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11 December 2019

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 19TH DECEMBER, 2019 at 7.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

**A G E N D A**

**Pages**

- |    |  |              |
|----|--|--------------|
| 1. | To receive apologies for absence.  |              |
| 2. | To receive Declarations of Interest from Members in respect of any matter on the Agenda. |              |
| 3. | To confirm the Minutes of the meeting of the Committee held on 28 November 2019.         | <b>3 - 6</b> |
| 4. | To consider any items that the Chairman agrees to take as urgent business.               |              |

**Items Recommended for Approval.**

- |    |   |                |
|----|---|----------------|
| 5. | DM/18/0421 - Linden House, Southdowns Park, Haywards Heath, RH16 4XJ. | <b>7 - 52</b>  |
| 6. | DM/19/3144 - Land East of Kingsway, Burgess Hill, RH15 0XQ.           | <b>53 - 82</b> |
| 7. | DM/19/3330 - 1 The Meadow, Copthorne, Crawley, RH10 3RG.              | <b>83 - 92</b> |
| 8. | DM/19/4133 - 1 The Glebe, Lindfield, Haywards Heath, RH16 2JS.        | <b>93 - 96</b> |

9. DM/19/4180 - Stone Quarry Post Office, Hollands Way, East Grinstead, RH19 3EN. **97 - 112**

**Items Recommended for Refusal.**

10. DM/19/2060 - Firs Farm, Copthorne Common Road, Copthorne, RH10 3LF. **113 - 150**

**Other Matters.**

None.

11. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

**NOTE:** All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

Members are also reminded the representations, plans and application file will also be available for inspection at these offices from 6.00 p.m. on the day of the meeting.

To: **Members of Planning Committee:** Councillors G Marsh, P Coote, G Allen, R Cartwright, E Coe-Gunnell White, J Dabell, R Eggleston, A MacNaughton, C Phillips, M Pulfer, D Sweatman and N Walker

**Minutes of a meeting of Planning Committee  
held on Thursday, 28th November, 2019  
from 7.00 - 7.49 pm**

**Present:** G Marsh (Chairman)  
P Coote (Vice-Chair)

G Allen  
R Cartwright  
J Dabell

A MacNaughton  
C Phillips  
M Pulfer

D Sweatman  
N Walker

**Absent:** Councillors E Coe-Gunnell White and R Eggleston

**Also Present:** Councillor Henwood

**1 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillors Coe-Gunnell White.

**2 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.**

Councillor Allen declared a pre-determined interest in DM/19/3969 - Sorrento, Keymer Road, Burgess Hill, West Sussex, RH15 0AN as he is one of the Councillors who called in the application. He confirmed that he would remove himself from the meeting for the duration of the discussion and voting on the item.

Councillor Cartwright declared that he lives on the same road DM/19/3969 - Sorrento, Keymer Road, Burgess Hill, West Sussex, RH15 0AN however he has no personal interest in the application.

**3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 7 NOVEMBER 2019**

The Minutes of the meeting of the Planning Committee held on 7 November 2019 were agreed as a correct record and signed by the Chairman.

**4 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS.**

The Chairman had no urgent business.

**5 DM/19/2807 - THE HAVEN CENTRE, HOPHURST LANE, CRAWLEY DOWN, RH10 4LJ.**

The Chairman noted that the application was only before the committee as the application is on Council owned land. He confirmed that Members did not require a presentation so moved to the recommendation to approve the application which was approved unanimously.

## **RESOLVED**

That planning permission be approved subject to the conditions outlined at Appendix A.

### **6 DM/19/3123 - BRIDGE HALL, CUCKFIELD ROAD, BURGESS HILL, WEST SUSSEX, RH15 8RE.**

Steven King, Planning Application Team Leader, introduced the report which sought full planning permission for the demolition of the existing dwelling at Bridge Hall, Cuckfield Road and erection of 40 new dwellings with new access created onto Cuckfield Road. He directed Members' attention to the Agenda Update Sheet which detailed minor amendments to Conditions 4 and 5; an additional pre-commencement condition and additional representations from the Drainage Engineer and Urban Designer. It was stated that a further pre-commencement condition not mentioned in the Agenda Update Sheet was required in relation to the Urban Designer Consultation Response.

Julian Walker, Applicant, spoke in favour of the application.

A Member expressed that he was happy see 40% additional capacity to deal with a climate change storm event. He sought reassurances that the nearby watercourse can cope with the additional demand of water from the development and during high volumes of rain. He also enquired whether there will be charging points for electric cars.

The Planning Application Team Leader stated that all surface water runoff will drain to the watercourse on the south side of the site which would provide drainage for all surface water on the site. The rate of discharge from the site would be attenuated on site and then discharged off site at the green field rate. He added that the final details on drainage will be covered by a planning condition.

The Chairman noted that whilst the entire Northern Arc will have electric car charging points, the application site is not a strategic site and therefore the Council can only recommend to the applicant that charging points are installed.

A Member requested that an informative be put in place to request that electric car charging points are installed on the site.

The Planning Application Team Leader referred the Committee to page 30 of the Agenda and noted the wording of Policy DP21 "where practical and viable". It was highlighted that there may be difficulty in putting electric car charging points in the scheme due to it being a contained site with surface parking located on the outer areas of the site and in this instance would not be viable.

The Chairman stated that an informative can be put forward to recommend the installation of electric car charging points on the site. He then took Members to the recommendation to approve the application, proposed by the Vice-Chairman and seconded by Cllr MacNaughton, which was approved unanimously.

## **RESOLVED**

That permission be granted subject to:

1. the completion of a S106 Agreement to secure the affordable housing and infrastructure contributions;
2. the conditions listed at Appendix A;
3. the minor amendments to Condition 4 and 5 and the additional pre-commencement condition as stated in the Agenda Update Sheet;
4. the additional pre-commencement condition required in relation to the Urban Designer Consultation Response; and
5. the additional informative which recommended the installation of electric car charging points on the site

**7 DM/19/3969 - SORRENTO, KEYMER ROAD, BURGESS HILL, WEST SUSSEX, RH15 0AN.**

**[Cllr Allen removed himself from the Committee at 7:23p.m.]**

Andy Watt, Senior Planning Officer, introduced the report which sought full planning permission for the erection of a 4-bed detached dwelling and car port within part of the rear garden of Sorrento, Keymer Road, Burgess Hill, together with the formation of a new access.

The Senior Planning Officer highlighted a map showing the site and the surrounding area which illustrated that the surrounds of the application site were now characterised by back land development.

Mr Bellchamber, local resident, spoke against the application.

Isabelle Bennet, agent of the applicant, spoke in favour of the application.

Cllr Janice Henwood, Ward Member, spoke against the application. She noted that backyard development is common on the road however she directed the committees' attention to P.72 of the committee report in which Neighbourhood Plan policy H2 states that the density of the development should be considered. She highlighted the need to consider the future occupants of the properties and recommend that the development be built at a reduced size.

A Member believed that the development is sympathetic to the area and thinks that it is a good result for the area.

A Member understood that the principle of backyard development has been set on the road but felt that the development is too large for the application site. He also felt that delivery vans may have difficulties turning if they were to deliver to the house in question.

The Senior Planning Officer stated that he hasn't been given tracking diagrams however the garage will be double-spaced and so should allow even a large vehicle to reverse within the parking area.

A Member believed that allowing the application would weaken the Neighbourhood Plan process.

A Member noted that the principle of development in this area has already been established therefore it would be hard to refuse the application.

The Chairman noted that no other Member wished to speak so moved to the recommendation to approve the application; proposed by the Vice-Chairman and

seconded by Cllr Walker, which was approved with six votes in favour, two votes against and one abstained.

**RESOLVED**

That the application be approved subject to the conditions set out in Appendix A.

**8 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 7.49 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

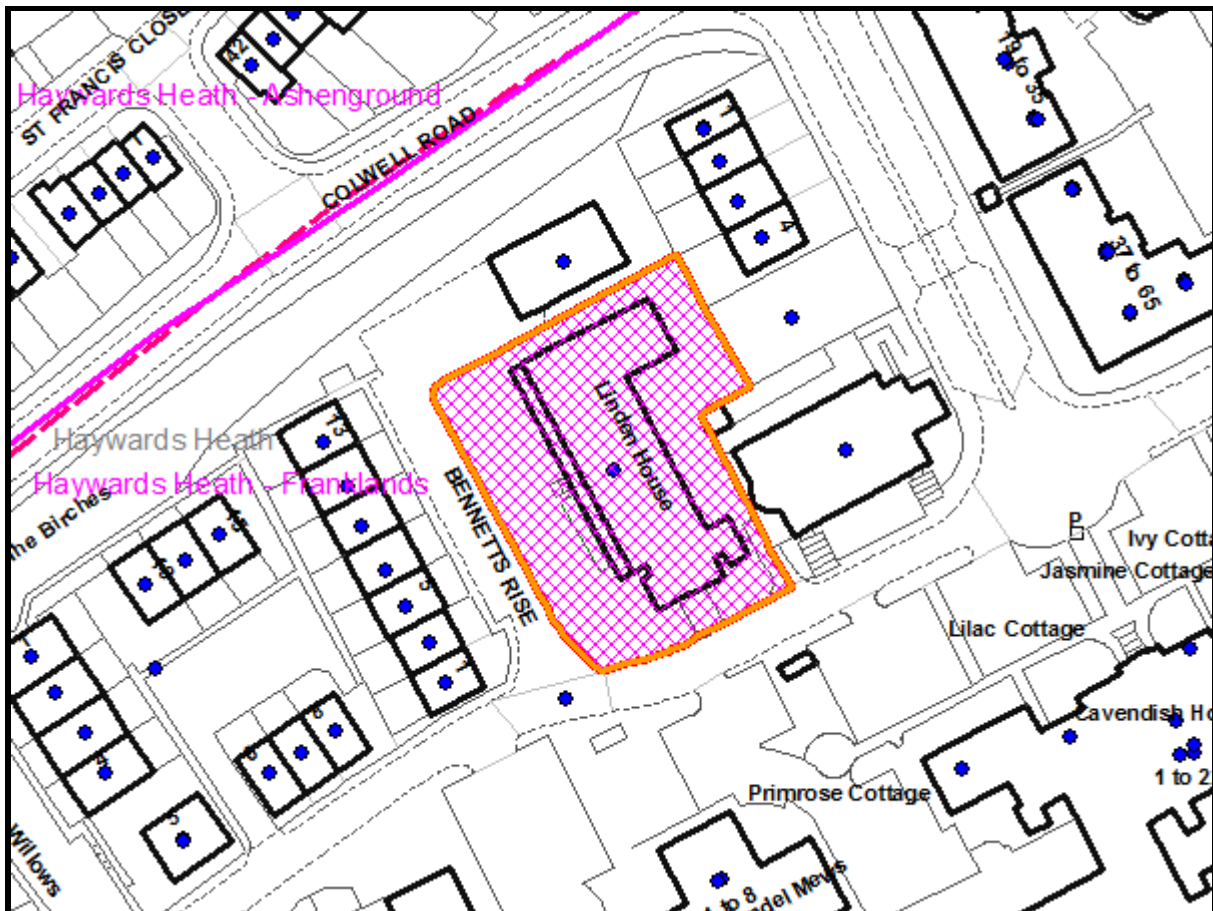
Planning Committee

19 DEC 2019

RECOMMENDED FOR PERMISSION

## Haywards Heath

DM/18/0421



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**LINDEN HOUSE SOUTHDOWNS PARK HAYWARDS HEATH WEST  
SUSSEX  
DEMOLISH EXISTING VACANT BUILDING AND ERECT 14 UNIT  
APARTMENT BLOCK.  
MR MARK HIBBERT**

POLICY: Built Up Areas / Planning Agreement / Planning Obligation / Supplemental Planning Agreement / SWT Bat Survey /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 20th December 2019

WARD MEMBERS: Cllr Rod Clarke / Cllr Michael Pulfer /

CASE OFFICER: Joseph Swift

### **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 outline consent with access being the only reserved matter for the demolition of existing vacant building and erection of a 14 unit apartment block at Linden House, Southdowns Park, Haywards Heath.

The application site is designated within the Mid Sussex District Plan as being within the built up area boundaries of Haywards Heath where the principle of development accords with Policies DP4 and DP6 of the Mid Sussex District Plan.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF.

National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

Weighing in favour of the scheme is that the development will provide 14 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed.

There will be a neutral impact in respects of a number of issues, such as design, neighbouring amenities, drainage, sustainable construction, contaminated land, space standards, biodiversity, parking, including the impact on the Ashdown Forest.



Weighing against the scheme is the proposal would cause less than substantial harm to the setting of the Listed Buildings. In addition the proposal has been found to not be viable if it has to provide affordable housing or infrastructure contributions.

Owing to the fact that the proposal is replacing an existing vacant and dilapidated building, pulling the building away from the Listed Building, while matching in with the design of similar sized new blocks constructed as part of the wider Southdowns Park development, it is considered to be at the lower end of the scale of less than substantial.

The proposal will be utilising a brownfield site, within the built up area boundaries of Haywards heath and would be providing 14 residential units within a sustainable location while also generating economic benefits, through the new homes bonus, and additional spending from future residents and jobs during construction it is considered on balance the public benefits are considered to outweigh the identified harm.

For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP21, DP26, DP27, DP29, DP34, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E8, E9, E13, T1, T3 and H8 of the Haywards Heath Neighbourhood Plan and the objectives of the National Planning Policy Framework. It is therefore the Officers recommendation that the application is approved.

### **RECOMMENDATION**

It is recommended that planning permission is granted subject to the conditions set out in Appendix A subject to the completion of the S106 agreement to secure a viability review on the sale of 75% of the units.

## **SUMMARY OF REPRESENTATIONS**

### **Haywards Heath Society:**

The society supports the proposal provided the appropriate percentage of affordable housing is supplied by the developer. The society expects MSDC to impose conditions which protect local neighbours during demolition and construction after development is complete.

12 letters of representation have been received raising the following issues:

- Noise and disturbance
- Dust and dirt
- Parking
- Loss of existing attractive building/architectural merit
- Damage to Bennetts Rise
- Asbestos within the original building
- Rats
- Drainage

- Loss of outlook
- Not sympathetic to the surroundings
- Highway safety
- Lack of affordable housing
- Site safety
- Existing roof beginning to collapse (safety concern)

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

### **Urban Designer:**

While this is an outline application, only access is reserved with approval being sought for appearance, landscaping, layout and scale. The proposed building is an unconvincing pastiche that unsatisfactorily articulates this substantial building and lacks the finesse and architectural interest of the existing building. At 4 rather than 3 storeys it is substantially larger than the existing building and will inappropriately impose upon its surrounds including the adjacent listed buildings and the modest 2 storey houses opposite. I therefore object to this planning application.

### **West Sussex County Council Highways:**

In principle, there are no particular highway concerns.

### **Street Naming and Numbering:**

Info 29

### **Environmental Protection:**

No objections subject to conditions.

### **Contaminated Land Officer:**

Approve with conditions.

### **Leisure Officer:**

Contributions required towards children's playing space, formal sports and community buildings.

### **Drainage Officer:**

No objections subject to conditions.

### **Conservation Officer:**

I would consider the harm caused to the setting of the listed buildings and the manner in which their special interest is appreciated to be less than substantial, such that the criteria set out in paragraph 196 of that document would apply.

### **Ecology Officer:**

In conclusion, therefore, and subject to the public interest test, I am of the view that more thorough survey information could wait until the reserved matter submission.

### **Haywards Heath Town Council:**

Acknowledging that previous applications have set a precedent for the development of this site, the Town Council supports this latest application in principle, subject to compliance with conditions.

### **Housing Officer:**

Indeed even if no section 106 costs are payable and no affordable housing provided the scheme as it currently stands will not result in a 17.5% profit.

### **WSCC Flood Risk Management:**

No Objections.

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## **INTRODUCTION**

This application seeks outline consent for the demolition of existing vacant building and erection of a 14 unit apartment block at Linden House, Southdowns Park, Haywards Heath. Access is the only matter reserved for future approval and thus the details of the appearance of the building, landscaping, layout and scale are subject of this application.

## **RELEVANT PLANNING HISTORY**

The wider Southdowns Park has been subject to a number of planning applications. In respect of the site subject of the current application, it was resolved to grant consent in 2011 for:

11/00518/FUL: Conversion of existing building to provide 13 no. new units. Change of use from C2 (Hospital) to C3 (Residential). Provision of 30% affordable housing subject to further discussion with Mid Sussex District Council Enabling Manager.

However, the legal agreement was never completed and the application was not proceeded with.

## **SITE AND SURROUNDINGS**

Linden House is an imposing 3-storey building that is located on the northern side of the internal spine road, serving the Southdowns Park development, between Ashurst and The Chapel. The building was previously used in association with the hospital but has remained vacant for a number of years and occupies an elevated position on a grassed plateau. The building, in the main, is attractive and has a distinct character that differs from other buildings within the vicinity.

Immediately to the north of the building is the site office serving the current development (which will be removed from site), beyond which lies a tree belt to Colwell Road.

To the east of the Linden House is The Chapel a grade II Listed Building, which is occupied by a day nursery that has its outdoor space to the rear. A mature Monterey Pine, which has a Tree Protection Order (TPO), is located between The Chapel and four properties known as the Elms, which were converted under planning permission 09/02267/FUL.

To the west of the Linden House is Ashurst, which has been converted to 5 dwellings, with a further two allowed on appeal, constructed on its southern end. Between the Linden House and Ashurst, is a newly created access road that serves a parking area at its northern end.

To the south lies the internal spine road for the Southdowns Park development, with parking areas and the main listed building beyond.

The application site is designated as being within the built up area boundaries of Haywards Heath and is within the setting of the Grade II Listed Buildings The Chapel and Southdowns Park.

## **APPLICATION DETAILS**

This application seeks outline consent for the demolition of existing vacant building and erection of a 14 unit apartment block at Linden House, Southdowns Park, Haywards Heath. Access is the only matter reserved for future approval and thus the details of the appearance of the building, landscaping, layout and scale are subject of this application.

The existing building to be demolished measures some 36.5 metres in width, by a maximum of 19 metres in depth with an eaves height of 9.2 metres and an overall height of 13.7 metres. The existing building is three storey in height, it is a distinctive building with a number of attractive features. However it has remained vacant for a number of years and its condition is deteriorating.

Plans show that the proposed dwelling would measure some 36.5 metres in width, by 15 metres in depth, with an eaves height of 10.7 metres and an overall height of 14.8 metres. The proposed replacement building would be four storeys in height, the plans show that the proposal is to be constructed of a slate roof, facing brickwork with red brick banding and timber sash windows. 14 parking spaces are to be provided to the western (front) of the building and the proposal would provide a bin store and cycle store to the eastern (rear) of the replacement building.

The proposed building will be moved west slightly, providing a larger gap of 13 metres from the Grade II Listed Building, The Chapel, while maintaining a distance of 21 metres to the dwelling to the western (front) of the proposed building and a distance of 21 metres from The Elms to the eastern (rear) elevation.

The proposal would provide 14 units in total, with ground floor, first floor and second floor each providing 4x 2 bedroom units and the third floor providing 2x 3 bedroom units.

## **LIST OF POLICIES**

### **Mid Sussex District Plan 2014-2031**

The Mid Sussex District Plan 2014-2031 was adopted by Full Council on 28 March 2018. Relevant policies include:

Policy DP4: Housing  
Policy DP6: Settlement Hierarchy  
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
Policy DP20: Securing Infrastructure  
Policy DP21: Transport  
Policy DP26: Character and Design  
Policy DP27: Dwelling Space Standards  
Policy DP29: Noise, Air and Light Pollution  
Policy DP30: Housing Mix  
Policy DP31: Affordable Housing  
Policy DP34: Listed Building  
Policy DP38: Biodiversity  
Policy DP39: Sustainable Design and Construction  
Policy DP41: Flood Risk and Drainage

### **Haywards Heath Neighbourhood Plan (Dec 2016)**

Mid Sussex District Council formally 'made' the Haywards Heath Neighbourhood Plan part of the Local Development Plan for the Haywards Heath Neighbourhood Plan area as of 14 December 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Haywards Heath Neighbourhood Plan area.

Relevant policies include:

Policy E6: Green Infrastructure  
Policy E7: Sustainable Drainage Systems  
Policy E8: Sustainable Design  
Policy E9: Local Character  
Policy E13: Amenity Space  
Policy T1: Pedestrian and Cycle Connections  
Policy T2: Funding of Cycle Routes  
Policy T3: Parking Provision  
Policy H8: Housing Development within the Built up Area Boundary

Development Infrastructure and Contributions Supplementary Planning Document (Jul 2018)

Affordable Housing Supplementary Planning Document (Jul 2018)

Development Viability SPD (July 2018)

## **National Policy and Legislation**

*National Planning Policy Framework (NPPF) (February 2019)*

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is 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: Nationally Described Space Standard (Mar 2015)**

### **ASSESSMENT**

The main issues for consideration are:

- The principle of development;
- The design and visual impact;
- Impact on the setting of the Listed Building;
- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Land contamination;

- Sustainability;
- Biodiversity;
- Habitats Regulations;
- Infrastructure contributions;
- Affordable housing;
- Standard of accommodation; and
- Planning Balance and Conclusion

### **Principle of development**

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

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

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

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

Section 38(6) of the 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 in this part of Mid Sussex consists of the Mid Sussex District Plan (2018) together with the Haywards Heath Neighbourhood Plan (2016).

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one.

The site falls within the built-up area of Haywards Heath as designated in the Mid Sussex District Plan and Haywards Heath Neighbourhood Plan.

Policy DP4 of the District Plan identifies a minimum District housing requirement of 16,390 dwellings between 2014 and 2031. It sets out a spatial strategy of focusing the majority of housing at Burgess Hill, with the remainder as sustainable developments elsewhere. To this end, a settlement hierarchy has been developed which identifies five categories of settlement within Mid Sussex.

Haywards Heath is identified in this policy as a Category 1 settlement, the largest settlement category in Mid Sussex. Category 1 settlements are defined in Policy DP6 of the District Plan as a "Settlement with a comprehensive range of employment, retail, health, education leisure services and facilities. These settlements will also benefit from good public transport provision and will act as a main service centre for the smaller settlements."

Policy DP6 states (in part):

*"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."*

The site is considered suitably sustainable in location and the proposal is considered to be of an appropriate nature and scale within the built up area. Therefore the proposal accords in principle with the broad aims of the Mid Sussex District Plan, specifically Policies DP4 and DP6. The District Plan itself is deemed to be reflective of the aims of the NPPF. At Neighbourhood Plan level, Policy H8 is relevant and states:

*"Policy H8: Housing Development within the Built up Area Boundary - Housing development within the Haywards Heath built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing where it meets the following criteria:*

- *The scale, height and form fit unobtrusively with the existing buildings and the character of the street scene.*
- *Spacing between buildings would respect the character of the street scene.*
- *Gaps which provide views out of the Town to surrounding countryside are maintained.*
- *Materials are compatible with the materials of the existing building.*
- *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded."*

It is considered that the proposal also meets the criteria within this policy.

Thus, the principle of this development is deemed acceptable in line with the above development plan policies and the NPPF.



## Design and visual impact

Policy DP26 of the District Plan states:

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

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

A similar ethos is found within Policy E9 of the Haywards Heath Neighbourhood Plan which states:

*"Policy E9: Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:*

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*

- *Will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the site to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development.*

*Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character."*

The Council's Urban Designer has raised concerns about the proposal, as he is of the opinion that the proposed building does not have the finesse and architectural interest of the existing building, it is 4 storey instead of 3 making it substantially larger than the existing building.

It is not considered that the proposed building will appear substantially larger than the existing building, with the proposal having a similar sized footprint and only 1.1 metre higher, as it will no longer be set on raised ground, furthermore, the 4th storey would be contained within the roof slope. While it is accepted that the existing building is of some architectural merit, the building has been vacant for a number of years and has fallen into a serious dilapidated state. Within the applicants design statement it set out that the design has been informed by existing St Francis block (Kendall Court and Park West) and the new build blocks (Kendall Heights and Lockhart Court). Although not having the architectural finesse of the existing building, the applicants are seeking to reflect the design of the new blocks already approved within the wider Southdowns Park development.

This, combined with the fact that the proposal would be replacing an existing building that is vacant and continues to deteriorate, with a new building block which is in-keeping with the character of other blocks within the wider Southdowns Park, on balance the proposal is considered to be of an appropriate design, size and scale that is in-keeping with the character of the street scene and would comply with Policy DP26 of the Mid Sussex District Plan and Policy E9 of the Haywards Heath Neighbourhood Plan.

