

3 June 2020

New regulations came into effect on 4 April 2020 to allow Councils to hold meetings remotely via electronic means. As such, Council and Committee meetings will occur with appropriate Councillors participating via a remote video link, and public access via a live stream video through the [Mid Sussex District Council's YouTube channel](#).

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held **via Remote Video Link** on **THURSDAY, 11TH JUNE, 2020 at 4.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

1. Roll call and Virtual Meetings explanation.
2. To receive apologies for absence.
3. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
4. To confirm the Minutes of the meeting of the Committee held on 19 March 2020. **3 - 6**
5. To consider any items that the Chairman agrees to take as urgent business.

Items Recommended for Approval.

6. DM/19/3769 - Woodfield House, Issacs Lane, Burgess Hill, RH15 8RA. **7 - 64**
7. DM/20/0525 - Twineham Recreation Ground, Church Lane, Twineham, RH17 5NR. **65 - 76**

8. DM/20/0937 - The Pavilion, St Johns Park, Park Road, Burgess Hill, RH15 8HG. **77 - 88**
9. DM/20/1108 - Unit B, The Orchards Shopping Centre, Haywards Heath, RH16 3QH. **89 - 96**

Items Recommended for Refusal.

None.

Other Matters.

None.

10. Questions pursuant to Council Procedure Rule 10.2 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, 19th March, 2020
from 7.00 - 7.39 pm**

Present: P Coote (Vice-Chair)

R Cartwright
R Eggleston

A MacNaughton
C Phillips

M Pulfer

Absent: Councillors G Marsh, G Allen, E Coe-Gunnell White, J Dabell,
D Sweatman and N Walker

In the absence of Councillor Marsh, the Vice-Chairman Councillor Coote took his place as Chairman for this meeting. With the agreement of Committee Members, Councillor MacNaughton acted as Vice Chairman.

1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Allen, Coe-Gunnell White, Dabell, Marsh, Sweatman, Walker.

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

Apologies were received from Councillors Allen, Coe-Gunnell White, Dabell, Marsh, Sweatman, Walker.

3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 27 FEBRUARY 2020.

The Minutes of the meeting of the Planning Committee held on 27 February 2020 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/19/5211 - LAND ADJ. TO BROOKHURST, FURZE LANE, EAST GRINSTEAD, RH19 2BQ.

Joanne Fisher, Senior Planning Officer, introduced the application which sought planning permission for the erection of 7no. dwellings with associated access, parking and landscaping on land at Brookhurst, Furze Lane, East Grinstead. She drew Members attention to the Agenda Update Sheet which detailed additional representations from the Ward Members, residents and additional conditions relating to the provision of information on the existing and proposed site levels as well as information in respect of electric charging vehicle points.

Katie Lamb, agent of the applicant, spoke in favour of the application.

A Member expressed concern that the single carriageway entrance would not be suitable for use by residents nor be suitable for emergency services vehicles or waste collection freighters. He noted that a food waste collection service is being piloted and would likely be implemented in the District and raised concern on the private waste company not carrying out the same standard of waste and recycling services the Council provides. He also raised concerns over the use of Furze Lane by the site construction traffic's use of the lane which would cause road blockages and cause further deterioration of the road.

The Chairman replied that he considered the Member's concerns however he highlighted that he lives on a similar private estate that has single carriageway entrance and that he does believe that it would cause a problem.

Councillor MacNaughton proposed that the Committee move to the recommendation to approve the application. This was seconded by Cllr Eggleston.

The Chairman moved to the recommendation which was approved with five Members in favour and one Member against.

RESOLVED

Recommendation A

That planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement/or legal undertaking to secure infrastructure contributions and the conditions set in Appendix A.

Recommendation B

That if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the necessary infrastructure and Ashdown Forest mitigation payments by the 19th June 2020, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'
2. 'The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, Policy DP17 of the Mid Sussex District Plan 2014-2031, policy EG16 of the Neighbourhood Plan, and Paragraph 175 of the National Planning Policy Framework.'

6 DM/20/0015 - OAKHURST, MAYPOLE ROAD, EAST GRINSTEAD, RH19 1HL.

Joanne Fisher, Senior Planning Officer, introduced the application which sought planning permission for the demolition of an existing residential building containing 2 units and the construction of a replacement 10-unit residential building with associated landscaping works at Oakhurst, Maypole Road, East Grinstead. She drew Member's attention to the Agenda Update Sheet which detailed further information relating to the previously refused scheme by the Planning Inspector. She confirmed that the application before the committee is identical to that refused by the Planning

Inspector, however a change in legislation now satisfies the single reason that the application was dismissed during its previous appeal.

The Chairman expressed his liking to the car park being located in the basement as it makes better use of the space on the site.

Councillor MacNaughton proposed that the Committee move to the recommendation to approve the application. This was seconded by Cllr Eggleston.

The Chairman moved to the recommendation which was approved unanimously.

RESOLVED

Recommendation A

That planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement/or legal undertaking to secure infrastructure contributions and the conditions set in Appendix A.

Recommendation B

That if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the necessary infrastructure and Ashdown Forest mitigation payments by the 19th June 2020, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policy DP20 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development.'
2. 'The proposal does not adequately mitigate the potential impact on the Ashdown Forest Special protection Area (SPA) and Special Area of Conservation (SAC) and would therefore be contrary to the Conservation and Habitats and Species Regulations 2010, Policy DP17 of the Mid Sussex District Plan 2014-2031, policy EG16 of the Neighbourhood Plan, and Paragraph 175 of the National Planning Policy Framework.'

7 DM/20/0238 - CLARKS, UNIT 7, THE ORCHARDS, HAYWARDS HEATH, RH16 3TH.

The Chairman confirmed that the Committee did not require a presentation of the application and 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.

8 DM/20/0161 - EVERGREEN, COTTAGE PLACE, COPTHORNE COMMON ROAD, COPTHORNE, RH10 3LF.

Joanne Fisher, Senior Planning Officer, introduced the application which sought outline planning permission for the erection of two new semi-detached dwellings with all matters reserved at Evergreen, Cottage Place, Copthorne Common Road,

Copthorne. Matters for consideration at this outline stage relate to access with all other matters (appearance, scale, landscaping and layout) reserved at this stage.

Leigh Armstrong, Joint Applicant, spoke in favour of the application.

Paul Budgen, Agent also spoke in favour of the application.

A Member agreed with the speaker's comments that there is a lack of bungalow-style properties in the area, however considered that the property is very far from the built-up area of Copthorne.

A Member expressed empathy with the speaker.

The Chairman appreciated the personal circumstances of speaker however he noted that personal circumstances are not a planning consideration and therefore cannot be given weight in the Committee's consideration.

The Vice-Chairman noted that the Council has worked very hard to achieve a District Plan and it would be contrary to that Plan if the application were approved.

The Chairman noted that no Member wished to speak so moved to the recommendation to refuse the application which was approved with three Members in favour, two against and one abstention.

RESOLVED

That planning permission be refused for the following reasons:

1. The application site lies within the countryside outside any defined built up area of Copthorne. The development would result in the net increase of a dwelling in the countryside where there is no specific justification to support such a proposal where the principle is contrary to the development plan. There are not considered to be any other material considerations that would warrant determining the planning application otherwise than in accordance with the development plan. The development thereby conflicts with policies DP6, DP12 and DP15 of the District Plan and the provisions of the NPPF.
2. The proposed development is located within the countryside and occupies a location which is distant from a built-up area boundary where local services will not be readily accessible. As such future occupiers will be heavily reliant on the private car to meet their daily needs. The development thereby conflicts with policy DP21 of the District Plan and paragraphs 8, 11 and 108 of the NPPF.

