channels and floodplains are properly protected."*

It is therefore considered that irrespective of whether a Sequential Test should have been applied or not to this proposal, it is reasonable for the LPA to consider the development that has been submitted and to come to a view on whether or not the site can be satisfactorily drained.

There are no objections to the scheme based on drainage matters from either the EA or the Council's own Drainage Engineer. In light of the fact that there are no objections from the relevant consultees and having regard to the Inspector's views (which were not disputed by the SoS), it is considered that the applicants have demonstrated that the site can be satisfactorily drained in accordance with policy DP41 of the DP. As with the previous application this conclusion is based on modelling but it must be acknowledged that this is a realistic way to proceed since it is not possible to measure the future.

### Foul Drainage

The applicant's intention is to dispose of foul water to the public sewer. Southern Water has stated *"The wastewater discharged from the proposed development will be drained to Southern Water's Goddards Green Wastewater Treatment Works. The works currently does not have the capacity to accommodate flows from the proposed development. Improvements are planned to provide for capacity to serve future developments. These are planned to be completed at the end of the current AMP period. We would wish occupation of development to be deferred until adequate treatment capacity is available to serve the development. Should the Local Planning Authority be minded to grant planning permission for this development we request that the following condition is attached to the consent: "Occupation of the development will not be permitted until the Local Planning Authority is satisfied that, in consultation with Southern Water, that adequate wastewater treatment facilities exist to effectively drain the development"*.

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 with respect to the foul drainage of the site.

## **Ecology / Biodiversity**

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 application has been supported by an Ecological Report. Bat, Reptile and Great Crested Newt (GCN) surveys have been carried out by the applicants. The report has been considered by the Council's ecology consultant.

In relation to GCN, are two ponds (P1 and P2) located within 250m of the site that are not separated by significant dispersal barriers. All additional ponds within 250m of the site are separated by London Road (A273) and a stream, which are significant dispersal barriers. Pond P1 was surveyed for the presence of Great Crested Newts between April and May 2017 but access was denied to survey Pond P2. The applicant's report concludes that it *"is considered that Great Crested Newts are not be present within the site and no further consideration is given to this species within this document."*

In relation to bats, the applicants' report concludes that *"During the activity survey carried out on the 28th of April 2017, very low levels of bat activity were recorded within the site, the majority of registrations recorded from Common Pipistrelle Pipistrellus pipistrellus (a total of 14 registrations). Less activity was recorded for Noctule bats Nyctalus noctula (a total of five registrations) and only a single registration was recorded for Soprano Pipistrelle Pipistrellus pygmaeus."*

In relation to reptiles a small number of Slow Worms *Anguis fragilis* were recorded within the site along the field margins.

With regards to mitigations and enhancements, the hedgerow within the site offer suitable foraging and navigational opportunities for bats. The hedgerows within the

site will be retained with only minor loss to facilitate access. The applicant's report states that the inclusion of new tree planting and the creation of new attenuation ponds as part of the development proposals will provide improved navigational and foraging opportunities for bats. The report recommends a sympathetic lighting scheme be employed to retain the suitable foraging and navigation opportunities for bats.

In relation to reptiles the applicants report states that *"Given that reptiles have only been recorded around the margins of the fields, it is considered that a simple habitat manipulation / translocation exercise could be carried out to persuade reptiles to move to suitable areas of retained / new habitat. The creation of new areas of open space, oversown with a species-rich seed mix, within the development proposals will provide new opportunities for reptiles."*

The applicants report has been assessed by the Council's Ecological Consultant. He has advised that in his view there are no biodiversity or policy reasons for refusal or amendment of the proposals subject to the reserved matters submission being accompanied by an Ecological Impact Assessment Report and a condition regarding wildlife construction and management plans.

Your Officer agrees with the findings of the Council's Ecological Consultant. It is therefore considered that policy DP38 of the MSDP is met.

There are four Oak trees within the site that are protected by a Tree Preservation Order. These trees are situated within the central hedgerow which runs from north to south across the site. A large Oak is also located along the southern boundary. The trees will be preserved as they make a significant contribution to the character of the area and where necessary, mitigation will be undertaken in order to do so. As such there would be no conflict with policy DP37 of the DP in relation to these trees.

## **Design and Layout**

The application is submitted in outline form with only the means of access to be determined at the outline stage. The layout plan that has been submitted is illustrative to show how the site could be developed to provide 130 units.

The illustrative plan shows the site divided into 3 field parcels of development. The illustrative plan shows a mixture of detached, semidetached and terraced properties. The illustrative layout shows the site arranged with a perimeter block layout. This allows for houses to front onto the street to provide a proper street scene and allows the houses to have a traditional back to back arrangement. It also allows the houses to front onto the attractive boundary planting so that this is all in the public realm. It is considered that as a matter of principle this is a sound way of laying out a development.

The site is of a sufficient size to be able to accommodate this quantum of development. It would be at the reserved matters stage that the layout of the site would be determined. If the LPA is not satisfied with the layout of the site at the reserved matters stage then the reserved matters application would not be approved.

The site area totals 10.51 ha, of which the two primary land uses are residential and open space. The applicants have stated that the site would provide some 5.51 hectares of open space. Based on the remaining area of the site being developable this would equate to a density of some 26 dwellings per hectare. This is a relatively low density by modern standards and as such it is considered that the scheme would not be fully in accordance with the final bullet point of policy DP26 in the District Plan, which seeks to optimise the potential of sites to accommodate development. This is also reflected in paragraph 122 of the NPPF. Whilst the scheme would be capable of providing the high quality homes that are sought by policy DP26 and the NPPF it is considered that the relatively low density of the scheme is a negative factor in the overall planning balance.

The layout of the site shows an area of public open space being positioned at the north western end of the site. As well as providing an amenity for residents of the site and others to use, the applicants have stated that the position of this open space would provide a defensible barrier to prevent further northwards development. In his decision letter on the previous application the SoS *"gives moderate weight to the social benefit arising from the provision of a large area of public open space. In coming to this conclusion, the Secretary of State also agrees with the Inspector at IR198 that the "country open space" would make the best use of the site's landscape features, avoid built development in the floodplain, and limit the incursion into the countryside."* Your officer has no reason to come to a different view on this matter now.

## **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 and vibration assessment that has considered by the Council's EHO. The main source of noise to the site is the railway line to the east and the London Road to the west. The railway line is on an embankment some 5m in height. The applicants' report concludes *"The provision of standard double glazing units will be appropriate to mitigate environmental noise at the site. In order to achieve the recommended internal noise criteria in bedrooms, the ventilation strategy should recognise a 'closed window' solution. In living rooms, background ventilation requirements for the easternmost row of houses closest to the railway line, where glazing is facing the railway, should be met assuming acoustically treated trickle ventilators. Given the relatively low daytime noise levels, living room windows may still be openable for rapid or purge ventilation, or occupants' choice. Elsewhere on site, natural ventilation is acceptable in living rooms from a noise perspective.*

*Given the design of the proposed layout, the majority of the site will not require any mitigation in order to achieve acceptable external noise levels in gardens. It may be appropriate to consider an acoustic fence for those few garden boundaries where acoustic protection is not afforded by the new layout (e.g. the north eastern and south western corner plots where there is a direct line of sight to the road/railway from the garden).*

*The site is not impacted by significant vibration from the railway line. There is unlikely to be adverse comment from newly introduced residential receptors as a result of vibration from the railway."*

The Council's EHO has stated *"The submitted Idom Merebrook noise assessment (June 2018) has considered the noise from the adjacent A273 and railway line, which are the dominant noise sources in this location. The report indicates that due to high noise levels, bedroom windows (in the form of standard double glazing) at the proposed development would need to be kept closed in order to avoid sleep disturbance and meet World Health Organisation and BS8233 internal noise standards.*

*This in turn would mean that additional ventilation will be required, with adequate air flow 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 sleeping all year round in a windows closed environment?*
- 2) *If acceptable, 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 are 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. Accordingly, care should be taken to minimise the potential impact of noise 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 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.*

*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. Therefore a forced, mechanical ventilation supply system (not necessarily extract system), should be provided for bedrooms where BS8233/WHO internal noise levels are not achievable with windows open. Other systems which can provide sufficient airflow for thermal comfort may be acceptable. Trickle vents, which are designed to address condensation issues, not thermal comfort, are not sufficient in our view."*

The Inspector's report on the previous application stated that a suitably worded planning condition could be imposed to ensure that noise levels could be appropriately controlled. The Council's EHO has recommended that such a condition be imposed. It is considered that with this in place the application complies with policy DP29 of the DP.

## **Housing Mix and Affordable Housing**

Policy DP30 in the District Plan seeks to ensure that housing development provides a mix of dwelling types and sizes that reflect current and future housing needs. Policy DP31 seeks to provide 30% affordable housing on development so 11 dwellings or more, with a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix.

Whilst the application is in outline form, the description of the application refers to a particular housing mix. The applicants have confirmed that the overall housing mix is fixed as per the application description. The applicants have stated *"With regards to the proposed affordable housing mix, both in terms of tenure and unit sizes is indicative. We are committed to working with the LPA and MSDC Housing team to providing a mix which reflects the demand. So when at a reserved matters stage, should a greater member of 2 beds be preferred over 3 bed units as per (the Housing Officer's) comments , we can substitute between open market and affordable within the approved overall housing mix at that point."* The scheme would provide a policy compliant level of 30% affordable housing.

The overall housing mix, both market and affordable is as follows:

1 bed dwellings 12 units (9%)  
2 bed dwellings 27 units (21%)  
3 bed units 47 dwellings (36%)  
4 bed units 44 dwellings (34%)

It is considered that this is a reasonable mix and would help to contribute to the sustainable communities sought in policy DP30. Whilst clearly under a different policy context in terms of the local plan and the previous version of the NPPF, it is considered that the Inspector's conclusions on the previous application, which was for the same mix of dwellings as is proposed now, are still relevant to assessing the issue of housing mix on this application. The Inspector stated *"The Section 106 agreement provides for a range of tenures, with 30% affordable housing, complying with adopted MSLP Policy H4. As such, the development would be capable of creating a mixed and inclusive community, whilst also widening the opportunities for home ownership."* He concluded on this point that *"...the development would accord with the aims of the NPPF's housing policies. The social benefits of providing such a development, in accordance with national policy, command significant weight."*

In respect of affordable housing the scheme would provide a policy compliant level of affordable housing, namely 30%. The Council's Housing Officer has advised that they would wish to see a greater number of smaller dwellings in the affordable housing. The applicants have confirmed that the mix of the 39 affordable dwellings that are to be provided is illustrative. As such, the comments of the Housing Officer could be addressed at the reserved matters stage. The appearance of the affordable dwellings and their location within the development would also all be determined at a subsequent reserved matters application.