Because of a number of similar designed developments already approved within Southdowns Park, it is not considered that there is a robust justification to refuse permission in this case.

### **Impact on the setting of the Listed Building**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Recent case law has stated that:

'As the Court of Appeal has made absolutely clear in its recent decision in **Barnwell**, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local

planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in **Barnwell** it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."

The Courts further stated on this point "This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in **Barnwell**, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'

Policy DP34 of the Mid Sussex District Plan in part states:

*'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:*

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

Paragraphs 192-196 of the NPPF are relevant, as follows:

*192. In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

*193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not-for-profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

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

The Council's Conservation Officer has been consulted on the merits of the application and her comments are set out within Appendix A. She considers that the proposal would result in less than substantial harm to the setting of the Listed Buildings.

This identified 'less than substantial harm' would need to be afforded significant importance and weight to reflect the statutory provisions in the Listed Buildings (and Conservations Areas) Act 1990. This is clear from recent case law on the subject.

In cases where less than substantial harm to a designated heritage asset has been identified, paragraph 196 of the NPPF is applicable. This states that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In this case the decision maker needs to weigh up whether or not the identified less than substantial harm outweighs any public benefits brought about by the development. This balancing exercise is carried out in the final section of the report.

### **The impact on neighbouring amenity**

Policy DP26 of the District Plan states in part that proposals should:

*'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'.*

H8 requires residential amenities to be safeguarded, while DP26 of the Mid Sussex District Plan states that development should not cause significant harm to neighbouring amenities. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

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. As such, policy DP26 is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

Within the built up area boundaries a degree of overlooking is considered acceptable, furthermore a back to back distance of 21 metres is considered acceptable. The proposed apartment block is moved slightly west and would provide a distance of 21 metres back from the Elms to the east and 21 metres from the dwellings to the western (front) elevation. The proposal would not provide a distance of 21 metres from The Chapel, however, this is a commercial premises used as a nursery and the proposal would provide a better degree of separation than the existing building. Consequently, the resulting relationships are not considered to cause a significant detrimental impact upon neighbouring amenities in terms of overlooking and a loss of privacy.

Owing to these distances of 21 metres and an improved separation to The Chapel it can also be reasonably concluded that the proposal would not have a significant detrimental impact in terms of reduction in sunlight and daylight.

Concerns have been raised in regards to noise and disturbance and dust crossing the site boundary, the Council's Environmental Protection Officers have been consulted on this application and have raised no objection to the proposal subject to conditions on hours of construction, deliveries and a Demolition and Construction Environmental Management Plan. These conditions will seeks to address these concerns and subject to these conditions, it is not considered that the proposal would have a significant detrimental impact on neighbouring residential amenities in regards to the above mentioned policy.

## Highways matters

MSDP Policy DP21 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.'*

West Sussex County Council as the Local Highway Authority has commented on the application and have raised no objection in principle. Details on access would need to be considered at the reserved matters stage. While it is appreciated that the proposal only provides one car parking space per dwelling with no visitor spaces, the application site is within a sustainable location being within the built up area boundaries of Haywards Heath, with the proposal include cycle provision and being in close proximity to a bus stop outside the Princess Royal Hospital.

In light of the above it is considered that there is no conflict with the requirements of Policy DP21 of the Mid Sussex District Plan or the National Planning Policy Framework as concerns highway safety and congestion.

## **Drainage**

In accordance with both the Councils Drainage Officer and WSCC Flood Risk Management Comments, the means of drainage to serve the proposed development could be controlled by condition, and hence the proposal would comply with Policy DP41 of the Mid Sussex District Plan.

## **Land contamination**

The NPPF Glossary defines Site investigation information as:

*"Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 (2001) Code of Practice for the Investigation of Potentially Contaminated Sites). The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance."*

The Council's Contaminated Land Officer has recommended that conditions can be applied to any planning permission to ensure compliance with the NPPF requirements.

## **Sustainability**

DP39 of the District Plan states:

*All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:*

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

A similar ethos is found within Policy E8 of the Haywards Heath Neighbourhood Plan which states:

*"Policy E8: New major development proposals, defined as 10 or more dwellings, 1000sqm floorspace or more, or application sites over 1 hectare, will be required to be designed to support making the town more sustainable by having regard to the following matters when designing the scheme:*

- *provision of recycling, including commercial waste within the scheme*
- *submission of details of how the scheme will promote walking, cycling, public transport use and promotion of car sharing*
- *submission of details on how the scheme will manage energy and water use*
- *demonstrate how the scheme would contribute to the improvement of the health and wellbeing of the community."*

The proposal has been submitted with a sustainability statement which sets out the following:

- The proposal will be designed and constructed to meet building regulations
- Close proximity to bus stops
- Cycle parking
- Porous footpaths and surfacing
- Energy requirements to exceed current buildings regulations, with home information provided to each occupant.



- Efficient fixtures and fittings and water recycling

It has also been noted that the new dwelling would replace a building with considerably low energy efficiency.

The features listed are considered to satisfy the requirements of Policy DP39 of the District Plan and Policy E8 of the Haywards Heath Neighbourhood Plan.

## **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 (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the Mid Sussex District Plan states:

*"Biodiversity will be protected and enhanced by ensuring development:*

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

*Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.*

*Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.*

*Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites."*

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 175 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 Council's Ecology consultant has been consulted on this application. The ecology issue concerns the presence of bats within the existing building to be demolished and the standard of survey work that has been carried out to date. He has recommended, however, that subject to the public interest test, he is of the view that the further survey work can wait until the reserve matters submission. An appropriate condition could therefore be added to this outline planning permission, should it be granted. The proposal would provide economic and social benefits, with the addition of 14 small dwellings within the built up area of Haywards Heath at a time where national policy is to boost significantly the supply of housing. As such it

is considered that subject to a condition requiring the additional information the proposal would comply with the above mentioned policies.

## **Habitats Regulations**

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment screening report has been undertaken for the proposed development.

### Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

### Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as windfall development, such that its potential

effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

### Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

### **Infrastructure contributions**

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 54 and 56. Respectively, these paragraphs state:

*"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:

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

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

Policy DP20 of the Mid Sussex District Plan requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. These are usually secured through the completion of an appropriate legal agreement. All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are as set out above.

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 contributions necessary for this development are as follows:

*County Council Contributions:*

Education - Primary	£48,821
Education - Secondary	£52,542
Education - 6th Form	N/A
Libraries	£4,380
Waste	N/A
Fire & Rescue	N/A
No. of Hydrants	0
TAD	£28,689

*District Council Contributions:*

Equipped play	£12,845	(Sandy Vale)
Kickabout facilities	£3,640	(Sandy Vale)
Formal sport	£15,470	(St Francis Sports Ground)
Community Buildings	£6,720	(improvements to Ashenground Community Centre)

Local Community Infrastructure £9,846

Although a proposal of this scale would normally require Infrastructure Contributions, the applicant does not consider that the scheme is viable with such financial contributions. As such the application is supported by a Viability Assessment which has been reviewed by the Council's independent consultants, Dixon Searle. The resulting viability review agrees with the applicant and has found the scheme would not be viable with them. This is set out within the Housing Officers comments:

*"although section 106 costs of £166,713 have been included in the assessment (and no affordable housing) the scheme is NOT VIABLE, allowing for profit at 17.5%, if any S106 costs are payable even if there is also no affordable housing. This is because the Residualised Price of £655,294 is still some £224,706 below the benchmark land value of £880,000 and the two figures must be equal for the scheme to be viable. Indeed even if no section 106 costs are payable and no affordable housing provided the scheme as it currently stands will not result in a 17.5% profit."*

Accordingly financial contributions to infrastructure do not need to be provided as they would make the scheme unviable and thus the application accords with the Council's Development Viability SPD.

### **Affordable housing**

Members will be aware that affordable housing would normally be provided for developments of this scale.

Policy DP31 of the Mid Sussex District Plan states:

*"The Council will seek:*

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m<sup>2</sup>;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 -10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. 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; and*
- 5. free serviced land for the affordable housing.*

*All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any other such standard which supersedes these.*

*Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.*

*The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs."*

As outlined above, the applicant has made submissions through a viability assessment to demonstrate that if the development included the required affordable housing provision, then the whole development would be rendered unviable.

These submissions have been made in the form of a report with financial information that has been subject to review by the Dixon Searl, an independent expert body on such matters. The full report is available to view on the planning file. However to summarise:

*"Following these latest clarifications, now inputted into our appraisal model, we consider the viability position as presented cannot support the inclusion of an affordable housing contribution."*

The local planning authority has no evidence of its own to counter this and officers therefore accept the position and conclude that, in this instance, affordable housing cannot be secured in line with local policy.

The Council's Housing team has confirmed this approach in their consultation response which confirms that it is not viable for the applicants to provide any Affordable Housing as part of the scheme. It recommends, however, a viability review clause in a S106 Agreement which will reassess the situation when the development is implemented. As such in accordance with DP31 the application can be accepted without affordable housing provision where significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability perspective.

### **Standard of accommodation**

Policy DP27 of the Mid Sussex District Plan states:

*"Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:*

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

*All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met."*

The proposed dwellings would range between 76 and 93 square metres in terms of internal floor space which would exceed the standards of 70 square metres for a 2 bedroom, 4 person, single storey unit as set out within the government's Technical House Standards - Nationally Described Space Standards. With the three bedroom, third floor flats ranging between 174 square metres to 192 square metres, which again exceeds the Technical Housing Standards - Nationally Described Space Standards document. Accordingly, the proposal would comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

### **Other matters**

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not material planning considerations.

### **PLANNING BALANCE AND CONCLUSION**

Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the

Development Plan and then to take account of other material planning considerations including the NPPF.

National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

Weighing in favour of the scheme is that the development will provide 14 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. The New Homes Bonus is a material planning consideration and if permitted the Local Planning Authority would receive a New Homes Bonus for the units proposed.

There will be a neutral impact in respects of a number of issues, such as design, neighbouring amenities, drainage, contaminated land, space standards, sustainable construction, biodiversity, parking, including the impact on the Ashdown Forest.

Weighing against the scheme is the proposal would cause less than substantial harm to the setting of the Listed Buildings. In addition the proposal has been found to not be viable if it has to provide affordable housing or infrastructure contributions.

Owing to the fact that the proposal is replacing an existing vacant and dilapidated building, pulling the building away from the Listed Building, while matching in with the design of similar sized new blocks constructed as part of the wider Southdowns Park development, it is considered to be at the lower end of the scale of less than substantial.

The proposal will be utilising a brownfield site, within the built up area boundaries of Haywards heath and would be providing 14 residential units within a sustainable location while also generating economic benefits, through the new homes bonus, and additional spending from future residents and jobs during construction it is considered on balance the public benefits are considered to outweigh the identified harm.

For the above reasons, the proposal is deemed to comply with Policies DP4, DP6, DP17, DP21, DP26, DP27, DP29, DP34, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies E8, E9, E13, T1, T3 and H8 of the Haywards Heath Neighbourhood Plan and the objectives of the National Planning Policy Framework. It is therefore the Officers recommendation that the application is approved.

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## APPENDIX A – RECOMMENDED CONDITIONS

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

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

The development hereby permitted must be begun either not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. No development shall be carried out unless and until a schedule/samples of materials and finishes to be used for external walls, roof windows and doors of the proposed apartment block 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

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 and Policy E9 of the Neighbourhood Plan. (The pre-commencement condition is necessary as it requires approval of the materials to be used during the construction period).

3. 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 DP41 of the District Plan (2014 - 2031).

4. The reserved matters application must be supported by full bat survey data and a report prepared in accordance with current best practice guidelines published by the Bat Conservation Trust and BS4220: 2013 Biodiversity Code of practice for planning and development. Details must also be provided of mitigation and compensatory roost provision (both temporary to cover the demolition phase and long-term to provide replacement roosts within the new building, which in accordance with the district plan and NPPF policies should aim to provide an overall enhancement of roosting opportunities. The approved details shall be implemented in full and the appropriate licence obtained from Natural England prior to demolition.

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. Construction shall not commence until there has been submitted to and approved in writing by the Local Planning Authority:

b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the local planning authority,

c) a detailed scheme for 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. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (5)c that any remediation scheme required and approved under the provisions of condition (5)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (5) c."

Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site 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 and Policy DP21 of the Submission Draft District Plan (2014 - 2031).

7. No dwelling shall take place unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include 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 and these works shall be carried out as approved.

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 and Policy E9 of the Haywards Heath Neighbourhood Plan.

8. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the 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.

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 and Policy E9 of the Haywards Heath Neighbourhood Plan.

9. Construction hours: Works of demolition and/or construction, 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 and to accord with Policy DP26 of the Mid Sussex District Plan.

10. Deliveries: Deliveries or collection of plant, equipment or materials for use during the demolition and/or construction phase shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 Hours  
Saturday: 09:00 - 13:00 Hours  
Sunday & Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan.

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

- measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction)

and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);

- dust management plan in accordance with best practice for example as detailed in the IAQM Guidance on the assessment of dust from demolition and construction.
- artificial illumination
- complaints procedure and site contact details in case of complaints from nearby residents.
- The demolition and construction works shall thereafter be carried out at all times in accordance with the approved demolition and Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents from noise and dust emissions during demolition and/or construction and to accord with Policy DP26 of the Mid Sussex District Plan.

#### INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
2. No burning of demolition/construction waste materials shall take place on site.
3. Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should Environmental Protection at MSDC receive a complaint, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence.
4. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## 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
Location Plan	1720/1/0101		29.01.2018
Block Plan	1720-1/0201		29.01.2018
Block Plan	1720-1/0202	A	27.02.2018
Proposed Floor Plans	1720-1/0401	A	27.02.2018
Proposed Elevations	1720/1/0402	A	27.02.2018
Street Scene	1720/1/0403	A	27.02.2018
Existing Elevations	1720/1/0302		29.01.2018
Street Scene	1720/1/0303		29.01.2018
Existing Floor Plans	HH/LD/05		29.01.2018

## APPENDIX B – CONSULTATIONS

### Conservation Officer:

Will has asked me to provide final comments on the above application as no further information has been forthcoming regarding the existing building on the site.

On the basis of the limited information in front of me I would be of the view that the existing building is of some interest and that although not in itself a designated heritage asset makes a positive contribution to the setting of the nearby listed chapel and hospital, partly for its attractive and characterful appearance and partly for the evidential value it has with respect to the earlier hospital use of the site. Furthermore I consider that the proposed replacement building does not show the same potential historic interest or quality of design or detailing and would not make the same contribution to the setting of the adjacent heritage assets. I therefore consider that the proposal is harmful to the setting of the listed chapel and hospital, which would be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to the setting of the listed buildings and the manner in which their special interest is appreciated to be less than substantial, such that the criteria set out in paragraph 196 of that document would apply.

### Drainage Officer:

Recommendation: No objection subject to conditions

Summary and overall assessment

This proposed development will need to fully consider how it will manage surface water runoff. Guidance is provided at the end of this consultation response for the various possible methods.

However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change. Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the Non-statutory Technical Standards for SuDS, so that run-off rates and volumes do not exceed the pre-existing greenfield values for the whole site between the 1 in 1 to the 1 in 100 year event. This is inclusive of brownfield developments.

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

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal.
- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing greenfield rates and follow natural drainage routes as far as possible.
- Calculate greenfield rates using IH124 or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement. Flood Risk

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The proposed development is not within an area identified as having possible pluvial flood risk.

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

#### Surface Water Drainage Proposals

It is proposed that the development will attenuate surface water with controlled outflow to local system.

#### Foul Water Drainage Proposals

It is proposed that the development will utilise existing system

#### 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.

#### **Ecology Officer:**

Thank you for forwarding the response from the applicant's bat consultant and also confirming that this is only an outline application, as this wasn't clear in the formal consultation request. This being the case, then the key consideration is whether bat impacts

might be sufficient to warrant refusal or whether, in principle, adequate mitigation and compensation measures are feasible to comply with the requirements the NPPF and to secure the necessary licence for destruction of bat roosts from Natural England.

For a licence to be granted, Natural England must be satisfied that the proposal will not be 'detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'; they must also ensure that there is an overriding public interest (which requires weighing the conservation impact against any social, economic or environmental benefits of the proposal) and that there is no satisfactory alternative.

In the absence of more thorough survey information, I would have to advise that any planning decision is based on a worst-case scenario of what could be present, not on the limited information about roosting bats that has been presented thus far. I think it unlikely, given the location and context of the building that it will support any rarer Annex II species. However, it is entirely feasible that the building is used by other species, either not present or missed by the survey (especially given the survey limitations admitted by the bat consultant in the recent email). It is also possible that a maternity roost could have been missed by the late timing of the survey and that greater numbers of bats use the building over the seasons. Also, I am not convinced that hibernation potential can be ruled out based on the information submitted.

Given these factors, I cannot be confident that there would be only be low impacts and that demolition could lawfully take place under the 'low-impact' class licence without further survey effort to provide confidence in the initial results and conclusions (even the consultant's report (para 6.1) acknowledges the potential for bat use of the roof and hanging tiles to vary over the year. However, if MSDC are satisfied that, taking into account all other material considerations, that granting consent would be in the public interest, which can include social and economic benefits, then I would consider it feasible, for adequate compensation and mitigation, informed by more thorough survey work, to be designed that would enable a licence covering greater impacts to be obtained. In conclusion, therefore, and subject to the public interest test, I am of the view that more thorough survey information could wait until the reserved matter submission.

However, if MSDC is minded to grant outline consent on this basis, to ensure that any reserved matters application can be determined in accordance with legal and policy requirements, it is essential that supporting information follows best practice or that any departure is justifiable on ecological grounds. Whilst it is true that guidelines are not absolute rules and that professional judgement should be used to design appropriate and proportionate surveys, this does not mean that accepted best practice guidelines can simply be disregarded without proper justification and it certainly isn't an excuse for lowering standards. It should be noted that the current guidelines already aim at proportionality and the number of surveys given is the minimum recommended based on whether a building or structure has low, moderate or high potential. Justification for departure from guidelines means being able to demonstrate how adequate information will still be obtained to enable a proper impact assessment; it is not sufficient to simply assert that, in the consultants opinion, the minimum guidelines do not need to be followed in any particular case.

Whilst the most recent email from the consultant alludes to the condition of the building being dangerous, reducing visibility of the roof, this if anything would make more surveys necessary rather than fewer because of the increased risk of bats being missed by a single survey. A dawn survey for example, when bats often display swarming activity around a roost entrance, can improve detectability for bats returning to roost around dawn so can be an important component of a suite of surveys. Also, I am surprised that the problems of viewing the roof properly were not mentioned the constraints section of the survey report.

Survey designs must account for any constraints and ensure that there are sufficient surveyors / visual aids such as IR cameras (which can be used to zoom in on higher features that are not clear to the naked eye) to provide reliable conclusions about the presence or absence of bats on any given survey visit. If the building is genuinely in such a dangerous state as to make proper surveys unfeasible, then evidence of this needs to be provided by an appropriately qualified building professional as demolition in the absence of adequate survey would require a careful consideration of fairly complex legal issues—a licence from Natural England only covers roosts that have been identified from surveys, it does not provide any legal cover for destruction of roosts that have been missed.

To ensure better information is available to support a reserved matters application, then if MSDC is minded to grant outline consent, I would recommend that this is subject to the following condition:

"The reserved matters application must be supported by full bat survey data and a report prepared in accordance with current best practice guidelines published by the Bat Conservation Trust and BS4220: 2013 Biodiversity Code of practice for planning and development. Details must also be provided of mitigation and compensatory roost provision (both temporary to cover the demolition phase and long-term to provide replacement roosts within the new building, which in accordance with the district plan and NPPF policies should aim to provide an overall enhancement of roosting opportunities. The approved details shall be implemented in full and the appropriate licence obtained from Natural England prior to demolition.

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."

#### **Haywards Heath Town Council:**

Acknowledging that previous applications have set a precedent for the development of this site, the Town Council supports this latest application in principle, subject to compliance with the following conditions:

1. the development must deliver a 30% affordable housing element, i.e. a minimum of 4 units. This is perfectly feasible, given the sustainable location of the site where there is already a well-established mix of open market/affordable housing dwellings. For the avoidance of doubt, failure to comply with this condition would conflict with the objectives of the Haywards Heath Neighbourhood Plan and would be contrary to Policy DP31 of the Mid Sussex District Plan 2014-2031, and would result in the Town Council objecting to the application in the strongest terms possible;
2. no development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved by the local planning authority. Thereafter, the approved CMP shall be implemented and adhered to throughout the construction period. The CMP shall include and give details for, but not be limited to, the following:
  - the method for handling deliveries associated with demolition/construction. Vehicles must be prohibited from stacking in the vicinity of the site;
  - the provision of high standard and effective wheel washing facilities required to mitigate the impact of construction upon the public highway;
  - the provision of parking for site operatives' and visitors' vehicles. Given the location of the site, in an area of relatively high density residential development where



unallocated parking facilities are limited, contractors must be prohibited from parking their vehicles en masse in the immediate vicinity of the site. Suitable alternative arrangements must be made;

- a scheme to protect neighbouring properties from dust and noise emissions, particularly during the demolition phase. Residents of properties that have elevations which face the site, notably those in Bennetts Rise, The Elms and the Busy Bees Nursery School (housed in the Chapel), must be given the option of having their properties professionally cleaned at the developers' expense and at an appropriate juncture. Furthermore, in order to safeguard the well-being of the children attending the Busy Bees Nursery School, the developers shall liaise with the Nursery Manager and agree, in writing, the exact dates when demolition works will take place;
  - a requirement for all vehicles carrying loose materials, e.g. earth-moving lorries, to have tonneau covers. This will prevent the materials from being accidentally jettisoned whilst in transit;
3. demolition or construction works, including any associated deliveries, shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays, nor at any time on Sundays or Bank Holidays or Public Holidays. Furthermore and for the avoidance of doubt, demolition works shall not take place on Saturdays, and scaffolding shall not be erected or taken down outside the permitted hours;
  4. if the development is to be serviced by larger, Eurobin facilities - which will be collected by a commercial operator - no collections shall be permitted before 0700 hours, in order to protect resident amenity;
  5. in order to future-proof the development, trunking shall be laid to enable all 14 units to have their own electric car charging point.

The Town Council notes and shares the concerns raised by local residents relating to the minimal parking provision, i.e. 1 space per unit and no designated visitor spaces. In the event that the application is approved, the Town Council requests that developer Section 106 contributions for local community infrastructure - estimated at between £7,126 and £7,850 - are allocated towards improvements to Commercial Square Roundabouts as included in the West Sussex County Council Atkins Study.

#### **Contaminated Land Officer:**

The application looks to create 14 residential apartments.

As part of the application a Preliminary Contamination Risk Assessment has been undertaken by Environmental Assessment Services Limited, revised May 2018, and has been submitted as part of the application.

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

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

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

Recommendation: Approve with conditions

1) Construction shall not commence until there has been submitted to and approved in writing by the Local Planning Authority:

- a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2011+A1:2013; and unless otherwise agreed in writing by the local planning authority,
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice; and, unless otherwise agreed in writing by the local planning authority,
- c) a detailed scheme for 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. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

Please note: section a) of this condition has been purposely stricken through, as Preliminary Contamination Risk Assessment has been undertaken by Environmental Assessment Services Limited, revised May 2018 is deemed to have met this requirement.

2) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of condition (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation works in progress;
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition (1) c."

3) Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

**Leisure Officer:**

Thank you for the opportunity to comment on the plans for the development of 14 residential dwellings on Linden House Southdowns Park Haywards Heath West Sussex RH16 4SL 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**

Sandy Vale, owned and managed by the Council, is the nearest locally equipped play area approximately 400m from the development site. This facility will face increased demand from the new development and a contribution of £16,485 is required to make improvements to play equipment (£12,845) and kickabout provision (£3,640). These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

#### **FORMAL SPORT**

In the case of this development, a financial contribution of £15,470 is required toward formal sport facilities at the St Francis Sports Ground.

#### **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 £6,720 is required to make improvements to Ashenground Community Centre. 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 and Infrastructure 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.

#### **Street Naming and Numbering:**

Please could I ask you to ensure that the following informative is added to any decision notice granting approval:

Informative: Info29

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming & Numbering Officer before work starts on site. Details of fees and advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.

#### **Urban Designer:**

##### **Summary and Overall Assessment**

While this is an outline application, only access is reserved with approval being sought for appearance, landscaping, layout and scale. The proposed building is an unconvincing pastiche that unsatisfactorily articulates this substantial building and lacks the finesse and architectural interest of the existing building. At 4 rather than 3 storeys it is substantially larger than the existing building and will inappropriately impose upon its surrounds including the adjacent listed buildings and the modest 2 storey houses opposite. I therefore object to this planning application.