9 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 7.39 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

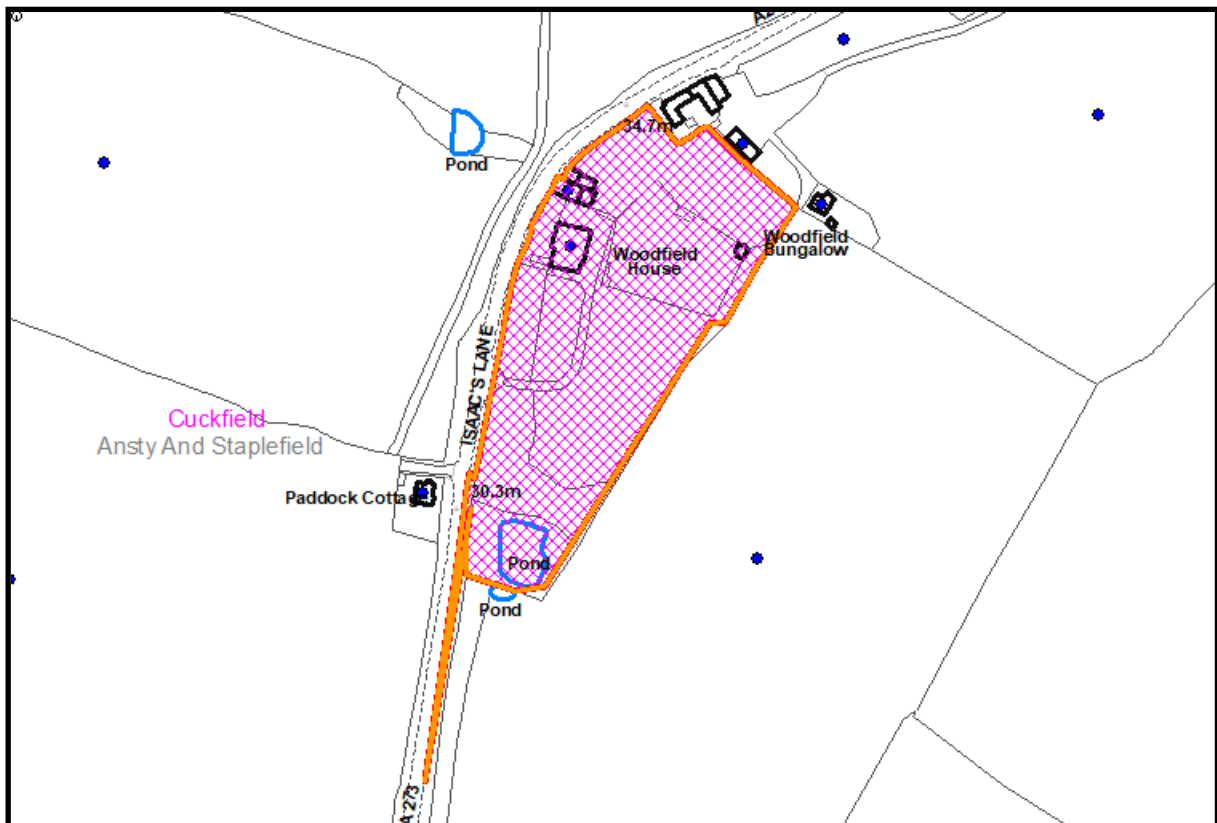
Planning Committee

11 JUN 2020

RECOMMENDED FOR PERMISSION

Ansty And Staplefield

DM/19/3769



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**WOODFIELD HOUSE ISAACS LANE BURGESS HILL WEST SUSSEX
OUTLINE PLANNING APPLICATION FOR 30 NEW DWELLINGS,
INCLUDING 30% AFFORDABLE HOUSING WITH ACCESS VIA ISAAC'S
LANE, THE PROVISION OF PUBLIC OPEN SPACE, ASSOCIATED
INFRASTRUCTURE AND LANDSCAPING (RESUBMISSION OF
APPLICATION DM/18/3052). ALL MATTERS RESERVED EXCEPT FOR
ACCESS.**

MR W ADAMS

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

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 12th June 2020

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Steven King

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks outline planning permission for the demolition of Woodfield House, Isaacs Lane and the erection of 30 new dwellings, including 30% affordable housing with access via Isaac's Lane, the provision of public open space, associated infrastructure and landscaping. The means of access is to be determined at the outline stage.

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

The application site lies in countryside, outside the built-up area of Burgess Hill and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The proposal is also contrary to policies DP6 and DP15 of the DP.

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

Given the fact that the site is bounded on three sides by the strategic allocation of the Northern Arc development, notwithstanding the conflict with policies DP6, DP12 and DP15 of the DP, in this case it is considered that there are other material considerations which way in favour of the proposals.

A material planning consideration to note is that the site is within the Draft Site

Allocations Development Plan Document (DPD), with the DPD indicating that the site could achieve 30 dwellings. The NPPF (para. 48) allows for Local Planning Authorities to give weight to policies in emerging plans, according to (a) the stage of preparation of the emerging plan; (b) the extent to which there are unresolved objections to the relevant policies; and (c) the degree of consistency between the relevant emerging policies and the Framework. Mid Sussex District Council published its Site Allocations DPD for Regulation 18 consultation in October-November 2019. The Sites DPD has therefore completed the first formal stage of preparation and carries weight, albeit limited. The Sites DPD is now progressing towards the Regulation 19 stage, scheduled for Summer 2020.

The proposal could be satisfactorily drained and could be laid out so as not to cause a significant loss of amenity to neighbouring occupiers. The proposed access to the site would be satisfactory and there would not be a severe impact on the highway network from the traffic arising from the proposal. There would be no adverse impact in relation to ecological matters. As such these points are neutral in the planning balance

The proposal would provide 30 dwellings (a net gain of 29) which would assist with meeting the Council's housing requirements and would provide a policy compliant level of affordable housing. There would be economic benefits from the proposal arising from the additional economic activity during the construction phase and also from the additional spending in the local economy from the additional population. These factors all weigh positively in the planning balance and should be given significant weight.

Weighing against the proposal is the fact that there is a conflict with policies DP6, DP12 and DP15 of the DP as the site lies outside the built-up area as defined in the DP. However, in this case it is considered that the weight to be afforded to this conflict is significantly reduced because the site will be surrounded by the Northern Arc development that has been permitted.

Also weighing against the proposal is the loss of the trees along the Isaacs Lane frontage which are the subject of a group Tree Preservation Order (TPO). In the short term this would have an adverse impact on the character of the area. Again, however it must be acknowledged that the character of this area is going to fundamentally change because of the Northern Arc development. There will be an opportunity for new tree planting as part of a reserved matters application for this site. In light of these points it is considered that the conflict with policy DP37 should only be afforded moderate weight in this case.

Also weighing against the proposal is the fact that in the short-term the scheme could be wholly dependent on access by the private car because the scheme could be brought forward and constructed in advance of the adjacent Northern Arc development. However, this would be a short-term issue as there is a very high degree of certainty that the adjacent land will be developed in the relatively near future. A planning condition can be imposed to ensure that when the vehicular access to the Northern Arc from Isaacs Lane to the south of the site is constructed, a footway alongside Isaacs Lane is constructed from the Woodfield House site to connect with the Northern Arc access. With this in place there would be pedestrian

connectivity to the Northern Arc. A condition can also be imposed to require the reserved matters application to include a pedestrian/cycle link within the site to the adjacent Northern Arc site. With this in place it is not felt that the possible short-term car dependence of the site should be a reason to resist this scheme. Finally weighing against the scheme is the preference within the draft site allocations DPD for the access to the Woodfield House site to be from the Northern Arc site rather than directly from Isaacs Lane. However, this is a preference rather than an absolute requirement. It is also the case that the DPD carries little weight at this stage because of its stage of preparation.

Therefore, taking all the points in this report into account it is considered that there are compelling reasons to approve this application, notwithstanding that it does not comply with some of the policies in the development plan and does not comply with the development plan when read as a whole. It is considered that the unique circumstance of this site being enclosed on three sides by the Northern Arc development means that there will not be an incursion into the wider countryside and in the longer term there will not be an adverse impact on the character of the countryside from this proposal. In the longer term the site will be read as part of the Northern Arc development.

It is therefore considered that subject to a satisfactory legal agreement to secure the required affordable housing and infrastructure contributions and the imposition of suitable conditions, this scheme should be approved.

Recommendation A

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

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the necessary infrastructure payments and affordable housing provision by the 11 September 2020, then permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reason:

1. 'The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure required to serve the development and the required affordable housing.'

SUMMARY OF REPRESENTATIONS

2 letters of objection:

- proposed access is unsafe
- access should be taken from the Northern Arc development
- site is outside built up area in the District Plan and this should be enough reason to reject the plan

SUMMARY OF CONSULTEES (full comments in appendix)

County Planning Officer

Requires contributions towards education provision, libraries and Total Access Demand (TAD).

West Sussex County Council Lead Local Flood Authority

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.

West Sussex County Council Highway Authority

In summary the LHA consider that the single issue in the Road Safety Audit has been addressed and the Designer's Response clearly addresses this point. Details of the internal linking footway within the site to the east should be secured via condition. Should the LPA consider that the application is acceptable in planning terms, they may also wish to secure the provision of additional footway along Isaacs Lane to the south of the site access, to tie in with future footway to be provided as part of Northern Arc developments, via a suitably worded condition. The LPA should be satisfied that conditions pertaining to internal footway link and new length of footway along Isaacs Lane can be time controlled (i.e. triggered by timings of and reliant upon Northern Arc developments).

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not considered contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

MSDC Landscape Consultant

The proposal would not comply with NPPF Section 15 policies for conserving and enhancing the natural environment.

The proposal would not comply with 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;

Sussex Police

Given that this outline application is only to determine the means of access and to seek approval in principle, I have no concerns with the proposal and from a crime prevention perspective but would like to offer the following recommendations. My only comment would be that consideration is given at the reserved matters stage to the access to the rear gardens of plots; 2, 21 26 & 27, ensuring safe and secure access is created.

Environmental Health Officer

No objection subject to conditions.

Contaminated Land Officer

No objection subject to condition.

Drainage Officer

No objection subject to conditions.