In light of the above it is considered that policies DP30 and DP31 of the DP are met.

### **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.

The illustrative plans show the footprint of the proposed houses some 24m away from the nearest properties on Bankside to the south. Whilst illustrative these distances would be sufficient so that there was no significant impact on residential amenity in relation to overlooking and the new properties would not be overbearing. As such policy DP26 would be 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).

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 set out 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:

Requires the following infrastructure contributions:

- Library provision: Contribution based on a formula;
- Education Primary: Contribution based on a formula;
- Education Secondary: Contribution based on a formula;

#### District Council Infrastructure Requirements (including police and health requirements)

Formal sport: a financial contribution of £159,297 is required toward pitch drainage, ancillary facilities and the creation of additional community sports pitches at Downlands School, London Road Recreation Ground and/or Hassocks FC

Community Buildings: a financial contribution based on a formula is required toward pitch drainage, ancillary facilities and the creation of additional community sports pitches at Downlands School, London Road Recreation Ground and/or Hassocks FC

Local Community Infrastructure: a financial contribution based on a formula is required towards the provision of allotments at Parkland Close and/or improvements to the Clayton Green Recreation Ground

Horsham and Mid Sussex CCG: A financial contribution of £82,590 is required to go towards Hassocks Health Centre

Sussex Police: A financial contribution of £20,490.85 is required to go towards police infrastructure.

The details of the infrastructure to be provided with this development will be secured by a section 106 legal agreement.

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

It is considered that the above infrastructure obligations would meet policy requirements and statutory tests contained in the CIL Regulations.

### **Neighbourhood Planning**

Hassocks Parish Council submitted the Regulation 16 Submission version Neighbourhood Plan in June 2016. Works have now ceased on the Regulation Submission of the Neighbourhood Plan and it is likely to be withdrawn. Works have now ceased on the Regulation 16 Submission and a new version of the Neighbourhood Plan is being worked on by the Parish Council. In light of the above the Regulation 16 Neighbourhood Plan can only attract limited weight in the determination of planning applications. The PPG sets out the Government's

guidance on what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity. It states

*"arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

*(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and*

*(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process."*

In his recommendation on the previous planning application on this site, the Inspector stated *"Local people have invested time and energy in the neighbourhood plan process [145]. In the course of that process, the Friars Oak site was rejected for housing. Granting permission contrary to local opinion could undermine public confidence in neighbourhood planning. But the HNP has not reached the stage where it would carry significant weight. In the Ham Fields decision, the SoS gave the draft plan moderate weight, but that was before its progress had been halted [41]. The WMS on Neighbourhood Planning does not apply, and none of the objectors raises any serious arguments as to prematurity. In the circumstances, I conclude that the conflict with Policies 1 and 3 in the draft HNP carries only modest weight."*

Since the Inspector's report on the previous application was written the Neighbourhood Plan has not progressed to a stage where it could be afforded significant weight. As set out above works have now ceased on the Regulation 16 Submission and a new version of the Neighbourhood Plan is being worked on by the Parish Council.

Whilst the proposal would have a significant impact on one of the currently proposed green space allocations in the Regulation 16 Submission HNP, it is not felt that it could be reasonably argued that approving this application would undermine the whole plan making process for the HNP. As such it would be very difficult to justify a refusal of planning permission based on grounds of prematurity. Nonetheless, the conflict with the emerging neighbourhood plan policies 1 and 3 is a negative factor that weighs against this proposal.

## **Energy efficiency**

Policy DP39 in the DP requires developers to seek to improve the sustainability of their developments. The policy refers to a number of measures that should be incorporated where appropriate into new development. The application is accompanied by an Environmental Performance Statement that is available on file for inspection. In summary it refers to a number of water saving features that will be used and low energy design for the buildings. For example, the applicants state that the development will utilise devices to reduce water consumption to 105 Litres/per person/per day. This would accord with policy DP39 which refers to a figure of 110 litres/person/day. It is considered the applicants have addressed policy DP39 of the DP. It is at the reserved matters stage that the layout of the scheme would be considered and it is at this stage that the potential for minimising energy use through the layout of the scheme can be addressed.

## **Communications infrastructure**

Policy DP23 of the DP seeks to encourage the incorporation of digital infrastructure in major new housing development. It is considered that a suitable worded condition can be used to require the details of this to be submitted.

## **Archaeology**

Policy DP34 in the DP relates to listed buildings and other heritage assets. Archaeological assets fall within the definition of heritage assets in this policy. The policy seeks to conserve heritage assets in a manner appropriate to their significance.

The application is accompanied by a desk based assessment (DBA) of the site to consider known historic environment evidence and the potential for hitherto unknown below ground archaeological evidence. This DBA concludes that there is high potential for encountering Romano-British remains and moderate potential for prehistoric and Anglo-Saxon archaeological evidence. On the previous application the Council's Archaeological Consultant had no objection to the application subject to a safeguarding condition. On the current application the Council's Archaeological Consultant has recommended that a predetermination evaluation is carried out. The Archaeological Consultant has stated "In addition to the size of the planning application, it should also be noted that it is also traversed by the projected line of a Roman road (Archaeological Notification Area - Route of the Roman Road through Mid Sussex). If the heritage asset is present I would expect to recommend that it be respected in the design of the new landscape. Whilst the decision obviously lies with your office, I will reiterate that a predetermination evaluation is my recommendation."

The details of the planning application, other than the proposal for a bridge over the railway line, are no different to the scheme previously considered by this Council and then ultimately determined by the SoS. In light of the history of the site is it your officer's view that it would still be appropriate for there to be a planning condition imposed regarding archaeological matters. It would be possible for the reserved matters submission to be informed by the results of archaeological work on the site.

It is therefore your officer's view that with such a condition the application would comply with policy DP34 of the DP.

### **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, there is not considered to be any likely significant effect on the Ashdown Forest in relation to recreational pressure.

### **CONCLUSION**

The planning application for the housing element of the scheme 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 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) will need to be assessed.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan (DP).

The application site lies in countryside, outside the built up area of Hassocks and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its

intrinsic character and beauty. The proposal is also contrary to policy DP6 of the District Plan as the proposal is for a development of more than ten units on a site that is contiguous with the built up area of Hassocks.

However it is considered that the proposal would comply with other policies within the development plan (DP13 Preventing Coalescence, 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), DP26 Character and Design, DP27 Dwellings space standards, DP29 Noise Air and Light Pollution, DP30 Housing Mix, DP31 Affordable Housing, DP37 Trees Woodlands and Hedgerows, DP38 Biodiversity, DP39 Sustainable Design and Construction and DP41 Flood Risk and Drainage).

Notwithstanding the compliance with some policies, it is considered that the application is not in accordance with the development plan, read as a whole, and that this is the proper starting point for decision making. However, the Council also must have regard to other material considerations, including the National Planning Policy Framework (NPPF).

It is considered that there are other material considerations, specific to this site that are relevant to this application. These include:

- The views of the Secretary of State (SoS) on a previous application on this site for the same development (with the exception of the pedestrian bridge across the railway bridge that is part of this application).
- The location of consented and allocated development around the application site.
- The contribution the development would make to the Council's housing land supply. Whilst the Council currently has a 5 year housing land supply, a clear aim of National Government Policy is to significantly boost the delivery of housing, and this proposal would help maintain the current position.

The proposal would deliver 130 dwellings, 30% of which would be affordable units. The mix of dwellings within the scheme is felt to be reasonable.

It is considered that there is no reason why a well designed and laid out scheme cannot come forward in a subsequent reserved matters application should outline consent be granted for this development. It is therefore considered that there would be compliance with policies DP26, DP30 and DP31 of the District Plan.

It is considered that the proposal would provide a satisfactory vehicular access and would not result in a severe impact on the highway network, which is the policy test in both the development plan and the NPPF. The Highway Authority does not object to the scheme.

The proposal now provides for the provision of a pedestrian bridge over the railway line to seek to overcome the reason why the SoS refused planning permission for the previous proposal for 130 dwellings on this site. The bridge would be delivered under permitted development rights by Network Rail. A planning condition would be imposed on this permission to prevent development from taking place until the bridge had been provided. The proposed bridge would deliver a clear safety benefit by

removing an unmanned railway crossing. The main drawback from the proposed bridge would be that it would not be fully accessible to those with mobility issues, those with pushchairs/prams and to a lesser extent, cyclists. However the current unmanned crossing is also not accessible to these groups as there steps up to the railway line which is on an embankment at this point. Policy DP22 in the District Plan seeks to prevent development that adversely affects a public right of way. It is considered that accessibility for those using the public right of way would be no worse with the proposed bridge compared to the current situation (there are steps to access the crossing now and in the future there would be steps to access the bridge and then steps on the bridge itself). For those accessing the crossing the bridge would provide a safe means of crossing the railway line. It is therefore felt policy DP22 of the District Plan would be met.

It is considered that the scheme can be satisfactorily drained. The detailed means of drainage for the site can be controlled by condition. There are no objections from the Environment Agency or the Councils Drainage Engineer.

There are no ecological objections to the scheme from the Council's Ecological Consultant. The Councils Tree Officer also has no objection to the scheme.

The proposal will not have an adverse impact on the air quality management area at Stonepound Crossroads that would justify resisting this application.

A section 106 legal agreement will be completed to secure the necessary infrastructure contributions to mitigate the impact of the development. These contributions will go towards the costs of providing County Council services (Education and libraries), District Council services (leisure and community buildings), Health Services and towards Policing Services. As these impacts would be mitigated by the section 106 agreement, these matters are neutral in the planning balance.