##### **Proposed Demolition of the Existing Building**

The existing building is a fine arts and crafts style building dating from the early 20th Century featuring well sculpted brick chimneys and elegant timber windows in addition to a rich variety of facing materials that animate the facades. While there

have been the odd unsympathetic addition, it has largely retained its original detailing and charm, and I agree with Emily Wade's assessment that it contributes positively to the setting of the adjacent listed buildings.

#### Proposed Development

The scale of the building is significantly greater than the existing building. While the overall ridge height is shown no higher, the overall measurements of the elevations are significantly greater:

The elevations including the roof are 1.5m higher with the removal of the raised grass embankment that the current building sits on.

The proposal features much more vertical facing; not only is the eaves line higher (rising to 10.3m compared to 8.7m), but the building also features gabled bays that rise vertically 14.2m from the new ground level (by comparison the apex of the gabled dormers are 11.5m high from the existing ground level).

The proposal is 4 storeys compared to the existing 3 storeys.

The differences in the overall dimensions are further exacerbated by the weak articulation of the proposed building that does not successfully breakdown its greater massing resulting in monolithic and bland frontages. In particular, the windows are overly repetitive and the fake chimneys are weak features. The windows have shallow window reveals and not the deep windows that are a feature of Victorian-era houses (but are rarely achieved on contemporary buildings because of modern insulation requirements), and without them the elevations will also lack depth. The highly visible south elevation has a high proportion of blank façade and unlike the existing building does not satisfactorily address its road frontage position. The proposed neo-classical language is a poor pastiche and lacks the strong order associated with this style, with inconsistently proportioned windows that are weakly graduated. The 3rd floor windows are more crudely designed with flat window heads that is at odds with the other arched windows; and the dormers will generate a plethora of downpipes (not shown on the drawing) that will clutter these parts of the façade.

On the east elevation the "blank" windows disrupt the window pairings. If insulation requirements prohibit deep reveals (that is normally the case), they are likely to look especially unconvincing.

The front threshold parking at the front has provided insufficient space for soft landscaping and tree planting, and the right-angle configuration may cause vehicle headlight and noise nuisance for the ground floor flats.

I also question the internal plan. The kitchen-diners on flats G2 and G3 have no windows directly serving them. The bedrooms on flat G4 will have a poor outlook because of the proximity of the bi store. While the top floor flats are generous, they need to show the areas with height restrictions.

#### **WSCC Flood Risk Management:**

##### Flood Risk Summary

Modelled surface water flood risk: Low risk

Comments: Current uFMfSW mapping shows that the proposed site is at low risk from surface water flooding. This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.

Reason: NPPF paragraph 103 states - 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..'

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

Modelled ground water flood risk susceptibility: Low risk

Comments: The majority of the proposed development is shown to be at low risk from ground water flooding based on the current mapping.

Ground water contamination and Source Protection Zones.

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

Records of any flooding of the site: No

Comments: We do not have any records of historic flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA. Records show that a location approximately 50m from the site has experienced surface water flooding.

Ordinary watercourses nearby: No

Comments: Current Ordnance Survey mapping shows no ordinary watercourses across the site although local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around the site. If present these should be maintained and highlighted on future plans.

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

### **Future development - Sustainable Drainage Systems (SuDs)**

The Drainage Assessment for this application proposes that sustainable drainage techniques (below-ground attenuation with possible permeable paving) would be used to control the surface water run-off from this development, with discharge to the main sewer at Greenfield rates. This method would, in principle, meet the requirements of the NPPF and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

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

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

### **WSCC Highways:**

It's noted that the site benefits from outline planning permission covering the redevelopment of the site as a whole for residential. A detailed application was submitted for the conversion of Linden House in 2011. This however was not determined. The current application seeks outline permission only with matters of layout, landscaping, and scale to be approved at this time. Although not to be approved, access is effectively achieved only via Bennetts Rise.

The development is served by way of series of privately maintained roads. As West Sussex County Council in its role as Local Highway Authority have no responsibility for any of these roads, the following comments are for the advice of the Local Planning Authority only.

In principle, there are no particular highway concerns. Access is indicated to be via Bennetts Rise, which is an existing road within the site. Parking is provided as one space per dwelling. It's not apparent upon what standards or guidance the number of parking spaces has been based upon. Typically it would be expected for the WSCC Parking Demand Calculator or other comparable information (i.e. Census car ownership data) to be used to forecast likely demands. In considering this application, the Local Planning Authority may wish to request additional supporting information covering such matters.

### **Provision of Service Infrastructure Related to Development**

#### **Summary of Contributions**

[Please see over page for table detailing Summary of Contributions]

<b>Education</b>			
Locality	Haywards Heath/Cuckfield		
Population Adjustment	27.8		
	Primary	Secondary	6th Form
Child Product	0.3892	0.3892	0.2102
Total Places Required	2.7244	1.9460	0.0000
<b>Library</b>			
Locality	Haywards Heath		
Contribution towards Hassocks/Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£4,380		
Population Adjustment	27.8		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	14		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	27.8		
Net Parking Spaces	14		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		
<b>Summary of Contributions</b>			
<b>S106 type</b>	<b>Monies Due</b>		
<b>Education - Primary</b>	£48,821		
<b>Education - Secondary</b>	£52,542		
<b>Education - 6<sup>th</sup> Form</b>	No contribution		
<b>Libraries</b>	£4,380		
<b>Waste</b>	No contribution		
<b>Fire &amp; Rescue</b>	No contribution		
<b>No. of Hydrants</b>	Secured under Condition		
<b>TAD</b>	£28,689		
<b>Total Contribution</b>	<b>£134,432</b>		

*Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for firefighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)*

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

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.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 14 Net dwellings and an additional 14 car parking spaces.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

#### 5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2019. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be spent on additional facilities at Warden Park Primary Academy.

The contributions generated by this proposal shall be spent on small scale improvements at Oathall Community College.

The contributions generated by this proposal shall be spent on additional stock at Haywards Heath Library.

The contributions generated by this proposal shall be spent on South Road Public Realm improvements.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being



included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus 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.

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.

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.

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

### **Breakdown of Contribution Calculation Formulas:**

#### 1. School Infrastructure Contributions

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as **TPR- Total Places Required**). The TPR is then multiplied by the Department for Children, Schools and Families school building costs per pupil place (**cost multiplier**).

#### **School Contributions = TPR x cost multiplier**

##### a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

$$\text{TPR} = (\text{No of year groups}) \times (\text{child product})$$

Year groups are as below:

- Primary school- 7 year groups (aged 4 to 11)
- Secondary School- 5 year groups (aged 11 to 16)
- Sixth Form School Places- 2 year groups (aged 16 to 18)

Child Product is the adjusted education population multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

$$\text{Child Product} = \text{Adjusted Population} \times 14 / 1000$$

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2018/2019, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £17,920 per child
- Secondary Schools- £27,000 per child
- Sixth Form Schools- £29,283 per child

2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

**Contributions = SQ M Demand x Cost Multiplier**

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The local floorspace demand (LFD) figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

Square Metre Demand = (Adjusted Population x LFD) / 1000

b) Cost Multiplier- Library Infrastructure

WSSC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,252 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2018/2019 period.

3. TAD- Total Access Demand

The methodology is based on total access to and from a development. An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The Sustainable Transport Contribution is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

**TAD = Infrastructure contribution + Sustainable Transport contribution**

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2018/2019 is £1,373 per parking space.

**Infrastructure contributions** = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£686).

**Sustainable transport contribution** = (net car parking – occupancy) x 686

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

**Environmental Protection Officer:**

Given the close proximity of existing neighbouring properties, in order to safeguard the amenity of residents, should approval be granted Environmental Protection recommends the following conditions. Given the proximity to a hospital, the proposed development is assessed as high risk with regard to potential dust effects. Mitigation and monitoring should therefore be secured by a suitable DCEMP (below):

Conditions:

Construction hours: Works of demolition and/or construction, 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.

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

Monday to Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sunday & Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

Demolition and Construction Environmental Management Plan: Prior to the commencement of the development, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The

Demolition and Construction Environmental Management Plan shall include amongst other matters details of:

- measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);
- dust management plan in accordance with best practice for example as detailed in the IAQM Guidance on the assessment of dust from demolition and construction.
- artificial illumination
- complaints procedure and site contact details in case of complaints from nearby residents.
- The demolition and construction works shall thereafter be carried out at all times in accordance with the approved Demolition and Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

Burning: 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.

Informative:

Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should Environmental Protection at MSDC receive a complaint, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence.

**Housing Officer:**

I am enclosing a copy of the final development appraisal for the scheme ( \*\*\* see comment below) which shows that although section 106 costs of £166,713 have been included in the assessment (and no affordable housing) the scheme is NOT VIABLE, allowing for profit at 17.5%, if any S106 costs are payable even if there is also no affordable housing. This is because the Residualised Price of £655,294 is still some £224,706 below the benchmark land value of £880,000 and the two figures must be equal for the scheme to be viable. Indeed even if no section 106 costs are payable and no affordable housing provided the scheme as it currently stands will not result in a 17.5% profit.

MID SUSSEX DISTRICT COUNCIL

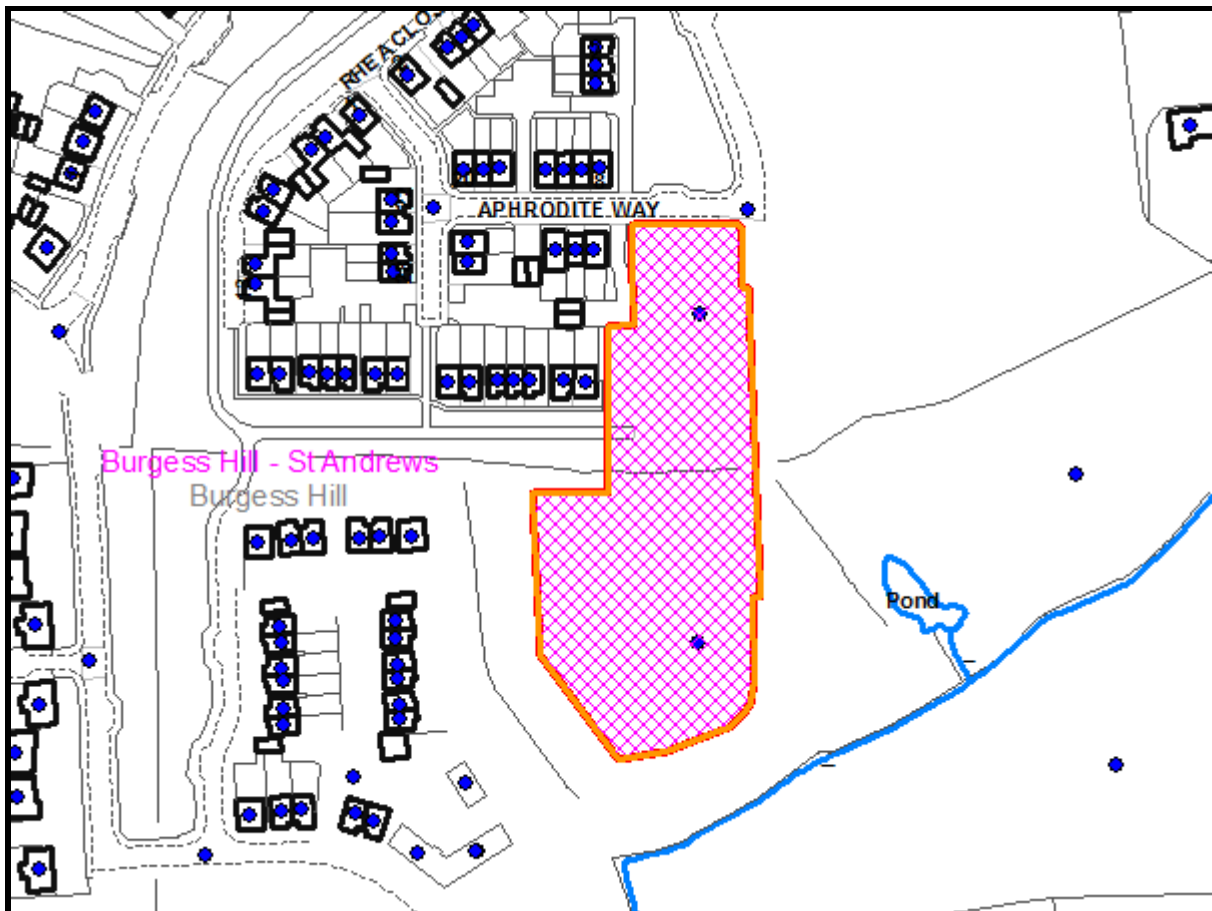
Planning Committee

19 DEC 2019

RECOMMENDED FOR PERMISSION

**Burgess Hill**

DM/19/3144



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**LAND EAST OF KINGS WAY BURGESS HILL WEST SUSSEX  
FULL APPLICATION FOR 39 NEW DWELLINGS (INCLUDING THE  
PROVISION OF 23 ON-SITE AFFORDABLE HOMES) A NEW COMMUNITY  
CENTRE AND RETAIL FLOOR SPACE TO THE GROUND FLOOR OF  
BLOCK B, INCLUDING THE PROVISION OF ASSOCIATED PARKING AND  
LANDSCAPING.**

**CHARLES CHURCH (THAMES VALLEY)**

POLICY: Areas of Special Control for Adverts / Built Up Areas / Countryside Gap / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 4th November 2019

WARD MEMBERS: Cllr Roger Cartwright / Cllr Matthew Cornish /

CASE OFFICER: Susan Dubberley

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

The application seeks full planning permission for 39 new dwellings (including the provision of 23 on-site affordable homes) a new Community Centre and retail floor space to the ground floor of Block B, including the provision of associated parking and landscaping.

The proposal is part of a wider development totalling 480 houses following outline planning approval under 12/01532/OUT including related community and outdoor facilities.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The NPPF states that planning should be genuinely plan-led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

In respect of the principle of the development, the site is part of a larger site allocated in the District Plan as a strategic housing site for 480 units under DP8. Furthermore the principle of a housing development across the Kings Way site has also already been established through the granting of outline planning permission (12/01532/OUT) for 480 units on the site.

The proposed design, layout, mix and scale of the development are considered

acceptable and would not cause harm to the character and appearance of the area. No significant harm would be caused to the amenities of the surrounding residential occupiers and the scheme would not cause harm in terms of parking or highway safety. Subject to conditions there will be an acceptable impact in respect of landscaping, arboriculture and drainage.

The proposal will deliver positive social and economic benefits through the delivery of community facilities and housing which reflects one of the key objectives of the NPPF and in the short term the proposal would also deliver a number of construction jobs.

There will be a neutral impact upon on the Ashdown Forest Special Protection Area and Area of Conservation.

In view of the above it is considered that the application complies with Mid Sussex District Plan policies DP6, DP8, DP17, DP20, DP21, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39 and DP41 and Burgess Hill Neighbourhood Plan policies SR4 and LR3. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and accordingly the application is recommended for approval.

Subject to the completion of a S106 Obligation relating to the neighbourhood community centre planning permission should be granted.

## **RECOMMENDATIONS**

### **Recommendation A**

It is recommended that, subject to the completion of a satisfactory deed of variation of the S106 planning obligation relating to outline planning permission 12/01532/OUT, as set out in the Assessment section below, planning permission be granted subject to the conditions set out in Appendix A.

### **Recommendation B**

It is recommended that if the applicants have not completed a satisfactory signed planning obligation by the 19th March 2019, then it is recommended that permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for the following reason:

'In the absence of a signed legal deed of variation of the S106 planning obligation relating to outline planning permission 12/01532/OUT the development as such conflicts with Policies DP20 and of the Mid Sussex District Plan as well as the Council's SPD's entitled 'Development Infrastructure and Contributions' and 'Affordable Housing'.

## **SUMMARY OF REPRESENTATIONS**

None.

## **SUMMARY OF CONSULTATIONS**

### **West Sussex County Council Highways**

No objection.

### **WSSC - Flood risk;**

No objection.

### **Sussex Police**

No major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

### **MSDC Leisure**

No objection.

### **MSDC Environmental Health - Contaminated Land**

No objection, subject to conditions.

### **MSDC Environmental Health - Protection**

No objection, subject to conditions.

### **MSDC Urban Designer**

No objection subject to conditions.

### **MSDC Housing**

No objection.

### **MSDC Street Naming and Numbering**

Request informative regarding street naming and numbering.

### **Burgess Hill Town Council**

OBSERVATIONS: The Committee raised concerns over transport and access. It was noted that the police statement had recommendations on the design which the Committee supported.



The Committee wished to reiterate their previous statement:

"Burgess Hill Town Council will encourage Mid Sussex District Council to ensure that applicants comply with Policy DP39 of the District Plan and that this is reinforced in any subsequent supplementary design and access statement documents on sustainable development."

In accordance with District Plan Policy DP42, the development should incorporate grey water recycling and water harvesting.

**INFRASTRUCTURE REQUIREMENTS:** Mid Sussex District Council welcome specific recommendations with regard to Section 106 needs associated with this development. The recommendations of the Planning Committee are as follow:

Funds be allocated to real time bus services available on the bus stops in the immediate vicinity of the application site.

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## **Introduction**

The application is a full application for 39 new dwellings (including the provision of 23 on-site affordable homes) a new Community Centre and retail floor space to the ground floor of Block B, including the provision of associated parking and landscaping.

The proposal is part of a wider development totalling 480 houses following outline planning approval under 12/01532/OUT including related community and outdoor facilities.

## **Relevant Planning History**

DM/19/2076 Approval of Reserved Matters following Outline consent (Ref. 12/01532/OUT) relating to appearance, landscaping, layout and scale, for phase 3B for 39 new dwellings (including the provision of 22 on-site affordable housing dwellings) a new community centre and retail floor space to the ground floor of Block B, including the provision of associated parking and landscaping pursuant to the approved Outline consent. Withdrawn 10.07.2019

DM/18/27471 Reserved Matters (phase 3) approval for 64 residential units as part of a wider development totalling 480 houses following outline planning approval under 12/01532/OUT including related community and outdoor facilities. Approved 20 December 2018.

DM/17/3047 Reserved matters application for the erection of 38 dwellings and neighbourhood centre comprising of retail, community and health resource centre with associated car parking and landscaping. Phase 3B. Withdrawn 23 July 2018.

DM/16/2204 Reserved matters application for the approval of the appearance, landscaping, layout and scale for the proposed development of Kings Way (phase 2

erection of 95 dwellings) following outline application 12/01532/out. Approved on 9 February 2016.

14/03208/REM Application for approval of appearance, landscaping, layout and scale details for phases 1a, 1b and 1c of previous outline application 12/01532/OUT. Approved on 26 February 2015.

Outline planning permission (12/01532/OUT) was granted on 10 May 2013 for 480 dwellings, new access from Kings Way, a neighbourhood centre, high quality and accessible informal open space including a new park, landscape buffer and pedestrian/cycle green routes and ancillary works. Access was approved, with appearance, layout, scale and landscaping forming reserved matters. A Section 106 agreement was completed, which secures 30% affordable housing and contributions towards community buildings, leisure, education and health provision, transport improvements and other community infrastructure.

### **Site and Surroundings**

The overall development site (approximately 31.5 hectares) lies on the eastern side of Kings Way adjacent to the built up area of Burgess Hill. It previously comprised of a series of grazed pasture fields, subdivided by mature hedgerows containing a significant number of trees. To the south-west is a railway line and to the east there are a small number of detached residential properties and Ditchling Common Country Park.

The Phase 1 of the development which consists of 78 houses lies at the northern end of the Kings Way site is complete and phase 2 which lies to the south of phase 1 and contains a total of 95 houses is also completed and occupied.

The third phase of the development for 64 units, split into two land parcels, one containing 29 units to the south of phase 2 and the other site with 35 units to the south of phase 1 is currently at an advanced stage of construction.

The current application is the second stage of phase 3 and covers an area of approximately 0.65 hectares and is located near the centre of the site opposite the site's country park.

### **Application details**

The application is a full application for 39 new dwellings (including the provision of 23 on-site affordable homes) a new Community Centre and retail floor space to the ground floor of Block B, including the provision of associated parking and landscaping.

The previous phases of the development have been dealt with as reserved matters application following the approval of outline planning permission (12/01532/OUT) for 480 units on the site. However the time limit for the submission of reserved matters has now lapsed so therefore this phase and any subsequent phases are now required to submit a planning application.

The proposed development features four separate blocks, a community centre and 2 flats over garages (FOGS) in the parking area:

Block A - This a three storey block of 15 flats with drive through for access to the rear parking core. On the ground floor three flats are proposed, five covered car ports are also provided as allocated parking spaces, along with cycle and refuse store. The first and second floors mirror each other with their layouts, providing six flats per floor. The proposed flats would provide a mix of 1 and 2 bed units with 5 affordable units for rent and 10 units for market housing.

Block B - This a three storey block with a retail unit at ground floor and two floors of 10 residential flats above, 5 units per floor and all of these units would be affordable for rent.

Block C - This is a three storey building which has been split into two separate parts, with a 1.5 metre gap between them.

Block C1 consists of six flats (2 per floor) served by an internal ground floor bin store and central stairwell and lift core.

Block C2 has a slightly different footprint with a crank in the block allowing it to front the open space and curve with the road alignment. Six flats are again proposed served by an internal ground floor bin store and central stairwell and lift core The 6 flats in block C2 would be affordable units for rent and the 6 flats in block C1 would be market units.

Two one bed FOGS are situated to the west of the phase within the car park area and would provide 2 Shared Ownership units. At ground floor bins store and cycle stores are shown along with four covered car parking spaces.

All of the blocks are of a contemporary design all with semi-hipped roofs and Juliette balconies on some of the side and front elevations. The materials proposed are a red facing brick and grey weatherboarding for the elevations and dark roof tiles, which has been used elsewhere on the site.

The Community Centre is located to the west of block B adjacent to the proposed community square and features a gable end roof. The majority of the space would be double height with a two storey section above the entrance hall where a viewing gallery and changing areas are proposed at first floor and kitchen, toilets and storage at ground floor. Brick and cladding are again the proposed materials but there would be a slight contrast in finish to provide some differentiation from blocks A-C.

## **LIST OF POLICIES**

### **District Plan)**

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

Relevant policies include;

DP6: Settlement hierarchy  
DP8: Strategic Allocation to the east of Burgess Hill at Kings Way  
DP17: Ashdown Forest  
DP20: Securing Infrastructure  
DP21: Transport  
DP25: Community Facilities and Local Services  
DP26: Character and Design  
DP27: Dwellings Space Standards  
DP29: Noise, Air and Light Pollution  
DP30: Housing Mix  
DP31: Affordable Housing  
DP37: Trees, Woodland and Hedgerows  
DP38: Biodiversity  
DP39: Sustainable Design and Construction  
DP41: Flood Risk and Drainage

### **Burgess Hill Neighbourhood Plan (Made 2016)**

Policy S4 Parking Standards for new developments  
Policy LR3 Protect and improve existing leisure and recreational facilities

### **National Policy and Legislation**

*National Planning Policy Framework (NPPF) February 2019*

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives: economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently. An overall objective of national policy is "*significantly boosting the supply of homes*".

Paragraphs 10 and 11 apply a presumption in favour of sustainable development. Paragraph 11 states:

*"For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**

- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Planning Practice Guidance

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

## **ASSESSMENT**

### **Principle**

Planning permission is sought for 39 new dwellings (including the provision of 23 on-site affordable homes) a new Community Centre and retail floor space to the ground floor of Block B, including the provision of associated parking and landscaping.

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 in Mid Sussex consists of the District Plan (2018) and Burgess Hill Neighbourhood Plan.

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land.

As the proposed development is within the built up area of Burgess Hill, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which 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 Kings Way site is also a strategic allocation as set out in policy DP8 of the District Plan:

*Strategic development, as shown on the inset map, is allocated to the east of Burgess Hill at Kings Way for:*

- *Up to 480 new homes;*
- *High quality and accessible informal public open space;*
- *A local hub serving the site and the wider community;*

*The strategic development in this location will:*

- *Provide infrastructure, as set out in the Burgess Hill Town Wide Strategy and identified in technical assessments, implemented before or alongside development to an agreed programme of delivery. This will include financial contributions to the provision of education facilities for all ages;*
- *Address the limitations of east-west traffic movements across Burgess Hill;*
- *Implement long-term management of the Ditchling Common Site of Special Scientific Interest (SSSI) and protect and enhance this adjoining area from the impacts of strategic development (on site provision together with appropriate mitigation measures);*
- *Consider the close proximity of the South Downs National Park;*
- *Consider the opportunities with the Keymer Tile Works site and other developments in the vicinity to ensure complementary provision of infrastructure and facilities for the east side of Burgess Hill;*
- *Provide additional informal open space on site; and*
- *Avoid unnecessary damage to the characteristic field pattern and historic hedgerow and tree lines.*

It is clear that the principle of a residential development within the built up area is acceptable. Furthermore the principle of a housing development across the Kings Way site has also been established through the granting of outline planning permission 12/01532/OUT) for 480 units on the site.

