



## **Agenda Update Sheet**

### **District Planning Committee**

**Date 19<sup>th</sup> April 2022**

## **Agenda Item 5:**

### **Recommended for Approval**

**APPLICATION NO: DM/21/3385**

#### **P.27 Delete:**

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 NPPF.

#### **p.28 Recommended conditions**

Amend condition 3 to read as follows:

No development above ground slab level shall be carried out unless and until a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed care home and bin store have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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

Amend Condition 6 to read as follows:

No development above ground slab level shall be carried out unless and until detailed drawings (at an appropriate scale) showing depth of the reveal, balustrading, colonnade, front entrance, glazing and cladding system have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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

Following discussions with the Environmental Protection Officer provided the proposed 5 EV charging points are a minimum of 7Kw and secured by condition, then condition 11 is no longer required and can be deleted and replaced with:

No part of the development shall be first occupied until a minimum of 20 percent of the spaces will be electric vehicle charging space(s) to meet a minimum of 7kw have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan.

Delete Condition 19 as per Policy DP28 as it meets the exception where a scheme specifically intended for the for the needs of particular individuals or groups, where a greater proportion may be appropriate.

Amend Condition 20 to read as follows:

The development shall be carried out in accordance with the Sustainability Statement submitted as part of the application. On completion of the development, an independent

final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the care home has been constructed in accordance with the Sustainability Statement.

Reason: In the interests of achieving an energy efficient, sustainable development and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.

Amend Condition 21

Additional condition:

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

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

### **p34- Appendix B – Consultations**

Urban Designer additional comments:

As this scheme is about to go to committee, we will probably need a condition to cover this (including a requirement for revised section drawings) in case we are not satisfied that the dimensions and the rainwater intensity figures have been properly factored in. I think this is dubious for the reasons I previously stated.

### **Agenda Item 6:**

#### **Recommended for Approval**

**APPLICATION NO: DM/21/3959**

#### **p.72 – Letters of representations**

1 letter of further comments in respect of the following:

- querying proposed uses identified
- a track to the south-west of the site toward Freechase providing interconnection between Freechase holiday lets to access facilities at Lydhurst;
- querying safety of location of children's play area away from buildings;
- retention of tennis courts with no changing facilities.

Following representations received concerning the impact on the Warninglid Conservation Area, Officers wish to clarify that whilst the access from The Street falls within the Conservation Area, this ends before the entrance gates and the main site is not within the Conservation Area. The nearest building within the site which is subject to the application lies some 288 metres and the car park which is to be landscaped is some 219 metres west of the Conservation Area. The proposal is therefore not considered to affect the setting of the Conservation Area.

Policy DP35 of the District Plan relates to Conservation Areas. In part it states:

*'Development will also protect the setting of the conservation area and in particular views into and out of the area.'*

Officers consider that the application will have a negligible impact on the views in and out of the Conservation Area due to the distances.

Whilst Warninglid does not have a recent Conservation Area Character Appraisal, the assets which characterise the Conservation Area are defined in the Council's document "Conservation Areas in Mid Sussex (August 2018)" which sets out the following in relation to Warninglid:

*'The Street, which forms the focus of the Conservation Area designated in 1969, contains a number of buildings dating back to the 16th century. Some of these are Listed as being of special architectural or historic interest.*

*The following features, in particular, contribute to the character of the Conservation Area:*

- the attractiveness of The Street due to the variety in the ages and styles of building;*
- the predominant use of traditional and natural building materials eg sandstone, brick, timber and clay roof tiles;*
- the traditional style street lamps and road sign directing traffic to adjacent villages/towns;*
- the sense of enclosure created by the buildings and the bank, hedges and trees adjacent to The Street; and*
- the village pond with an arching sandstone bridge leading to the drive of Lyndhurst Estate, creating a focal point within The Street.'*

None of these attributes are impacted by the proposed development.

#### **p.104 - Appendix A – Recommended conditions**

Amend condition 4 to read as follows:

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. The foul and surface water drainage design should take into consideration the phased nature of the development. Each phases' drainage will need to meet with the surface water drainage requirement to manage water from the 1 in 100-year, with climate change storm event and any surface water discharge shall be restricted to the Greenfield QBar runoff rate of areas connected to the drainage system. No building shall be occupied / brought into use until the approved drainage works associated with that phase have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

Amend condition 5 to read as follows:

Prior to the commencement of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of approval. All works which form part of the approved

scheme shall be completed before the associated part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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.