Weighing against the scheme is that the fact that dwellings are being proposed outside the built up area and would normally be restricted under the relevant District Plan and emerging Neighbourhood Plan policies. Although it is your officer's view that there would be an impact on the landscape as a result of the proposed development it is considered that this impact will be localised and that it could be ameliorated by the retention of landscape planting and new planting within the development.

Also weighing against the scheme is a conflict with the Regulation 16 Submission Hassocks Neighbourhood Plan, which proposes to allocate this site as a local green space. However the weight that can be attached to this issue is considered to be limited. Works have now ceased on the Regulation 16 Submission and a new version of the Neighbourhood Plan is being worked on by the Parish Council. In light of the above the Regulation 16 Neighbourhood Plan can only attract limited weight in the determination of planning applications.

In summary, the applicants have sought to address the single reason why the Secretary of State refused planning permission for this development in March 2018, by including the provision of a pedestrian footbridge over the railway line. It is important to note that the planning policy position has moved on since the Secretary

of State's decision, with the adoption of the District Plan which replaced the Mid Sussex District Plan. At the present time the District Council can demonstrate a 5 year housing land supply and therefore the policies in the District Plan command full weight. However the scheme would provide additional housing, including a policy compliant level of affordable housing in a sustainable category 2 settlement which would accord with the aim of the NPPF to significantly boost housing delivery, and the views of the Secretary of State remain a very important material consideration, in so far as they demonstrate that there is no overriding environmental objection to this application.

In light of all the above it is considered that there are other material planning considerations that justify a decision that is not in full conformity with all of the policies in the development plan. In light of the above it is considered that the balance of advantage in this case means that the application should be approved.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

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

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.

The development hereby permitted must be begun before the expiration of 1 year from the date of approval of the last of the reserved matters.

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

### **Pre commencement**

2. No development other than works to construct the road bridge over the Herring Stream shall take place until the pedestrian bridge over the railway line (or a pedestrian tunnel) has been constructed and is available for use by the public.

Reason: In order to provide a safe crossing over the railway line and to comply with policy DP21 of the Mid Sussex District Plan 2014 - 2031.

3. No development shall take place until a programme of archaeological work has been secured in accordance with a written scheme of investigation, to be submitted to the local planning authority and approved in writing. The scheme of investigation shall thereafter be carried out in full.

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

4. No development shall take place until a scheme of ecological mitigation has been submitted to the local planning authority and approved in writing. The scheme shall include details of:

- i) the relocation of reptiles from within the site
- ii) other ecological management measures during construction
- iii) a lighting strategy to minimise light pollution to wildlife
- iv) new habitat creation and enhancement
- v) a Landscape and Environmental Management Plan

The ecological mitigation scheme shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.

5. No development of any kind shall be commenced until a detailed Flood Risk Management Scheme has been submitted to the local planning authority and approved in writing. The scheme shall contain detailed proposals for the management of all types of flood risks within the site, including the detailed design of all proposed bridges, culverts and structures within the floodplain, all necessary flood compensation areas, and any other necessary mitigation measures, broadly in accordance with the principles outlined in the approved Flood Risk Assessment, dated June 2018. The scheme shall also set out a timetable for the implementation of these measures, and the proposed arrangements for their future management and maintenance. The Flood Risk Management Scheme shall thereafter be implemented in accordance with the details and timetable thus approved, and the measures provided shall be retained and maintained in full working order for the lifetime of the development.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031

6. The access to the development shall be constructed in accordance with the approved access plan, No JNY8994-05. The remainder of the main access road, including the proposed bridge, embankments and culvert, shall be constructed in accordance with further details, to be submitted to the local planning authority and approved in writing. No other development on the site shall be commenced until the junction with London Road, and the first 200 metres of the access road, have been provided, at least to base course, in accordance with these approved details.

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

### **Pre occupation**

7. No dwelling shall be occupied until the estate roads, footways, turning areas, and parking spaces to serve that dwelling have been provided, at least to base course, in accordance with details to be submitted to the local planning authority and approved in writing.

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

8. No dwelling shall be occupied until the submitted Residential Travel Plan, dated 4 June 2018, has been brought into effect. Thereafter, the Travel Plan shall be implemented in accordance with the recommendation set out therein.



Reason: In the interests of promoting sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

9. No dwelling shall be occupied until a footpath link has been provided from the development to Shepherds Walk, in accordance with details to be submitted to the local planning authority and approved in writing.

Reason: In the interests of promoting sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

10. No construction work on any dwelling shall commence until a detailed scheme for the provision of the proposed public open space, shown on the approved plan No 10552-OA-02, has been submitted to the local planning authority and approved in writing. The open space scheme shall include detailed proposals with regard to layout, landscaping, drainage, equipment, footpaths, cycleways, and boundary treatments within the open space areas. The scheme shall also contain proposals for the future management and maintenance of the open spaces, and the timing of provision. The open space scheme shall thereafter be implemented in accordance with these approved details, and the open space shall be kept available for use by the public.

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 Mid Sussex District Plan 2014 - 2031

11. No construction work on any dwelling shall commence until a detailed scheme of surface water drainage has been submitted to the local planning authority and approved in writing. The scheme shall contain details of all proposed attenuation ponds, basins, swales, and other surface water drainage infrastructure, broadly in accordance with the principles outlined in the approved Flood Risk Assessment, dated June 2018. The scheme shall also set out a timetable for the implementation of these measures, and the proposed arrangements for their future management and maintenance. The Surface Water Drainage Scheme shall thereafter be implemented in accordance with the details and timetable thus approved, and the measures provided shall be retained and maintained in full working order for the lifetime of the development.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031

12. No construction work on any dwelling shall commence until a Foul Drainage Scheme for the development has been submitted to the local planning authority and approved in writing. The foul drainage scheme shall thereafter be implemented as approved, and no dwelling shall be occupied until the relevant foul drainage infrastructure to serve that dwelling has been provided.

Reason: To ensure that the proposed development is satisfactorily drained and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031

13. No dwelling shall be occupied until an Air Quality Mitigation Scheme for the whole development has been submitted to the local planning authority and approved in writing. The scheme shall contain full details of the mitigation measures that are proposed, and their costs, broadly equating to the emissions mitigation calculation at Table 15 of the submitted Air Quality Assessment report, dated May 2018. The scheme shall also include a timetable for the implementation of these approved

mitigation measures. The mitigation measures shall be carried out in accordance with the details and timetable thus approved.

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

14. The development shall not be occupied until a detailed scheme for protecting the residential units from noise generated by passing trains and traffic has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB L<sub>Amax</sub> when measured in bedrooms internally between 23:00 and 07:00 hours, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure adequate thermal comfort and fresh air for the occupants, with the windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period. All works which form part of the approved scheme shall be completed before any part of the relevant phase of development is occupied and shall thereafter be maintained in accordance with the approved details.

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

15. The details of landscaping to be submitted pursuant to Condition 1 shall include a timetable for their implementation, and the landscaping works shall thereafter be implemented in accordance with the timetable thus approved. For a period of five years after planting, any plants or trees which die or are destroyed, or become seriously damaged or defective, shall be replaced by another of the same size and species, at the same place, within the next available planting season.

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

16. All existing trees and hedgerows on the site shall be retained unless specifically approved for removal at the reserved matters stage. All trees and hedges to be retained shall be protected during construction by means of protective fencing, in accordance with the details specified in the submitted Arboricultural Implications Assessment, dated 30 April 2018. Within the areas thus fenced, there shall be no excavation, trenching, alterations to ground levels, or storage of materials at any time during the construction period. For a period of five years after the removal of the protective fencing, any tree or hedge which is cut down, uprooted, destroyed, or become seriously damaged or defective, shall be replaced at the same location by another of a size and species to be approved by the local planning authority in writing, within the next available planting season.

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

## Construction phase

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

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

Reason: To protect the amenity of local residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031

18. Prior to any of the units hereby permitted being occupied the developer shall provide details of the provision of fibre to premises infrastructure that has been provided in the development. None of the units shall be occupied until these details have been approved in writing by the Local Planning Authority.

Reason: To ensure improved digital connectivity and the provision of high-speed broadband and 4G to the development and to accord with Policy DP23 of the District Plan.

## Approved Plans

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

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

## INFORMATIVES

1. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £34 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

## Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Site Plan	10552-0A-01	D	06.06.2018
Site Plan	10552-0A-02	A	06.06.2018
Site Plan	10552-0A-03	A	06.06.2018
Location Plan	10552-DA-10		06.06.2018
Survey	LRH/1326/1-16		06.06.2018
Site Plan	Woodside Crossing		06.06.2018
General	SL03915/02/102	A04	06.06.2018
General	SL03915/02/103	A03	06.06.2018
General	SL03915/02/104	A04	06.06.2018

## APPENDIX B – CONSULTATIONS

### Parish Consultation

RECOMMEND REFUSAL.

The following set out why Hassocks Parish Council recommends that this application should be refused:

1. There is no requirement for additional housing in Hassocks, and there is no presumption in favour of development Mid Sussex District Council adopted the Mid Sussex District Plan 2014--2031 at its meeting on 28th March 2018, this therefore impacts on the previous statements made in the Inspector's Report following a Public Local Inquiry on a virtually identical application at the same location in June 2017.

District Plan Policy DP6 ' Settlement Hierarchy.

'Based on the overall housing requirement, the minimum housing requirement for each settlement for the first 8 years of the Plan (until 2021/22) can be calculated; this is the 5-year supply period at the time of adoption. On this basis, the majority of settlements have sufficient commitments to meet their need until at least 2021/22. Therefore, the District Plan requirement at 876dpa to 2023/24 does not suggest that Neighbourhood Plans will necessarily need to be reviewed within the next 5 years (as at April 2017) to meet housing supply, although Town and Parish Councils may choose to do so in order to boost supply, or to meet need for the full plan period to 2031.

Some settlements (".. Hassocks".) have already identified sufficient commitments/completions to meet their minimum housing requirement for the full plan period and will not be expected to identify further sites within their Neighbourhood Plans.'

Extracts from the Inspector's Report dated 1 March 2018. Paragraph 12 states that 'For the reasons given'... the Secretary of State agrees with the Inspector that limited weight should be given to the emerging Hassocks Neighbourhood Plan (HNP) until the new housing figures for the MSDP have been settled.'