## **Layout and design**

DP26 requires development to be well designed and reflect the distinctive character of the towns and villages and states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development*

The scheme has been carefully considered by MSDC Urban Designer and the scheme has also been the subject of negotiations following the withdrawal of an earlier application and further amendments have been made to the layout and design during the assessment of this application.

The Urban Designer has commented:

*Phase 3B is the neighbourhood centre and focal point of the Kings Way development; it is therefore especially important that it is well designed. There have been several design iterations, starting with the decision to depart from the outline layout by re-routing the spine road to the east of the development thus removing awkward corners and enabling a bus route; this also delivered a pedestrianised area between blocks A and B. There were nevertheless a number of issues with the 2017 planning application that resulted in its withdrawal. Since then, a series of iterations have resulted in improvements that now address my main concerns. In particular, the building frontages define and overlook both the central space (between blocks A and B) and the country park. The elevations are well-ordered and benefit from contemporary detailing and vertical articulation; they also address the topography by stepping down the slope. Furthermore, the additional scale of the three storey frontages together with their formal composition help denote the neighbourhood centre which also incorporates a local shop and community centre. The relatively high density together with the retail and community requirements generates a large*

*number of parking spaces, most of which do not impose upon the main public realm because they are positioned at the rear of the buildings.*

*In conclusion, I raise no objections to this application but to secure the quality of the design, I would recommend conditions requiring additional drawings and information.*

Officers agree with this assessment and it is considered that the development is acceptable in design terms.

In light of the above it is therefore considered that the layout and design of the scheme is acceptable and complies with policy DP26 of the District Plan.

### **Mix of unit sizes and affordable housing**

Policy DP31 of the District Plan seeks to secure 30% affordable housing from developments containing 11 or more dwellings of which 75% would be social rented and 25% shared ownership.

The existing legal agreement requires that each phase will incorporate 30% affordable housing units; in this case the actual affordable housing provision on this Phase is for 23 units, which equates to 59% of the total dwellings. This reflects an agreement with the applicant that they would compensate on this Phase for the reduction in affordable housing on Phase 2 (DM/16/2204).

The mix for Phase 3B is as follows:

Affordable rent: 21

Shared Ownership: 2 x 1 bed flats

The Council's Housing Services team have commented on the application stating that:

*The submitted scheme did not meet affordable housing requirements in terms of numbers, tenure or layout. The applicant has subsequently submitted a revised scheme which proposes 23 dwellings for affordable housing. Two 1-bed flats over garages are for shared ownership and 21 flats (8 x 1bed and 13 x 2 bed) are for affordable rent. The revised scheme addresses an imbalance in numbers and tenure split on previous phases and ensures that at this stage the policy requirement of 75% rented and 25% shared ownership across the site is met. The flats are split across three blocks with clusters of no more than 10 affordable dwellings.*

The application is therefore considered acceptable in terms of mix of unit size and affordable housing provision.

Policy DP27 requires all new dwellings to meet minimum nationally described space standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.



The government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents.

The applicant has confirmed that the proposed houses would achieve the Council's required dwelling space standards.

In view of the above it is considered that the application would comply with policies DP30, DP31 and DP27 of the District Plan.

### **Infrastructure contributions and affordable housing**

The necessary infrastructure contributions for this development are secured by the section 106 legal agreement that was attached to the original planning permission granted under reference 12/01532/OUT and included the provision of 30 per cent affordable housing and contributions to, Education; libraries; highways improvements; Community Transport Improvements; Pedestrian/Cycleway/Equestrian Improvements; Leisure contributions; Local Community Infrastructure contribution; Ditchling Common Management contribution and Primary Care Trust contribution, with total contributions exceeding £8,000,000.

The S106 also included a clause requiring the applicant to transfer land in the northern section of the site (where block A and part of the community square are shown on the current application) to MSDC together with a financial contribution of £209,107 towards the build cost of a community building on the land. However as the proposal now is for the applicant to fully fund, physically construct and fit out the proposed community building before handing it over to MSDC, a deed of variation is required for this application. This is considered to be preferable to the previously agreed arrangement as additional funds would have been needed to construct a building and there was no certainty that the building would ever be delivered. The deed of variation will ensure that the development will have the facility of a community building on the site for current and future residents to use.

In view of the above it is considered that the application would comply with policies DP20 and DP31 of the District Plan.

### **Residential Amenity**

Policy DP26 of the Mid Sussex District Plan stipulates that 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.

In this case the site faces onto the country park to the east, while the southern section of the site is separated from existing residential properties by a mature trees belt and access road. The only block adjacent to existing residential properties is block A, in the northern section of the site, where residential houses in phase 2 lie to

the west, however the separating distances are between 13m and 32m which is considered acceptable on this urban site.

It is considered that the proposed layout is such that there are acceptable separating distances between the blocks themselves. The proposed buildings are also located at a sufficient distance from existing trees to avoid being overshadowed.

Overall, the layout is acceptable in terms of protecting the residential amenity of existing and future residents. The application therefore complies with Policy DP26 of the Mid Sussex District Plan.

### **Parking and Highways issues**

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

Transport and highways issues were addressed in detail at outline application stage. The Section 106 agreement secures around £3.3 million towards a variety of transport and highways improvements through the construction period. Access to the site from Kings Way was also approved in detail as part of the outline approval.

The transport statement and travel plan along with the plans and other documents submitted with the application have been considered by WSCC highways and no objections have been raised. The Highways Engineer has commented:

*Car parking provision is consistent with that estimated through the demand calculator and there is sufficient parking for bicycles. Car parking space for the commercial and community uses is below that expected, however we accept that local use will predominate.*

The applicant has demonstrated that cars, refuse collection vehicles and a fire tender will be able to manoeuvre round the site.

The trip generation has already been accounted for within the transport assessment for the wider development. The transport statement repeats the exercise for the current application, and the document's conclusions do not contradict the assessment of the wider development's impact on the transport network.

The TPS includes a commitment to delivering measures to promote sustainable modes of transport.

In light of the above it is considered that the application from a highway safety perspective complies with Policy DP21 of the Mid Sussex District Plan.

## Landscaping issues

Policy DP37 of the Mid Sussex District Plan states that:

*"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected."*

As shown at the outline stage, the layout is designed to accommodate most of the existing trees on the site which tend to form field boundaries and are helpful in subdividing the site in urban design terms. The trees provide a positive backdrop and enhance the character and appearance of the overall development. The site currently has no trees subject to TPO and is not within a Conservation Area.

The proposed buildings are also located at a sufficient distance from existing trees, in particular the mature tree belt to the south western edge of the site, to avoid being overshadowed and thereby reducing any potential pressure from future residents for lopping or felling in the future.

The landscaping shown on the plans also includes additional tree planting mostly within the car parking areas and a condition requiring further details of both hard and soft landscaping forms part of the recommendation.

In light of the above it is considered that the application complies with Policy DP37 of the Mid Sussex District Plan.

## Sustainability

MSDP Policy DP21 relates to transport and requires schemes to be '*sustainably located to minimise the need for travel*' and take '*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*'. In addition it requires where '*practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.*'

Paragraph 148 of the NPPF states:

*'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'*

Paragraph 153 states:

*'In determining planning applications, local planning authorities should expect new development to:*

- a) *comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The development is situated in a sustainable town location with good access to public transport alternatives to the private car. It is also within walking distance of a wide range of local services and amenities.

MSDP Policy DP39 relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and where appropriate and feasible (according to the type and size of development and location), incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

The application site is in a sustainable location being within the built-up boundary of Burgess Hill , a Category 1 settlement.

The applicant advises that the scheme would incorporate the following measures:

- It is intended that where possible locally sourced materials will be sourced.
- Recycled materials such as crushed concrete waste to be used for hard-standings.
- Windows and insulation will be thermally efficient.
- Water saving low/dual flush toilets, reduced flow taps and showers
- Low energy efficient lighting
- Time and temperature zone controls for heating system
- Airtight construction

The proposal is in overall terms considered to be acceptable in sustainability terms.

It is considered that the proposal satisfactorily complies with the requirements of policy DP39.

## **Drainage**

Policy DP41 of the District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.

While the Drainage Engineer has not commented on the application a condition requiring details of the drainage for each phase formed part of the outline approval

and it is therefore considered this matter can also be suitably dealt with by condition, so there should be no conflict with these policies.

In view of the above it is considered that the proposal complies with Policy DP41 of the Mid Sussex District Plan.

### **Ashdown Forest**

Under the Conservation of Habitats and Species Regulations 2017 (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) are 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). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

The application site is outside of the 7km zone of influence and thus there would be no effect on the SPA from recreational disturbance.

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as development allocated through the District Plan, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

### Conclusion of the Habitats Regulations Assessment screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

## **Planning Balance and Conclusion**

The application seeks full planning permission for 39 new dwellings (including the provision of 23 on-site affordable homes) a new Community Centre and retail floor space to the ground floor of Block B, including the provision of associated parking and landscaping.

The proposal is part of a wider development totalling 480 houses following outline planning approval under 12/01532/OUT including related community and outdoor facilities.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The NPPF states that planning should be genuinely plan-led. The Council has a recently adopted District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

In respect of the principle of the development, the site is part of a larger site allocated in the District Plan as a strategic housing site for 480 units under DP8. Furthermore the principle of a housing development across the Kings Way site has also already been established through the granting of outline planning permission (12/01532/OUT) for 480 units on the site.

The proposed design, layout, mix and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area. No significant harm would be caused to the amenities of the surrounding residential occupiers and the scheme would not cause harm in terms of parking or highway safety. Subject to conditions there will be an acceptable impact in respect of landscaping, arboriculture and drainage.

The proposal will deliver positive social and economic benefits through the delivery of housing which reflects one of the key objectives of the NPPF and in the short term the proposal would also deliver a number of construction jobs.

There will be a neutral impact upon on the Ashdown Forest Special Protection Area and Area of Conservation.

In view of the above it is considered that the application complies with Mid Sussex District Plan policies DP6, DP8, DP17, DP20, DP21, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39 and DP41 and Burgess Hill Neighbourhood Plan policies SR4 and LR3. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and accordingly the application is recommended for approval.

Subject to the completion of a S106 Obligation relating to the neighbourhood community centre planning permission should be granted.

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#### **APPENDIX A – RECOMMENDED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below:

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

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

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

4. No development shall be carried out unless and until samples and a schedule of materials and finishes to be used for the external walls, roofs and windows/doors of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

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.

5. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include 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 and the proposed boundary treatments. These works shall be carried out as approved.

Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the 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.

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

6. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. No development shall be carried out above ground slab level until detailed 1:20 scale section drawings of:

- i. typical residential frontages showing the full height of the building and including entrance canopy, grouped windows, Juliet balconies and roof;
- ii. the community building entrance showing the full height of the building including the upper floor and roof.
- iii. Position of the rainwater downpipes on all the elevations; 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.

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.

8. 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 safeguard the amenities of nearby residents and to accord with Policy DP26 of the Mid Sussex District Plan.

9. No part of the development shall be first occupied until the vehicle parking has been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking space for the development and to accord with Policy DP21 of the Mid Sussex District Plan.



10. No part of the development shall be first occupied until the cycle parking spaces have been provided in accordance with the plans and details 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.

11. No development shall be carried out above ground slab level until details of proposed boundary walls/fences, retaining walls and external staircase railings for the development have been submitted to and approved by the Local Planning Authority and the development shall not be occupied until these works have been carried out as approved.

Reason: In order to protect the appearance of the area and neighbouring amenity to accord with Policy DP26 of the Mid Sussex District Plan.

#### INFORMATIVES

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

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

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
3. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Planning Layout	P1538/01	A	05.08.2019
Location Plan	P1538/08	A	05.08.2019
Street Scene	P1538.SS.01	H	11.11.2019
Street Scene	P1538.SS.02	C	11.11.2019
Landscaping Details	P1152_11	A	05.08.2019
Landscaping	P1152_12		05.08.2019
Illustration	P1538.PV.01		11.11.2019
Levels	P1538/09	E	11.11.2019
Sections	P1538.SEC.01		11.11.2019
Proposed Floor Plans	P1538.BLKA.01	C	11.11.2019
Proposed Floor Plans	P1538.BLKA.02	B	11.11.2019
Proposed Floor Plans	P1538.BLKA.03	B	11.11.2019
Proposed Roof Plan	P1538.BLKA.04	B	11.11.2019
Proposed Elevations	P1538.BLKA.05	B	05.08.2019
Proposed Elevations	P1538.BLKA.06	B	05.08.2019
Proposed Floor Plans	P1538.BLKB.01	B	11.11.2019
Proposed Floor Plans	P1538.BLKB.02	A	11.11.2019
Proposed Floor Plans	P1538.BLKB.03	A	11.11.2019
Proposed Roof Plan	P1538.BLKB.04	B	11.11.2019
Proposed Elevations	P1538.BLKB.05	C	11.11.2019
Proposed Elevations	P1538.BLKB.06	C	11.11.2019
Proposed Elevations	P1538.BLKB.07	C	11.11.2019
Proposed Elevations	P1538.BLKB.08	C	11.11.2019
Proposed Floor Plans	P1538.BLKC1.01		11.11.2019
Proposed Floor Plans	P1538.BLKC1.02		11.11.2019
Proposed Roof Plan	P1538.BLKC1.02		11.11.2019
Proposed Elevations	P1538.BLKC1.03	C	11.11.2019
Proposed Elevations	P1538.BLKC1.04	A	11.11.2019
Proposed Elevations	P1538.BLKC1.05	B	11.11.2019
Proposed Elevations	P1538.BLKC1.06	A	11.11.2019
Proposed Floor Plans	P1538.BLKC2.01		11.11.2019
Proposed Floor Plans	P1538.BLKC2.02		11.11.2019
Proposed Floor Plans	P1538.BLKC2.03		11.11.2019
Proposed Roof Plan	P1538.BLKC2.04		11.11.2019
Proposed Elevations	P1538.BLKC2.05	D	11.11.2019
Proposed Elevations	P1538.BLKC2.06	B	11.11.2019
Proposed Elevations	P1538.BLKC2.07	B	11.11.2019
Proposed Elevations	P1538.BLKC2.08	D	11.11.2019
Proposed Floor Plans	P1538.BLKC2.		05.08.2019
Proposed Floor Plans	P1538.F2.01		11.11.2019
Proposed Roof Plan	P1538.F2.02		11.11.2019
Proposed Elevations	P1538.F2.03		11.11.2019
Proposed Elevations	P1538.F2.04		11.11.2019
Proposed Floor Plans	P1538.Comm.01	C	11.11.2019
Proposed Floor Plans	P1538.Comm.02	C	11.11.2019
Proposed Roof Plan	P1538.Comm.03	B	11.11.2019
Proposed Elevations	P1538.Comm.04	C	11.11.2019
Proposed Elevations	P1538.Comm.05	C	11.11.2019
Proposed Elevations	P1538.Comm.06	C	11.11.2019
General	P1538.DET/01		11.11.2019
General	P1538.DET/02		11.11.2019

General	P1538.DET/03		11.11.2019
General	P1538.DET/04		11.11.2019
General	P1538.DET/05		11.11.2019
General	P1538.DET/06		11.11.2019
General	P1538.DET/07		11.11.2019
Drainage Details	11036/PH3B-PL106	A	05.08.2019
Levels	1136/PH3-PL102	C	05.08.2019
Levels	11036/PH3-PL103	C	05.08.2019
General	11036/PH3-ATR01	A	05.08.2019
General	11036/PH3-ATR02	A	05.08.2019
General	11036/PH3-ATR03	A	05.08.2019

## APPENDIX B – CONSULTATIONS

### Parish Consultation

OBSERVATIONS: The Committee raised concerns over transport and access. It was noted that the police statement had recommendations on the design which the Committee supported.

The Committee wished to reiterate their previous statement:

'Burgess Hill Town Council will encourage Mid Sussex District Council to ensure that applicants comply with Policy DP39 of the District Plan and that this is reinforced in any subsequent supplementary design and access statement documents on sustainable development.'

In accordance with District Plan Policy DP42, the development should incorporate grey water recycling and water harvesting.

INFRASTRUCTURE REQUIREMENTS: Mid Sussex District Council welcome specific recommendations with regard to Section 106 needs associated with this development. The recommendations of the Planning Committee are as follow:

Funds to be allocated to real time bus services available on the bus stops in the immediate vicinity of the application site.

### MSDC Environmental Health - Contaminated Land

The application looks to construct 29 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.

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. 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:
  - a) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

2. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details

### **MSDC Environmental Health - Protection**

This application has outline permission as part of a larger site. There are existing conditions to control noise and dust from construction.

Conditions:

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

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

The scheme shall include, as a minimum:

- Provision of at least 1 EV rapid charge point per 10 residential dwellings
- All gas-fired boilers to meet a minimum emissions standard of <40 mgNO<sub>x</sub>/kWh

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

### **MSDC Housing**

Outline planning consent (12/01532/OUT) for 480 dwellings was granted on 10th May 2013. Phases 1 (14/03208/REM) and 2 (DM/16/2204) have been delivered and Phase 3a (DM/18/2747) has been approved.

This application for Phase 3b of the development is a full application which seeks to vary the mix stipulated in the s106 agreement for the outline permission.

The submitted scheme did not meet affordable housing requirements in terms of numbers, tenure or layout. The applicant has subsequently submitted a revised scheme which proposes 23 dwellings for affordable housing. Two 1-bed flats over garages are for shared ownership and 21 flats (8 x 1bed and 13 x 2 bed) are for affordable rent. The revised scheme addresses an imbalance in numbers and tenure split on previous phases and ensures that at this stage the policy requirement of 75% rented and 25% shared ownership across the site is met.

The flats are split across three blocks with clusters of no more than 10 affordable dwellings.

### **MSDC Urban Designer**

Summary and Overall Assessment.

Phase 3B is the neighbourhood centre and focal point of the Kings Way development; it is therefore especially important that it is well designed. There have been several design iterations, starting with the decision to depart from the outline layout by re-routing the spine road to the east of the development thus removing awkward corners and enabling a bus route; this also delivered a pedestrianised area between blocks A and B. There were nevertheless a number of issues with the 2017 planning application that resulted in its withdrawal. Since then, a series of iterations have resulted in improvements that now address my main concerns. In particular, the building frontages define and overlook both the central space (between blocks A and B) and the country park. The elevations are well-ordered and benefit from contemporary detailing and vertical articulation; they also address the topography by stepping down the slope. Furthermore, the additional scale of the three storey frontages together with their formal composition help denote the neighbourhood centre which also incorporates a local shop and community centre. The relatively high density together with the retail and community requirements generates a large number of

parking spaces, most of which do not impose upon the main public realm because they are positioned at the rear of the buildings.

In conclusion, I raise no objections to this application but to secure the quality of the design, I would recommend conditions requiring additional drawings and information in respect of the following:

- Hard and soft landscaping including treatment of boundaries, retaining walls and staircase railings.
- 1:20 scale section drawings of: (i) typical residential frontages showing the full height of the building and including entrance canopy, grouped windows, Juliet balconies and roof; (ii) community building entrance showing the full height of the building including the upper floor and roof.
- Position of the rainwater downpipes on all the elevations
- Facing materials

### Layout

The building frontages feature consistent building lines and return frontages that successfully define and address the streets and spaces despite the awkward slope on the main spine road. A series of section drawings have now been received which demonstrate how the difference in levels has been handled on all sides of the buildings including the car park.

The shop frontage has been re-positioned with its entrance facing the central space (between blocks A and B) and together with the adjacent community centre should help animate and activate this area. It is hoped the fenestration on the return east side of the shop facing the country park will also be kept open to maximise the visual connection of the shop with the surrounds.

The large car park at the rear of blocks B and C has been divided-up by the FOG building (flats over garages) that is positioned in the middle so that it defines and overlooks the parking. The tree belt along the west boundary also helps by providing additional enclosure and, together with the proposed trees, provides the necessary softening of this large hard surfaced area.

Unfortunately there is no strong vision / strategy for the central open space with the submitted drawings showing inconsistencies in the landscaping. As the design of this space is key to the scheme's success, a condition is needed that covers this and the rest of the landscaping including the external staircase railings and retaining walls.

### Elevations

The elevations have been the subject of several iterations. The latest set of revisions show blocks of flats that satisfactorily address the awkward slope and corner while also providing frontages that are suitably articulated.

The consistent order of the vertically grouped windows and projecting bays give the street elevations underlying order and architectural interest that was missing in previous proposals. Splitting block C into two buildings (C1 and C2) has especially helped in dealing with the topography and reducing the scale. The bin and cycle stores are now neatly integrated within the building envelopes, rather than bolted-on afterthoughts and the return frontages feature windows that suitably address all the key corners. As the rear elevations will be very visible from the car park, they have been re-designed to provide suitably ordered facades.

All the building frontages feature brick and dark grey boarding that will contribute to giving the neighbourhood centre a distinct character, and the Juliet balconies provide additional articulation. The rainwater downpipes are not though shown on the elevations, and as they are key elements that have the capacity to undermine or enhance a façade, a condition is recommended to control their positioning.

The provision of the detailed drawings is helpful, but I would like further information submitted and subject to a condition to allow the windows, Juliet balconies, gutters and canopies to be shown in the context of the full façade. The traditional "gallows" bracket design of the entrance canopies looks incongruous in relation to the contemporary designed facades, and a more modern design would work better.

The community centre has been fully fenestrated as a 2 storey building even though it is mostly a single storey building, albeit with a large double height hall. This helps it sit more comfortably with its 3 storey neighbours.

### **MSDC Leisure**

This application has been considered alongside the delivery of the outline application 12/01532/OUT for 480 homes which will provide contributions toward leisure infrastructure through the existing s106 agreement so no additional financial contributions are required in this instance.

I have had a constructive exchange with Persimmon Homes regarding the internal layout of the community building and am pleased with the design. It will be necessary to ensure the facility is fully fitted out to an agreed specification and ready for public use before it is handed over to the Council. I note the car park includes dedicated spaces for the community building users which is welcome.

### **West Sussex County Council Highways**

Having reviewed the transport statement (TS), travel plan statement (TPS) and other plans and documents sent in with the application, the highway authority has no objection to the application.

Car parking provision is consistent with that estimated through the demand calculator and there is sufficient parking for bicycles. Car parking space for the commercial and community uses is below that expected, however we accept that local use will predominate.

The applicant has demonstrated that cars, refuse collection vehicles and a fire tender will be able to manoeuvre round the site.

The trip generation has already been accounted for within the transport assessment for the wider development. The TS repeats the exercise for the current application, and the document's conclusions do not contradict the assessment of the wider development's impact on the transport network.

The TPS includes a commitment to delivering measures to promote sustainable modes of transport. The authority expects the developer to implement these measures.

Condition

**PARKING AND TURNING**

No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for cars and bicycles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason: The above condition is required in order that the development should not prejudice highway safety or cause inconvenience to other highway users.

**Street Naming and Numbering Officer**

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

Informative (Info29)

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.

Planning applications requiring SNN informative

- DM/19/3028
- DM/19/2764
- DM/19/2777
- DM/19/2942
- DM/19/2129
- DM/19/2900
- DM/19/3121
- DM/19/2990
- DM/19/3085
- DM/19/2961
- DM/19/3138
- DM/19/3144
- DM/19/2938
- DM/19/3170

**WEST SUSSEX COUNTY COUNCIL- Flood risk**

RECOMMENDATION: No Objection

Thank you for consulting us with regards to the above application.

The Drainage Strategy for the whole site has been previously agreed with the District Drainage Engineer; therefore we have no objection to this application.

Kevin Brook  
Flood Risk Management Team



## Sussex Police

Thank you for your correspondence of 09th August 2019, advising me of a full planning application for 39 new dwellings (including the provision of 22 on-site affordable homes) a new Community Centre and retail floor space to the ground floor of Block B, including the provision of associated parking and landscaping 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 UK 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 The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

The development consists of 4x apartment blocks, one with retail space on ground floor and two flats over garage (FOG) with four carports below. Parking is provided to the rear of the blocks. From a crime prevention perspective, it will very important that access control is implemented into the design and layout of the communal blocks to ensure control of entry is for authorised persons only. SBD recommends that all communal dwellings should have visitor door entry system or access control system to enable management oversight of the security of the building i.e. to control access to the building via the management of a recognised electronic key system (see para 27.20 SBD Homes 2019). It should also incorporate a remote release of the primary entrance door set and have audio visual communication between the occupant and the visitor. The main entrance door, external and internal cycle store doors are to be certificated. Door sets that are fitted with electronic locks or electronic staples must form part of the manufacturers certified range of door sets. Trades buttons must never be used.