Urban Designer

This is an outline scheme in which design, landscaping, scale and layout are subject to further approval, so there is limited scope for my consideration. I nevertheless have concerns, as like the previous proposal the layout does not address Isaacs lane successfully as it involves houses that back on to it and the loss of many trees to address the visibility splay requirements. As advised on site this scheme needs to be accessed via the Northern Arc development to help address these problems.

Housing Enabling & Development Officer

This is an outline application for 30 new dwellings of which 9 (30%) are proposed as affordable housing in line with the policy requirement. The applicant has submitted an Affordable Housing Statement which acknowledges the necessary 75% /25% tenure split offering 7 dwellings for rent and 2 for shared ownership. The statement suggests an indicative affordable housing mix as 1 x 1 bed dwelling and 8 x 2 bed houses with a final mix to be discussed with housing officers at Reserved Matters stage. The Affordable Housing Statement also acknowledges the required space standards and a tenure blind approach to design and location of dwellings.

Community Leisure Officer

Requires contributions towards off site leisure provision.

Tree Officer

There is no objection to the development on arboricultural grounds. I would request that prior to the development commencing a detailed planting plan is submitted and agreed

ANSTY AND STAPLEFILED PARISH COUNCIL

The Parish Council object because the site was not allocated in the Neighbourhood Plan or District Plan and is an area of countryside development constraint. If permission should be granted the PC would like some s106 money towards community projects.

INTRODUCTION

This application seeks outline planning permission for the demolition of Woodfield House, Isaacs Lane and the erection of 30 new dwellings, including 30% affordable housing with access via Isaac's Lane, the provision of public open space, associated infrastructure and landscaping. The means of access is to be determined at the outline stage.

RELEVANT PLANNING HISTORY

An application for outline consent for the demolition of Woodfield House, Isaacs Lane and the erection of 27 new dwellings, including 30% affordable housing with access via Isaac's Lane, the provision of public open space, associated infrastructure and landscaping was withdrawn on 18th January 2019 (reference DM/18/3052) prior to it being determined.

SITE AND SURROUNDINGS

The site currently comprises a single dwelling house, adjacent building and associated drive and hardstanding, walled garden, swimming pool and green house. The remainder of the site comprises of lawn, tree and hedge planting and a small pond to the south of the site. Access is provided off Isaac's Lane to the west. The dwelling house sits in a mature garden area that is bounded by mature screens of trees and hedging, with a well-established pond and wooded area on the southern side. There is a gentle slope across the site from the northern boundary to the southern end near the pond.

The site is flanked to its northern side by two residential properties and by open farmland and grazing on its southern and eastern boundaries. On the western side of Isaac's Lane there are properties spaced intermittently, with open fields and pastures surrounding them.

In terms of planning policy, the site lies within the countryside as defined in the District Plan (DP) but is now adjacent to the built-up area because the site is adjacent to land that is within the Northern Arc strategic housing allocation. The site is not within an area covered by a Neighbourhood Plan.

APPLICATION DETAILS

This application seeks outline planning permission for the demolition of Woodfield House, Isaacs Lane and the erection of 30 new dwellings, including 30% affordable housing with access via Isaac's Lane, the provision of public open space, associated

infrastructure and landscaping. The means of access is to be determined at the outline stage.

The plans show the vehicular access to the site being positioned at the southern end of the site. Internally the layout that is shown on the submitted plan is for illustrative purposes to demonstrate that this amount of development could be accommodated on the site.

The illustrative plan shows a cul-de-sac arrangement with properties either side of the road. The indicative housing mix is as follows:

Market housing

11 x 2 bed

10 x 3 bed

Affordable housing

1 x 1 bed

8 x 2 bed

LIST OF POLICIES

Mid Sussex District Plan

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

Relevant policies:

DP4 Housing

DP6 Settlement Hierarchy

DP12 Protection and Enhancement of the Countryside

DP13 Preventing Coalescence

DP21 Transport

DP23 Communication Infrastructure

DP26 Character and Design

DP28 Accessibility

DP29 Noise, Air and Light Pollution

DP30 Housing Mix

DP31 Affordable Housing

DP37 Trees, Woodlands and hedgerows

DP38 Biodiversity

DP39 Sustainable Design and Construction

DP41 Flood Risk and Drainage

Neighbourhood Plan

The site is not within an area that is covered by a Neighbourhood Plan.

Site Allocations Development Plan Document

Mid Sussex District Council published its Site Allocations Development Plan Document (DPD) for Regulation 18 consultation in October-November 2019. The Sites DPD has therefore completed the first formal stage of preparation and carries weight, albeit limited. The Sites DPD is now progressing towards the Regulation 19 stage, scheduled for Summer 2020.

The draft DPD indicates that this site could achieve 30 dwellings. This draft DPD can be afforded little weight as a material planning consideration since this is a consultation document and the sites that are being consulted on could be subject to significant change.

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The District Council carried out consultation on the Mid Sussex Design Guide SPD between 9th October and 20th November 2019. Responses are now being processed. This document currently has little weight in the determination of planning applications. However, once adopted this document will be treated as a material consideration in the assessment of all future planning schemes

This Design Guide is intended to inform and guide the quality of design for all development across Mid Sussex District. It sets out several design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable.

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing SPD

National Policy and Legislation

National Planning Policy Framework (NPPF) (Feb 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

Ministerial Statement and Design Guide

On 1st October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

ASSESSMENT

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

- The principle of development;
- Design and impact on character of area
- Neighbour amenity
- Highways
- Ecology
- Flood risk
- Affordable Housing
- Infrastructure provision
- Ashdown Forest
- Archaeology
- Planning balance and conclusion

Principle of Development

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

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

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

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

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The "in accordance" determination is one in accordance with the development plan when read as a whole.

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 DP (2018).

The NPPF states that planning should be genuinely plan-led. The Council has an up to date District Plan and is able to demonstrate that it has a 5 year housing land supply. This has been confirmed at a recent Public Inquiry in respect of two planning appeals (references APP/D3830/W/19/3231997 and APP/D3830/W/19/3231996). In the consideration of the appeal, the Inspector considered the Councils land supply position as this was a matter in dispute between the Council and appellants. He stated that:

'I therefore conclude that the Council can demonstrate a 5YHLS.' (para 115).

The balance to be applied in this case is therefore a non-tilted one.

Policy DP6 in the DP 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 built up area boundary of Burgess Hill has been amended in the DP so that the strategic allocation of the Northern Arc is now the built up area boundary. As such whilst the site is contiguous with the built up area boundary it is for more than 10 dwellings and thus the scheme is contrary to policy DP6.

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

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

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

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

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

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded.'

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

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

Policy DP15 in the DP 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 permitted under policy DP15.

In light of the above, it is considered that the proposal would be contrary to the policies DP6, DP12 and DP15 in the DP because the proposal is for a major development of residential development outside the built up area of Burgess Hill and the site has not been allocated for development. As such it is necessary to consider other material planning considerations to determine if there are grounds to come to a decision that is not in compliance with the development plan.

In this case it is considered that the planning policy position in respect of the land that adjoins the site is a key material planning consideration in coming to a view about the principle of the development. All of the land to the south, east and west of the site falls within the area that is allocated within the DP for strategic growth at Burgess Hill. This area is known as the Northern Arc and is allocated under policy DP9 in the DP for approximately 3,500 homes, business floor space, schools, a centre for community sport and a new northern link road. The site of this application is a very small enclave of unallocated land that is surrounded on three sides of the policy map by the Northern Arc. An outline planning application for the Northern Arc development has now been approved by the Local Planning Authority (LPA) under reference DM/18/5114.

It is also relevant to note that the site is within the Draft Site Allocations Development Plan Document.

The NPPF (para. 48) allows for Local Planning Authorities to give weight to policies in emerging plans, according to (a) the stage of preparation of the emerging plan; (b) the extent to which there are unresolved objections to the relevant policies; and (c) the degree of consistency between the relevant emerging policies and the Framework.

Mid Sussex District Council published its Site Allocations Development Plan Document (DPD) for Regulation 18 consultation in October-November 2019. The Sites DPD has therefore completed the first formal stage of preparation and carries weight, albeit limited. The Sites DPD is now progressing towards the Regulation 19 stage, scheduled for Summer 2020.

The Sites DPD has four main aims, which are:

- to allocate sufficient housing sites to address the residual necessary to meet the identified housing requirement for the district up to 2031 in accordance with the Spatial Strategy set out in the District Plan;

- to allocate sufficient employment land to meet the residual need and in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development;
- to allocate a site for a Science and Technology Park west of Burgess Hill in line with policy requirements set out in District Plan Policy DP1: Sustainable Economic Development, and
- to set out additional Strategic Policies necessary to deliver sustainable development.

Following the consultation on the draft DPD, the comments will be considered by the Council and will help to inform the next stage of preparing the plan.

The draft DPD indicates that this particular site could achieve 30 dwellings. Whilst the site is included in the consultation draft of the DPD, this can be afforded little weight as a material planning consideration since this is a consultation document and the sites that are being consulted on could be subject to significant change.

