



Agenda Update Sheet

District Planning Committee

Date 18th June 2020

Agenda Item 6:

Recommended for Approval

APPLICATION NO: DM/19/3619

Page 29 – (Highways)

Paragraph 109 of the NPPF states,

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

The application accords with policy DP21: Transport, of the Mid Sussex District Plan 2014-2031.

Appendix A – RECOMMENDED CONDITIONS

12. Section below to be deleted,

“However, during the Covid-19 period an exception to the above can be made and temporary changes to construction working hours until 9pm or later, 6 days a week, wherever possible will be permissible save for Sundays or bank holidays.”

This has been omitted because the protocol is for the applicant to apply to the Planning Authority (in consultation with Environmental Health) to relax the construction hours during Covid-19 (up to May 2021).

Add condition after 11 (Construction Phase)

12. Prior to commencement of construction, details of the perimeter boundary fencing, in relation to existing vegetation, shall be submitted to and approved in writing by the planning Authority and thereafter retained.

Reason: To protect the visual amenity in the interests of the locality in accordance with policy DP26 of the Mid Sussex District Plan.

Appendix B – Additional consultee comments

Agenda Item 6:

Appendix B - CONSULTATIONS

MSDC URBAN DESIGN COMMENTS (14.05.2020):

(AMENDED DRAWINGS received 27.04.2020)

Summary and Overall Assessment

Revised drawings have been received that address my previous issues in respect of the elevations, especially the improvements to the buildings at the entrance to the site and the rear elevations

facing Bolnore Road. While this improves the appearance of the scheme, I still have an underlying issue with the inward-looking layout as it turns it's back on the Bolnore Road public right of way and contributes little to the natural surveillance of this key pedestrian link to Bolnore Village. The trees on the southern boundary are also likely to cause overshadowing problems across the small rear gardens that place them under future pressure of removal or reduction that risks unattractively revealing the proposed close-boarded fence.

On balance, I maintain my objection to this scheme.

Layout

The back-to-front arrangement of the houses adjacent to the front/southern boundary of the site is inconsistent with the configuration of the other houses along Bolnore Road which appropriately face on to it. Consequently, this proposal does not contribute to the natural surveillance of this important pedestrian link between Bolnore Village and the town centre.

The south facing orientation and the shallow depth of the proposed rear gardens on plots 3-6 is likely to result in the boundary trees overshadowing them. This is likely to put the trees under constant pressure of removal and reduction, which risks creating a harder-edge boundary that may undermine the semi-rural tree-lined character of the existing path.

The inward-looking focus of the building frontages to some extent divorces the existing boundary trees and vegetation from the spine road (although the introduction of hipped roofs has helped the visual permeability across the site).

The parking at the side of the block of flats has been broken up and softened with the introduction of an additional tree. The blocks of parking between plots 9-10 and 11-12 also risks appearing hard-edged.

Elevations

The opportunity has been taken to significantly improve the elevations. While the buildings still have a ubiquitous appearance, more consideration has been given to their composition and detailing.

The improvements to plots 1-2 and the block of flats (plot 13-18) particularly help the scheme as they are prominently positioned at the entrance to the site. Both now feature clay hung tiling that give the buildings more visual interest. Plot 1-2 incorporates fenestration on both its flanks that allow it to some extent address both the Bolnore Road frontage and the other corner return facing the spine road. The block of flats has been improved with a re-designed flat roof entrance porch that allows the gabled bays to be cleanly defined and articulated with a recessed bay above the entrance. The fenestration is better organised with smaller 2nd floor window that work with the natural hierarchy of the façade.

The design of the houses on the southern side of the spine road is more resolved and the rear elevations, which are likely to be partly visible from the public right of way link to Bolnore Road, benefit from more order and articulation that is consistent with the front elevations. The introduction of hipped (in place of gable-end) roofs (also applied to plot 12) helps model the

buildings, while reducing the building mass allowing the attractive woodland boundaries to be more visible and allowing greater daylight/sunlight penetration into the small rear gardens and spine road.

The entrance canopies on plots 8, 10 and 11 have been re-designed so they just define the front door; and thereby avoid undermining the vertical proportions of these facades (which was a problem with the previous full width canopy). This also allows the terrace houses exhibit some underlying rhythm.

Unconvincing pastiche details have been omitted throughout. This includes the quoin-work and the windows have sensibly been rationalised with the loss of fake glazing bars; as well as improving the overall appearance of the buildings, it should allow more internal daylight/sunlight penetration.

The east elevation of plot 12 and west elevation of plot 13-18 have extra windows that give these facades a little more interest and help provide natural surveillance.