I recommend the postal arrangements for the flats are through the wall, or external mounted secure post boxes. I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

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. Block A is shown to have under-croft parking, this will need to be illuminated using low energy vandal resistant PIR lighting. Given the existence of under-croft parking I recommend that the applicant seek advice from Sussex Police Counter Terrorist Security advisers with regards to the scheme as soon as it is practicable. A parking management system will have to be implemented to control parking spaces where they are shared by residents and visitors to the community centre and retail outlets.

I have concerns over the FOGs given there are cycle stores and refuse stores (mixed not recommended) beneath them. The cycle stores are directly below the flats bedroom. This

has the potential to impact directly upon the resident's amenity from noise and footfall. Additionally the parking beneath is proposed as carports, these can encourage loitering and the dumping of rubbish within them to the detriment of the residents above. There is also the potential of arson attack within the carports which puts the residents of the FOG's at risk. I recommend that these carports are changed to secure garages.

The commercial element of block A will require certificated door and windows and I recommend a monitored intruder alarm for out of hours protection is fitted. I direct the applicant of their agent to SBD commercial Development 2015 for further crime prevention advice for the retail and community centre aspects of the application. No opening hours were disclosed within the application, therefore I ask that consideration is given to the immediate resident's amenity to protect them from noise and footfall from users to the retail / commercial unit, traffic and delivery vehicles.

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.

MID SUSSEX DISTRICT COUNCIL

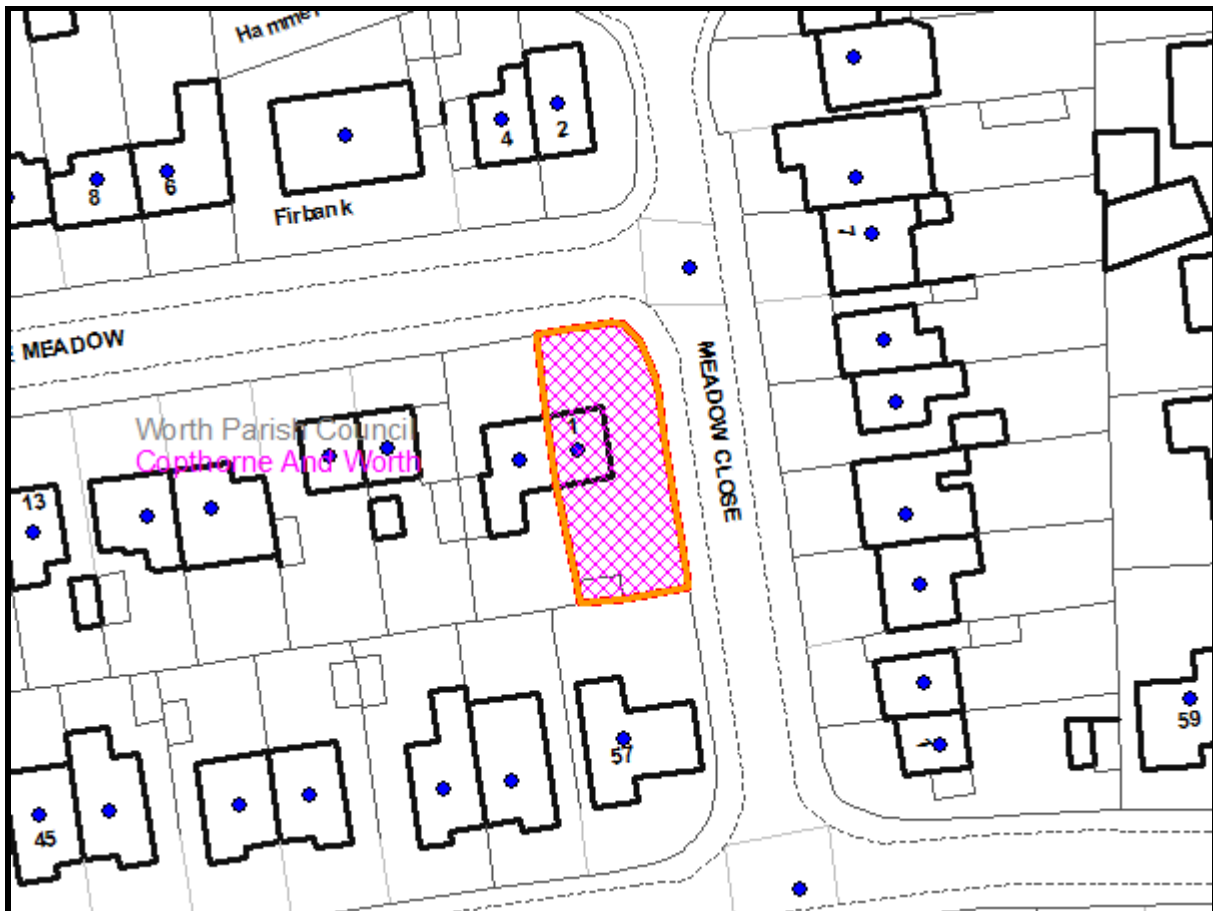
Planning Committee

19 DEC 2019

RECOMMENDED FOR PERMISSION

Worth Parish Council

DM/19/3330



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**1 THE MEADOW COPTHORNE CRAWLEY WEST SUSSEX  
SINGLE STOREY EXTENSION, SOLAR PANEL INSTALLATION,  
REDUCTION IN HEIGHT OF LANDING WINDOW, INSTALLATION OF  
BIFOLD DOORS AND ALTERATIONS TO INTERNAL GROUND FLOOR  
LAYOUT.  
MRS WOOD**

POLICY: Built Up Areas / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) / SWT Bat Survey /

ODPM CODE: Householder

8 WEEK DATE: 23rd December 2019

WARD MEMBERS: Cllr Paul Budgen / Cllr Christopher Phillips /

CASE OFFICER: Deborah Lynn

### **Purpose of Report**

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

### **Executive Summary**

This application seeks planning permission to erect a single storey side extension at no. 1 The Meadow, Copthorne, together with the installation of solar panels to the rear roof slope and alterations to existing fenestration.

The application is before committee as the agent is an elected Member for the Copthorne and Worth Ward.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework.

The proposed extension is deemed acceptable in terms of design and scale and is not considered to be harmful to the appearance and character of the area or to neighbouring amenities.

The proposal is therefore deemed to comply with policies DP26 and DP37 of the Mid Sussex District Plan 2014-2031 and policies COP04.1 and COP09 of the Copthorne Neighbourhood Plan, as well as the broader requirements of the NPPF.

It is therefore recommended that planning permission should be granted.

### **Recommendation**

Recommend permission be granted subject to the conditions outlined at Appendix A.

### **Summary of Representations**

No representations have been received in response to this application.

## **Parish Council Observations**

Worth Parish Council has no objection to the proposal.

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### **Introduction**

This application seeks planning permission to erect a single storey extension to the side of no. 1 The Meadow, Copthorne. Permission is also sought to install solar panels to the rear roof slope and carry out alterations to fenestration.

The application is before committee as the agent is an elected Member for the Copthorne and Worth Ward.

### **Relevant Planning History**

07/01982/FUL - Single storey front extension. Permission granted 09.08.2007.

14/00100/FUL - New 2 bedroom dwelling. Refused 07.03.2014.

### **Site And Surroundings**

No. 1 The Meadow is a semi-detached 1950's house situated within a close of similar properties within the built up area of Copthorne. The dwellinghouse is situated on a corner plot on a bend in the road and benefits from a side garden that is lined by a mix of established hedging, trees and fence panels. A driveway and single garage are sited at the rear (south) of the site. The property at no. 57 The Meadow lies to the rear of the site. Land levels gently slope to the rear of the site.

### **Application Details**

Plans show that a single storey extension is proposed to the eastern side of the dwellinghouse; this will also partially wrap around the front and rear of the house. To the front, the extension will measure 7.19 metres wide, projecting 1.1 metres beyond the front wall of the house. The extension will measure 10.22 metres deep, partially projecting beyond the rear wall of the house by 1.5 metres and measuring 5.99 metres wide to the rear. A dummy pitched roof is proposed that measures a maximum of 3.5 metres high from ground level. The extension will be constructed from facing brickwork and concrete tiles to match the house and will provide an enlarged hallway, study, utility room, shower room and dining room at ground floor level. A conifer hedge and small trees will be removed to accommodate the extension with the existing hedgerow on the eastern boundary to be reduced in height and width. Existing fence panels on the eastern boundary are proposed to be replaced with mature hedging.

Plans also include the installation of 6 no. solar panels to the rear roof slope together the installation of bi-fold doors to the rear wall of the house. A first floor landing window to the side elevation is proposed to be replaced with a window that is reduced in height.

## List of Policies

### Mid Sussex District Plan 2014 - 2031

The District Plan was formerly adopted on the 28th March 2018.

DP26 character and design  
DP37 trees, woodland and hedgerows

### Copthorne Neighbourhood Plan

The Copthorne Neighbourhood Plan has had its regulation 14 Draft Plan published and consultation finished on the 30th April 2017. The plan is a material consideration in the determination of planning applications but carries little weight.

COP04.1 building Extensions  
COP09 protect and enhance biodiversity

## National Policy

### National Planning Policy Framework (NPPF - 2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently.

Paragraph 47 states: *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.'*

### National Planning Practice Guidance

#### Assessment (Consideration of key issues)

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

The main issues considered relevant to this application are the proposed design and impact on the character of the area.

## **Design and impact on the character of the area**

One of the key issues is the design and the subsequent visual impact on the character of the area.

Policy DP26 states in part that:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area; and*
- *protects valued townscapes and the separate identity and character of towns and villages.'*

Policy COP04.1 of the Copthorne Neighbourhood Plan states that:

*'Building extensions will be permitted provided they are in accordance with the Neighbourhood Plan and meet the following criteria:*

- a) *The scale, height and form of the extension should be subservient to the existing building and should be in character with the street scene. Where appropriate, special regard should be paid to sustaining and enhancing the setting and features of heritage assets and the areas of townscape character.*
- b) *The traditional boundary treatment of an area is retained and where feasible reinforced.*
- c) *Suitable access and on- site parking is provided without detriment to neighbouring properties.*
- d) *Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- e) *Historic vistas are maintained. These are identified as:*
  - *Edge of Copthorne Common south of A264*
  - *Copthorne Golf Course north of A264*
  - *All brooks and streams within village boundary*
  - *Views across to North and South Downs*
  - *Rowfant and its surrounding landscape*
- f) *Materials are compatible with materials of existing/surrounding buildings.'*

The NPPF makes reference to the importance of good design at para 127 which states in part that:

*'Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.'*

In terms of design, the proposed extension is considered acceptable, reflecting the character of the existing dwellinghouse and appearing subservient in scale. Various extensions have been added within the street scene and the proposed extensions and alterations are not considered out of keeping. The proposed solar panels will be sited to the rear roof slope and are considered to have limited visual impact upon the amenity of the area.

The house is currently set back 5.3 metres from the eastern side boundary with an established side garden that is considered to make a positive contribution to the appearance and character of the street scene. The proposed extension will be sited closer to the road, falling 1.2 metres from the eastern boundary and it is considered that it will appear relatively prominent within the street scene, projecting forwarding of the front building line and falling in close proximity to the pavement. The applicant has been approached with regards to reducing the width of the extension and setting it further back from the frontage, but is unwilling to do so.

Whilst the proposal will reduce the space to the side of the property and result in the loss of some vegetation, taking into account the single storey nature of the extension and the retention of the hedge on the eastern boundary, it is not considered that the proposal would appear unduly dominant within the street scene as to detract from the appearance and character of the area. The proposal is therefore considered to accord with policy DP26 of the Mid Sussex District Plan and COP04.1 of the Copthorne Neighbourhood Plan.

### **Impact on neighbouring amenity**

Policy DP26 of the District Plan also relates to amenity and states that:

*'All applicants will be required to demonstrate that 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 (see Policy DP29).'*

Policy COP04.1 of the Copthorne Neighbourhood Plan states:

*'Building extensions will be permitted provided ... amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'*

Where a policy contained in a development plan for an area conflicts with another policy in the development plan, under section 38(5) of the Planning and Compulsory



Purchase Act 2004, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. Due to the status of the Copthorne Neighbourhood Plan, policy DP26 is considered to take precedence; therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

As the proposed extension will be sited to the side of the house, adjacent to a highway, the proposal is not considered to be harmful to neighbouring amenities, with sufficient distances remaining between houses which should ensure that amenities are protected. The proposal therefore accords with policy DP26 of the Mid Sussex District Plan and policy CDNP04.1 of the Copthorne Neighbourhood Plan.

### **Impact on trees**

Policy DP37 of the Mid Sussex District Plan states in part that:

*'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'*

*'Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.'*

Policy COP9 of the Copthorne Neighbourhood Plan states in part that:

*'proposals for new residential, employment and retail development will be expected to protect and enhance biodiversity and wildlife. In particular planning applications for these proposals will be assessed against the following criteria:*

- d. The protection of trees of arboricultural or amenity value and*
- e. The appropriate planting of new native trees and hedges...'*

The proposed development will involve the removal of a section of Conifer hedge together with the removal of two trees from within the front garden. The existing hedge to the eastern boundary will be retained, but reduced in height and width. Plans show that a section of fence panelling on the boundary will be removed and replaced with mature hedging.

No details have been provided in respect of the trees to be removed; however they are not considered to have a high amenity value within the street scene; as such, no objection is raised to their loss. A condition can be placed to ensure that further details are provided in respect of the proposed hedge planting prior to the development being brought into use.

In light of the above, the proposal is considered to comply with policy DP37 of the Mid Sussex District Plan and policy COP09 of the Copthorne Neighbourhood Plan.

## **Planning balance and conclusions**

The proposed extension is deemed acceptable in terms of design and scale and is not considered to be harmful to the appearance and character of the area or to neighbouring amenities.

The proposal is therefore deemed to comply with policies DP26 and DP37 of the Mid Sussex District Plan 2014-2031 and policies COP04.1 and COP09 of the Copthorne Neighbourhood Plan, as well as the broader requirements of the NPPF.

It is therefore recommended that planning permission should be granted.

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### **APPENDIX A – RECOMMENDED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

#### **Approved Plans**

2. 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 Applications".

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

3. The materials and finishes of the external walls and roof of the extension hereby permitted shall match in colour and texture those of the existing dwellinghouse.

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 and Policy COP04.1 of the Copthorne Neighbourhood Plan.

#### **Pre-occupation conditions**

4. The extension hereby permitted shall not be occupied until a replacement section of hedging has been planted on the eastern boundary of the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. In the event that any such trees, or shrubs or plants die or become seriously damaged or diseased within a period of 5 years following planting they shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the LPA.

Reason: In the interests of the visual amenities of the locality and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031 and Policies COP04.1 and COP09 of the Copthorne Neighbourhood Plan.

## INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
  - Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
  - No burning of materials shall take place on site at any time.
3. The solar panels hereby permitted shall be removed as soon as reasonably practicable when no longer required.

### **Plans Referred to in Consideration of this Application**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Existing Floor and Elevations Plan	WOOD-01		19.08.2019
Location and Block Plan	WOOD-02		19.08.2019
Proposed Floor and Elevations Plan	WOOD-03		19.08.2019
Proposed Block Plan	WOOD-04		19.08.2019

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

No Objection.

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MID SUSSEX DISTRICT COUNCIL

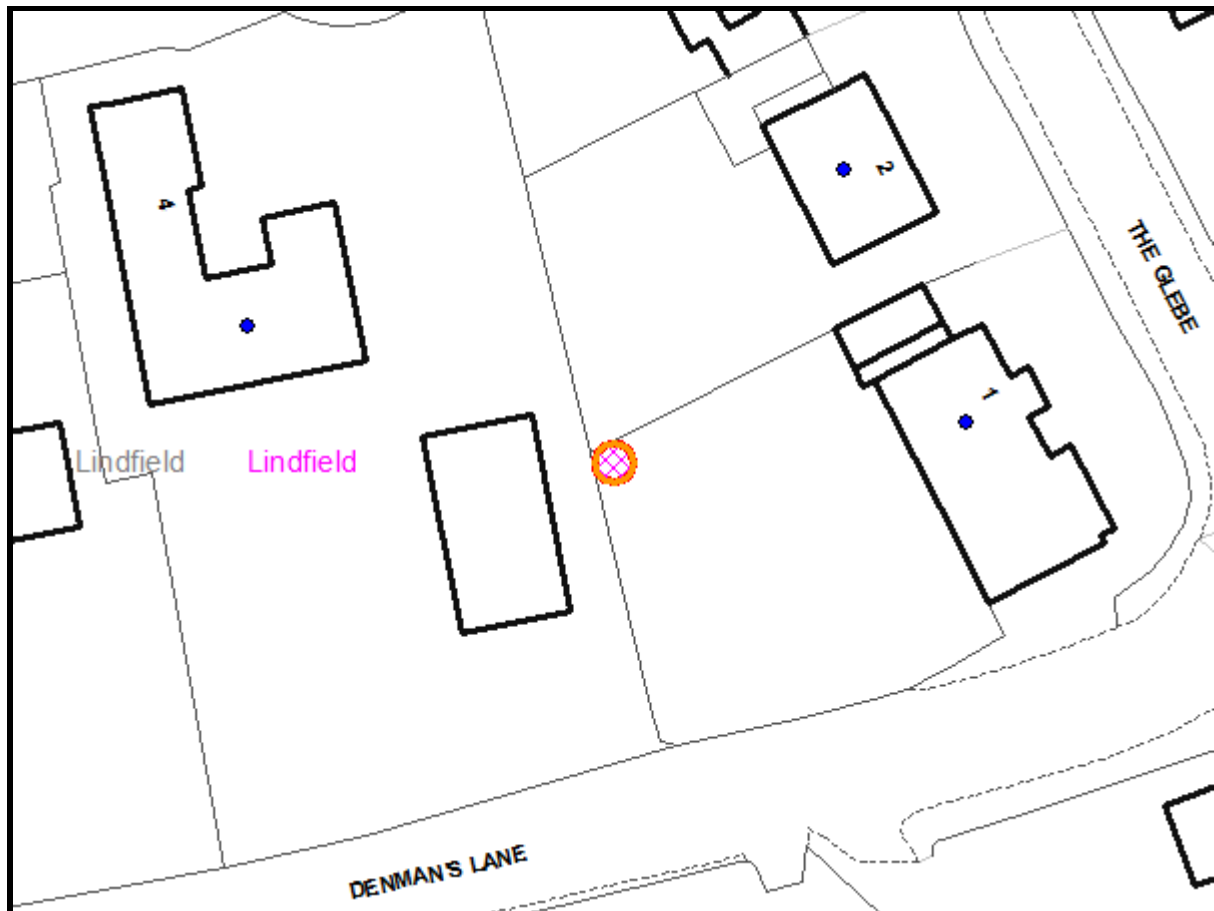
Planning Committee

**19 DEC 2019**

RECOMMENDED FOR PERMISSION

**Lindfield**

**DM/19/4133**



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**1 THE GLEBE LINDFIELD HAYWARDS HEATH WEST SUSSEX  
T1 OAK - REMOVE SECONDARY GROWTH UP TO 10CM IN DIAMETER.  
MRS ANTHEA LEA**

POLICY: Areas of Townscape Character / Built Up Areas / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Tree Preservation Order Points /

ODPM CODE: Tree Application

WARD MEMBERS: Cllr Andrew Lea / Cllr Anthea Lea / Cllr Jonathan Ash-Edwards /

CASE OFFICER: Irene Fletcher

### **PURPOSE OF THE REPORT**

The application seeks consent for works to an Oak tree covered by Tree Preservation Order LF/01/TPO/00. The works are described as 'Remove secondary growth up to 10cm in diameter'.

This application has come before Committee as the applicant is a Council Member.

### **RECOMMENDATION**

It is recommended that permission be granted subject to the condition set out in Appendix A.

### **REPRESENTATIONS**

None received.

### **LINDFIELD PARISH COUNCIL**

Lindfield Parish Council has no objections to this application.

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### **ASSESSMENT**

Permission is sought for the works as described.

The tree is a semi mature specimen located within the rear garden of the property in the northern corner abutting the neighbouring boundary. It is a semi mature specimen with limited public visibility. It appears to be healthy and free of pests and diseases.

Policy DP37 of the District Plan deals with tree matters and states that the Council will support the protection and enhancement of trees. In respect of tree works, the policy sets out the following will be taken into account:

- The condition and health of the tree
- The contribution of the trees to the character and visual amenity of the local area; and
- The amenity and nature conservation value of the trees; and
- The extent and impact of the works; and
- Any replanting proposals (where necessary)

The works relate to epicormic growth which has not been removed and has developed over a few years, from the main trunk . It shades the lawn and has become a hazard at eye level.

The proposed works are very minor in nature and will have no impact on the long term health or amenity value of the tree. It is considered that the application compliances with the above Development Plan policy and can be supported.

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#### **APPENDIX A – RECOMMENDED CONDITIONS**

1. The work shall be carried out in accordance with BS 3998:2010 "Recommendation for Tree Work".

Reason: To ensure that the work is carried out to a satisfactory standard.

#### **INFORMATIVES**

1. Prior to the commencement of the works hereby permitted, checks shall be made for the presence of nesting birds and other wildlife protected under the Wildlife and Countryside Act 1981.

#### **APPENDIX B – CONSULTATIONS**

##### **Parish Consultation**

Lindfield Parish Council has no objections to this application

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MID SUSSEX DISTRICT COUNCIL

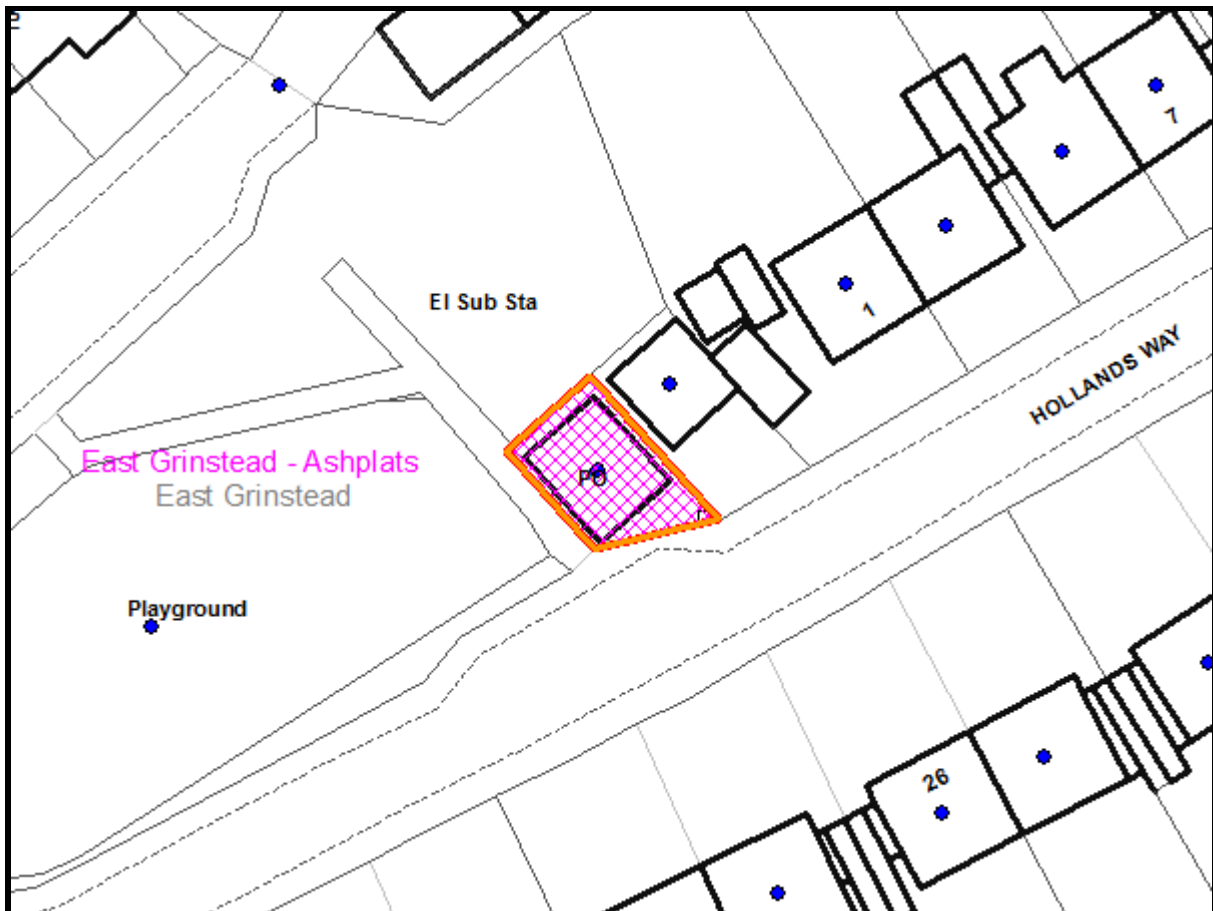
Planning Committee

19 DEC 2019

RECOMMENDED FOR PERMISSION

**East Grinstead**

**DM/19/4180**



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**STONE QUARRY POST OFFICE HOLLANDS WAY EAST GRINSTEAD  
WEST SUSSEX  
PROPOSAL TO CONVERT POST OFFICE TO 1 RESIDENTIAL UNIT.  
MR RITESH PATEL**

POLICY: Aquifer (Source) Protection Zone / Ashdown Forest SPA/SAC / Built  
Up Areas / Aerodrome Safeguarding (CAA) /

ODPM CODE: Prior Not. Shop (A2) to dwelling

WARD MEMBERS: Cllr Margaret Belsey / Cllr Liz Bennett /

CASE OFFICER: Anna Tidey

### **Purpose of Report**

To consider the recommendation of the Divisional Leader for Planning and Economy on the application for prior approval as detailed above.