Taking the above into account, it is considered that whilst there is a conflict with policy DP12 as the site is within the countryside as defined by the DP, the weight to be afforded to this conflict is significantly reduced in this particular case because of the site specific circumstances outlined above, namely the fact that the application site will be surrounded on three sides by strategic housing development. It is therefore felt that despite the conflict with policies DP6, DP12 and DP15, the unique circumstances that pertain to this site mean that an objection to the principle of the application should not be raised in this case.

Design and impact on character of area

Policy DP26 in the DP states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*

- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Paragraph 124 of the NPPF states that *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

Paragraph 117 of the NPPF states in part *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*

Paragraph 122 of the NPPF states *'Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.'*

The application is in outline form with only the means of access to be determined at the outline stage. The layout that has been submitted with the application is for illustrative purposes to demonstrate that this amount of development could be accommodated on the site.

It is considered that the illustrative layout that has been submitted does demonstrate that the number of units that have been applied for could be accommodated within the site. Whilst there are some problems with the illustrative layout, such as the fact that what is shown is an inward-looking development that does not address Isaacs Lane, this layout is not to be approved at the outline stage. There would be an opportunity for an alternative layout to be submitted under the subsequent reserved matters application.

It is also the case that whilst the site is adjacent to land that is allocated for strategic development in the Northern Arc that now has the benefit of an outline planning

permission, this proposal for 30 dwellings, if approved, could be brought forward in advance of the development on the Northern Arc. As a standalone development it is considered that the proposal would stand out as an intrusive feature in the landscape in the short term. This is a fact that weighs against the development.

This is a concern of the MSDC Landscape Consultant who has been consulted on the application and has objected to the proposal. The MSDC Landscape Consultant states that *'The site is rural in character and the current house, grounds and walled garden are characteristic of the countryside location. The proposed development would introduce a suburban cul de sac into this countryside setting. The proposed houses and associated road, parking and garden paraphernalia would represent a suburban intrusion into this countryside.'* She also raises concerns about the access into the site and states *'The proposed access into the site would be urban in character compared with the low key access to the existing house. The access would require removal of a significant number of mature trees to accommodate the entrance and sight lines. Some of these are category B trees and as such make a contribution to the local landscape.'*

However, it does need to be acknowledged that in the relatively near future the character of this part of the countryside is going to be fundamentally changed because of the Northern Arc development. This point is recognised by the MSDC Landscape Consultant who goes on to state *'It is acknowledged that the site is surrounded by the Burgess Hill Northern Arc strategic allocation. As a stand-alone site it is currently countryside and it is not clear how the development of the site and associated access would fit with the future masterplan for the Northern Arc development.'*

In relation to the timings of the various phases of the Northern Arc development, Homes England have provided a sub phasing plan that sets out the current delivery schedule. It should be noted that this is not set in stone but it does provide a good guide as to the latest position. As an example of the timings of development near to this site, the secondary school to the east of the site is due to be opened by 2023, the Eastern Bridge Link Road is due to be completed by June 2021 and the first houses to the south east of the site are due to be completed by June 2022. It can be seen from this that development around this site will be brought forward at pace and consequently the character of this area is going to change significantly in the relatively near future.

Taking all the above into account it is considered that it has been demonstrated that this level of development could be accommodated on the site. Whilst there are some problems with the illustrative layout, this is not to be approved at the outline stage. An alternative layout could come forward at the reserved matters stage. If constructed in advance of the surrounding Northern Arc development, this proposal would stand out as an isolated development. However, this would be a short-term issue because the neighbouring land will be developed and the character of this area will fundamentally change.

The development could be designed to be reasonably well connected with the neighbouring Northern Arc development. There is an opportunity for a well-designed layout to come forward at the reserved matters stage. There would be an adverse

impact in the short term from the loss of the preserved trees but replanting can take place.

Overall whilst there are conflicts with some elements of policy DP26, overall it is felt that there is enough compliance with most of the criteria of DP26 to mean that it can be said that there is compliance with this policy when read as a whole.

Accessibility

Policy DP28 in the DP requires all development to meet and maintain high standards of accessibility so that all users can use them safely and easily. It states:

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.'

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.

With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.

Accessible and Adaptable Dwellings

Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2), with the following exceptions:

- 1) Where new dwellings are created by a change of use;*
- 2) Where the scheme is for flatted residential buildings of fewer than 10 dwellings;*
- 3) Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;*
- 4) Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.*

Wheelchair-user dwellings

Category 3 - Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.'

As this is an outline application where the layout and design of the dwellings is not to be approved at the outline stage, it is necessary to impose a planning condition to ensure compliance with this policy at the reserved matters stage.

Communication infrastructure

Policy DP23 in the DP seeks to encourage the incorporation of digital infrastructure including fibre to premises in new major housing developments. The requirements of this policy can be secured by a suitably worded planning condition.

Sustainable Design

Policies DP39 and DP42 in the DP seek to promote sustainable design and limit water usage. The applicant has submitted a sustainability/energy efficiency statement with their application. In summary it refers to the following being incorporated:

- emissions rates from the dwellings will exceed the standards set by Part L of the Building Regulations
- water usage fixtures will be designed to ensure no more than 105 litres per person/per day is achieved

It is considered that the issue of sustainable design has been addressed in the outline application. Further detail would come forward in the subsequent reserved matters application. It is considered that policy DP39 is met.

Neighbour amenity

Policy DP26 of the DP seeks to prevent development that would cause a significant loss of residential amenity to adjoining occupiers. As the internal layout is for illustrative purposes the detailed neighbour relationships with the two properties to the north of the site cannot be fully assessed at this stage. This would need to be done at a subsequent reserved matters application. However, it is considered that a reserved matters scheme is capable of coming forward and not having an adverse impact on the amenities of the adjoining properties. As such this element of policy DP26 would be met.

Access and Highways

Policy DP21 in the DP states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- *A high quality transport network that promotes a competitive and prosperous economy;*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- The scheme protects the safety of road users and pedestrians; and*
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 109 of the NPPF, which states:

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

The comments of the Highway Authority are summarised at the start of the committee report and set out in full in the appendices. There is no objection to the vehicular access that is to be formed onto Isaacs Lane. The width of the access and the visibility splays are sufficient for the access to be safe in relation to highway safety. The volume of traffic that would be generated by this development would not

have a severe impact on the highway network and would be negligible in the wider context of the Northern Arc development.

Whilst the site is within the countryside, as set out previously in the report, it is adjacent to the land that is allocated for strategic development under policy DP9 in the DP. As such in the future there will be community facilities within the Northern Arc. However in the short term, the development of this site in isolation would result in a scheme that would be wholly dependent on the private car for access to shops, services and employment opportunities. There would not be any pedestrian footpaths to link the site to Burgess Hill. There is no footway of Isaacs Lane and therefore it would not be realistic to expect future occupants to walk from the site to Burgess Hill.

Discussions have taken place with the applicants and the Highway Authority to address the issue of the connectivity of the proposal with the Northern Arc. It would not be acceptable in the longer term for this development to be only accessible by the private car.

The approved Access and Movement Parameter Plan for the Northern Arc development shows the indicative highway connection to the south of Woodfield House off Isaacs Lane. This is some 40m south of the application site. It is considered that a planning condition could be imposed to require the applicants to provide a section of footway from the Woodfield House site alongside Isaacs Lane, which would connect to the highway that will be built to the south of the site, as shown on the Access and Movement Parameter Plan. The details of the footpath, including a timetable for its delivery would be controlled by the planning condition. Without such a condition in place, this proposal would be a wholly car dependent scheme.

It is therefore considered that the imposition of such a condition would meet the test of being necessary, as set out in the PPG. Policy DP21 requires, amongst other things, developments to provide appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car.

It is also considered that it would be justified to impose a further condition to require the provision of a pedestrian/cycle link from the eastern side of the application site into the adjacent Northern Arc site. This would then need to be brought forward with the reserved matters submission. Such a condition would also meet the test of necessity set out in the PPG.

The internal layout of the site is illustrative to show that this amount of development could be accommodated on the site. There is no reason why a suitably designed internal layout with respect to highways matters cannot come forward at the reserved matters stage.

As this is an outline application where the internal layout that is shown is illustrative, it is not possible to definitively say where facilities for charging plug-in and other ultra-low emission vehicles would be provided. However, it is felt it should be possible for some form of provision to come forward in the reserved matters

application. A condition to require details of this to be submitted is therefore appropriate.

To summarise on highway matters, the vehicular access to the site will be satisfactory in relation to highway safety and the volume of traffic from the proposal will not have a severe impact on the highway network. There is the potential for a limited period for this development to be wholly dependent on the private car for access. However this would not be a permanent situation as it will be possible to require the provision of a footway along the eastern side of Isaacs Lane to link into the vehicular access to this part of the Northern Arc when the access into the Northern Arc is constructed (it would not be satisfactory to build the footway along the eastern side of Isaacs Lane now as there would be nothing for it to connect to and it would be a path to nowhere). It would also be possible for there to be a pedestrian link within the site to the Northern Arc to the east as part of the reserved matters for this site. It is therefore considered that in this case it would be justifiable to approve this application in advance of the reserved matters for the adjoining Northern Arc development because there is a very high degree of certainty that the adjoining land will be developed and it will be possible for this development to have a pedestrian link to it and this can be achieved within a reasonable timescale.