Boundary Treatment

If the committee are minded to approve this scheme, I would recommend a condition covering the boundary treatment (as well as for landscaping and facing materials) for the following reasons:

There is still no convincing design strategy for the southern boundary of the site that demonstrates how the existing soft boundary can be retained while avoiding overshadowing problems.

The block of flats now benefits from dedicated private gardens for the ground floor flats; however, while the boundary along the access road appears to be illustrated with a hedge it is not defined in the key; furthermore, a thin / discreet wire mesh fence may also be necessary to provide the necessary level of security. I would also suggest the application of wire mesh rather than c/b fencing along the east boundary with the o/s as there is already an established hedge and a small amount of visual permeability contributes to natural surveillance of this poorly overlooked space. The same applies to the termination of the access road on the western boundary where a discreet thin mesh fence should attractively reveal and be absorbed by the trees / shrubs at the end of this axis.

MSDC Urban Design Observations to Original Drawings (21.01.2020)

This is an unimaginative inward-looking scheme that turns its back on its surrounds including the boundary trees and does not address the Bolnore Road public right of way. Consequently, it will contribute little to the natural surveillance of this key pedestrian link to Bolnore Village and the rear of the houses are likely to be unattractively revealed during the winter months as the gaps in the retained deciduous trees and vegetation provide views into the site; this could be exacerbated as the trees are likely to cause overshadowing problems across the small rear gardens that will place them under future pressure of removal or reduction.

The buildings are blandly designed with unconvincing details, and they contribute to giving the scheme little sense of place. For these reasons, I object to the planning application.

Layout

The back-to-front arrangement of the houses adjacent to the front/southern boundary of the site is at odds with the configuration of the other houses along Bolnore Road which appropriately face on

to it. Unlike the existing houses, this proposal does not contribute to the natural surveillance of this important pedestrian link between Bolnore Village and the town centre.

The young trees and vegetation that form the southern boundary of the site are mostly deciduous resulting in the site being quite visible from the Bolnore Road public right of way in the winter months when the leaves have dropped. Consequently, the rear of the proposed houses are likely to be unattractively revealed, and may necessitate unsightly solid fencing to avoid the rear gardens being unattractively exposed to the public realm. The south facing orientation and the shallow depth of the proposed rear gardens is likely to result in the boundary trees overshadowing them. This is likely to put the trees under constant pressure of removal and reduction, which risks creating a harder-edge boundary that may undermine the semi-rural tree-lined character of the existing path.

There is little evidence of place-making in this unimaginative cul-de-sac layout. The inward looking focus of the building frontages largely divides-off the existing boundary trees and vegetation from the spine road. The parking at the side of the block of flats together with access road and visitor parking to the south generates a large area of hard surfacing that unfortunately dominates this central part of the scheme. The blocks of parking between plots 9-10 and 11-12 also risks appearing hard-edged.

Elevations

The elevations suffer from a ubiquitous-looking pastiche design that gives the development little sense of place with the detailing appears to lack authenticity.

The extended mono-pitch canopies employed on plots 8, 10, 11 and 12 is a horizontally proportioned feature that incongruously extend the full width of these houses and its horizontal proportions are at odds with the otherwise vertical proportions of the rest of these facades. It also undermines the opportunity to create a consistent rhythm on the terraced houses on plots 7-9.

The block of flats is clumsily modelled with hipped roof at the front and a gabled arrangement at the rear that defies the normal hierarchy, and looks odd when viewed from the side. The mono-pitched configuration of the projecting entrance bay juxtaposes awkwardly with the gabled canopy which does not feature on the floorplans.

The elevational details on the front of the buildings peel away at the side. This results in utilitarian-designed rear elevations which the back-to-front arrangement along Bolnore Road will also unfortunately reveal.

SOUTHERN WATER (22.05.2020)

It appears that applicant is proposing an abandon of foul sewers which is not shown on records. Southern Water requests a formal application for sewer diversion under S185 of Water Industry Act 1991 in order to divert any public sewer.

Southern Water requires a formal application for a connection to the public foul 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 read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

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

Under 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 Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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

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

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

MSDC HOUSING (05.02.2020 BY EMAIL):

The applicant is proposing a development of 18 units and 50% of the units are to be provided as affordable housing. The affordable mix will meet a range of housing needs and comprises 2 x 1 bed / 2 person flats, 4 x 2 bed / 4 person flats and 1 x 2 bed / 4 person house for affordable rent and 2 x 2 bed / 4 person houses for shared ownership. This complies with our tenure requirement of 75%

rented and 25% shared ownership. It is noted that the 2 bed houses include en-suite bathrooms which the Registered Provider taking on the units may not require.