### **Executive Summary**

This application seeks a determination as to whether prior approval is required for the conversion of a 33 square metre Post Office (Class A1) into a one bed studio unit (Class C3 residential) at Stone Quarry Post Office, off Hollands Way in East Grinstead. The proposed studio flat would provide a shared bedroom/living space with a separate kitchen and shower room.

The application is being reported to committee as MSDC is the landowner.

New permitted development rights were introduced under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, then amended further in April 2015 and April 2016 to allow the change of use of a building and any land within its curtilage from an A1 (retail) use to a use falling within Class C3 (dwellinghouses) of the Use Classes Order Schedule.

In order to benefit from this permitted development right, the developer is required to make an application to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to:

- a) Transport and highway impacts of the development;
- b) Contamination risks on the site;
- c) Flooding risks on the site;
- d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use -
  - i. on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops), Class A2 (financial and professional services) or Class A5 (hot food takeaways) of that Schedule or, as the case may be, a building used as a launderette, but only where there is a reasonable prospect of the building being used to provide such services, or
  - ii. where the building is located in a key shopping area, on the sustainability of that shopping area, and
- e) the design or external appearance of the building,

and the provisions of paragraph W shall apply in relation to any such application.

Development is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Paragraph 10 of paragraph W states that the Local Planning Authority must, when determining an application, take into account any representations made to them as a result of any consultation under paragraphs 5 and 6 (i.e. transport and highways impacts and flooding risks) and any notice given under paragraph 8 (i.e. any adjoining owners or occupiers), as well as contamination risks.

When determining the application, the Local Planning Authority should also have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application. It is considered that there are no flooding or contamination risks in relation to this proposal and that the proposal would not impact on the provision of services within the area. The transport and highways impacts are also considered acceptable with conditions to ensure that the residential unit is not brought into use until cycle parking has been provided. On this basis prior approval for the proposed change of use is required, and should be granted in accordance with the details submitted and the conditions recommended by the WSCC Highways Authority.

The application is therefore recommended for conditional approval as set out in full at Appendix A.

### **Recommendation**

It is recommended that prior approval for the proposed change of use should be granted subject to the conditions listed at Appendix A.

## **Summary of Consultations**

(Full responses from Consultees are included at the end of this report as Appendix B.)

### **WSCC Highways Authority**

The movements associated with the post office have done so safely with no known highway safety concerns, and C3 residential uses are considered less intensive.

Consequently, no highway concerns would be raised. In principle, the current GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms. If the Planning Authority is minded to approve this application, they may wish to condition cycle parking.

### **Environmental Health Officer**

I have concerns that if this property is converted into a dwelling, future occupiers could be affected by noise from the adjacent substation. However, assuming that this proposed permitted development would fall into Class M, retail and specified sui generis uses to dwelling houses, Environmental Protection can only comment on contamination risks and not noise issues.

## **Contaminated Land and Environmental Protection Officer**

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

## **WSSC Lead Local Flood Authority**

This is a minor application and not in an area of significant surface water flood risk, therefore we have no comment to submit with regards to this development.

## **MSDC Drainage**

To be reported.

## **Summary of Representations**

East Grinstead Society: Recommend refusal. The post office is a much used local facility and every effort should be made to retain it for the use of Stone Quarry residents and those in the adjoining area. There is no plan of the proposed replacement.

41 letters of representation received raising objections to the application on the following points:

- The Post office serves the local community
- Relied upon/Convenient for the elderly
- Useful for those with mobility problems
- Building works will disrupt neighbourhood and adjacent children's play area
- It's well used and needs to stay
- Relocation to a nearby building should be considered
- Consider where the nearest other Post Offices are located
- Alternative use could be a GP surgery
- Small businesses/home workers use it
- Parking issues will be created
- Unsuitable position for a residential unit adjacent to the children's play area/outdoor gym/electric substation/oak tree
- No more houses needed in the area
- Not a viable site given small footprint of the building and lack of garden/yard
- This would create a substandard dwelling
- A reasonable use would be for commercial or community use
- Much more convenient to use than town centre Post Office

## **Town Council Observations**

Recommend Refusal: The Committee are very concerned that this purpose built shop / post office should remain as a community facility on Stone Quarry. The owners Mid Sussex District Council are asked to keep it as a community facility. It is noted that no change of use application has come forward, which surely would be necessary. DP25 of the District Plan and EG9 and EG10 of the East Grinstead

Neighbourhood Plan, should be considered regarding the continued community use of this building.

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## **Introduction**

This application seeks a determination as to whether prior approval is required for the conversion of a 33 square metre Post Office (Class A1) into a one bed studio unit (Class C3 residential) at Stone Quarry Post Office, off Hollands Way in East Grinstead.

The application is being reported to committee as MSDC is the landowner.

## **Relevant Planning History**

Planning reference: GR/376/86. Single storey sub post office and shop unit. Approved January 1987.

## **Site and Surroundings**

The application site is located within an established residential area to the east of the hospital in the built up area of East Grinstead.

The Post Office is currently open for business between the hours of 9am to 5.30pm Monday to Friday and 9am to 12.30pm on Saturday. It is located within a small single storey building immediately to the west of an electric substation. The land to the north and west of the building is green open space with open air gym equipment and an equipped children's play area. This is surrounded on three sides by adjacent residential roads.

The building itself measures 5.4m in width by 7.7m deep and is single storey with a gabled roof line. The inner space is lit by doors and windows located in the south eastern and south western facing elevations of the building.

## **Application Details**

In detail the application seeks a determination as to whether prior approval is required for the conversion of the internal space (33 square metres) into a one bed studio unit. The current building accommodates shop space and an associated toilet. The proposed studio flat would provide a shared bedroom/living space with a separate kitchen and shower room, the internal space being subdivided with partition walls.

No external changes are shown to the position of the existing windows and doors, although the plans indicate that the bathroom and kitchen located on the northern side of the building would each be lit from above by roof lights inserted into the sloping roof above.

The applicant has provided a statement in support of the application which explains the reasons for the proposal. This is available to view online. In summary the statement confirms:

- "We bought this business over 10 years ago and successfully managed to raise profits and footfall by taking on additional services and revenue generators (health/national lottery/3rd party card offerings)
- I personally ran this office for 7 years and still live in the East Grinstead area.
- Over the past 6 years we have been dealing with Post Office transformation network which was national project for the post office. The two options available to us were: to relocate the office and convert into a local modal offsite or continue, but sign up to the new pay modal, which would mean we would lose our core tier payment. This wasn't a real option for us as our location and size would never be sustainable. We did explore with a retail expert to see how we further could make up the shortfall.
- Modernization has led to loss of DVLA/Passport and HMRC services.
- The office has been listed for relocation/sale on the Post Office website. The option to move into the shop located 200m away has been explored, but they have expressed no desire to proceed, most recently in October 2019.
- In the last 4 years I have retrained and re entered the job market as a project manager. This salary has helped me prop up the shortfall in the Post Office to maintain the service. Unfortunately this has now become a massive financial burden due to the losses amounting.
- Discussions were undertaken to secure the land purchase (since 2015) when an agreement was reached for proposal to committee.
- There are a number of offices for which Post Office Ltd don't have any plans.
- Last years accounts showed a further drop in revenue by 30% on top of falling sales remuneration.
- In the last 14 months we have had 2 robberies with no prosecutions which impact on an office of this size.
- We personally pay for bills/maintenance and rates.
- If the office is relocated we would receive a remuneration payment which would go towards helping clear the business loan, but I can no longer support this venture. This business has a lot of sentimental value to me. Hence my decision to close the office on the 16th December has been one of the most difficult I have made."

## **ASSESSMENT**

In May 2013 new permitted development rights were introduced under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, which allowed, until 30th May 2016, the change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class A1 (retail) of that Schedule.

In April 2015, this legislation was superseded by Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order

2015, and then most recently amended in April 2016 by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

The latest legislation states that development is not permitted by Class M if:

- a) the building was not used for one of the uses referred to in Class M(a)—
  - i. on 20th March 2013, or
  - ii. in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;
- c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;
- d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;
- e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or
- g) the building is—
  - i. on article 2(3) land;
  - ii. in a site of special scientific interest;
  - iii. in a safety hazard area;
  - iv. in a military explosives storage area;
  - v. a listed building; or
  - vi. a scheduled monument.

The site does not fall within any of the above criteria and is thus the proposed use is permitted development subject to the consideration of specific issues which are set out below. The LPA cannot consider any other issues.

In order to benefit from this permitted development right, the developer is required to make an application to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to:

- a) Transport and highway impacts of the development;
- b) Contamination risks on the site;
- c) Flooding risks on the site;
- d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use -

- i. on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops), Class A2 (financial and professional services) or Class A5 (hot food takeaways) of that Schedule or, as the case may be, a building used as a launderette, but only where there is a reasonable prospect of the building being used to provide such services, or
  - ii. where the building is located in a key shopping area, on the sustainability of that shopping area, and
- e) the design or external appearance of the building,

and the provisions of paragraph W shall apply in relation to any such application.

Development is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Paragraph 10 of paragraph W states that the Local Planning Authority must, when determining an application, take into account any representations made to them as a result of any consultation under paragraphs 5 and 6 (i.e. transport and highways impacts and flooding risks) and any notice given under paragraph 8 (i.e. any adjoining owners or occupiers), as well as contamination risks.

When determining the application, the Local Planning Authority should also have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

### **Transport and Highways**

West Sussex County Council as the Local Highways Authority has commented on this application. Their comments are reported in full below in Appendix B.

Based on these comments it is evident that the highways implications of the proposal are acceptable although a cycle parking condition is recommended.

### **Contamination Risks**

There are anticipated land contamination issues in respect of the application as a result of the proximity of the building to the adjacent substation. The Contaminated Land and Environmental Protection Officer has highlighted that due to their composition substations may have the potential to cause localised contamination and therefore implications for human health.

A phased contaminated land condition is recommended to ensure the site is safely developed. With such a condition in place any anticipated land contamination issues can be appropriately addressed.

### **Desirability of the change of use and external appearance of the building**

The building is located in a residential area outside the main centre of East Grinstead. There are four Post Offices listed in East Grinstead on the Post Office website, of which this is one. The other three are sited at 101 London Road in the town centre, 59 Heathcote Drive (known as Heathcote Drive) and 87 Dunnings Road



(known as Sunnyside Post Office and Stores). There is a further Post Office listed for the East Grinstead area at Dormans Land, 54-58 High Street, Lingfield on the Post Office website. The Stone Quarry Post Office is located 1.6 km from the nearest Post Office which is sited in London Road. The available services differ at the different branches. At Stone Quarry Post Office the services available are limited to some mail, travel and finance services.

There has been a substantial degree of local opposition to this application, as detailed above, for the change of use of the Post Office to a residential unit. The applicant has stated his intention to close the Post Office on 16th December 2019. As such the business use will cease from that date, and the services on offer to the residents within the locality will no longer be available.

The financial viability of the business has been cited as the reason for the proposed change of use by the applicant. It appears that efforts have been made to relocate the Post Office use and that the Post Office modernisation programme has created changes in the business in recent years. It is claimed that these have affected the operation of the business, such that the applicant can no longer continue.

It is considered that there is an adequate provision of A1 within the local area, within the nearby parade of shops being within walking distance of the site. Some 150m to the south west of the site there is a general store (Premier General Store), a Fish and Chip shop and an Indian restaurant. It is considered that these units provide assessable local shopping facilities for the residents of the Stone Quarry area. The loss of the A1 unit at this site can therefore be supported.

The proposed change of use will have little impact upon the appearance of the building, there being only minimal external change to the roof with the insertion of two roof lights. The area is essentially residential and so the proposed use will fit in with the character of the site and not adversely affect the neighbouring residents.

The Technical housing standards - nationally described space standards provides minimum gross internal floor area standards. For a one person 1 storey studio flat with a shower room the minimum standard is 37 square metres. The proposed flat has a 4 square metre shortfall in overall floor space. As such the proposal is close to the required living standard requirements but as stated above this is not an issue that the LPA can take into account in considering an application of this type.

## **Ashdown Forest**

Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) has the effect that the permission granted by the Order does not override the Conservation of Habitats and Species Regulations 2017. Reg 75 of the latter document States:

'75. It is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which—

- a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

- b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority).'

The effect of the development on the Ashdown Forest is therefore relevant to the case.

The site lies within 7km of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) and therefore the applicant is required to mitigate the impact of this development on the Ashdown Forest through managing access (visitor) behaviour and monitoring both birds and visitors, together with provision of an alternative greenspace to attract visitors away from Ashdown Forest. This would be achieved through financial contributions which would be secured through a legal agreement. An informative is placed on this decision such that the applicant is required to apply formally to the Local Planning Authority to mitigate this impact.

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as windfall development, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest SAC. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

## **CONCLUSION**

It is considered that there are no flooding risks in relation to this proposal and that the proposal would not impact on the overall availability of services within the wider area. The potential for contamination can be appropriately mitigated and the transport and highways impacts are also considered acceptable with conditions to ensure that the residential units are not brought into use until cycle parking provision has been provided. On this basis prior approval for the proposed change of use is required, and should be granted in accordance with the details submitted and the conditions recommended below.

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## **APPENDIX A – RECOMMENDED 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:
  - a. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the LPA

A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and, unless otherwise agreed in writing by the LPA,

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

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

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

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.

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

4. 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.

## INFORMATIVES

1. The development subject of this application must be completed within a period of three years starting with the prior approval date.
2. The development shall be carried out in accordance with the approved details, unless the Local Planning Authority and the developer agree otherwise in writing.
3. On the basis that the application sites falls within 7km of the Ashdown Forest Special Protection Area (the 'zone of influence'), the development hereby approved must not be begun until an application has been made to the District Council under Regulation 75 of the Conservation of Habitats and Species Regulations 2017 and written notification of approval has been received.

Please see <http://www.midsussex.gov.uk/planning-licensing-buildingcontrol/planning/ashdown-forest/> for further information.

4. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

5. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.

### Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Existing Site Plan			01.11.2019
Location Plan			07.10.2019
Block Plan			07.10.2019

## **APPENDIX B – CONSULTATIONS**

### **Parish Consultation**

25/11/2019 - Recommend Refusal: The Committee are very concerned that this purpose built shop / post office should remain as a community facility on stone quarry. The owners Mid Sussex District Council are asked to keep it as a community facility. It is noted that no change of use application has come forward, which surely would be necessary. DP25 of the District Plan and EG9 and EG10 of the East Grinstead Neighbourhood Plan, should be considered regarding the continued community use of this building.

### **Town Council Consultation**

Recommend Refusal: The Committee are very concerned that this purpose built shop / post office should remain as a community facility on stone quarry. The owners Mid Sussex District Council are asked to keep it as a community facility. It is noted that no change of use application has come forward, which surely would be necessary. DP25 of the District Plan and EG9 and EG10 of the East Grinstead Neighbourhood Plan, should be considered regarding the continued community use of this building.

### **WSCC Highways Authority**

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Strategic Planning should be considered to be advice only, with respect to this planning application.

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

As part of the prior approval process there are a number of matters to be considered. This includes matters relating to highways and transport. However the GPDO is quite clear as to what highway matters can be considered, namely whether the proposal is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

This proposal is for the conversion of an existing post office to residential dwelling. Hollands Way is an unclassified road subject to a speed limit of 30 mph. No off-street parking has been demonstrated by the applicant. The WSCC Car Parking Demand Calculator has indicated that a dwelling of this size in this location would require 1 car parking space. Consequently vehicular parking would have to be accommodated on-street.

Whilst on-street parking is limited in the immediate vicinity, there are comprehensive parking restrictions prohibiting vehicles from parking in places considered a detriment to highway safety. The Local Highway Authority (LHA) does not anticipate that highway safety would be detrimentally affected through the nil car parking provision. Material movements to and from the site are not anticipated to exceed that of the existing post office use.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest the nearby road network is operating unsafely or that the proposal would exacerbate an existing safety concern.

In summary, the movements associated with the post office have done so safely with no known highway safety concerns, and C3 residential uses are considered less intensive. West Sussex County Council in its role as LHA has therefore considered the proposal on that basis.

Consequently, no highway concerns would be raised. In principle, the current GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms. If the Planning Authority is minded to approve this application, they may wish to condition cycle parking.

### **Environmental Health Officer**

I have concerns that if this property is converted into a dwelling, future occupiers could be affected by noise from the adjacent substation. However, assuming that this proposed permitted development would fall into Class M, retail and specified sui generis uses to dwelling houses, Environmental Protection can only comment on contamination risks and not noise issues.

### **Contaminated Land and Environmental Protection Officer**

Mapping indicates that the site is adjacent to an electricity substation. Substations due to their composition have a number of products and materials which may have the potential to cause localised contamination. Of initial concern are PCB's (Poly Chloride Biphenyl's) and any localised mineral oils used as lubricants. These particular chemicals are not obvious to the naked eye and would have implications for human health.

Due to the above, the sensitivity of the proposed development, and the fact that a discovery strategy would have very little impact alone a phased contaminated land condition should be attached to ensure the site is safely developed for its end use.

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

Recommendation: Approve with conditions:

5. 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:

a. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

*and* unless otherwise agreed in writing by the LPA,

b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

*and*, unless otherwise agreed in writing by the LPA,

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

6. 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, neighbours and other offsite receptors.

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

7. 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.

### **MSDC Drainage**

To be reported

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MID SUSSEX DISTRICT COUNCIL

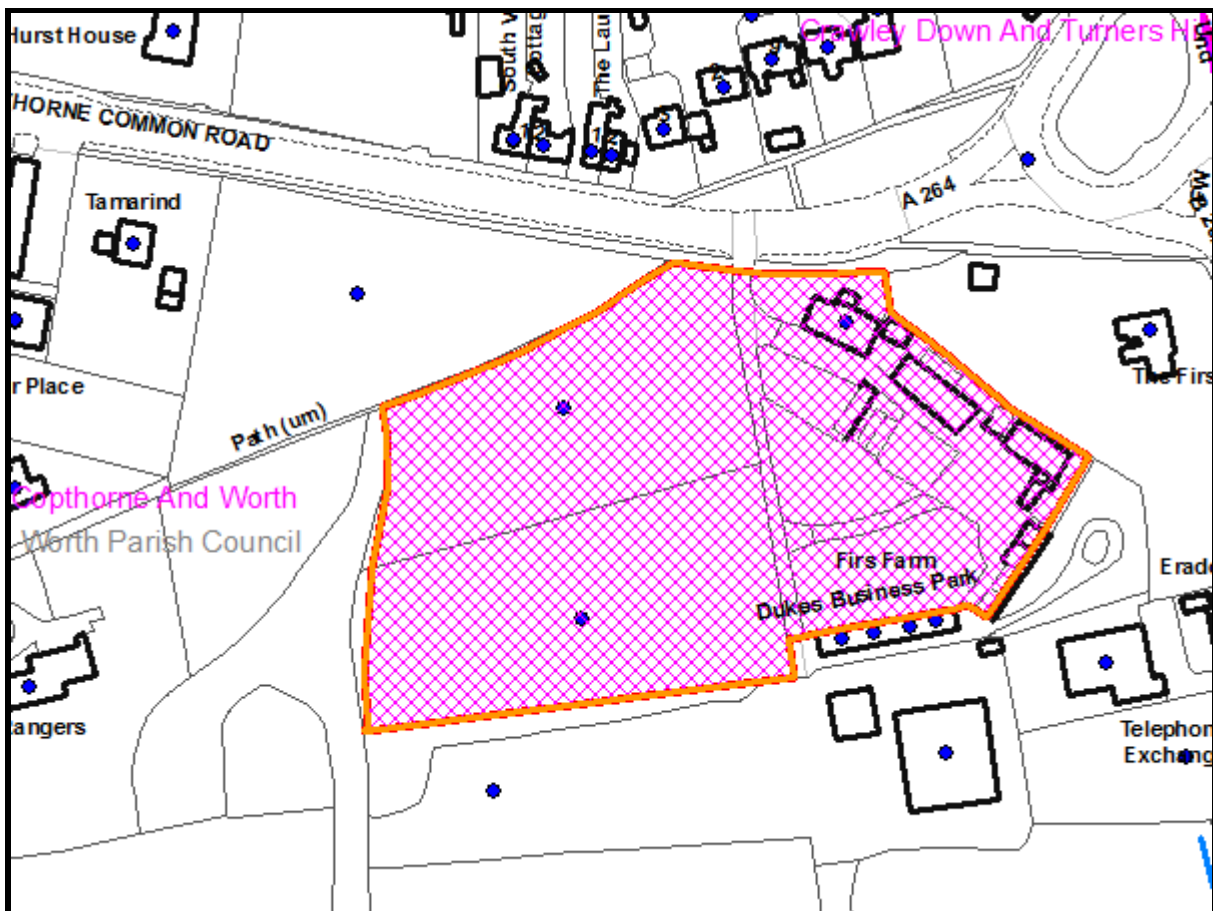
Planning Committee

19 DEC 2019

RECOMMENDED FOR REFUSAL

Worth Parish Council

DM/19/2060



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**FIRS FARM COPTHORNE COMMON ROAD COPTHORNE CRAWLEY  
DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS. ERECTION  
OF 44 NO. DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND  
LANDSCAPING.  
ACHERFIELD HOMES**

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev.  
Restraint / Classified Roads - 20m buffer / Aerodrome Safeguarding  
(CAA) / Radar Safeguarding (NATS) / Tree Preservation Order /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 20th December 2019

WARD MEMBERS: Cllr Paul Budgen / Cllr Christopher Phillips /

CASE OFFICER: Stephen Ashdown

## **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**

Full planning permission is sought for the demolition of existing dwelling and outbuildings on the site and the erection of 44 dwellings containing a mix of 1 bedroom flats and 2 and 3 bedroom houses. It is proposed that 14 of the 44 dwellings proposed will be for affordable housing.

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The Council are able to demonstrate a 5 year housing land supply and therefore the balance to be applied in this case is a non-tilted one.

The site lies within the Countryside Area of Development Restraint, as defined by the District Plan, where development is restricted unless it is necessary for purposes of agriculture or supported by a specific policy reference elsewhere in the plan or the Development Plan as a whole. The development of the site meets neither of the criteria. Even in the event that an improved pedestrian route to Copthorne Village could be provided, using upgraded PRow's, given the unattractiveness of such a route which would large unsupervised, residents would be heavily reliant on the private car for access to services and facilities and as such the site does not present a sustainable location for development.

Furthermore, it has been identified that the potential upgrading of the PRow's would have an unacceptable urbanising effect of this semi-rural area and proposed layout and design would fail to provide a high quality scheme and would result in unacceptable harm to the character and appearance of the area.

In addition to the above, through the withdrawal of transport statement by its author, there is insufficient information to demonstrate that the proposed access arrangements are safe. Furthermore, inadequate information has been provided in relation to Bats, Great Crested Newts and Reptiles in order to assess the impact of

the proposals on these protected species.

The development would provide some economic benefits; with jobs created through the construction phase, additional council tax revenues, as well as additional spend within the area by residents. This would attract limited weight.