Given that those numbers have now been finalised, it would imply that greater weight should now be given to the emerging Hassocks Neighbourhood Plan. The proposed development would be located within the Burgess Hill gap, as defined in Policy 1 of the Regulation 16 Hassocks Neighbourhood Plan, and is thus contrary to Policy 1- Burgess Hill Gap, of the Regulation 16 Draft Hassocks Neighbourhood Plan.

Furthermore given that Mid Sussex District Council has identified a five year housing supply and that Hassocks has met its commitments in the supply of land and housing for the full plan period, this application is in direct conflict with the following District Plan policies which Mid Sussex District Council has a responsibility to apply to protect the countryside in Hassocks:

DP12 Protection and Enhancement of the countryside (Supersedes Policy C1 Protection of the Countryside in LP)

Inspector's Report extract:

IR par. 20. 'On the proposals map16, the application site is outside the built-up area boundary of Hassocks, and within a Countryside Area of Development Restraint (CADR). Policy C1 states that the CADR will include all of the plan area outside the defined settlement boundaries, and that within such areas, the countryside will be protected for its own sake, and development firmly resisted.

IR par. 32. 'The southern half of the site is proposed to be allocated as a Local Green Space (LGS). Policy 3 seeks to protect the proposed LGSs from development that would conflict with their purpose.'

District Plan Policy DP12 extract:

'To create places that encourage a healthy and enjoyable lifestyle by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to walk, cycle or ride to common destinations. The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

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

Hassocks has lost significant green space to development (notably at Ham Fields) and to lose Friars Oak fields in addition would severely restrict residents in their access to local green space. Therefore, we conclude that application DM/18/2342 is in direct conflict with District Plan Policy DP12 and should be refused on that ground. As the District has a five year land supply this application can only be considered on its merits, without any presumption in favour of development. In our opinion, conflict with policy DP12 on its own is sufficient to warrant refusal.

DP13 Preventing Coalescence (Supersedes C2 Strategic Gap in LP)

Inspector's Report extract:

IR 21. 'The site is also within a defined Strategic Gap, between the villages of Hurstpierpoint, Hassocks and Keymer and the town of Burgess Hill. Policy C2 states that the Strategic Gaps will be safeguarded, in order to prevent coalescence and retain the separate identity of settlements.'

IR 31. 'On the proposals map, the application site is shown outside the settlement boundary, and within a proposed Burgess Hill Gap. Policy 1 states that the Burgess Hill Gap will be safeguarded to prevent coalescence and to retain the settlements' separate identities.'

District Plan Policy DP13 extracts:

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

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

This proposed application is therefore in conflict additionally with MSDC policy DP13 Preventing Coalescence, therefore Hassocks Parish Council considers it should be refused on these grounds.

DP15 New Homes in the Countryside

Inspector's Report extract:

IR par. 20. 'On the proposals map16, the application site is outside the built-up area boundary of Hassocks, and within a Countryside Area of Development Restraint (CADR). Policy C1 states that the CADR will include all of the plan area outside the defined settlement boundaries, and that within such areas, the countryside will be protected for its own sake, and development firmly resisted.

IR par. 32. 'The southern half of the site is proposed to be allocated as a Local Green Space (LGS). Policy 3 seeks to protect the proposed LGSs from development that would conflict with their purpose.'

District Plan Policy DP12 extract:

'To create places that encourage a healthy and enjoyable lifestyle by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to walk, cycle or ride to common destinations. The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

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

Further extracts from the Inspector's Report Para. 9. State that 'The Secretary of State considers that the '. most relevance to this case are those set out at IR18--21, and 'he agrees with the Inspector's conclusions at IR151 that the proposed scheme would conflict with Policies C1 and C2 of the MSLP.

As the proposed application meets none of the criteria to constitute a development under policy DP12, Hassocks Parish Council considers it cannot be approved as a development under this policy.

2. Proposal for the provision of a footbridge across the railway.

The provision of a footbridge bridge will be a considerable expense and it is considered likely that much of this cost will be funded from S106 contributions, thus reducing the funds available for other community projects.

The gradient and height required for this footbridge would be restrictive to many sectors of the community due to the climb. For example those with mobility difficulties or reduced fitness or health, those using pushchairs or parents/carers walking with young children would find the bridge a significant challenge if not inaccessible. Therefore it is difficult to maintain that this bridge would serve the community as a whole, nor is it a good use of S106 funds.

Hassocks does not therefore consider the proposed footbridge is either a good use of funds, nor removes a flaw in the development proposal so as to make the proposed building development acceptable. On the contrary, the proposed development is fundamentally at odds with District Plan policies, and it cannot be made acceptable by the addition of a footbridge. Our overall conclusion therefore, is that the plan should be refused owing to conflict with District Plan policies and the false carrot of a footbridge is irrelevant to this conclusion.

### **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 and Infrastructure February 2006.

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

The advice is as follows:

#### **1. School Infrastructure Contribution**

1.1 The Director for Children and Young People's Services advises that it appears that at present primary/secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested. However, the situation will be monitored and further advice on all of the main education sectors, (i.e. Primary/Secondary/Further Secondary) should be sought if this planning application is to be progressed.

#### **1.2 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, with a 33% discount, for occupation by persons already residing in the education catchment area; the County Council's adopted floorspace standard for education provision; and the estimated costs of providing additional education floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the School

Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

DfE Figure x ACP = School Infrastructure Contribution where:

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of dwellings, less any allowance for affordable dwellings, as approved by a subsequent reserve matters planning application. The following criteria are used to generate a child product:

	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

Using the above occupancy rates to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 7 year groups for primary (years R to 6) and 5 for secondary (years 7 to 11). For Sixth Form, a factor of 0.54 is applied to the Child Product figure as this is the average percentage of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

DfE Figure = Department for Education (DfE) school building costs per pupil place (for pupils aged 4 to 16) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2018/2019 are - Primary £17,920, Secondary £27,000, Further Secondary £29,283, updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.3 The contributions generated by this proposal shall be spent on a new primary school serving Hassocks or additional facilities at The Windmills Junior School should the new school not progress.

The contributions generated by this proposal shall be spent on expansion at Downlands Community School.

## 2. **Library Infrastructure Contribution**

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

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

### 2.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, 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 Hassocks Library.

### **General points**

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

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

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

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

Should you require further general information or assistance in relation to the requirements for contributions towards the provision of County Council service infrastructure please contact, in the first instance, the Planning Applications Team officer, named above.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for

adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

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

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

To be reported.

### **Highway Authority**

#### **Background and Summary**

WSCC in its role of Local Highway Authority (LHA) has been consulted on this application and considers the matters of Access, Capacity and Sustainability of the proposals. The application is supported by way of Transport Assessment (TA) which includes formal junction capacity data and a Stage 1 Road Safety Audit (RSA). The proposals will be accessed from the A273 (London Road) via a modified access point. The road in this location is subject to a 40 mph speed limit to the north of the proposed site access changing to 30mph towards Hassocks at the existing golf course access just north of the proposed site access. This proposal is comparable to that approved as part of the original planning application for this site (DM/15/0626) albeit the number of dwellings has reduced from 140 to 130. This application follows a recent refusal by the Secretary of State who refused the application for the reason that there were no measures identified at the Woodside Crossing to improve safety. This application and the submitted TA, proposes to address this concern through the provision of a new footbridge. No other reasons for refusal were given.

The assessment undertaken as part of this TA includes the development at Hurstpierpoint for 157 dwellings, Hassocks Golf club (130 dwellings) and developments not yet approved which include land West of London Road (130 Dwellings, 97 approved) and Land North west of Stonepound Cross Roads (25 Dwellings).

In summary the proposals are accepted by the LHA. It should be noted that after various additional pieces of information the LHA did not raise an objection to the proposals in 2015. Further detail on this recommendation is provided within the response below.

#### **Access and Visibility**

The vehicular access will be provided with a 6m wide access reducing to 5.5m as it enters the site. The 6m width of the access, is sufficient to allow two large vehicles to pass and re pass and consistent with the advice contained within Manual for Streets (MfS). The access junction radii are provided at 8m to accommodate the swept path of the largest design vehicle a large refuse.

The RSA has identified 1 problem with the proposed access. In summary the Designer has agreed all areas that the Auditor has raised as problems. The Audit is summarised below, point by point:

2.4.1- the scheme proposals do not indicate what provision there will be to identify to any blind or visually impaired pedestrians that they are entering an area where pedal cyclists are likely to be present. As a result, concern arises that this could result in an increased risk of pedestrian /cyclist conflicts occurring, particularly for those pedestrians who are blind or

visually impaired. The recommendation is accepted by the Designer and will be reviewed at the Stage 2 Detailed Design Stage of the application.

The visibility splays have not been based upon 85th percentile recorded by ATC surveys with speed limits of:

39.1 mph northbound

39 mph southbound

The visibility splays have not been based upon 85th percentile recorded by ATC surveys. However with the trimming of vegetation, the applicant has demonstrated that visibility splays of 3.0 by 120 metres are achievable to the north and 3.0 by 120 metres are achievable to the south. These sightlines are within the requirements set out within Design Manual for Roads and Bridges (DMRB) given the posted speed limit. Taking account of local context and traffic flows, the LHA consider that DMRB guidance is appropriate in this instance. As such, this junction is considered to be adequate to accommodate the vehicular movements arising from this proposal.

The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents in the vicinity of the site access onto London Road. There is no evidence to suggest that the road is operating unsafely, or that the proposed would exacerbate an existing safety concern.

In conclusion the principle of the access has now been demonstrated as acceptable and 'Safe and Suitable' in accordance with Paragraph 32 of the National Planning Policy Framework (NPPF), the works for the access would be subject to a Section 278 Agreement with WSCC's Implementation Team.

### **Gateway Feature**

The applicant proposes a new gateway feature will be implemented this will include yellow backed 30mph speed limit signs, 30mph speed limit roundels on the road and red surface dressing. In line with Parish aspirations the enhancement of the signs and road markings are proposed to make drivers more aware that they are entering a 30mph zone. As with the site access the works for these amendments can be undertaken at the Implementation Stage of the application with the access works.