Amend condition 16 to read as follows:

No part of the development shall be first occupied until a phasing plan showing the location, specification and timetable for construction for the car parking within the site has been submitted to and approved in writing by the Local Planning Authority. The car parking shall be constructed in accordance with the approved phasing plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

#### **p.110 – Informatives**

Additional informative to reads as follows:

During the course of the works, should any asbestos be found this should be removed by a specialist contractor and securely disposed of.

#### **Agenda Item 7:**

#### **Recommended for Approval**

#### **APPLICATION NO: DM/21/3870**

#### **p. 141 – Additional consultation response from MSDC’s Ecological Consultant dated 17/05/22**

- Subject to the final Landscape Masterplans and general arrangements drawings being secured by the LPA, we are satisfied that there is sufficient ecological information to support determination of this Reserved Matters application.
- Recommend that final Landscape Masterplans are secured by a condition of any consent for implementation alongside a long term Landscape and Ecological Management Plan to secure the BNG promised for a minimum of 30 years. We also recommend that a copy of the Dormouse mitigation licence is also secured by a condition of any consent.

#### **p. 181 - Ecology & Biodiversity**

Additional information has been received since the report was published. This includes clarification that Hedgerow F5, which is proposed to be lost as part of the proposals, is species poor. Evidence of Dormouse presence has been confirmed within this hedgerow (mammal larder found during 2021 surveys) and connected hedges (dormouse nests). Mitigation has been secured to include the planting of new native, species-rich replacement hedgerow in green space to ensure it can function as a Priority habitat and connect with existing habitat network. This will also provide the detail for compensatory habitat likely to

be required by the Dormouse mitigation licence application to Natural England as well as evidencing the final Biodiversity Net Gain (BNG) calculations for habitat restoration and creation.

Updated BNG Metric 2.0 calculations (May 2022) have been submitted revising the linear based units and confirms the applicant's agreement to deliver the functional hedgerow compensation described above. The application has demonstrated that it can deliver 21.16% Biodiversity Net Gain in habitat units and 26.36% Biodiversity Net Gain in Hedgerow units. This is in excess of the 10% Biodiversity Net Gain required by the outline planning permission and is achieved in a manner that will improve habitat connectivity.

The Councils Ecology Consultant raise no objection to the application subject to conditions to secure:

- Landscape Masterplans
- Long term Landscape and Ecological Management Plan to secure the BNG promised for a minimum of 30 years.
- A copy of the Dormouse mitigation licence

Full details of landscaping for the various parcels are secured by condition.

A Landscape and Ecological Management Plan is required as an obligation in the legal agreement to be submitted for each Sub-Phase prior to the commencement of that Sub-Phase. It is not considered necessary or appropriate to duplicate this in a condition.

An additional condition to secure the Dormouse Mitigation licence is secured below.

Following the receipt of the additional information, the application is still considered to be in accordance with Policies DP7, DP9 and DP38 of the District Plan, Principles SDP14, SDP15 and SDP16 of the Masterplan, the IDP and the NPPF, as set out in the agenda report.

### **p.190 – Planning Balance and Conclusion**

The first paragraph should be replaced with the following:

The principle of 249 dwellings on this site has been established through the granting of the outline planning permission DM/18/5114.

### **p.192 - Appendix A – Recommended conditions**

Amended condition 1:

1. Unless otherwise agreed in writing, the development shall be carried out in accordance with the following approved plans:  
022106-BEL-SL-01 Rev B, 022106-BEL-SL-02 Rev B, 022106-BEL-SL-03 Rev B, 022106-BEL-SL-04 Rev B, 022106-BEL-SL-05 Rev B, 022106-BEL-SL-06 Rev B, 022106-BEL-SL-07 Rev B, 022106-BEL-SL-08 Rev C, 022106-BEL-SL-09 Rev C, 022106-BEL-SL-10 Rev B, 022106-BEL-SL-11 Rev B, 022106-BEL-SL-MG01, 022106-BEL-SL-MG02, 022106-BEL-SL-MG03, 022106-BEL-SL-MG04, 022106-BEL-SL-101 Rev C, 022106-BEL-SL-102 Rev C, 022106-BEL-SL-103 Rev C, 022106-BEL-SL-104 Rev C, 022106-BEL-SL-105 Rev C, 022106-BEL-SL-106 Rev C, 022106-BEL-SL-PER01, 022106-BEL-SL-PER02, 022106-BEL-SL-PER03, 022106-BEL-SL-PER04, 022106-BEL-SL-PER05, 022106-BEL-SL-SS01 Rev B, 022106-BEL-SL-SS02 Rev A, 022106-BEL-SL-SS03 Rev A, 022106-BEL-SL-SS04