In light of the above it is considered the application complies with policy DP21 of the DP.

Ecology and Trees

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

The Councils Ecological Consultant has assessed the information provided by the applicant and has raised no objection to the application subject to the imposition of conditions to require a wildlife and mitigation strategy to be approved by the LPA. There are no reasons to dispute the conclusions of the Councils Ecological Consultant.

Policy DP37 in the DP states:

'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.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *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.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

The trees along the road frontage are protected by a group tree preservation order (TPO) reference CD/01/TPO/94. The proposed access arrangements and visibility splay would result in the loss of approximately 25 individual trees that are subject to this TPO.

The Council's Tree Officer's preferred option would be to move the access away from Isaacs Lane which would enable the retention of all the TPO trees. Although many of the TPO trees are not individually of high quality, The Tree Officer considers that as a group they help to provide the rural setting that is characteristic of the area and form a wildlife corridor. In addition, the Tree Officer is concerned that if the access is not moved, the illustrative layout plan would not allow mitigation for the loss of the TPO trees.

The applicants have been in correspondence with the Councils Tree Officer about the impact of the access on the preserved trees on the road frontage. The applicants have stated:

'Ms Nelson acknowledges that many of the roadside trees are not individually of high quality. Arbortrack maintain that none of these trees are of high quality and that, of those trees to be removed for visibility splay purposes or for the new driveway, only fourteen are of moderate quality i.e. 'B' category. Of these only six are native species i.e. an ash (53) that is vulnerable to ash dieback disease, hornbeams (46b, 51 & 61a), a yew (48) and a scots pine (61).'

The Tree Officer has carefully considered all of the points raised by the applicants and has stated:

'I acknowledge Arbortrack's response to my previous comments and as a result, and due to the access remaining on Isaacs Lane, regrettably there is no objection to the development on arboricultural grounds. I would request that prior to the development commencing a detailed planting plan is submitted and agreed adhering to the details outlined by Arbortrack in the response document dated 31/1/20.'

The accompanying text for the draft site allocations DPD for this site, under the heading Landscape Considerations, states:

- *'There is a group Tree Preservation Order in the south and western areas of the site. Retain and enhance important landscape features, mature trees, hedgerows and the pond at the south of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development. Open space is to be provided as an integral part of this landscape structure and should be prominent and accessible within the scheme.*
- *Identify and protect important views into and out of the site with proposals laid out so that views are retained and, where possible enhanced to improve both legibility and the setting of development.'*

In relation to the access, the accompanying text for the draft sites allocations DPD states:

- *'Integrated access with the Northern Arc Development is strongly preferred, the details of which will need to be investigated further. Access from Isaacs Lane will necessitate significant loss of trees due to the wide set back that is required to achieve the necessary visibility splays.'*

The LPA's position is that the location of the access into the site is preferred to be integrated with the Northern Arc. However, there is not an absolute requirement in the draft sites allocations DPD for this to be the case. It is also the case that because of its stage of preparation, the draft sites allocations DPD can be afforded little weight at present.

It is your officers view that the proposed access arrangements, which will result in the loss of the preserved tree belt, will have an adverse impact on the character of

the area. This could be mitigated in the longer term by replacement tree planting. The applicants state:

'Arbortrack's position is that retained trees, augmented with new planting of native species with long useful life expectancies, will continue to provide a 'rural setting' along this section of Isaacs Lane for the long term. Whether this is 'characteristic of the area' is moot: our position is that the local area predominantly features open fields with individual free-standing roadside trees. These trees retained along the Woodfield House boundary, supplemented with thirty-seven new trees of native species, are also likely to ensure that the wildlife corridor beside Isaacs Lane remains in place. It should also be noted that a further fifty-nine trees are proposed for planting within the site and on this basis new planting is being offered on a 2:1 basis approximately.' This point is noted.

It is considered that whilst there will be a short-term adverse impact from the loss of these trees, there is an opportunity for replacement planting. The final details of this would need to be provided with the reserved matters submission. It is also the case that the character of this whole area will be fundamentally changing because of the Northern Arc development. It is therefore considered that it would be very difficult to argue that the impact on the character of this part of Isaacs Lane arising from this proposal was so objectionable that it warranted a refusal of the application on this ground alone, when the character of all the surrounding land to the west, east and south will be changing over the next few years from countryside to an urban extension to Burgess Hill. Given the circumstances that apply to this site it is felt that there are reasonable grounds to accept the loss of the preserved trees in this case.

Drainage

Policy DP41 in the DP seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. Paragraph 163 of the NPPF states: *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

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

It is proposed that the development will manage surface water drainage on site in line with the Non-statutory Technical Standards for SuDS. The proposed scheme will incorporate water butts, a swale and permeable paving before discharging to the local watercourse via a pond. It is proposed to match discharge rates from the site to the Greenfield run off rates for storm events between 1 in 1 year and 1 in 100 year

with 40% climate change. It is proposed that the development will create a new gravity or pumped rising main sewer to manage foul water drainage. It is envisioned that this new foul sewer will connect to the mains sewer system via London Road. The application states all foul drainage shall be built to adoptable standards.

The Council's Drainage Officer has raised no objection to the application and has advised that the details of the drainage of the site can be controlled by a planning condition. As such the proposal would comply with policy DP41 of the DP.

Affordable Housing and housing mix

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

The proposal gives rise to an onsite affordable housing requirement of 9 units (30%). With a suitable legal agreement in place to secure the required affordable housing the scheme would comply with policy DP31 of the DP.

Policy DP30 of the DP seeks to promote sustainable communities by providing a mix of dwelling types and sizes that reflects current and future housing needs. The housing mix within the application is illustrative but it does indicate that the majority of the properties would be smaller 2 and 3 bedroom properties, which is considered to be satisfactory. The final mix would need to be assessed at the reserved matters stage. There are no grounds to resist the application based on the proposed housing mix.

Infrastructure

Policy DP20 of the DP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy 31 of the DP. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

The NPPF 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).

West Sussex County Council requires the following infrastructure contributions:

Education: Primary contribution based on a formula
Education: Secondary contribution based on a formula
Education 6th Form contribution based on a formula
Libraries contribution based on a formula
TAD contribution based on a formula

The District Council Infrastructure requirements are as follows:

Play £35,625
Kickabout £29,925
Formal Sport £40,800
Community Buildings £23,400
Local community infrastructure £22,727

It is considered that the above contributions meet the CIL Regulations and policy DP20 and will appropriately mitigate the impact of the development. Developers are only required to mitigate the impact of their development, they are not required to address any existing infrastructure deficiencies.

With a suitable legal agreement in place to secure the required infrastructure contributions the scheme would comply with policy DP20 of the DP.

Ashdown Forest

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.

Archaeology

Policy DP34 of the DP seeks to conserve heritage assets in a manner appropriate to their significance. Significance can be defined as the special interest of a heritage asset, which may be archaeological. This application is accompanied by a historic building assessment. There are no designated heritage assets, such as listed buildings, scheduled monuments or conservation areas within the site. The assessment concluded that the proposed development will truncate any below-ground archaeological remains across the site and further archaeological investigation is necessary to determine the presence or absence, and condition of survival, of any such below-ground remains. On the previously withdrawn application, the Council's archaeological consultant assessed this report and recommended that a planning condition be imposed to require a programme of archaeological work. The same condition would be applicable to this application. With such a condition in place the application would comply with policy DP34 in the DP.

PLANNING BALANCE AND CONCLUSION

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

The application site lies in countryside, outside the built up area of Burgess Hill and thus would be contrary to policy DP12 of the District Plan as general housing development is not one of the permitted exceptions to the policy of restraint in the countryside. The aim of the policy is to protect the countryside in recognition of its intrinsic character and beauty. The proposal is also contrary to policies DP6 and DP15 of the DP.

It is considered that the application is not in accordance with the development plan, read as a whole, and that this is the proper starting point for decision making. However, the Council also must have regard to other material considerations, including the NPPF.

Given the fact that the site is bounded by three sides by the strategic allocation of the Northern Arc development, which has now been granted planning permission, notwithstanding the conflict with policies DP6, DP12 and DP15 of the DP, in this case it is considered that an objection should not be raised to the principle of the development. The proposal would represent an infilling of a small enclave of unallocated land and would not result in an incursion into the wider countryside.

The proposal could be satisfactorily drained and could be laid out so as not to cause a significant loss of amenity to neighbouring occupiers. The proposed access to the site would be satisfactory and there would not be a severe impact on the highway network from the traffic arising from the proposal. There would be no adverse impact in relation to ecological matters. As such these points are neutral in the planning balance.