### **Layout**

Whilst it is acknowledged that permission for the sites layout is not sought, there are no initial concerns with the indicative layout. The access road will take the form of a 5.5 metre wide arrangement with a 2 metre footway. This is considered suitable as this will be a low speed, low traffic environment. MfS2 identifies that shared space is appropriate where vehicles flows are less than 100 per hour, the proposal would meet this criteria. Refuse collection will take place from within the site. Swept path diagrams have not been provided showing larger vehicles turning paths within the site, this would be required. The applicant should liaise with MSDC's Waste Collection Team to discuss the suitability of this arrangement from their perspective.

It has been stated that the access road will be constructed to adoptable standards; this would be achieved under a Section 38 Agreement. This however can be confirmed at a later stage.

Parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator (PDC); the parking allocation is in accordance with the demand from the PDC.

From checking and based on the proposed mix and tenure of the dwellings, the car parking provision is anticipated to satisfy the likely demands.

### **Trip Generation and Capacity**

In principle the trip generation has been agreed with WSCC at the time of the 2015 application. The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposal. It suggests that there will be 83 and 80 two way movements in the morning and evening peak hours respectively. The LHA acknowledges that the TRICS outputs are based upon sites considered to be comparable in terms of planning use class and location to that proposed, in accordance with TRICS Best Practice Guidance. As such the trip rate generated provides a realistic indication of likely trip generation from the new dwellings.

It was agreed with the LHA previously that the following junctions are most likely to be affected by the additional traffic generation associated with the proposed residential development and require assessment.

- A273 London Road / Site Access / Golf Course Access - Ghost Island Priority Junction; and
- A273 London Road / B2116 Keymer Road / A273 Brighton Road / B2116 Hurst Road - four arm signalised junction.

The junction analysis has been undertaken using the Industry standard Junctions 9 computer programme for the site access priority junction and LINSIG programme for the signalised junction. The results of the assessment show that the proposed access arrangement will operate well within capacity, the existing signalised junction is demonstrated to operate above its design capacity in the existing situation and with the introduction of the committed and proposed development traffic, this level of capacity reduces further. The mitigation measures identified have been agreed with WSCC and will either be implemented as part of this development proposal or as part of the Hassocks Golf Course application which also proposes these measures. The measures identified are considered to be sufficient to mitigate the developments impact at this junction.

It is recognised that this proposal would give rise to a more intensive use of London Road; however, based on the above it is not anticipated to result in a severe cumulative impact on the operation of the local network in accordance with paragraph 32 of the National Planning Policy Framework.

### **Crossing Point**

In order to overcome the reason for refusal the applicant has held meetings with Network Rail to discuss a way forward with the level crossing point. The applicant has stated that they would be willing to fully fund the provision of a footbridge and have liaised with Network Rail who has confirmed that they would support the provision of a footbridge in this location and believe that there is sufficient land available within their control to deliver this bridge. Network Rail has also confirmed that they would be willing to enter into a legal agreement with applicant on this matter. The bridge will have limitations from an accessibility point of view, however on balance it would be an improvement to accessibility in the local vicinity over what currently exists.

We have consulted the WSCC Public Rights of Way (PROW) Officer and note that comments were made on the 16th July 2018 to MSDC. In summary they advised that there is good reason to ensure safe and convenient connections between each and their surroundings. Presently the London - Brighton mainline railway creates a barrier to safe and

convenient local access. Having a new footbridge (as referred to above) will to some extent mitigate the situation but, given that the railway runs on an embankment, this will be a limitation to some. Also, cyclists will not be accommodated. It is advised that the applicant should be encouraged to investigate alternative solutions to overcome this deficiency and so realise MSDC policies DP21 and DP22. They advise that it may be beneficial for both the applicant and the applicant / consortium developing Clayton Mills to work together to identify and propose a solution.

## **Construction**

Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from London Road. A comprehensive construction management plan would be sought through condition should permission be granted. The construction management plan should amongst other things set out how deliveries are to be managed along London Road in light of the carriageway width and presence of other vulnerable road users.

## **Sustainability and Accessibility**

The village itself has a primary school, pre-school, public house, village café, and much further to the west a petrol filling station and village store. The A273 benefits from footway provision on both sides of the carriageway and street lighting due to residential nature of the road. Footway provision extends as far north as Hassocks Golf Club and to the signalised junction with the B2116 to the south of the site. The London Road / Keymer Road / Brighton Road signalised crossroads junction approximately 1Km south of the site provides pedestrian crossing facilities on three arms (no crossing provided on Hurst Road), with a controlled crossing located on the London Road arm. Footways are provided on all arms of the junction and Keymer Road has a continuous footway provided along the northern side of the carriageway, which provides access to the centre of Hassocks.

As regards cycling, there are no separate cycle ways in the vicinity of the site, although there is a cycle network sign pointing along London Road. This road is wide enough to allow cyclists to share the carriageway in reasonable safety and to access local facilities or for recreational purposes. Bus services are within the recommended 400 metres walking distance from the centre of the proposed residential development, which would cover the majority of the residents within the site. The services that are available have good connections to Brighton, Haywards Heath and East Grinstead. The transport choices of cycling and bus are therefore quite limited and the lack of good pedestrian connectivity also suggests that the residents of the new dwellings would be very dependent on private cars, even for relatively short journeys.

The National Planning Policy Framework (NPPF) states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. In this respect, the site is located within a reasonable walking distance of local amenities. Paragraph 29 of the NPPF also states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Whilst paragraph 29 goes on to say that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas, residents of the proposed development would inevitably still be reliant upon the use of the private car for the significant majority of daily trips, however it is recognised that this is a small scale development intended to be provide for local housing needs.

The previous 3 years personal injury accident data has been checked and this indicates no accidents have been recorded that involve pedestrians or cyclists within Hassocks village.

There is no evidence to suggest that the existing arrangements for pedestrians are inadequate or result in safety issues.

## **Conclusion**

Conclusion-Based on the revised TS, the LHA does not consider that the proposed would have 'severe' residual impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

In the event that planning consent is granted, the following conditions are recommended,

## **Access**

No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

## **Construction Management Plan**

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

## **Visibility**

No part of the development shall be first occupied until visibility splays of 3.0 metres by 120 to the north and 3.0 by 120 metres to the south have been provided at the proposed site vehicular access onto London Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

## **INFORMATIVE**

S278 Works-The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

### **Public Rights of Way Officer**

1. The existence of a Public Right of Way (PROW), e.g. public footpath, is a material consideration. Should planning consent be granted, the impact of development upon the public use, enjoyment and amenity of the PROW must be considered by the planning authority.

2. The application proposes to construct a Flood Compensation Area on the legally recorded line of Public Footpath 5K (FP5K). This would amount to an offence of disturbing the surface of the footpath and obstruction, given that the footpath would not be exercisable at some if not all the time in the future. For this reason it will be necessary for FP5K to be diverted before development can begin. In order to secure such a diversion, an Order would need to be made by Mid Sussex District Council (MSDC) as the local planning authority, which could make such an Order under the Town & Country Planning Act 1990 section 257. The WSCC PROW service will be a consultee as part of this diversion Order application process and its prior agreement to an alignment and a specification will be required before lending formal support to any diversion proposal. Development affecting the currently recorded legal line of FP5K must not begin until and unless the path has been formally accommodated else an offence is being committed and may invalidate any diversion Order procedure. It must be noted that the granting of planning permission does not in itself authorise obstruction of, interference to, diversion or stopping up of any PROW across the site - a separate procedure is required.

3. The applicant discusses retention of FP5K on its existing alignment over the adjacent London - Brighton mainline railway. A new footbridge is proposed to accommodate the path as per the Transport Assessment p25, which says the applicant agrees to fund in full a bridge crossing of the railway for FP5K. This is welcomed to reduce the opportunity of footpath users crossing the railway at-grade and their risk of conflict with trains. This will support delivery of MSDC District Plan Policy DP11 and provide safe links to existing residential areas and existing infrastructure. It is noted that an agreement in principle has been reached with Network Rail regarding design and delivery of a footbridge. The applicant must be advised that WSCC PROW will require to be consulted on a design and its approval to that design is necessary given the bridge will carry a public highway in the form of FP5K. Further, unless the footprint of the future footbridge conforms exactly to the current alignment of FP5K, a further footpath diversion Order will be necessary, probably also under the Town and Country Planning Act 1990 section 257. MSDC should give early consideration to how it would consider such a proposal.

4. This application is locally significant and local public access must be given consideration to ensure the future community has appropriate opportunities to enjoy. MSDC recently adopted its District Plan 2014 - 2031. Within this are a number of commitments to support and enhance public access. For example:

4a. The Vision and Objectives (para 2.9) recognise the District's transport infrastructure is under particular strain with high levels of car ownership and car usage. The Vision, as stated in para 2.10, is to deliver "A thriving and attractive District, a desirable place to live, work and visit. Our aim is to maintain, and where possible, improve the social, economic and

environmental well-being of our District and the quality of life for all, now and in the future." Acknowledging the opportunities and ensuring delivery of improvements for walking and cycling as part of this proposal, and others, will make a valuable contribution to maintaining and improving life for future residents. Para 2.13 goes on to say the District Council considers sustainable development to include:

- improves quality of life, wellbeing and the conditions in which people live, work, travel and take leisure;
- increases opportunities to walk, cycle or use public transport, including as part of the green infrastructure network;
- gives people the opportunity to access jobs, shops and leisure facilities close to home.

4b. Strategic Objective 15 seeks "To create places that encourage a healthy and enjoyable lifestyle by the provision of first class cultural and sporting facilities, informal leisure space and the opportunity to walk, cycle or ride to common destinations."

4c. Policy DP20 outlines that Section 106 and unilateral undertakings will be sought to ensure delivery of necessary infrastructure and mitigation measures.

4d. Policy DP21 states "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, [will be] fully explored and taken up."

4e. Policy DP22 additionally states "In accordance with the National Planning Policy Framework (paragraph 75), the District Plan will protect and enhance public rights of way, as well as Sustrans national cycle routes...". This will be achieved by:

- Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes;
- Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible;
- Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).