It is clear that the proposal does not comply with the Development Plan and having regard to other material considerations there is nothing to suggest that a decision should be made other than in accordance with the Development Plan.

Moreover, no likely significant impact on the Ashdown Forest SAC can be demonstrated and in the absence of overriding public interest, and adopting the precautionary approach, permission cannot be granted as it is contrary to the Conservation of Habitats and Species Regulations 2017.

The application fails to comply with policies DP6, DP12, DP15, DP17, DP20, DP21, DP26, DP31, DP38 and DP41 of the District and should be refused.

### **Recommendation**

It is recommended that planning permission be refused for the reasons set out in Appendix A.

## **SUMMARY OF REPRESENTATIONS**

1 letters of objection received stating the following;

- Over development
- Lack of infrastructure
- Highway safety
- All previous applications refused

1 letter received question access rights that may have altered.

1 letter received (from bus company) supporting improvements to the bus stop.

## **SUMMARY OF CONSULTEES**

### **MSDC Urban Designer**

In overall terms the perimeter block layout works well and the contemporary designed buildings should positively contribute to giving the scheme a sense of place. However, the proposal would have benefited from pre-application consideration as the parking is poorly integrated / too dominant and the building design is let down in some respects by the detailing. For these reasons I object to the application in its current form.

**MSDC Housing**

No objection.

**MSDC Tree and Landscape Officer**

**MSDC Environmental Protection**

No objection subject to conditions.

**MSDC Contaminated Land Officer**

No objection subject to conditions.

**MSDC Community Leisure Officer**

No objection subject to securing on site play space and the contributions to off-site infrastructure.

**MSDC Drainage**

No objection to condition.

**MSDC Landscape Consultant**

No objection subject to securing a landscape strategy.

**MSDC Archaeological Consultant**

No objection subject to condition.

**WSCC Highways**

Recommend refusal.

**WSCC Flood Risk Management**

No objection.

**Sussex Police**

No objection.

**Gatwick Airport**

No objection.

## **WORTH PARISH COUNCIL**

Strongly object. The proposals are contrary to DP6 and DP13 in that the site is not adjacent to the built up areas of either Copthorne or Crawley Down, in an area of very low density existing housing, being contrary to DP13 implies conflict with DP14.

Concerns over access/egress onto the A264 in close proximity to the roundabout, especially if right turn out of site is permitted.

Previous appeal decisions on the site make reference to lack of connectivity to Copthorne and Crawley Down. Whilst a cycle/pedestrian route is proposed to Copthorne, details of this route are not clear in the submitted plans. Note inspector's report on appeal against refusal of DM/15/1039 at nearby Hurst House on proposals for a similar pedestrian route along A264 - "I am not convinced that even with improvement a footpath alongside such a busy road and flanked by woodland would be greatly more attractive to use. Moreover, widening the footpath and cutting back vegetation would have an increasingly urbanizing effect to the detriment of the rural character and appearance of the rural area along this length of road".

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## **INTRODUCTION**

Planning permission is sought for the redevelopment of Firs Farm, Copthorne Common Road, Copthorne, to provide 44 dwellings and associated infrastructure. The site lies within the defined Countryside Area and is currently made up of a mix of residential and commercial buildings, as well as paddocks areas.

## **PLANNING HISTORY**

The site has an extensive planning history not all of which are directly related to the current proposal, however, the site has been subject to four previous proposals for residential development on the site;

00/01825/OUT - Residential development of unspecified number of units, with only principle of access to be considered. Refused by the Council on the 24th November 2000 and subsequent appeal dismissed by Inspector.

DM/15/1339 - Residential development up to 172 dwellings and community facilities (on a larger site), refused by Council on 10th July 2015.

DM/15/3975 - Residential development up to 167 dwellings and community facilities (on a larger site). Appealed lodged against non-determination and dismissed by Inspector under a letter dated 27th July 2016.

DM/17/1490 - Residential development up to 167 dwellings and community facilities (on a larger site). Appealed lodged against non-determination and dismissed by Inspector under a letter dated 2nd May 2018.

DM/18/4626 - Residential development comprising of 54 dwellings refused by the Council on 27th February 2019. A subsequent appeal was withdrawn.

## **SITE AND SURROUNDINGS**

The site is located on the southern side of the Copthorne Common Road (A264), close to Dukes Head roundabout, with a single vehicular access point located at the western end of the bus stop layby on the southern side of the road.

The site is divided into two, with the eastern side containing a series of buildings of no architectural merit, including the existing Firs Farm residence and associated other ancillary structures and some small commercial units. The western side is made up on an open paddock.

To the south of the site is the Barns Court Business Park, with a limited number of detached properties to the east. To the west lie further paddocks, with a small cluster of properties beyond. On the northern side of the A264 are the rears of properties within the Newlands estate.

## **APPLICATION DETAILS**

Full planning permission is sought for the demolition of existing dwelling and outbuildings on the site and the erection of 44 dwellings containing a mix of 1 bedroom flats and 2 and 3 bedroom houses. It is proposed that 14 of the 44 dwellings proposed will be for affordable housing.

Access will be taken off Copthorne Common Road (A264) via a revised arrangement and a shared cycle/footpath is proposed to Copthorne village via an upgraded/improved off road route.

The proposed layout shows a main road splitting the site in two, with dwellings generally provided by spurs off this road, in addition to a number of dwellings that will also front the main road through the site. The dwellings themselves will be two stories in height and follow a contemporary design approach.

A total of 92 parking spaces are proposed to service the development that will be provided in through on plots spaces, or larger off road parking areas. No garages are proposed. Cycle parking is also proposed,

An area of open space will be provided to the western side of the site and form the main area of potential recreation provision for the development.

## **LIST OF POLICIES**

### **Mid Sussex District Plan 2014-2031**

DP6 (Settlement Hierarchy)

DP12 (Protecting and Enhancement of Countryside)

DP15 (New Homes in the Countryside)

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

DP21 (Transport)

DP26 (Character and Design)

DP30 (Housing Mix)  
DP31 (Affordable Housing)  
DP37 (Trees, Woodland and Hedgerows)  
DP38 (Biodiversity)  
DP39 (Sustainable Design and Construction)  
DP41 (Flood Risk and Water Management)

### **Supplementary Planning Guidance**

Development Infrastructure and Contributions SPD (2018)  
Affordable Housing SPD (2018)

### **Worth Parish Copthorne Neighbourhood Plan**

Regulation 14 Draft Plan published. Consultation finished 30th April 2017. A material planning consideration but little weight.

### **National Policy**

National Planning Policy Framework (NPPF)  
Technical Housing Standards - National Described Space Standards (2015)

### **ASSESSMENT**

In determining the application it is considered that the main issues for consideration are;

- Principle
- Highway and Accessibility
- Ecology
- Affordable Housing
- Design and Visual Impact
- Impact on trees
- Impact on Ashdown Forest SAC
- Infrastructure
- National Space Standards
- Sustainability
- Accessibility

### **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 District Plan has been adopted and the Council are able to demonstrate a 5 year housing land supply and therefore the balance to be applied in this case is a non-tilted one.

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.'*

The site is not contiguous with the built up area of Copthorne, and is for more than 10 dwellings, and as such the proposal is contrary to policy DP6.

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 District Plan, 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 necessary for the purposes of agriculture or supported by a policy reference elsewhere in the District Plan, a Development Plan document or a Neighbourhood Plan.

The development of the site is not necessary for the purposes of agriculture and not supported by any specific policy reference with the Development Plan.

Furthermore, 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 clear 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 Copthorne 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.

### **Highways and Accessibility**

In respect of the impact on highway safety and surrounding highway network, Policy DP21 of District Plan is of relevance and requires schemes to protect the safety of road users and pedestrians, avoid severe additional traffic congestion and be supported by an appropriate Transport Assessment/Statement, amongst others.

On the matter of the proposed access arrangements, details were contained within a transport assessment submitted with the application, however, the authors have withdrawn this document and as such there is no evidence in front of the Council on this matter. Notwithstanding any comments the LHA may have made in respect to the original transport assessment they have stated;

*'The document contained information such as the site access proposals, trip generation, a stage 1 RSA and designer's response. Whilst my original response did provide consideration of the issues raised within the document (and requested further information) without the information contained within it is not possible to determine if the application can provide safe and suitable access or its impact on the A264'.*

A transport statement addendum was submitted by the applicants following original comments by the LHA, and this is still relevant. It contained additional modelling work in respect of the proposals impact in the Dukes Head roundabout and while it would add a maximum of two seconds and one additional vehicle queueing in both Am and PM peaks, the LHA have confirmed that this does not constitute a severe impact.

It is acknowledged that in the event that a suitable transport statement was submitted then the issues around the proposed access arrangements could be addressed however, in order to protect the Council's position at any future appeal a reason for refusal on the basis of insufficient information is appropriate.

On the matter of accessibility, there are very limited facilities and services in the immediate vicinity of the site and a small range within the centre of Copthorne which is approximately 2km from the site. The submitted documentation refers to the provision of upgrades of existing Public Rights of Way (PRoW) 19W, 24W, 25W and 26W to provide a new shared footway/cycleway towards Copthorne, away from the A264 Copthorne Common Road.

The proposed provision of the PRow upgrades was included within the original transport assessment submitted with the application and given that this does not now form part of the application, these upgrades cannot be taken into account in the determination of the application.

Notwithstanding the above, it should be noted that the officers do have concerns over the suitability of the potential PRow upgrades to address long standing concerns relating to accessibility, in addition to concerns over the visual impact of the proposals.

With regard to accessibility, while any proposed upgrades to the PRow's towards Cophorne would potentially offer an alternative to pedestrians walking alongside the A264 there are no certainties that new residents would use any improved route. Furthermore, notwithstanding the fact the proposed improved route could be lit, there is very limited supervision along the route (which is currently a rural recreational path) and it is not considered that the route would appeal to users after dusk or more generally to users, particularly the elderly. The Inspector in dismissing the appeal against DM/17/1490 referred to considered that the future occupiers of the development would be very likely to rely on private car trips for the necessities of daily life and concluded would be poorly accessible in relation to access to local services and facilities other than by the use of private car, contrary to policy DP21 of the District Plan. It is not considered that any proposed improvements to the PRow's as indicated by the applicant would overcome this fundamental issue.

In addition to the above, any improvement to the PRow's would result in a significant visual impact. The creation of a 3m wide surface path, to replace an existing recreational route, would create a significant urban intrusion along significant sections of the route that current enjoy a rural/semi-rural setting and it is not considered the potential benefits of such upgrading (which given the comments above relating to accessibility) would justify the degree of intrusion and harm caused to general character and appearance of the area.

Notwithstanding the above and having regard to the information provided by the applicants within their transport statement addendum regarding to the delivery of any PRow improvements, the LHA has concluded that the applicants have failed to demonstrate that the mitigation can be delivered under land within their control. In such circumstances, it would not be appropriate, in any event, to take into account the proposed mitigation.

There has been no material change in the relationship between the site and local services/facilities since the appeal Inspector issued her decision letter on the 2nd May 2018 and there is no evidence within this application that indicates a different conclusion should be reached on this matter.

Having regard for the above it is considered that the application fails to accord with policy DP21 of Mid Sussex District Plan.

## **Ecology**

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 is supported by an Ecology Assessment that identifies that habitats found within the site are common and widespread. In terms of protected species, the assessment does not identify badgers or dormouse on site however, in terms of the Bats, Great Crested Newts and Reptiles than it is identified that the site has the potential to support them and further survey works is recommended to establish any population and any relevant mitigation proposals.

Without the results of any survey work, the full ecological implications of the proposal cannot be taken into account in considering the application. Therefore it is not possible to determine the application in accordance with the Conservation of Habitats Regulations 2010, para 175 of the NPPF or the legal duty under the Natural Environment and Rural Communities (NERC) Act, 2006 which requires local authorities to have regard to the conservation of biodiversity in exercising their functions. Furthermore, given the above, the application fails to accord with policy DP38 of the District Plan.

### **Affordable Housing**

Policy DP31 of the District Plan sets out the Council's stance with regard to the provision of affordable housing in relation to development, along with the adopted Supplementary Planning Document on the same matter.

The application contains the following proposed affordable provision;

- 4 x 1 bed 2 person flats (rented)
- 4 x 2 bed person houses (rented)
- 2 x 3 bed 5 person houses (rented)
- 4 x 2 bed 4 person houses (shared ownership)

The Council's Housing Officer has made has reviewed the proposal and have not raised an objection to the mix and the dwellings are acceptably integrated within the scheme.

It is considered that the proposed affordable housing provision complies with policies DP30 and DP31 and would need to be secured as part of any S106 Agreement.

## **Design and Layout**

Policy DP26 of the District Plan relates to character and design which requires development to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. Applicants are expected to demonstrate that the development (amongst other things);

- High quality design and layout
- Contributes positively to, and clearly defines, public and private realms
- Create a sense of place and;
- Incorporates well integrated parking that does not dominate the street environment

Paragraph 130 of the NPPF refers to design matters and states 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Paragraph 130 goes on to state that 'great weight should be given to innovative designs which promote high level of sustainability, or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings'.

On the 1st October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1st October 2019 stating that:

*"the National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed."*

The proposals have been considered by your Urban Designer who considers that;

*"the overall terms of the perimeter block layout works well and contemporary designed buildings should positively contribute to giving the scheme a sense of place"*.

However, he has identified that the proposed parking arrangements are too dominant/poorly integrated and the building design is let down in some respects by its detailing. In respect of parking he states;

*'Overall the public realm is too dominated by parking particularly in the southern part of the site where it generates hard edged thresholds in front of plots 9-12, 15-18, 19-25 that may also create car headlight and noise nuisance in front rooms. The combination of the parking and clumsily truncated spine road adjacent to plots 19-21 is especially poor. The forward position of the parking serving the houses on plots 4-8 and relatively set-back building line will indiscreetly expose the side parking, and the corner parking on plot 8 is especially prominent'.*

Your officer agrees with the concerns raised by the Urban Designer with regard to the layout and integration of the parking.

With regard to the detailed design issues, these are set out in consultation response of the Urban Designer, which is available to view in appendix B of this report. A number of the issues could potentially be dealt with by means of condition, in the event that the application were to be approved, however, given the issues raised in relation to the layout it is considered that at this stage they should be raised as a reason for refusal.

In respect of the impact of the proposal on the wider character and appearance of the area, the comments and objection of the Council's landscape consultant are noted. On this issue the Inspector in his decision into DM/15/3975 was satisfied that the scale and density of the development (167 dwellings on a larger site) *'could.., at reserved matters stage, have a limited detrimental impact on the character and appearance of the surrounding area due to the existing nature of the site and sense of enclosure'.*

The Council's landscape consultant's response sets the policy and landscape/visual context for considering the proposal. Policy DP12 seeks to protect the countryside in recognition of its intrinsic character and beauty and subject to specific criteria, which the proposal does not meet, development within the countryside will be permitted provided 'it maintains or where possible enhances the quality of the rural and landscape character of the District'. Policy DP26 deals with general character and design matters and requires all development to be 'well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside'.

The Council's Landscape Consultant in her conclusions states;

*'A high quality development on this site could provide an opportunity to enhance the landscape and visual amenity of the local area. The proposed development could be acceptable from a landscape and visual perspective if supported by a landscape strategy which would represent an overall enhancement to local landscape character and views'.*

A suitable landscape strategy could be secured by condition and as such there are no grounds to refuse the application in relation to the proposed developments impact on the wider landscape character of the area.

In conclusion on these matters, while there are insufficient grounds to refuse the application in relation to its potential impact on the wider landscape character of the

area, there are elements of the proposed layout and design of the scheme that are unsatisfactory and fail to demonstrate a high quality design. Taking all the above into account, in respect of the matters of layout and design, the application is contrary to Development Plan policy DP26.

### **Impact on Trees**

The northern western boundary of the site contains a line of mature trees that are covered by a Preservation Order, (WP/7/TPO/87 refers). The applicants have submitted an 'Arboricultural Impact Assessment and Method Statement in support of their application

Policy DP37 deals with tree matters and sets out that the Council support the protection and enhancement of trees, woodland and hedgerows. Development that would lead to the loss of damage of high value trees (the policy refers to a number of specific values) will not normally be permitted. Furthermore a series of criteria are set out to ensure that trees, woodlands and hedgerows will be protected and enhanced by development.

The submitted information shows that a number of trees will need to be removed in order to enable the development, however, the majority of these are categorised as category C trees and none are covered by a TPO.

The Council's Tree and Landscape Officer has considered the proposals and has not raised an objection subject to the securing an appropriate landscaping scheme and protection measures through the construction period.

The suitable mitigation can be secured via conditions and as such it is considered that the application complies with policy DP37 of the Mid Sussex District Plan.

### **Impact on Ashdown Forest SAC**

The Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) is a European Site of Nature Conservation Importance, which lies adjacent to the north-east boundary of Mid Sussex and within the District of Wealden. The area is protected by the European Habitats Directive and by Government Planning Policy.

Under the Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations") which is a consolidation and update of the 2010 Regulations, the competent authority, in this case the Planning Inspector, has a duty to ensure that any plans or projects that they regulate will have no adverse effect on the integrity of Ashdown Forest. Regulation 63 of the Habitats Regulations requires the Planning Inspector to assess the possible effects of plans or projects, i.e. planning applications, on Ashdown Forest.

If the proposed development will not have a likely significant effect on the Forest, either alone or in combination with other proposed developments in the area, the Planning Inspector may proceed to determine the appeal. However, if a significant effect is likely, either alone or in combination with other plans and projects, an



appropriate assessment must be undertaken to establish whether the proposed development will have an adverse effect on the integrity of the European site. If the appropriate assessment concludes that there will not be an adverse effect on the integrity of the European site the Inspector may proceed to determine the application.

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

Judgements in recent case law have reinforced the need to make proper consideration of the effects of a proposal on the protected areas, including consideration of effects 'in combination' with other projects and plans.

Habitats Assessments made in the preparation of the District Plan Habitats Regulation Assessment have also confirmed the potential for likely significant effects of development proposals on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

It is important to note that as assessments are required to meet the above regulations on a 'pass or fail' basis, any SAC effects cannot be traded off as part of any 'planning balance'. In the case of this application, the Local Planning Authority are the competent authority and it should be noted that having regard to paragraph 63(5) of the Habitat Regulations 2017 the competent authority can only agree to the project after first having ascertained that it will not adversely affect the integrity of the European site.

Policy DP17 of the District Plan deals with the Ashdown Forest SPA and SAC and sets out that in order to prevent adverse effects on the Ashdown Forest new development likely to have a significant effect, either alone or in combination, will be required to demonstrate that adequate measures are out in place to avoid or mitigate any potential adverse effects.

The Inspector considered the matter as part of the last appeal and concluded the following;

*... "I conclude that even very small effects of the air quality of the Ashdown Forest cannot automatically be considered inconsequential, or unable to have an in-combination effect on the integrity of the protected site when considered alongside other plans or projects. As no detailed assessment of any possible in-combination effects has been put forward before me, I cannot be sure that there would no harm to the SAC arising from this development.*

*In the light of this and the absence of any mitigation proposals or considerations of overriding public interest, and adopting a precautionary approach, I therefore conclude that permission must not be granted as the proposal would be contrary to the Conservation of Habitats Species Regulations 2017. It would also conflict with Policy DP17 of the District Plan which seeks development which avoids or mitigates*

*any potential adverse effects of the Ashdown Forest SPA and SAC and policy DP38 of the DP, which seeks to avoid damage to internationally designated Special Areas of Conservation".*

The submitted transport statement contained some information in relation to proposals impact on the Ashdown Forest SPA, however, it did not address the cumulative issue raised by the Inspector. As noted earlier, this statement no longer forms part of the application and there is no evidence in front of the Council to assess the impact of the proposal on the Ashdown Forest either alone and in-combination of the other Plans and Projects and as such the matter remains as concluded by the Inspector above.

The Council are not able to demonstrate in a Habitats Regulations Assessment a conclusion of no likely significant effect on the Ashdown Forest SAC using our current approach and existing evidence and as such permission cannot be granted as it would be contrary to the Conservation of Habitats Species Regulations 2017. Furthermore, the application is contrary to policies DP17 and DP38 of the District Plan.

## **Infrastructure**

Policy DP20 of the District Plan seeks to ensure that development is accompanied by the necessary infrastructure 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).

In accordance with the relevant policies within the Development Plan, the SPD's, Regulation 122 and guidance in the NPPF the development would generate the need for a number of financial infrastructure contributions to mitigate against the impact of the development, along with securing an appropriate amount of affordable housing.

While the applicants have indicated a willingness to enter into a S106 Legal Agreement, discussions have not progressed given the fundamental concerns associated with the proposal as set out in this report. Given this, no Agreement has been completed and as such the application does not secure the necessary infrastructure and mitigation measures required by the development and is therefore contrary to policy DP20 of the District Plan and the adopted Council SPD's. A reason for refusal is therefore recommended but this might be withdrawn in the event of the submission of a satisfactory S106 Agreement should an appeal be lodged against this decision.

### **National Space Standards**

Policy DP27 deals with dwelling space standards sets out that minimum nationally described space standards will be applied to all new residential development and that all dwellings will be required to meet these standards, unless exceptional circumstances are clearly evidenced.

Based upon the information submitted, it is considered that the proposals comply with the national space standards and therefore the application complies with the policy DP27 of the District Plan.

### *Impact on Heritage Assets*

The Firs is a Grade II listed building that is located between the north eastern boundary of the application site and the Dukes Head Roundabout. The listing description states that it dates from the mid-19th century.

From a policy perspective, DP34 of the District Plan requires development to protect listed buildings and their settings and development that would affect their historic or architectural character will not be permitted.

When considering the impact of a proposed development on the significance of a designated heritage asset the NPPF requires great weight should be given to its conservation. The more important the assets, the greater weight the weight should be. Where the harm is considered to cause less than substantial harm to the significance of the assets, para 196 of the NPPF requires that any such harm should be balanced by public benefits that clearly outweigh the harm.

In addition to the above Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special

regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses.

The Firs occupies a large plot that has the A264 and Turners Hill Road running along its northern and eastern boundaries, with the application site to the south. The site is relatively well enclosed by existing vegetation and there are limited views of the building. The boundary to the application site (as identified in the applicants' tree survey) is generally made up of groups of holly, cherry and laurel, as well as Lawson cypress trees in heights excess of 7m. A large oak tree is also present. These are due to be retained. Given the above, the inter-visibility between the listed building and the application site is extremely limited.

In respect of previous proposals on the site your officers have considered that development would have a neutral effect on the setting of the listed building, having regard at all times for the Council's obligations under Section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990. The matter has not been commented on by the previous Inspectors, and as such it can be considered that they were satisfied that the principle of development would not harm the setting of the Listed Building. The nearest proposed properties to this boundary are modest two dwellings and it is not considered that they will impact on the setting of the listed building. With this in mind, the application complies with policy DP34 of the Mid Sussex District Plan.

### **Other Matters**

With regard to sustainability, the applicant has submitted a supporting statement that sets out that the development will include measures to reduce CO<sub>2</sub>, water consumption and waste over the lifetime of the development. It is proposed that a number of renewable and low carbon consumption measures would be used across the development and these could be secured via a planning condition. It is considered that in light of this the application complies with policy DP39 of the Mid Sussex District Plan.

In respect of drainage, the proposals have been considered by your Drainage Engineer who has raised no objection. The proposal will manage surface water through permeable paving and an infiltration and attenuation basin, which will discharge at a controlled rate. Foul water will be discharged into an existing foul sewer. Suitable details can be secured by condition and it is considered that the application accords with policy DP41 of the Mid Sussex Local Plan.

Matters associated with archaeology can be secured via a condition and no objection is raised by the Council's consultant with regard to this issue.

### **Planning Balance and Conclusion**

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The Council are able to demonstrate a 5 year housing land supply and therefore the balance to be applied in this case is a non-tilted one.

The site lies within the Countryside Area of Development Restraint, as defined by the District Plan, where development is restricted unless it is necessary for purposes of agriculture or supported by a specific policy reference elsewhere in the plan or the Development Plan as a whole. The development of the site meets neither of the criteria. Even in the event that an improved pedestrian route to Copthorne Village could be provided, using upgraded PRow's, given the attractiveness of such a route which would large unsupervised, residents would be heavily reliant on the private car for access to services and facilities and as such the site does not present a sustainable location for development.

Furthermore, it has been identified that the potential upgrading of the PRow's would have an unacceptable urbanising effect of this semi-rural area and proposed layout and design would fail to provide a high quality scheme and would result in unacceptable harm to the character and appearance of the area.