The proposal would provide 30 dwellings (a net gain of 29) which would assist with meeting the Council's housing requirements and would provide a policy compliant level of affordable housing. There would be economic benefits from the proposal arising from the additional economic activity during the construction phase and from the additional spending in the local economy from the additional population. These factors all weigh positively in the planning balance and should be given significant weight.

Weighing against the proposal is the fact that there is a conflict with policies DP6, DP12 and DP15 of the DP as the site lies outside the built-up area as defined in the DP. However, in this case it is considered that the weight to be afforded to this conflict is significantly reduced because the site will be surrounded by the Northern Arc development that has been granted planning permission. It is also relevant that the draft site allocations DPD proposes allocating this site for 30 dwellings, although at this point in time the draft DPD can be afforded little weight as a material planning consideration due to its stage of preparation.

Also weighing against the proposal is the loss of the preserved trees along the Isaacs Lane frontage. In the short term this would have an adverse impact on the character of the area. Again, however it must be acknowledged that the character of this area is going to fundamentally change because of the Northern Arc development. There will be an opportunity for new tree planting as part of a reserved matters application for this site. In light of these points it is considered that the conflict with policy DP37 should only be afforded moderate weight in this case.

Also weighing against the proposal is the fact that in the short-term the scheme could be wholly dependent on access by the private car because the scheme could be brought forward and constructed in advance of the adjacent Northern Arc development. However, this would be a short-term issue as there is a very high degree of certainty that the adjacent land will be developed in the relatively near future. A planning condition can be imposed to ensure that when the vehicular access to the Northern Arc from Isaacs Lane to the south of the site is constructed, a footway alongside Isaacs Lane is constructed from the Woodfield House site to connect with the Northern Arc access. With this in place there would be pedestrian connectivity to the Northern Arc. A condition can also be imposed to require the reserved matters application to include a pedestrian/cycle link within the site to the adjacent Northern Arc site. With this in place it is not felt that the possible short-term car dependence of the site should be a reason to resist this scheme.

Finally weighing against the scheme is the preference within the draft site allocations DPD for the access to the Woodfield House site to be from the Northern Arc site rather than directly from Isaacs Lane. However, this is a preference rather than an absolute requirement. It is also the case that the DPD carries little weight at this stage because of its stage of preparation.

Therefore, taking all the points in this report into account it is considered that there are compelling reasons to approve this application, notwithstanding that it does not comply with all the policies in the development plan and does not comply with the development plan when read as a whole. It is considered that the unique circumstance of this site being enclosed on three sides by the Northern Arc

development means that in the longer term there will not be an adverse impact on the character of the countryside from this proposal. In the longer term the site will be read as part of the Northern Arc development.

It is therefore considered that subject to a satisfactory legal agreement to secure the required affordable housing and infrastructure contributions and the imposition of suitable conditions, this scheme should be approved.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

Pre commencement

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

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

3. No development shall commence until a detailed wildlife mitigation and enhancement plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be implemented in full.

Reason: To protect wildlife and provide wildlife habitat in accordance with DP38 of the Mid Sussex District Plan 2014-2031 and para 175 of the NPPF.

Note: The enhancement scheme should include improving the habitat value of the area around the pond, replacing non-native evergreen shrubs with native species, enhancing the boundaries and appropriate habitat along the strip of land between gardens and Isaac's Lane, where this falls within the applicant's control.

4. 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 proposed development is satisfactorily drained and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031

5. No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of the pond shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the features to be retained and protected during construction works; and
- b) The position and details of warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

Reason: In the interests of protecting and enhancing the biodiversity of the environment and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031

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

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

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

7. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details 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. These and these works shall be carried out as approved. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031

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

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

9. Details of the materials to be used for the access road, driveways and internal footways shall be submitted and approved in writing by the Local Planning Authority prior to work commencing in respect of these parts of the development. The development shall not be carried out otherwise than in accordance with such details.

Reason: To ensure that this aspect of the development is compatible with the design of the building and to accord with Policy DP26 of the District Plan 2014 - 2031

Pre occupation

10. No dwellings shall be occupied until details of proposed screen walls/fences have been submitted to and approved by the Local Planning Authority and the approved screen walls/fences have been erected.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031

11. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved plans.

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

12. No part of the development shall be first occupied until visibility splays of 2.4 metres by 161.5m to the south and 2.4 metres by 154.3m to the north have been provided at the proposed site vehicular access onto Isaacs Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be

maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

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

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

14. No later than 3 months from the commencement of construction of the vehicular access to the south of the application site that will serve the Northern Arc, details shall be submitted to the Local Planning Authority of a pedestrian footpath from the Woodfield House site to be built alongside the eastern side of Isaacs Lane to link up to the vehicular access for the Northern Arc. The submitted information shall contain details of the construction of the footpath and details of timing for the construction and delivery of the footpath. The footpath shall then be provided in accordance with the details that have been approved in writing 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 comply with policy DP21 of the Mid Sussex District Plan 2014-2031

15. The reserved matters layout shall include a pedestrian/cycle link from the application site to the adjacent Northern Arc site to the east. This link shall be provided prior to the occupation of any of the dwellings hereby permitted or within a timetable that has been approved in writing 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 comply with policy DP21 of the Mid Sussex District Plan 2014-2031

16. Prior to the occupation of any of the dwellings hereby permitted, details shall be provided of the facilities for charging plug-in and other ultra-low emission vehicles for the written approval of the Local Planning Authority. The scheme shall be constructed in accordance with the approved details.

Reason: To provide facilities for plug in and ultra-low emission vehicles in the interests of sustainability and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031

17. No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031

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

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of adjacent highways and to accord with Policy DP21 of the District Plan 2014 - 2031

19. No dwelling hereby permitted shall be occupied until details, including a timetable for implementation, of ducting to premises infrastructure, to facilitate connection to high speed broadband and 4G, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

20. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These shall be identified in any subsequent reserved matters submissions and be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority, unless an exception is otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

Construction phase

21. No work for the implementation of the development hereby permitted shall be undertaken on the site on Bank or Public Holidays or at any time other than between the hours 8 a m and 6 pm on Mondays to Fridays and between 9 am and 1 pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031

22. 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 and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031

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	1915-PL01		11.09.2019
Site Plan	1915-PL02		11.09.2019
Block Plan	1915-PL03		11.09.2019
Proposed Site Plan	1915-PL04		11.09.2019
Site Plan	1915-PL05		11.09.2019
Street Scene	1915-PL06		11.09.2019

APPENDIX B – CONSULTATIONS

County Planning Officer

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

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

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

The advice is as follows:

1. School Infrastructure Contribution

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

1.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings, with a 33% discount, for occupation by persons already residing in the education catchment area; the County Council's adopted floorspace standard for education provision; and the estimated costs of providing additional education floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula should read as follows:

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

(DfE figure (Primary) x ACP = Primary Education Contribution) + (DfE figure (Secondary) x ACP = Secondary Education Contribution) + (DfE figure (Further Secondary) x ACP = Further Secondary Education Contribution) = Education Contribution where:

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of Housing Units, less any allowance for Affordable Housing Units, as approved by a subsequent reserved matters planning application. The current occupancy rates are as follows:

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

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

DfE Figure = Department for Education (DfE) Secondary/Further Secondary school building costs per pupil place) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2019/2020 is £18,370 - Primary, £27,679 - Secondary; £30,019 for Further Secondary, updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.3 The primary contributions generated by this proposal shall be spent on the new eastern primary school located in the Burgess Hill Northern Arc Development.

The secondary contributions generated by this proposal shall be spent on the new secondary school located in the Burgess Hill Northern Arc Development.

The further secondary contributions shall be spent on a new sixth form for Haywards Heath and the surrounding area, or towards expansion at St Paul's Catholic College Sixth Form should the new sixth form not progress.

2. Library Infrastructure Contribution

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

However, a scheme is approved to provide additional floorspace at the library. In the circumstances, a financial contribution towards the approved scheme would be required in

respect of the extra demands for library services that would be generated by the proposed development.

2.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development; the County Council's adopted floorspace standard for library provision; and the estimated costs of providing additional library floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

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

$L \times AP =$ Libraries Infrastructure Contribution where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the development calculated by reference to the total number of Open Market Units and shared Ownership Affordable Housing Units as approved by a subsequent reserve matters planning application. Using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

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

L = Extra library space in sqm. per 1,000 population x the library cost multiplier (which currently for the financial year 2019/2020 are [30/35 sq.m] and £5,384 per sqm respectively).

2.3 The contributions generated by this proposal shall be spent on library facilities serving the Burgess Hill Northern Arc Development and surrounding area.