5. There are opportunities for access improvements within and in close proximity to this site, and the applicant should be encouraged to consider opportunities proposed below. This will assist in the applicant realising its commitment as stated in the Design and Access Statement (DAS) p23: 'Sustainable forms of transport to the site itself are limited with only a single public right of way running the length of the southern boundary. The site's close proximity to the village centre and train station permits for wider travel however, the proposed scheme will need to ensure that there are opportunities to link into the local public transport network.' Further, DAS p57 states the proposed development will, amongst other things:

- Encourage sustainable forms of travel by virtue of its good pedestrian / cycle routes and public transport facilities, in particular bus connections, adjacent to the site
- Provide wider links around the periphery and through the centre of the site, which will help establish a clear circuit for further recreational purposes.



5a. A surfaced route connecting FP5K with Shepherds Walk would provide convenient year-round access for local residents. The DAS p30 suggests the existing access point in the site's southern boundary will be retained; this should be improved for accessibility and a surfaced path laid to connect with Shepherds Walk.

5b. Foot and cycle access should be provided through the north-west arm of the site to join the Burgess Hill - Hassocks existing walking and cycle path. The DAS p30 and p54 suggest a footpath only is intended; however, permeability for cycling must also be accommodated. Such a route would be more direct for many potential users, which will be more attractive, as well as making a more direct connection to existing public bridleway 4\_2C, which allows users to cycle to Hurstpierpoint.

5c. The DAS refers variously to use of the existing FP7K for future residents to connect with Woodland Road and Hassocks village centre. This path should be improved to accommodate the extra use and to make it attractive to be used as an alternative to use of private cars. The applicant must be required to commit to delivery of improvements to the satisfaction of WSCC PROW service, potentially including up-grade of the route status so that cycling can be lawfully exercised.

5d. DAS p23 talks of retaining a stile. Mindful of need to take opportunities to improve access for all, the applicant should be required to remove stiles and, where it is necessary on safety grounds, replace these with suitable gates or perhaps bollards. WSCC PROW service must be involved should any structure be sited on a recorded PROW.

6. This site is adjacent to the Clayton Mills strategic allocation site. That site, combined with this proposal, will create a significant number of new residential houses in close proximity. There is, therefore, good reason to ensure safe and convenient connections between each and their surroundings. Presently the London - Brighton mainline railway creates a barrier to safe and convenient local access. Having a new footbridge (as referred to above) will to some extent mitigate the situation but, given that the railway runs on an embankment, this will be a limitation to some. Also, cyclists will not be accommodated. The applicant must be encouraged to investigate alternative solutions to overcome this deficiency and so realise MSDC policies DP21 and DP22. It may be beneficial for both the applicant and the applicant / consortium developing Clayton Mills to work together to identify and propose a solution.

7. In summary, in the event MSDC grants consent for this development, such consent must be conditioned that a public footpath diversion(s) is necessary; and, so as to ensure the various objectives and policies stated within the MSDC District Plan 2014 - 2031 are supported, whilst also ensuring the proposal delivers the commitments made by the applicant in the DAS, a number of improvements to local walking and cycling access must be delivered. WSCC PROW service can be contacted to assist and advise on design and delivery of access enhancements, which it expects will be secured by means of suitable Section 106 obligations and/or unilateral undertakings for delivery by the applicant.

## **Network Rail**

Thank you for providing Network Rail with the opportunity to comment on the above application. Having considered the details of the proposal I can confirm that Network Rail have no objections.

We are working with the applicant to deliver an alternative means of crossing the railway. We hope to be in a position to start the feasibility study before Christmas.

## Archaeological Officer

### **Recommend Predetermination Archaeological Assessment**

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

The National Planning Policy Framework (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.

A Historic Environment Desk-Based Assessment (DBA) was submitted in support of the planning application (ASE 2018) and estimated the potential for heritage assets being located within the site boundaries (Para 8.7.2 as):

- Prehistoric - Moderate
- Romano-British - High
- Early Medieval - Moderate
- Medieval - Unknown
- Post-medieval - Low

The DBA further concluded (Para 12.2) that:

- The route of the possible Roman road (Vine's Line) and associated Archaeological Notification Area (DWS8680) cross the Site from north to south;
- A small part of the Site in the south-west corner was once within the manors and estates of Wickham;
- The Site has the potential for as yet unknown heritage assets (archaeological remains) to be present;
- Where such remains are present they may be impacted on by groundwork;
- Past arable cultivation may have had some impact on the archaeological resource at the Site

Appraisal of this proposal using the West Sussex Historic Environment Record and information provided with the application does indicate a need for further information to reach an informed judgment of the impact the planning application can be anticipated to have on heritage assets of archaeological interest. It is therefore recommended that any available LIDAR data should be assessed, with the findings included as an appendix to the DBA. In addition, it is also recommended that an archaeological field evaluation is undertaken at the predetermination stage, with the results submitted as part of the planning application. Furthermore, it is recommended that any geotechnical works to be undertaken by the applicant at the predetermination stage should be observed under archaeological watching brief conditions, with the results to also be submitted as part of the planning application.

The nature and scope of predetermination assessment and evaluation should be agreed with our office and carried out by a developer appointed archaeological practice before any

decision on the planning application is taken. The ensuing archaeological report/s will need to establish the significance of the site and the impact of the proposed development. Once the archaeological impact of the proposal has been defined, our office can if necessary discuss mitigation options and make recommendations. If archaeological safeguards do prove necessary, these could involve design measures to preserve remains in situ or where that is not feasible archaeological investigation prior to development.

A Written Scheme of Investigation for the programme of archaeological works should be produced, submitted and approved in advance of any work commencing.

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**

Thank you for consulting the Environment Agency on the above application.

### **Environment Agency Position**

The Environment Agency acknowledge that the habitable element of the application is within Flood Zone 1.

We also accept that our previous concerns with regards to the access road, highway embankment and loss of floodplain compensation which is shown to be outside the modelled extents, and connectivity have been satisfactorily addressed within the revised Flood Risk Assessment (FRA - 17627R-18-33) undertaken by Idom Merebrook dated June 2018.

We therefore have **no objection** to the proposed development as submitted, **subject to the inclusion of the following condition**, in any permission granted.

We consider that planning permission could be granted to the proposed development, as submitted, if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

### **Condition - Implementation of Flood Risk Assessment**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. Provision of compensatory flood storage as identified within 10.9.25 of the FRA
2. Access road level to be set at 36.5mAOD and bridge soffit set at 35.7mAOD as identified within 10.9.17 of the FRA
3. Clear span crossing (Option 5) as identified within 10.9.5
4. Installation of flood relief culvert as shown on Drawing number 301-001 Rev M

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

## **Reason**

In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to:

1. prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site or overtopping;
2. ensure access and egress remains available during flood conditions, and elevated enough so as to not cause overland flood flow routes to back up, and cause flooding issues elsewhere;
3. preserve flood plain connectivity and
4. provide additional flood compensation

## **Advice to Local Planning Authority/Application**

With regards surface water disposal, the Lead Local Flood Authority (LLFA) or your councils own Drainage Engineers should be satisfied that the attenuation ponds can be designed to accommodate a 1 in 100 year flood event plus climate change increases.

They must also be satisfied that the run off rates can be designed to replicate existing green field run off rates, into the Herrings Stream.

Any works in under or over (i.e. the clear span bridge) or within 8 metres from the watercourse bank edges (i.e. fencing of bank gardens and Attenuation Pond 2) of the Herrings Stream, a classified main river under the jurisdiction of the Environment Agency, a Flood Risk Activity Permit (FRAP) will need to be applied for. It should be borne in mind that whilst the development may be approved as a planning application, it may not be acceptable to the EA at the FRAP stage. It is noted that the location of Attenuation Pond 2 is very close to the Herrings Stream and this may prohibit future maintenance requirements, and it is essential a maintenance strip is preserved. Early dialogue with the Environment Agency's Partnership and Strategic Overview team is recommended (contact [psowestsussex@environment-agency.gov.uk](mailto:psowestsussex@environment-agency.gov.uk)). Design details for attenuation ponds should be designed based on the CIRIA 161 guidance, with a bank slope of 1:3. The design approval rests with the LLFA. Matters relating to foul sewer capacities must be agreed with Southern Water.

Our response to this application is on the understanding that Mid Sussex District Council is satisfied that the Sequential test has been adequately demonstrated to the requirements set out in the national Planning Policy framework (NPPF) paragraph 101 and section 5.

This means that before proceeding to determination, Mid Sussex District Council must apply the Sequential Test; that is, it must consider whether the applicant has demonstrated and sufficiently justified that no alternative sites are available in lower flood risk zones.

Please note that it is the role of the LPA to determine and assess the acceptability of the Sequential test. Our role is to advise on the proses and we do not comment upon the comparative assessment of land, its availability or suitability for development.

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

## **Southern Water**

The wastewater discharged from the proposed development will be drained to Southern Water's Goddards Green Wastewater Treatment Works. The works currently does not have the capacity to accommodate flows from the proposed development. Improvements are

planned to provide for capacity to serve future developments. These are planned to be completed at the end of the current AMP period. We would wish occupation of development to be deferred until adequate treatment capacity is available to serve the development.

Should the Local Planning Authority be minded to grant planning permission for this development we request that the following condition is attached to the consent: "Occupation of the development will not be permitted until the Local Planning Authority is satisfied that, in consultation with Southern Water, that adequate wastewater treatment facilities exist to effectively drain the development".

Please find attached a plan of the sewer records showing the approximate position of a public sewers within 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.

Please note: No development or new tree planting should be located within 6 metres either side of the external edge of the public 600mm foul sewer.

No development or new tree planting should be located within 3 metres either side of the external edge of the public 300mm foul sewer.

All existing infrastructure should be protected during the course of construction works.

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](http://www.southernwater.co.uk).

The impact of any works within highway / access road will need to be agreed and approved, in consultation with Southern Water, under NRSWA enquiry in order to protect public apparatus.

Our initial investigations indicate that Southern Water can provide foul sewage network capacity to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

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

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

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist

for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

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

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

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

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

If the applicant or developer proposes to offer a new on-site foul sewerage pumping station for adoption as part of the public foul sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located less than 15 metres from the pumping station compound boundary, in order to protect the amenity of prospective residents. The proposed sewerage pumping station shall not be located within flood plain, in accordance with requirements of Sewers for Adoption standards.