An email sent on 12.03.2020 from Housing confirms that to meet Category 2 (accessible and adaptable dwellings under Building Regulations – Approved Document M requirement M4(2) the development will need to provide 4 units (20%) to be accessible and adaptable dwellings.

Under Category 3 – Wheelchair-user dwellings under Building Regulations – Approved Document M Requirement M4(3), MSDC Housing are not requiring any units to be wheelchair user dwellings.

Shanly Homes are offering 4 no. ground and first floor flats, to be Part M4(2) compliant. MSDC Housing consider this to be acceptable.

MSDC ENVIRONMENTAL PROTECTION AND CONTAMINATED LAND (02.10.2019):

Due to contamination concerns a phase 1 and phase 2 Geo-Environmental Risk Assessment has been undertaken by Aviron Associates Limited, ref: 19-207.01, dated July 2019.

I have assessed the report and note that there is a risk of ground gas, specifically carbon dioxide. Additionally asbestos has also been found on site. As such there are remediation measures to be taken, and it is therefore recommended that a remediation plan be conditioned, as well as a verification report prior to occupation of the proposed dwellings.

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

Additionally, given the proximity of nearby existing residents to the application site, there is a concern with regards to the impact of the construction work which will produce a certain level of noise. Conditions are therefore recommended in order to try and minimise the impact as far as reasonably practicable.

Recommendation: Approve with conditions

- 1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

Based on the site investigation results and the detailed risk assessment an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 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 a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

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.

- 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.

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

Reason: to protect the amenity of local residents.

- 5) Deliveries: Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:

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

- 6) 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.

MSDC DRAINAGE (21.10.2019)

No objection subject to conditions.

SURFACE WATER DRAINAGE PROPOSAL

It is proposed that the development will manage surface water drainage through infiltration into the ground. An outline surface water drainage strategy has been provided based on the use of permeable paving and deep bore soakaways.

FOUL WATER DRAINAGE PROPOSAL

It is proposed that the development will connect to the main foul sewer located to the east of the site beneath Bolnore Road.

FLOOD RISK

The proposed development is within flood zone 1 and is at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

FLOOD RISK AND DRAINAGE TEAM CONSULTATION

The proposed use of infiltration to manage surface water on site is supported by the SuDS infiltration potential map which shows the area to have a high infiltration potential. We acknowledge the applicant proposes to utilise permeable paving on site. However, we would encourage open water features such as swales and rainwater gardens be incorporated on site to increase amenity. We would also encourage the use of more swallow infiltration wherever possible.

The detailed drainage design will need to be supported by infiltration test results.

We would also advise the applicant that private drains may be located beneath Bolnore Road and investigations into their locations should be undertaken prior to final drainage design. No new development should be located within 8m of an existing sewer.

Further general information into our requirements for foul and surface water drainage are included within the 'further advice' section.

SUGGESTED CONDITIONS

C18F - MULTIPLE DWELLINGS

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by

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

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

WORKS WITHIN 8M OF DRAIN OR WATERCOURSE

No part of any concrete foundations and no construction activities shall be within 8 metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment.

West Sussex County Council (PROW) (23/10/19) (Referred to on p.48 of the agenda)

The existence of a Public Right of Way (PROW) 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.

Public Byway 27CU runs along part of Bolnore Road which has been identified as the access route for this development. Historically WSCC have received numerous complaints from residents and other users of this route with regards to the surface of the byway. Byway status does allow for recreational use of this route by motorised vehicles, however as there is no continuation of this right, or higher rights, to the south of the byway it has to be assumed that the majority of trips along this route in vehicles are drivers exercising private rights owning or visiting properties along the route. The surface of the byway is therefore being adversely affected by this private use already.

This new development will increase this private usage of the route quite considerably which will impact further on the surface of the byway both during development and afterwards. The access needed by HGV's during the development phase is especially damaging to the surface as was seen with the previous Shanly development to the east of the byway, Beechcroft. As part of this development Shanly Homes agreed to surfacing part of Bolnore road but only extended to the frontage of the new development. This obviously improved the aesthetics of the development itself but gave no consideration to the section of the byway between this development and the start of the d classified section of Bolnore Road.

If planning permission is granted for this development a condition should be included for resurfacing of Bolnore road from the end of the d classified section through to the access road for the development site. This is the request of WSCC public rights of way to ensure that the future increases in private use of this route does not result in a deteriorating surface of the PROW. WSCC Highways have also been consulted on this

application and any comments regarding the section carrying D status will be included by the Highways Officer.

It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route – advice on the legal width can be provided by the WSCC PROW Team.

The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

The development proposes shared use of a PROW with vehicles and introduces a vehicle crossing point of a PROW, which increases the risk of accident or injury to a PROW user. The applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.

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