In addition to the above, through the withdrawal of transport statement by its author, there is insufficient information to demonstrate that the proposed access arrangements are safe. Furthermore, inadequate information has been provided in relation to Bats, Great Crested Newts and Reptiles in order to assess the impact of the proposals on these protected species.

The development would provide some economic benefits; with jobs created through the construction phase, additional council tax revenues, as well as additional spend within the area by residents. This would attract limited weight.

It is clear that the proposal does not comply with the Development Plan and having regard to other material considerations there is nothing to suggest that a decision should be made other than in accordance with the Development Plan.

Moreover, no likely significant impact on the Ashdown Forest SAC can be demonstrated and in the absence of overriding public interest, and adopting the precautionary approach, permission cannot be granted as it is contrary to the Conservation of Habitats and Species Regulations 2017.

The application fails to comply with policies DP6, DP12, DP15, DP17, DP20, DP21, DP26, DP31, DP38 and DP41 of the District and should be refused.

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## APPENDIX A – REASONS FOR REFUSAL

1. The Council are able to demonstrate a five year housing land supply and whilst the dwellings will make a contribution to additional housing in the district the proposed development is located within the countryside outside any built up area as defined in the Development Plan and thus would be contrary to policies DP6, DP12 and DP15 of the District Plan as there is no identified need for these units in this location and the proposals are not necessary for the purposes of agriculture and are not supported by other policies in the Plan. Furthermore, there is no material considerations that indicate the decision should be made otherwise than in compliance with the Development Plan.
2. The development is considered to be in an unsustainable location in transport terms with poor walking and cycling accessibility to local shops, services and employment opportunities within Copthorne Village. The proposal would not achieve safe and convenient access by a choice of means of travel nor encourage and enable and increase in environmentally sustainable means of travel such as walking and cycling and thereby minimise the impact of car journeys. The occupants would therefore be highly dependent on the use of the private car to meet their everyday needs. The development therefore conflicts with Policy DP21 of the District Plan and the aims of the NPPF.
3. By virtue of the proposed layout and the detail of the proposed dwellings the development fails to demonstrate a high quality design, which would be detrimental to the general character and appearance of the area. Therefore the application fails to comply with Policy DP26 of the District Plan and paragraph 130 of the NPPF.
4. Insufficient information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays, road layout and on site turning facilities and would not therefore give rise to increased hazards to highway users. Therefore the application fails to comply with Policy DP21 of the Mid Sussex District Plan.
5. Insufficient information has been submitted to support the application to enable the Local Planning Authority to take into account the full ecological implications of the proposal and determine the application in accordance with the Conservation of Habitats and Species Regulations 2017, Policy DP38 of the District Plan, paragraph 175 of the NPPF or the legal duty under the Natural Environment and Rural Communities (NERC) Act 2006, which requires local authorities to have regard to the conservation of biodiversity in exercising their functions.
6. Insufficient information has been provided to enable the Local Planning Authority to conclude that the proposal would not have a likely significant impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2010, Policy DP17 of the District Plan and paragraph 175 of the NPPF.
7. The proposal does not satisfy the requirements of Policies DP20 and DP31 of the District Plan in respect of infrastructure requirements, including affordable housing provision, to service the development as supplemented by the Local Planning Authority's Supplementary Planning Documents 'Development Infrastructure and Contributions' (2018) and 'Affordable Housing' (2018).

## INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (General Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide preapplication advice and advise on the best course of action in respect of any future application for a revised development.

### Plans Referred to in Consideration of this Application

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Location Plan	A100		12.07.2019
Existing Site Plan	A101		12.07.2019
Sections	A102		12.07.2019
Sections	A103		12.07.2019
Proposed Site Plan	A104		12.07.2019
Proposed Floor and Elevations Plan	A300		12.07.2019
Proposed Floor and Elevations Plan	A301		12.07.2019
Proposed Floor and Elevations Plan	A302		12.07.2019
Proposed Floor and Elevations Plan	A303		12.08.2019
Proposed Floor and Elevations Plan	A304		12.08.2019
Proposed Floor and Elevations Plan	A305		12.08.2019
Proposed Floor and Elevations Plan	A306		12.08.2019
Landscaping Details	A400		12.07.2019
Landscaping Details	A401		12.07.2019

## APPENDIX B – CONSULTATIONS

### Parish Consultation

Strongly object. The proposals are contrary to DP6 and DP13 in that the site is not adjacent to the built up areas of either Copthorne or Crawley Down, in an area of very low density existing housing, being contrary to DP13 implies conflict with DP14.

Concerns over access/egress onto the A264 in close proximity to the roundabout, especially if right turn out of site is permitted.

Previous appeal decisions on the site make reference to lack of connectivity to Copthorne and Crawley Down. Whilst a cycle/pedestrian route is proposed to Copthorne, details of this route are not clear in the submitted plans. Note inspector's report on appeal against refusal of DM/15/1039 at nearby Hurst House on proposals for a similar pedestrian route along A264 'I am not convinced that even with improvement a footpath alongside such a busy road and flanked by woodland would be greatly more attractive to use. Moreover, widening the footpath and cutting back vegetation would have an increasingly urbanizing effect to the detriment of the rural character and appearance of the rural area along this length of road'

## **Parks And Landscapes Team**

The trees being planted have not been named but appear to be sufficiently away from the properties to not cause long term subsidence or damage. Trees to be planted by plot 39 may be to close but depending on what they are may be ok.

## **MSDC Urban Designer**

### Summary and Overall Appearance

In overall terms the perimeter block layout works well and the contemporary designed buildings should positively contribute to giving the scheme a sense of place. However, the proposal would have benefited from pre-application consideration as the parking is poorly integrated / too dominant and the building design is let down in some respects by the detailing. For these reasons I object to the application in its current form.

### Layout

The perimeter block arrangement on the main part of the site generates building frontages that positively address the site entrance as well as the attractive TPO trees on the north and west boundaries. The public open space also benefits from the same tree-lined backdrop; however its peripheral position within the layout is less satisfactory. Given the sites relatively isolated position and lack of facilities, the provision of a play area would be beneficial to activate the space and provide a focus for the community. Further information is needed in respect of the design of the attenuation pond; if it is designed as a visual amenity, the pond could positively contribute to the quality of the space; on the other hand if it is overly engineered it may undermine it.

Along the southern edge, the layout is organised with the buildings backing on to the boundary which is an acceptable approach as it screens the site from the commercial business to the south of the site. Nevertheless, the buildings proximity to the boundary risks undermining the opportunity to safeguard the tree-belt which plays an important role in softening this edge (even though this tree belt may not be the same quality as the others).

Overall the public realm is too dominated by parking particularly in the southern part of the site where it generates hard edged thresholds in front of plots 9-12, 15-18, 19-25 that may also create car headlight and noise nuisance in front rooms. The combination of the parking and clumsily truncated spine road adjacent to plots 19-21 is especially poor. The forward position of the parking serving the houses on plots 4-8 and relatively set-back building line will indiscreetly expose the side parking, and the corner parking on plot 8 is especially prominent.

### Elevations

Overall the elevations can be commended for their fresh contemporary style, and the rhythm and order which have been achieved by the building groupings.

I nevertheless have the following detailed concerns:

- The entrance canopies need to be better integrated with the houses, as they sit up too high in relation to the front doors.
- The contemporary-styled chimneys help to articulate the buildings, but the floorplans and their position on the roof suggests they are also not an integrated element; consideration could be given to addressing this either by utilising them for ventilation purposes or as a flue for a wood-burning stove.



- Render finishes often look tatty after a few years which is especially an issue where it is used as the main facing material as it is here. Consideration therefore needs to be given to an alternative facing material.
- The sustainability statement states that solar PV's (and possibly solar thermals too) are proposed. These can unattractively clutter the roof unless they are very carefully integrated (such as employing an integrated solar tile system); they are especially problematic on clay-tiled roofs as the colour contrast makes them uncomfortably stand-out.
- The juxtaposition of the steep roofs on the 2+1 storey Thetford / Houghton house types and the shallow roofed Cardinham types is a little awkward.
- The blank east flank of plot 22/23 presents an unfortunate dead hand on the street.
- The pared-back styling is dependent on the crispness of the detailing that needs to be demonstrated in larger scale drawings.
- The street boundaries seem to be relying on close-boarded fences which will present a poor appearance.

### **MSDC Housing**

The applicant is proposing a development of 44 dwellings including 14 for affordable housing which meets the minimum 30% required by policy DP31.

The tenure split of the affordable housing is 10 homes for rent and 4 homes for shared ownership with the type and size of dwellings as follows:

#### Rented:

- 4 x 1 bed 2 person flats
- 4 x 2 bed 4 person houses
- 2 x 3 bed 5 person houses

#### Shared Ownership:

- 4 x 2 bed 4 person houses

Although the floor plans do not state the floor areas the proposed site plan which includes the accommodation schedule indicates that all the dwellings meet national space standards and are acceptably integrated within the scheme.

### **MSDC Tree and Landscape Officer**

To be reported.

### **MSDC Environmental Protection**

This application seeks to demolish an existing dwelling and out buildings and to erect 44 dwellings with associated access, parking and landscaping. Given the location of this site adjacent to a major road Environmental Protection would recommend that the following conditions be applied should planning permission be granted.

Construction/demolition hours: Works of construction/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.

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

Monday to Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sunday & Public/Bank holidays: None permitted

Reason: To protect the amenity of local residents.

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

- measures to control noise affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);
- dust management plan
- site contact details in case of complaints.
- the construction works shall thereafter be carried out at all times in accordance with the approved Construction Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

Soundproofing (Road noise): No development shall take place until a detailed scheme for protecting the residential units from noise generated by passing 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 safeguard the amenity of neighbouring residents.

Informative:

Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

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

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the department receive a complaint, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence

### **MSDC Contaminated Land Officer**

The application looks to construct 44 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.

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. 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:
  - a) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

- 2. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details

### **MSDC Community Leisure Officer**

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 five or more dwellings.

#### **CHILDRENS PLAYING SPACE**

The nearest locally equipped play area is nearly 2km from the development site and although the site layout plans show communal garden areas and public open space there are no details regarding on site play facilities. In this instance, we would expect a LEAP to be provided 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 £40,538 is required toward formal sport facilities in Copthorne. This contribution would be used to fund improvements to sports provision at King George V Field and neighbouring land, in Copthorne Bank.

#### **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 £23,250 is required to make improvements to Copthorne Scouts and/or Guides facilities in Borers Arms Road

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (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.

## **MSDC Drainage**

### **SURFACE WATER DRAINAGE PROPOSAL**

It is proposed that the development will manage surface water drainage through the use of source control in the form of permeable paving and an infiltration and attenuation basin. Surface water would be discharged at a controlled rate equivalent to the Qbar rate.

### **FOUL WATER DRAINAGE PROPOSAL**

It is proposed that the development will manage foul water drainage by discharging to an existing foul sewer.

### **FLOOD RISK**

The proposed development is within flood zone 1 and is at low fluvial flood risk.

The proposed development is largely located outside of any areas identified as being at risk of surface water flooding. A small area on the southern boundary has been identified as being at low risk of surface water 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 drainage plan shows surface water shall be directed into a large infiltration basin with a wet attenuation pond located at the downstream end. The attenuation pond would then discharge to an existing watercourse located adjacent to the site boundary. Surface water is proposed to be discharged at the Qbar equivalent.

No details have been provided in relation to the existing watercourse and this is not shown on OS mapping. Confirmation of this ditch, its connectivity and condition would be required before connection could be considered.

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

## MSDC Landscape Consultant

### Summary Recommendation:

The proposal could comply with NPPF Section 15 policies for conserving and enhancing the natural environment.

This is with particular reference to Paragraph 170 which requires planning policies and decisions to 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;

The proposal could comply with NPPF Section 12, Paragraph 130 requires that:

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

### 2) Reason for Recommendation

#### Policy Context

1. The NPPF Section 15 provides policies for conserving and enhancing the natural environment.

Paragraph 170 states that:

'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.
2. 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.

#### Landscape and Visual Context

3. The Mid Sussex Landscape Capacity Study, as updated by Land Use Consultants 2005, identifies the site and surrounding area as having low to medium capacity for housing development. The site relating to the application area is not considered to be valued landscape in the context of the NPPF.
4. The western part of the site is rural in character and supports open pasture with well treed boundaries. The character of the eastern part of the site is influenced by the presence of mixed uses and farm diversification. The built up area of Copthorne village lies to the north of the A264 Copthorne Common Road. Existing development to the south of the road is typically larger houses in large gardens giving the area a semi-rural and enclosed character. The open character of the western part of the site would be more sensitive to change than the developed eastern part. The open pasture areas afford rural views and reinforce the undeveloped character of the gap between settlements.

#### Potential Impacts

5. A high quality redevelopment of this site could present an opportunity to enhance the local landscape and views. Any proposed development would need to demonstrate an overall enhancement to landscape character and visual amenity. To achieve enhancement the proposal would need to be supported by a comprehensive landscape strategy.
6. The proposal would retain all significant existing trees and it is noted that some smaller trees would be lost to the development. The proximity of the proposed unit 13 to the mature tree T5 could create future conflict with the residents and cause shading to the house and garden. The proximity of this tree to the proposed house is likely to result in future occupants bringing pressure to lop, top or remove tree on the grounds that they cause excessive shade and prevent garden plants from growing. Future residents may also be concerned about wind throw and branch shedding.
7. The arboricultural report and planning statement suggest that the proposed development would provide an opportunity to plant more trees and enhance the tree cover across the site. The landscape scheme submitted with the application is inadequate and would not provide the required enhancement. Most of the proposed trees are located in private gardens and these would not be secure in the long term as residents may remove them. These would also need to be species of trees which do not grow too large and therefore would not contribute to the public realm. To be acceptable the development would need to have more ultimately large species of trees located in the public realm and include

street trees. These would need to be of ultimately large species which are characteristic of the local area such as oak.

8. The landscape strategy for the proposed development would need to provide additional planting to the site boundaries. The existing tree screen has gaps which allow views into the site. These boundaries could be reinforced with tree and understorey planting.

#### Conclusion and Summary Recommendations

9. A high quality development on this site could provide an opportunity to enhance the landscape and visual amenity of the local area. The proposed development could be acceptable from a landscape and visual perspective if supported by a landscape strategy which would represent an overall enhancement to local landscape character and views.
10. It is recommended that the proposed development can be supported subject to the requirement of a landscape strategy as outlined above.

#### **MSDC Archaeological Consultant**

##### Recommend Archaeological Condition:

The application is supported by an Archaeological Desk Based Assessment (DBA) produced by The Brigantia Archaeological Practice. The document appears to be a resubmission of a document produced in association with an earlier 2015 planning application, and it is disappointing that this does not appear to have been updated with more recent archaeological findings, or to provide more detail regarding the expected archaeological impact of the current proposal. I have therefore checked my own records, and that of the West Sussex Historic Environment Record in order to determine that no new significant archaeological information has been revealed in the vicinity in the immediate period.

The document provides a reasonable assessment of the potential for the site to contain below ground heritage assets, based on evidence from the relevant Historic Environment Records. However I disagree with the conclusion that the site has low potential for remains of a pre-post medieval date (although it does acknowledge some potential for the remains of former small-scale industrial activity). As limited archaeological investigation has taken place in the vicinity, the site should be more accurately categorized as having 'unknown' archaeological potential. The Historic Environment Record (HER) is only a record of known archaeological assets, and information within it does not preclude the subsequent discovery of elements of the historic environment that are, at present, unknown - a point recognised in the document in paragraph 11. Given the uncertain nature of the site's potential, and the potential for historic industrial activity, it is particularly disappointing that no site walkover was undertaken, nor an analysis of any aerial photographs, both of which have the potential to reveal the presence of archaeological earthworks, and for this site I would have expected these to be included within the Assessment.

Despite these shortcomings in the Assessment, it is clear there has been little archaeological investigation conducted in the vicinity of this site, and given that any surviving yet currently unknown Archaeological Assets will be destroyed as a result of these proposals, in line with the National Planning Policy Framework and Local Plan Policy DP34, I would recommend that there is the need for further archaeological work here.

In order to clarify the archaeological potential of the site it is my recommendation that in the first instance further work should take the form of a geophysical survey across the site. The results of a geophysical magnetometry survey should help to identify whether any former industrial remains are likely to exist on the site. This will need to be followed up by a number



of targeted trial trenches, based on the results of the survey, to both target any possible features, and also provide a representative sample of the site to determine, as far as is possible, the location, extent, date, character, condition, significance and quality of any other remains that are or may be present. Once this has been determined we will be in a position to make properly informed decisions on the likely archaeological impact of the development proposal, and so be in a position to discuss suitable mitigation measures. The evaluation will need to be undertaken within all those areas of the site affected by proposed development, and the results will enable appropriate mitigation measures to be developed if necessary.

The assessment indicates that it is unlikely that archaeological assets worthy of preservation in situ will be present on the site therefore I do not recommend that it is necessary for the archaeological work to be undertaken in advance of any planning permission; but securing the archaeological work as a condition of any planning permission is an acceptable and proportionate response. To ensure the required archaeological work is secured satisfactorily, the following condition is appropriate and I would recommend that it be attached to any planning permission that may be granted:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Please note that these comments are from an archaeological perspective only and do not account for potential impact on any historic building or its setting, these issues should be addressed by the appropriate conservation officer.

## **WSCC Highways**

### Background

The application is for the demolition of existing dwellings and outbuildings and the construction of 44 dwellings at Firs Farm, Copthorne Common. The site currently has an access on the A264 Copthorne Common Road. The site has been subject to a number of planning applications over recent years both individually and as part of a wider site that have been refused and dismissed on appeal.

The applicant has engaged in discussions with WSCC as part of the previous planning application DM/18/426.

### Transport Statement

The Transport Statement originally provided with the application has been withdrawn. The document contained information such as the site access proposals, trip generation, a stage 1 RSA and designer's response. Whilst my original response did provide consideration of the issues raised within the document (and requested further information) without the information contained within it is not possible to determine if the application can provide safe and suitable access or its impact on the A264.

### Transport Statement Addendum

An addendum technical note ref 4653 has been provided by the applicant to address concerns raised in my previous formal response dated 27/9/19.

- Junction Modelling - Impact of committed development;
- Shared Use Route - ability to deliver;

- Width of the new refugees and ability to accommodate cyclists; and
- Cycle link to the north east boundary of the site.

### Junction Modelling

Junction Modelling has been provided for the site access and the Dukes Head Roundabout, A 2024 future year has been provided and TEMPRO utilised to factor growth vehicle flows, Information on committed development should be provided.

The applicant has provided a revised modelling of the junction that now includes the St Mowden development ref 13/04127/OUTES, upon further review of the modelling it has been established that whilst the modelling utilises the correct junction design parameters (for the mitigation secured from the St Mowdens development) it does not appear to have applied the Arm Capacity adjustment and as such further modelling was requested.

This modelling has been provided directly to me and details that the applications impact on the Dukes Head roundabout would be a maximum of 2 seconds and 1 additional vehicle queuing in both the AM peak and PM peaks in a 2031 scenario, as such would not constitute a severe impact.

### Shared Use Route

Previous Appeals and reasons for refusals have focused on the sustainability of the site and the ability for a safe and suitable pedestrian and cycle provision to be provided to Copthorne and Crawley Down, given the reduce scale of the development the applicant has focused on delivering a shared use route towards Copthorne.

The applicant proposes the upgrade of existing PRoW 19W, 24W, 25W and 26W to provide a new shared footway/cycleway towards Copthorne away from the A264 Copthorne Common Road, where the PRoW network meets the A264 a 3m shared use facility is proposed with a 0.5m buffer provided to the carriageway, the improvements would include the widening of the route, surfacing appropriate to cycle route and new lighting to ensure the route can be used after dark.

Further Information was requested upon:

- No details have been provided on the delivery mechanism of cyclist rights on the network of footpaths either through the landowner providing permissive cycle rights or an upgrade to bridleway status. It is likely that the works would also require vegetation clearance.

The applicants transport consultant has indicated that cyclist rights would be delivered by way of an upgrade to Bridleway status. A draft contract has been included as an appendix of the TN however a plan of the proposed land is not included and the contract is not signed. As such there is no guarantee that the mitigation necessary to support sustainable transport can be achieved.

- The width of the route in front of Cherry Cottage is shown as 2.6m, the rational for the reduced width should be provided. A rational for the reduced width has been provided noting the achievable forward visibility and stage 1 RSA undertaken.
- The width of the pedestrian islands should be reconsidered to allow cyclists to remain on their bikes when crossing.

A revised strategy has been provided where the pedestrian islands have been replaced with a Toucan crossing. A stage 1 RSA and designers response has been undertaken. The RSA raised 7 issues to which the design team accepts all of the recommendations.

- Confirmation of any necessary vegetation clearance on the north side of the A264 and the ability for this to be delivered within highway land. It is noted that this has the potential to urbanise the section of the A264 and remove a buffer between the existing dwellings and the road.
- A plan has been provided confirming the extent of remaining vegetation, in the area close to the proposed toucan crossing this would fall below 1m.
- The ability of the development to deliver recommendation 5 and 6 of the safety audit 5, Vegetation as cyclists exit the proposed shared use route. The auditor recommends that the vegetation should be cleared for a minimum distance of 15m eastwards to which the designer agrees. However no information has been provided to indicate that the land is within the applicants control and the auditor's recommendations can be implemented.
- Uneven road surface in the layby, the auditor recommends that the layby should be resurfaced to which the design team agrees, again no information has been provided to indicate that the land is within the applicants control and the auditors' recommendations can be implemented.

In order to address the above, the applicant has proposed the closure of the existing layby at one end. The revised proposals have been considered by the road safety auditors who have confirmed that it would address their concerns.

The layby is currently not public highway or land under the applicants control and as such no guarantee can be provided on the ability of the scheme to be delivered. The TS addendum states that the land could adopted via legal agreement as it is owned by West Sussex County Council however no principal has been established over the sale of land or a purchase cost agreed.

Cycle Link to the north east boundary of the site: The applicants transport consultant has confirmed the section has been removed.

Conclusion:

Based on the information submitted to date it has not been demonstrated that the mitigation offered can be delivered under land under the applicants control and as such if the application is to be determined I would recommend the following Highway reason for refusal:

1. The proposal would not achieve safe and convenient access by a choice of means of travel nor encourage and enable and increase in environmentally sustainable means of travel such as walking and cycling and thereby minimise the impact of car journeys.

Due to the removal of the Transport Statement I would offer the following reason for refusal:

2. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays, road layout and on site turning facilities and would not therefore give rise to increased hazards to highway users.

Should the information contained within the original TS be resubmitted then reason 2 would fall away.

## **WSSC Flood Risk Management**

West Sussex County Council (WSSC), in its capacity as the Lead Local Flood Authority (LLFA), has been consulted on the above proposed development in respect of surface water drainage. The following is the comments of the LLFA relating to surface water drainage and flood risk for the proposed development and any associated observations, recommendations and advice.

### **Flood Risk Summary**

Current surface water flood risk based on 30year and 100year events: Low risk

Comments: Current surface water mapping shows that the majority of the proposed site is at low risk from surface water flooding.

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

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

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

Modelled groundwater flood hazard classification: Low risk

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

Ground water contamination and Source Protection Zones.

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

Ordinary Watercourses nearby? No

Comments: Current Ordnance Survey mapping shows there are no ordinary watercourses in close proximity of the site.

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

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

Records of any historic flooding within the site? No

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

## **Future development - Sustainable Drainage Systems (SuDS)**

The Flood Risk and Drainage Statement for this application proposes that sustainable drainage techniques (permeable paving, attenuation swales and a attenuation pond with a restricted discharge to the local watercourse) would be used to control the surface water from this development to Greenfield run-off rates. These methods would in principle, meet the requirements of the NPPF and associated guidance documents.

Evidence (condition/direction of flow etc.) of the watercourse which the surface water is to discharge into would be required.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

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

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

## **Sussex Police**

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products.

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

I was very pleased to note from the proposed masterplan submitted in support of the above application, that the applicant's agent has clearly demonstrated their understanding and the implementing of crime prevention measures by creating a safe and secure environment. The design and layout has created outward facing dwellings that have good active frontage with the streets being overlooked, back to back gardens that have eliminated vulnerable rear garden pathways, good demarcation of defensible space, gated rear access, robust rear fencing, overlooked parking and natural surveillance have all been incorporated into the development.

I feel from a crime prevention perspective this is a very good design and layout. I have no further comments to add.

I thank you for allowing me the opportunity to comment.

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

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

### **Gatwick Airport**

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:

#### **Submission of Landscaping Scheme**

No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- The species, number and spacing of trees and shrubs No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Gatwick Airport through the attraction of birds and an increase in the bird hazard risk of the application site.