No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public or adoptable sewers.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

### **MSDC Drainage Officer**

**Recommendation:** No objection subject to conditions

### **Summary and overall assessment**

A revised Flood Risk Assessment has been supplied with this application and it is updated with revised flood modelling so includes increased allowance for climate change, has

assessed the risk of blockage to culverts and has included a 50% Cini Sensitivity figure. This is represented in the Outline Drainage Strategy plans - one reference 17627r-301-002C showing the Baseline Scenario with 50% Climate Change and the other reference 17627r-301-001M showing the Proposed Bridge Scenario with 105% CC, 40% blockage to the culvert and 50% Cini value.

The modelling and plans show that the flood extent is slightly increased above previous modelling so the layout of the development has been altered slightly to ensure that all attenuation ponds, the compensatory flood storage area and the necessary foul pumping station are outside the flood areas.

As a result of the above I am satisfied that the site can be satisfactorily drained without increasing flood risk subject to details to be provided at the Reserved Matters stage should this application be approved.

### **Flood Risk**

An assessment of flood risk to the development site highlighted that there is a risk of fluvial flooding related to the Herring Stream. In addition, there is risk of surface water flooding in the immediate vicinity of Herring Stream. Mitigations are proposed to manage these risks and are focused on 'avoidance' by not locating 'More Vulnerable' development within the Flood Zone 3a outline and 'improving understanding' by recommending that a full intrusive ground investigation be undertaken to confirm the published geology and groundwater levels.

### **Surface Water Drainage Proposals**

In terms of managing surface water runoff, it is proposed that on-site attenuation is utilised to restrict flows offsite to pre-development rates. The pre-development Greenfield runoff rates should be matched for the 1 in 1 year event up until the QBAR figure is reached. The QBAR figure should then not be exceeded for all storms up to and including the 1 in 100 year event + climate change. This provides for the flows into the watercourse system to be managed in a way that does not cause flood risk elsewhere and also manages the peak flows.

I understand that permeable paving and other SuDS methods such as swales will be utilised to help manage the surface water drainage on the site. This is welcome and proposals should be set out in the Reserved Matters application should this application be approved.

As the ground water conditions have not yet been investigated, ground water monitoring should be undertaken before detailed design. There may well be pockets on this site that would allow infiltration into the ground as I believe there is varied geological strata on this site.

### **Foul Water Drainage Proposals**

It is proposed that the development will drain via an adopted public sewer network into the existing Southern Water foul sewers. Southern Water have stated that there is not currently capacity for this development so the applicants will need to liaise with Southern Water to ensure that improvements can be made to the network in order to accommodate the development. There will be a foul water pumping station on the site to enable lower parts of the site to connect into the existing sewer network.

## **Suggested Conditions**

- Surface Water to include Management and Maintenance details for the lifetime of the development.
- Groundwater monitoring should be carried out prior to the submission of the Reserved Matters application to ensure that ground water conditions at the site will not adversely affect the drainage design.
- Foul water
- That the development is carried out in line with the content of the FRA reference FRA-17627r-18-33, June 2018 as this sets out the intended soffit and road level for the bridge through the floodplain and the amount of flood plain compensation storage needed on the site.

## Advice

The applicants should ensure that they continue to liaise with Southern Water, the Environment Agency and Mid Sussex District Council regarding the drainage of this site. The WSCC Policy for the Management of Surface Water should be followed to ensure that the site will not increase flood risk now or in the future.

## **Ecological Consultant**

### Recommendation

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the reserved matters application being supported by a full Ecological Impact Assessment Report, prepared in accordance with current Chartered Institute of Ecology and Environmental Management guidelines and BS42020: 2013 Biodiversity Code of Practice for Planning and Development in order to allow a thorough assessment of the detailed proposals (including measures to prevent impacts on the adjacent stream). The following pre-commencement conditions are also recommended.

No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

- a construction-phase wildlife and habitat protection and mitigation plan (including reptile relocation provisions), which may be incorporated into a Construction Environment Management Plan (CEMP);
- a habitat enhancement and long-term management plan including overarching aims, details of body responsible for implementation, funding arrangements and monitoring. It shall include provision for a five-year rolling action plan;
- a wildlife-sensitive lighting plan demonstrating how light pollution of habitats will be avoided, supported by modelled lux levels.

The approved details shall be prepared in accordance with BS42020: 2013 Biodiversity Code of Practice for Planning and Development and 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 and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.



## Sussex Police

Thank you for your correspondence of 20th June 2018, advising me of a planning application for Hybrid application comprising of outline proposal for residential development of 130 dwellings consisting of 12no. 1 bedroom apartments, 27no. 2 bedroom houses, 47no. 3 bedroom houses and 44no. 4 bedroom houses and associated access, together with change of use of part of the land for country open space, following the provision of a new footbridge across the railway. All matters reserved apart from access, at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the Police service and supported by the home office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on [www.securedbydesign.com](http://www.securedbydesign.com) Due to the application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

The National Planning Policy Framework demonstrates the government's 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.

The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked, this design has eliminated vulnerable rear garden pathways. However, this has led to number of unobserved parking courts within the development. Parking in the main has been provided with garage, in-curtilage, overlooked and unobserved rear parking bays and courts and a number of on street parking bays, this arrangement should leave the street layout free and unobstructed providing the residents have confidence in the proposed parking's ability to protect their vehicle. If not this has the potential to create illegal parking, obstruction and the blocking of emergency routes as well as disharmony amongst residents.

Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

It is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls and fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence. As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8 meters.

In circumstances that require a more open feature such as a garden overlooking a rear parking court or a rear garden pathway, 1.5 metre high close board fence topped with 300mm of trellis can achieve both security and surveillance requirements. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 meters. Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable

from both sides. Such gates must be located on or as near to the front of the building line as possible. The design height and construction of any gates within a perimeter fencing system should match that of the adjoining fences and not compromise the overall security of the boundary.

Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. I would recommend that the eventual location is surrounded with railings with self-closing gates to provide a dog free environment. At present it is isolated and unobserved.

I was pleased to note the intervention of Network Rail as they have responsibility regarding crime prevention matters of Network Rail land.

I would also ask you to note that Sussex Police is 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.

### **Sussex Police (Infrastructure)**

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.

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 £20,490.85.

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

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

The contribution requested will fund, in part, the following items of essential infrastructure.

### **Horsham and Mid Sussex Clinical Commissioning Group**

Thank you for consulting with Horsham and Mid Sussex NHS Clinical Commissioning Group (CCG) regarding the above proposed development.

As you are aware and by way of background Horsham & Mid Sussex Clinical Commissioning Group (CCG) are the GP - led statutory NHS body responsible for planning, commissioning and monitoring the majority of local health services in the Horsham & Mid Sussex area. (CCGs having been created following the Health & Social Care Act 2012 and replaced Primary Care Trusts on 1st April 2013).

Horsham & Mid Sussex CCG therefore covers the entirety of Mid Sussex District Councils catchment area and the above planning application would be close to Hassocks Health Centre. Should a planning consent be given this would create a potential further 317 new residents/patients.

Accordingly, Hassocks Health Centre is likely to be where the proposed new residents/patients will want to register for medical services and this building already serves in excess of 8,000 patients. The building is of 1970s construction and with other complementary community NHS Services also delivered therefrom, there is a pressing need of either redesign or replacement of the building to accommodate new patients.

Further pressure from new developments will exacerbate the situation further and therefore we consider that a Section 106 application for a developer contribution towards NHS Healthcare capital infrastructure improvements to be entirely appropriate assessed on the number of dwellings planned. (Incidentally we are within the maximum number of permitted Section 106 applications for this particular project)

In calculating our requirement we utilise currently available West Sussex average occupancy figures, agreed with West Sussex County Council and use the Senior District Valuer's approved formula which is accepted by Local Authorities across West Sussex and other counties. Moreover, in all our Section 106 applications we take close account of the CIL Regulations 2010, Section 122 with its three important tests.

Overall, all potential new residents will utilise some or all of the health services the CCG commissions and will put further pressure on medical services generally. We are also mindful that new housing developments do not disadvantage the health services for existing residents/patients.

In the circumstances, we are seeking a Section 196 developer contribution of £82,590 on a pro rata basis (This equates to an average of £665 per dwelling for houses and £339 for flats/apartments)

### **Urban Designer**

This is an outline scheme in which appearance, design, landscaping and scale are reserved matters. My observations are therefore initial comments. Being an outline proposal, the

scheme is short on information which makes it difficult to assess its design merits, so these are initial comments on the revised layout drawing 10552-OA-01 rev B:

The scheme benefits from a perimeter block layout with frontages that face the street and some of the boundary threshold. I nevertheless have the following issues:

1. The main open space is poorly integrated and peripheral to the site. The hedgerow appears to prevent the possibility of any natural surveillance. The position of the open space needs to be re-thought with consideration given to placing it within a more central position where it will help to break-up and provide a much needed focus to a layout that seems to be lacking in interest / incident and sense of place.
2. The umbilical linkage and the flank-on configuration of the houses on plots 1 and 2 provides for limited natural surveillance of the entrance threshold that will discourage pedestrians. This is partially compensated for by the front-on configuration of the houses on plots 16-24 but these have more restricted sight lines in relation to the site entrance.
3. The flank-on configuration of the houses on plots 75-85 and 125+126 to their site boundary thresholds affords them minimal natural surveillance over their respective footpaths and threshold spaces.
4. The parking in a number of areas has a too dominant relationship with the public realm and undermines street enclosure in some cases.

As I have not had an opportunity to visit the site, these comments are also caveated on the basis of a site assessment.

### **Housing Enabling & Development Officer**

The applicant is proposing a residential development of 130 dwellings which gives rise to an onsite affordable housing requirement of 30% (39 units). The applicant's indicative affordable housing mix proposes 10 x 1 bed dwellings, 17 x 2 bed dwellings and 12 x 3 bed dwellings. The applicant has been advised that this mix contains too high a number of 3 bed affordable dwellings and this will need to be addressed by reserved matters stage. An increased number of smaller affordable dwellings will better meet housing need.