3. Transport (TAD) Contribution

3.1 The Total Access Demand Contribution will be calculated by the County Council in accordance with the following formula:

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution = $(C - D) \times E$, where:

C (Total Access) = $(A \text{ (number of dwellings)} \times B \text{ (Occupancy per dwelling)})$ using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

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

D = Parking Spaces provided by the residential development element of the Proposed Development

E = Standard multiplier of £703

Infrastructure Contribution = D x F, where:

D = Parking Spaces provided by the residential development element of the Proposed Development

F = Standard multiplier of £1407

Where affordable dwellings are involved, the appropriate discount is applied to the population increase (A x B) before the TAD is formulated.

The contributions generated by this proposal shall be spent on the Sussex Way Cycle Scheme.

General points

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

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

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

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

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

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

Any payment required for a Traffic Regulation Order (TRO) in respect of the proposed development is due either on the commencement of development or receipt of a TRO application to the County Council, whichever is the earlier.

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

West Sussex County Council Lead Local Flood Authority

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

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

Flood Risk Summary

Current surface water flood risk based on 30year and 100year events	Low risk
<p>Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding.</p> <p>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.</p> <p>Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p>	
Modelled groundwater flood hazard classification	Low risk
<p>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.</p> <p>Ground water contamination and Source Protection Zones.</p> <p>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.</p>	

Ordinary Watercourses nearby?	No
<p>Comments: Current Ordnance Survey mapping shows no ordinary watercourse in close proximity to the site.</p> <p>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.</p> <p>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.</p>	

Records of any historic flooding within the site?	No
<p>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.</p>	

Future development - Sustainable Drainage Systems (SuDS)

The FRA included with this application proposes that permeable paving, swales and balancing pond would be used to restrict the run off to local watercourses from the development to pre-development Greenfield run-off rates. This method would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

Further evidence (condition/direction of flow etc.) of the watercourse which the surface water is to discharge into would be helpful.

It is recommended that this application be reviewed by the Borough 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 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.

West Sussex County Council Highway Authority

Summary

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been re-consulted on outline proposals for 30 x dwellings with a new vehicular access on to Isaacs Lane.

In comments dated 14 January 2020, modification to the proposed access arrangements was requested. The LHA requested that the proposed access radii be increased to a suitable geometry for the current road speeds, that Designers Response to the stage 1 Road Safety Audit be provided in the correct format and that clarification on any linking footway be provided.

Amended plans have been provided including updated RSA with Designers Response and increased radii for the site access. The LHA wish to provide the following additional comments.

Pedestrian Accessibility

The footway to north of proposed access has been removed. The southern section of footway has been retained to 'future proof' for pedestrian access to the wider network of improvements proposed as part of Northern Arc developments.

Under Northern Arc proposals, a length of footway is to be provided along Isaacs Lane which culminates approximately 40m to the south of the site access before leading eastwards towards the future Northern Arc development. As the specific timing of either works are not currently clear, it is not known whether these works will be completed prior to this development. The Local Planning Authority (LPA) should consider whether the site is acceptable in accessibility terms and how the timing of the delivery of the highway works will work. With the Northern Arc footway proposals not yet finalised or provided, the site could end up being isolated from further pedestrian infrastructure and located at a site where reliance will be wholly on the private car. Whilst it is acknowledged that an internal link within the site toward Northern Arc development to the east will be provided, the timing of this will also rely on timescale's for Northern Arc and thus the LPA should consider this.

Further, the applicant should also provide the linking 40m of footway at a later stage to link up with that proposed along Isaacs Lane under Northern Arc development. If this is not provided then the site could be in danger of not being linked to the wider footway network, in future years. The LPA may wish to secure provision of this through suitably worded conditions as suggested below.

Other Matters

Amended plans have been provided showing 9m kerb radii for the proposed bellmouth access. Revised swept path tracking plans have also been provided demonstrating that a refuse collection vehicle can enter and exit the site in a forward gear. Internal turning arrangements for all vehicles should be demonstrated at reserved matters stage as part of layout matters, along with suitable car and bicycle parking provisions. Whilst the refuse collection vehicle is shown to cross the opposing carriageway upon exit to the south, the LHA consider that this manoeuvre would occur infrequently and that sufficient forward visibility is available along Isaacs Lane for a vehicle to react accordingly.

The Designers Response has been provided in suitable table format. The one issue raised in the Stage 1 RSA (whether required visibility splays can be provided) has been addressed.

As per previous comments, visibility splays of 161.5m to the south and 154.3m to the north were demonstrated as suitable to recorded 85th percentile speeds of 52.9 mph northbound and 51.5 mph southbound, respectively. These splays would require removal of trees within the applicant's ownership. The auditor raised that a legal agreement should be provided to ensure maintenance of these splays/ new area of public highway status. The LHA consider that as the land is within applicant's ownership and public highway that these splays could be secured via a suitably worded planning condition.

Conclusion

In summary the LHA consider that the single issue in the RSA has been addressed and the Designer's Response clearly addresses this point. Details of the internal linking footway within the site to the east should be secured via condition. Should the LPA consider that the application is acceptable in planning terms, they may also wish to secure the provision of additional footway along Isaacs Lane to the south of the site access, to tie in with future footway to be provided as part of Northern Arc developments, via a suitably worded condition. The LPA should be satisfied that conditions pertaining to internal footway link and new length of footway along Isaacs Lane can be time controlled (i.e. triggered by timings of and reliant upon Northern Arc developments).

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not considered contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

The following conditions should be included on any permission granted:

Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

Visibility

No part of the development shall be first occupied until visibility splays of 2.4 metres by 161.5m to the south and 2.4 metres by 154.3m to the north have been provided at the proposed site vehicular access onto Isaacs Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Access closure

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

Reason: In the interests of road safety.

Internal Connectivity for Pedestrians

No part of the development shall be first occupied until such time as internal footway link to wider Northern Arc development to east has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

External Connectivity for Pedestrians

No part of the development shall be first occupied until such time as new footway southwards along Isaacs Lane, linking the site access to footway to be provided under Northern Arc developments, has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Construction Management Plan

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

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

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

Travel Plan Statement

No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

INFORMATIVE

The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this

process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

MSDC Landscape Consultant

1) Summary Recommendation

Recommend for Refusal

The proposal would not comply with NPPF Section 15 policies for conserving and enhancing the natural environment.

The proposal would not comply with 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

2) Reason for Recommendation:

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. The Landscape and Visual Impact Assessment or LVIA (HED August 2019) is an accurate assessment of the baseline landscape and visual context of the site.

3. The key characteristics for the Eastern Low Weald character area (West Sussex County Council landscape character assessment), which are relevant to the development site are:

- Gently undulating low ridges and clay vales.

- Arable and pastoral rural landscape, a mosaic of small and larger fields, scattered woodlands, shaws and hedgerows with hedgerow trees.
- Quieter and more secluded, confined rural landscape to the west, much more development to the east, centred on Burgess Hill.
- Biodiversity in woodland, meadowland, ponds and wetland.
- Crossed by north-south roads with a rectilinear network of narrow rural lanes.

4. The key issues and landscape sensitivities for this character area in WSCC Landscape Character Assessments are:

- Growing impact of development in the east.
- Continuing amalgamation of small fields, severe hedgerow loss, and the ageing and loss of hedgerow and field trees.
- Visual impact of new urban and rural development including modern farm buildings, horse riding centres and paddocks.
- Increasing pervasiveness of traffic movement and noise, particularly around Burgess Hill and busy use of some rural lanes.
- Gradual loss of locally distinctive building styles and materials.
- Gradual suburbanisation of the landscape including the widespread use of exotic tree and shrub species.
- Woodland cover and the mosaic of shaws and hedgerows contribute strongly to the essence of the landscape.
- Pockets of rich biodiversity are vulnerable to loss and change.

5. The landscape management Guidance from the WSCC LCA which are most relevant to this proposed development are as follows:

- Plan for long-term woodland regeneration, the planting of new small and medium-sized broad-leaved farm woodlands, and appropriate management of existing woodland.
- Where appropriate, increase tree cover in and around villages, agricultural and other development and on the rural urban fringe of suburban areas and Burgess Hill, including along the approach roads to settlements and along busy urban routes including the A23 Trunk Road.
- Conserve and replant single oaks in hedgerows to maintain succession.
- Maintain and manage all lakes and ponds and their margins for their landscape diversity and nature conservation value.
- Minimise the effects of adverse incremental change by seeking new development of high quality that sits well within the landscape and reflects local distinctiveness.

6. The site is rural in character and the current house, grounds and walled garden are characteristic of the countryside location. The proposed development would introduce a suburban cul de sac into this countryside setting. The proposed houses and associated road, parking and garden paraphernalia would represent a suburban intrusion into this countryside.

7. The proposed access into the site would be urban in character compared with the low key access to the existing house. The access would require removal of a significant number of mature trees to accommodate the entrance and sight lines. Some of these are category B trees and as such make a contribution to the local landscape.

8. Other mature and significant trees would be removed within the site to allow for the development. Proposed units 10, 11, 17 and 18 would be very close to the mature boundary trees on Isaacs Lane. The trees would cut out light from these properties putting them at risk of future lopping and topping.