Rev A, 022106-BEL-SL-SS05 Rev A, 022106-BEL-SL-SS06 Rev B, 022106-BEL-SL-SS07 Rev A, 022106-BEL-SL-SS08 Rev A, 022106-BEL-SL-SS09 Rev B, 022106-BEL-SL-SS10 Rev B, 022106-BEL-SL-SS11 Rev B, 022106-BEL-SL-SS12 Rev B, 022106-BEL-SL-SS13 Rev A, 022106-BEL-SL-SS14 Rev B, 022106-BEL-SL-SS15 Rev A, 022106-BEL-SL-SS16 Rev B, 022106-BEL-SL-SS17 Rev B, 022106-BEL-SL-SS18 Rev B, 022106-BEL-SL-SS19 Rev B, 022106-BEL-SL-SS20 Rev A, 022106-BEL-SL-SS21 Rev B, 022106-BEL-SL-SS22 Rev B, 022106-BEL-SL-SS23 Rev B, 022106-BEL-SL-SS24 Rev A, 022106-BEL-SL-SS25 Rev A, 022106-NG-T01-E1, 022106-NG-T01-E2, 022106-NG-T01-P1, 022106-NG-T01-P2, 022106-NG-T02-E1, 022106-NG-T02-E2, 022106-NG-T02-P1, 022106-NG-T02-P2, 022106-NG-T03-E1, 022106-NG-T03-E2, 022106-NG-T03-P1, 022106-NG-T03-P2, 022106-NG-T04-E1, 022106-NG-T04-P1, 022106-NG-T05-E1 Rev B, 022106-NG-T05-P1 Rev B, 022106-NG-T06-E1 Rev B, 022106-NG-T06-P1 Rev B, 022106-NG-T07-E1, 022106-NG-T07-P1, 022106-NG-T08-E1, 022106-NG-T08-P1, 022106-NG-1BCH-E1 Rev A, 022106-NG-1BCH-P1 Rev A, 022106-NG-1BCH-E2 Rev A, 022106-NG-1BCH-P2 Rev A, 022106-NG-B1-E1 Rev B, 022106-NG-B1-P1 Rev A, 022106-NG-B1-P2 Rev A, 022106-NG-B1-P3 Rev A, 022106-NG-B3-E1 Rev B, 022106-NG-B3-P1 Rev B, 022106-NG-B3-P2 Rev B, 022106-NG-B3-P3 Rev B, 022106-NG-B4-E1 Rev B, 022106-NG-B4-P1 Rev B, 022106-NG-B4-P2 Rev B, 022106-NG-B4-P3 Rev B, 022106-NG-B5-E1 Rev B, 022106-NG-B5-P1 Rev B, 022106-NG-B5-P2 Rev B, 022106-NG-B5-P3 Rev B, 022106-NG-B6-E1 Rev B, 022106-NG-B6-P1 Rev B, 022106-NG-B6-P2 Rev B, 022106-NG-B6-P3 Rev B, 022106-NG-B7-E1 Rev B, 022106-NG-B7-P1 Rev B, 022106-NG-B7-P2 Rev B, 022106-NG-B7-P3 Rev B, 022106-NG-B8-E1 Rev B, 022106-NG-B8-P1 Rev B, 022106-NG-B8-P2 Rev B, 022106-NG-B8-P3 Rev B, 022106-NG-B9-E1 Rev B, 022106-NG-B9-P1 Rev B, 022106-NG-B9-P2 Rev B, 022106-NG-B9-P3 Rev B, 022106-NG-B10-E1 Rev B, 022106-NG-B10-P1 Rev B, 022106-NG-B10-P2 Rev B, 022106-NG-B10-P3 Rev B, 022106-NG-B11-E1 Rev B, 022106-NG-B11-P1 Rev B, 022106-NG-B11-P2 Rev B, 022106-NG-B11-P3 Rev B, 022106-NG-B12-E1 Rev B, 022106-NG-B12-P1 Rev B, 022106-NG-B12-P2 Rev B, 022106-NG-B12-P3 Rev B, 022106-NG-B13-E1 Rev B, 022106-NG-B13-P1 Rev B, 022106-NG-B13-P2 Rev B, 022106-NG-B13-P3 Rev B, 022106-VG-T01-E1 Rev A, 022106-VG-T01-P1 Rev A, 022106-VG-T04-E1 Rev A, 022106-VG-T04-P1 Rev A, 022106-VG-T05-E1 Rev A, 022106-VG-T05-P1, 022106-VG-T06-E1, 022106-VG-T06-E2, 022106-VG-T06-P1, 022106-VG-T06-P2, 022106-VG-T07-E1 Rev A, 022106-VG-T07-P1, 022106-VG-T08-E1 Rev A, 022106-VG-T08-P1 Rev A, 022106-VG-B2-E1 Rev B, 022106-VG-B2-P1 Rev A, 022106-VG-B2-P2 Rev A, 022106-VG-B2-P3 Rev A, 022106-NH-T01-E1 Rev A, 022106-NH-T01-P1, 022106-NH-T02-E1 Rev A, 022106-NH-T02-P1, 022106-NH-T03-E1 Rev A, 022106-NH-T03-P1, 022106-NH-T04-E1 Rev A, 022106-NH-T04-P1, 022106-NH-T05-E1 Rev A, 022106-NH-T05-P1, 022106-NH-T06-E1 Rev A, 022106-NH-T06-P1 Rev A, 022106-NH-T06-P2 Rev A, 022106-NH-T07-E1, 022106-NH-T07-P1, 022106-NH-T08-E1, 022106-NH-T08-P1, 022106-NH-T09-E1 Rev A, 022106-NH-T09-P1, 022106-NH-T10-E1 Rev A, 022106-NH-T10-P1, 022106-NH-T11-E1 Rev A, 022106-NH-T11-P1, 022106-NH-T12-E1 Rev A, 022106-NH-T12-P1, 022106-NH-SA-E1, 022106-NH-SA-P1, 022106-NH-FR-E1 Rev A, 022106-NH-FR-E2 Rev A, 022106-NH-FR-P1, 022106-NH-RE-E1, 022106-NH-RE-P1, 022106-GE-T01-E1 Rev A, 022106-GE-T01-P1, 022106-GE-T02-E1 Rev A, 022106-GE-T02-P1, 022106-GE-T03-E1 Rev A, 022106-GE-T03-P1, 022106-GE-T04-E1 Rev A, 022106-GE-T04-P1, 022106-GE-T05-E1 Rev B, 022106-GE-T05-E2 Rev A, 022106-GE-T05-P1, 022106-GE-T05-P2, 022106-GE-T06-E1 Rev A, 022106-GE-T06-P1, 022106-GE-T07-E1 Rev A, 022106-GE-T07-P1, 022106-GE-T08-E1, 022106-GE-T08-P1, 022106-GE-T09-E1 Rev A, 022106-GE-T09-P1, 022106-GE-T10-E1 Rev A, 022106-GE-T10-P1, 022106-GE-T11-E1, 022106-GE-T11-P1, 022106-GE-SAIV-E1 Rev A, 022106-GE-SAIV-P1, 022106-GE-FR-E1 Rev A, 022106-GE-FR-E2, 022106-GE-FR-P1, 022106-GE-MI-E1 Rev A, 022106-GE-MI-E2, 022106-GE-MI-P1, 022106-GE-RE-E1 Rev A,