In line with current policy 75% of the units will be for rent and 25% for shared ownership. Affordable dwellings must be in clusters of no more than 10 units per cluster with each cluster distinctly separate from the next through the use of private units. This, along with a tenure blind approach to materials, will achieve an acceptable level of social integration and assist in community cohesion.

### **Community Leisure Officer**

Thank you for the opportunity to comment on the plans for the development of 9 residential dwellings on land to the rear of Friars Oak London Road Hassocks West Sussex BN6 9NA on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of over 5 units.

### **CHILDRENS PLAYING SPACE**

The developer has indicated that they intend to provide play provision on site and full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition.

## FORMAL SPORT

In the case of this development, a financial contribution of £159,297 is required toward pitch drainage, ancillary facilities and the creation of additional community sports pitches at Downlands School, London Road Recreation Ground and/or Hassocks FC - these projects are identified in the IDP and the MSDC Playing Pitch Strategy.

## 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 £91,361 is required toward the cost of redeveloping the Belmont Close pavilion to include community space suitable for a play group and youth club - this venue is within walking distance of the development site.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

## Environmental Protection Officer

This application site is close to the Stonepound Crossroads AQMA. Any additional vehicle movements generated as a result of the development will add to the existing high levels of congestion and pollution at the crossroads. Therefore the pollution impacts must be carefully considered, and mitigated against appropriately.

## BACKGROUND TO AIR QUALITY (AQ)

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

In locations where particular pollutants are found to be above National Air Quality Objective levels, which are based on expert advice concerning health effects relating to AQ, the local authority must declare an Air Quality Management Area (AQMA) and formulate an Air Quality Action Plan which specifies the steps to be taken to move towards the air quality objectives. The only AQMA in Mid Sussex district is at Stonepound Crossroads. The pollutant of concern is NO<sub>2</sub> which tends to be related to traffic fumes. Measured levels have remained above the Air Quality Objective level of 40 ug/m<sup>3</sup>. The Council are not required to monitor particulate matter (PM) levels locally but levels are monitored county wide by Sussex Air. The monitored levels are below the objective levels for PM.

Air quality is a material consideration when a development is planned. The Local Planning Authority requires an Air Quality assessment (AQA) in cases where it deems air quality impacts from the development may adversely affect health. The AQA should consider impacts only from confirmed developments that have planning permission.

The AQA provides modelled predicted concentrations for a range of scenarios i.e. without development (baseline), with development, with development including mitigation measures. Whilst modelling cannot be 100% accurate, it is the accepted method for assessing pollution impacts and there is no alternative when testing future year scenarios or future development. Model accuracy can be tested against existing monitored results for baseline calibration.

There is not any official guidance on the assessment of air quality impacts, so Environmental Protection will consider guidance documents produced by Sussex Air and by the Institute of Air Quality Management 2015 (IAQM) assessing the significance of air quality impacts.

## CONTEXT

The National Planning Policy Framework states that the planning system should perform an environmental role to minimise pollution and should "contribute to...reducing pollution". To prevent unacceptable risks from air pollution, planning decisions should ensure that new development is appropriate for its location. The NPPF states that the effects of pollution on health and the sensitivity of the area and the development should be taken into account:

*"Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan".*

Planning Practice Guidance (PPG) includes guiding principles on how planning can take account of the impacts of new development on air quality: *"Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife)".*

Mid Sussex District Plan DP29 states that:

*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.*

## FRIARS OAK DEVELOPMENT

The submitted Air Quality report refers to the NO<sub>2</sub> monitored results obtained by the Environmental Protection Team. This data was obtained by using passive monitoring devices at various sites around the area of Stonepound Crossroads. These are described as either kerbside or façade sites and are determined by the monitoring location. Two additional sites, both facades, were installed in 2013.

In the Stonepound area monitoring is carried out using passive devices rather than a continuous monitor as there is no suitable representative site to locate a continuous monitor.

Passive devices are not as accurate as continuous monitoring, so a bias-adjustment factor is applied that makes them as accurate as possible. This bias-adjustment factor is derived from a Defra approved method where the passive devices are located with numerous continuous monitors around the country so comparisons between the two methods can be made. The

bias-adjustment figure is calculated from the average of all of these comparisons and applied to the less accurate raw data from the passive devices.

To assess the potential impact of the proposed development on air quality, the report uses an advanced air quality forecasting model, 'ADMS Roads ', which is a recognised model for such a process. The model requires a variety of information to be inputted, which includes: traffic data; emission factors and meteorological data.

The inputted traffic data was obtained from a specialist company using both automated and manual traffic counts and includes the Annual Average Daily Traffic and traffic speed. The traffic data was validated by comparison with other available traffic survey data.

Pollution mitigation measures for traffic related pollutants derive mainly from ever increasing emissions standards. Defra figures indicate that overall pollution levels are expected to drop over time as the standards increase and technology improves. To account for this the modelling incorporates an emissions factor. The emission factor is taken from a Defra approved database.

## MODELLING

Any model is reliant upon the accuracy of the data used. With future predictions the uncertainty is greater and the model cannot be verified (compared to measured data) at the time. Instead projections provided by DfT and DEFRA are used to estimate traffic volumes, background pollution and vehicle emission changes and these projections result in the emissions factor mentioned above. However a disparity has become evident between the projected NO<sub>2</sub> levels and actual measured levels - NO<sub>2</sub> levels were expected to fall by around 15% from 2002 to 2009 but actually remained broadly stable.

In order to account for this modelling uncertainty, the AQ assessment has included a "best case" and "worst case" scenario, with modelled NO<sub>2</sub> levels both with DEFRA's predicted improvements and using the consultants' specialist CURED model. It seems likely that actual future levels will fall somewhere between the best and worst case scenarios.

## MODELLED POLLUTION IMPACTS

The scheme, if approved, will result in a small increase in the volume of road traffic (i.e. in relation to the existing volume). It is predicted that by the time the residential units are occupied, NO<sub>2</sub> levels will be below the objective level of 40ug/m<sup>3</sup>. Impacts are therefore assessed as being Low/Imperceptible overall as the increase in NO<sub>2</sub> caused by development traffic is not predicted to cause a breach of the objective levels. It should be noted that while there is a risk of short term slight adverse impacts at two properties within the AQMA, by the time the development is completed in 2024 the assessed impact will be negligible at all properties.

## CONCLUSION

The development is not likely to cause unacceptable levels of pollution, and is consistent with the local air quality action plan. It is therefore in accordance with national and local guidance. The proposed mitigation measures are welcomed. These are:

- Travel Plan
- Electric vehicle charging points for all allocated spaces as part of Marketed Units and possibly those associated with the affordable units subject to further discussion with the Housing Association;

- Covered cycle parking for units without garages;
- Information identifying routes to public transport and local facilities by foot and cycle;
- Improvements to the Stonepound traffic signals, improving the flow of traffic through the junction;
- Cycle and public transport travel vouchers;
- Low NOx boilers for all residential units;
- Information on Car Sharing Schemes; and
- Provision of a new footbridge over the railway from the site that will allow good pedestrian access to local amenities and also encourage existing local residents to travel via walking rather than private vehicle use.

Accordingly, I recommend a condition, relating to Air Quality, to allow measures to be agreed between the developers and the LPA.

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

Conditions:

- Construction hours: Works of construction or demolition, including the use of plant and machinery, 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.

- Minimise dust emissions: Demolition/Construction work shall not commence until a scheme of measures as specified in appendix A5 of the Air Quality Assessment (ref J3266A/1/F2 submitted by AQC) for the control of dust during the construction phase has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

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

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

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

- No development shall take place until a Construction Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall also consider vibration from construction work, including the compacting of ground. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of adjacent occupiers

- Air Quality - Construction work shall not commence until a scheme of measures to minimise the long-term impact upon local air quality and to mitigate emissions has been submitted to and approved by the local planning authority. The scheme shall be in



accordance with sections 7.5 to 7.8 (inclusive) of the Air Quality Assessment (ref J3266A/1/F2 submitted by AQC).

Reason: To preserve the amenity of local residents regarding air quality and emissions.

Further to my previous comments, I have assessed the applicant's submitted noise and vibration assessment.

The submitted Idom Merebrook noise assessment (June 2018) has considered the noise from the adjacent A273 and railway line, which are the dominant noise sources in this location. The report indicates that due to high noise levels, bedroom windows (in the form of standard double glazing) at the proposed development would need to be kept closed in order to avoid sleep disturbance and meet World Health Organisation and BS8233 internal noise standards.

This in turn would mean that additional ventilation will be required, with adequate air flow 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 sleeping all year round in a windows closed environment?
- 2) If acceptable, 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 are 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. Accordingly, care should be taken to minimise the potential impact of noise 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 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.

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. Therefore a forced, mechanical ventilation supply system (not necessarily extract system), should be provided for bedrooms where BS8233/WHO internal noise levels are not achievable with windows open. Other systems which can provide sufficient airflow for thermal comfort may be acceptable. Trickle vents, which are designed to address condensation issues, not thermal comfort, are not sufficient in our view.

Therefore, should the development receive approval, Environmental Protection recommends the following condition in addition to those previously recommended:

Conditions:

- **Soundproofing (Rail & Road Noise):** No development shall take place until a detailed scheme for protecting the residential units from noise generated by passing trains and traffic has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Unless otherwise agreed in writing, the submitted scheme shall demonstrate that the maximum internal noise levels in bedrooms and living rooms in residential properties post construction will be 30 dB LAeq T (where T is 23:00 - 07:00) and 35 dB LAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00 hours, post construction. In the event that the required internal noise levels can only be achieved with windows closed, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure adequate thermal comfort and fresh air for the occupants, with the windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period. 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.

### **Contaminated Land Officer**

#### **Main Comments:**

The application looks to construct 130 residential dwellings on land that has historically been used for agricultural use.

Agricultural land may have been used for the storage or disposal of items such as biocides, fuels, animal corpses etc.

It is also noted that a railway line runs to the east of the site, which is also linked to potential contamination from fuels, preservatives for the sleepers, herbicides, metal fines, etc.

Given the above, the size of the project and sensitivities of the end use, a phased contaminated land condition should be attached.

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,

- b) 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 person<sup>1</sup> 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, neighbors 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.

No objection subject to condition

**Tree Officer**

I'm happy with the AIA report but an AMS report also needs to be submitted.