022106-GE-RE-E2 Rev A, 022106-GE-RE-E3 Rev A, 022106-GE-RE-P1 Rev A, 022106-GE-RE-E4, 022106-GE-RE-P2, 022106-BARN-E1 Rev A, 022106-BARN-P1 Rev A, 022106-BARN-P2 Rev A, 022106-GAR01, 022106-GAR02, 022106-GAR03, 022106-GAR04, 022106-GAR05, 022106-SUB01, 022106-CS01, 022106-CP01 Rev A, 022106-CP02 Rev A, 022106-CP03 & 022106-DET01.

Amended condition 11:

11. Prior to commencement of development on Parcel P1.5 (as shown on plan 022106-BEL-SL-LPP) and notwithstanding any information submitted to the contrary, full details of a hard and soft landscaping scheme for Parcel P1.5 shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- New planting
  - Hedgerow mitigation planting
  - Indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development.
  - Hard surfacing
  - Boundary treatments
  - Section drawings of attenuation ponds/swales

These works shall be carried out as approved. The works shall be carried out in accordance with a programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. In addition, all planting either in the verge adjoining the cycleway or in any visibility splay informed by Manual for Streets design must be kept below 600mm in height.

Reason: In the interests of visual amenity and to ensure an acceptable impact on retained trees in accordance with DP9, DP26 and DP37 of the District Plan.

Additional condition 21:

21. Prior to the removal of any hedgerow on the site, a copy of the Dormouse mitigation licence shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the licence.

Reason: In the interests of ecology in accordance with Policies DP7, DP9, DP38 of the District Plan.

Additional condition 22:

22. Prior to the commencement of development, 3 hard copies of 1:50 plans showing dimensions and floor areas of individual rooms for the wheelchair user flats shall be submitted to and approved in writing. The development shall only be carried out in accordance with the approved details.



Reason: To ensure the wheelchair units meet the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended and in accordance with Policy DP28 of the District Plan.

This page is intentionally left blank