9. The proposed landscape masterplan incorporates tree planting within the development as mitigation for the loss of trees to the development. Most of these trees would be located within private garden spaces or as street trees on the west side of the access road. These would be squeezed into spaces between the road and houses. Due to the limited growing space these trees would need to be small species of tree which would contribute little to the wider landscape. Trees in private gardens would not contribute to the public realm and could be removed by residents in the longer term.

10. It is acknowledged that the site is surrounded by the Burgess Hill Northern Arc strategic allocation. As a stand-alone site it is currently countryside and it is not clear how the development of the site and associated access would fit with the future masterplan for the Northern Arc development.

11. The LVIA identifies the site and surrounding area to be of medium to high landscape sensitivity to the proposed change. The LVIA concludes that the proposal would have a minor to moderate adverse effect on local landscape character once the proposed mitigation planting has matured. The previous application (DM/18/3052) for 27 houses was assessed to have a moderate adverse effect on landscape character. It is not clear how the proposal for 30 houses could have a lesser impact than the previous proposed layout. A moderate adverse impact would be significant in the local context of the site and surrounding countryside.

12. Views into the site are limited to the immediate area from Isaacs Lane and sections of the public footpaths close to the site. It is acknowledged that the visual impacts of the proposal would be limited, especially once the mitigation planting has established. The lack of views into a proposed development site would not necessarily make an application acceptable if there would be unacceptable impacts on the character of the area.

13. It is recommended that the proposed residential development is not supported on this site due to the adverse impact on local landscape character and views.

Sussex Police

Thank you for your correspondence of 18th September 2019, advising me of an outline planning application for 30 new dwellings, including 30% affordable housing with access via Isaac's Lane, the provision of public open space, associated infrastructure and landscaping (resubmission of application DM/18/3052). All matters reserved except for access at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the 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 at www.securedbydesign.com Due to the application being outline, my comments will be broad with more in depth advice being delivered at reserved matters.

The National Planning Policy Framework demonstrates the government's 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 note from the application this is a resubmission of application DM/18/3052. This office was not consulted on application DM/18/3052 and as a result has not previously commented upon this development.

Given that this outline application is only to determine the means of access and to seek approval in principle, I have no concerns with the proposal and from a crime prevention perspective but would like to offer the following recommendations.

My only comment would be that consideration is given at the reserved matters stage to the access to the rear gardens of plots; 2, 21 26 & 27, ensuring safe and secure access is created. Advice can be found within SBD Homes 2019 document at the SBD website.

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.

Environmental Health Officer

This development has the potential, during the construction phase, to affect the amenity of local residents by way of noise, dust and smoke.

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

Conditions:

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

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

Reason: To protect the amenity of local residents.

- Minimise dust emissions: Construction work shall not commence until a scheme of measures for the control of dust during the construction phase has been submitted to and approved by the local planning authority. The scheme as approved shall be operated at all times during the construction phases of the development.

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

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

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

- Construction Noise: No development shall take place until a Construction Noise Management Plan has been submitted to and approved in writing by the Local Planning

Authority. The Plan shall also consider vibration from construction work, including the compacting of ground. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of adjacent occupiers

Contaminated Land Officer

Main Comments:

The application looks to create 30 residential units.

I have reviewed the historical mapping for the area and there are no obvious risks related to the site in terms of potential contamination.

However give the size of the project and sensitivities of the end use, a discovery strategy should be attached, so that in the event that contamination is found, that works stop until such time that a further assessment has been made, and remediation methods put in place if needed.

Recommendation: Approve with conditions

- 1) 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.

Drainage Officer

Recommendation	No objection subject to conditions
	Advice

SURFACE WATER DRAINAGE

It is proposed that the development will manage surface water through a sustainable drainage scheme. This scheme shall utilise swales, permeable paving and an existing pond before discharging surface water to an existing ditch.

Drainage calculations state a total of 631.7m³ of storage is required to manage runoff from the 1 in 100 year 6-hour storm event with a discharge rate of 6.9l/s (1 in 1-year Greenfield

runoff rate). Information provided by the applicant states a total of 684m³ of attenuation storage can be provided on the site, excluding the existing pond.

FOUL WATER DRAINAGE PROPOSAL

It is proposed that a new foul rising main will be created which connects to the existing public foul sewer system.

The applicant has communicated with Southern Water regarding an appropriate location for this connection and have been advised that manhole 0404 is an acceptable discharge location. The applicant has confirmed within a Consultation Response note dated 19th December 2019 that the site shall utilise the agreed 0404 manhole.

FLOOD RISK

The proposed development is within flood zone 1 and is at low fluvial flood risk. The proposed development is not within an area identified as having possible surface water (pluvial) flood risk.

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

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.

PROTECTIVE MEASURES DURING CONSTRUCTION

No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of the pond shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the features to be retained and protected during construction works; and
- b) The position and details of warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.

Reason: In the interests of protecting and enhancing the biodiversity of the environment.

FURTHER ADVICE

SURFACE WATER DRAINAGE

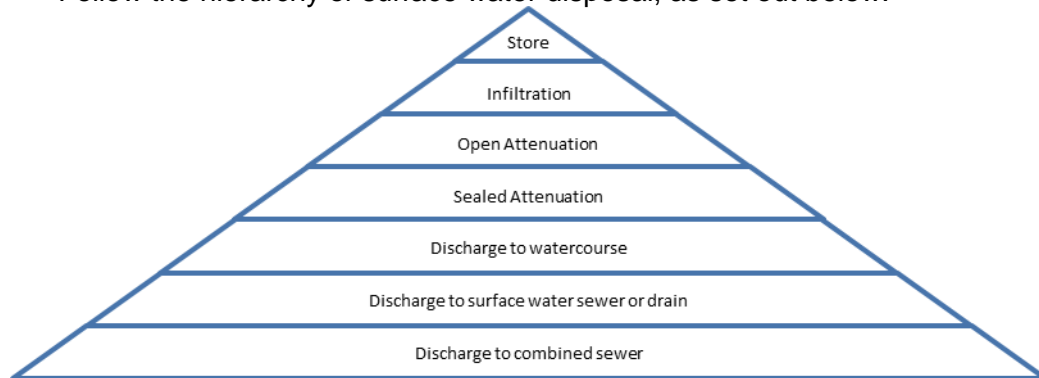
This proposed development will need to fully consider how it will manage surface water run-off. Guidance is provided at the end of this consultation response for the various possible methods. However, the hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100 year storm event plus extra capacity for climate change.

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

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, as set out below.



- 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.

FOUL WATER DRAINAGE

This proposed development will need to fully consider how it will manage foul water drainage. The preference will always be to connect to a public foul sewer. However, where a foul sewer is not available then the use of a package treatment plant or septic tank should be investigated.

The use of non-mains foul drainage should consider the Environment Agency's General Binding Rules. We would advise applicants that 'General Binding Rules 2020' is in force as of 1st January 2020.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the 2020 Binding Rules will need to be replaced or upgraded. As such any foul drainage system which proposed to utilise a septic tank will need to comply with the new 2020 rules. Guidance into the General Binding Rules can be found on the government website (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>)

FLOOD RISK AND DRAINAGE INFORMATION FOR PLANNING APPLICATIONS

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

PRE-APP	OUTLINE	FULL	RESERVED	DISCHARGE	DOCUMENT SUBMITTED
✓	✓	✓			Flood Risk Assessment / Statement (checklist)
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third party agreement for discharge to their system (in principle / consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

USEFUL LINKS

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

[Flood Risk Assessment for Planning Applications](#)

[Sustainable drainage systems technical standards](#)

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

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

Further guidance is available on the Susdrain website at <http://www.susdrain.org/resources/>

INFORMATION REQUIREMENTS

The following provides a guideline into the specific information required based on the type of development, location and type of surface water drainage management proposed. Multiple lists may be relevant to a single application.

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
<p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified.</p>	<p>Flood Risk Assessment which identified what the flood risks are and how they will change in the future. Also whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.</p>
<p>Multiple plot development</p>	<p>A maintenance and management plan will need to be submitted that shows how all drainage infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.</p>
<p>Public sewer under or adjacent to site</p>	<p>Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development. Building any structure over or within close proximity to such sewers will require prior permission from the sewerage undertaker. Evidence of approvals to build over or within close proximity to such sewers will need to be submitted.</p>

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
MSDC culvert under or adjacent to site	<p>Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Building any structure over or within close proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an “easement” strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement. This matter can be discussed with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>
Watercourse on or adjacent to site	<p>A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.</p>

INFORMATION REQUIREMENTS - SURFACE WATER DRAINAGE

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
<p>Infiltration e.g. Soakaways</p>	<p>Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the soakaway system will be able to cater for the 1 in 100 year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%.</p> <p>It will also need to be demonstrated that the proposed soakaway will have a half drain time of 24 hours or less.</p>

<p>PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p>INFORMATION REQUIRED</p>
<p>Outfall to watercourse</p>	<p>You cannot discharge surface water unrestricted to a watercourse.</p> <p>Any proposed run-off to a watercourse will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf).</p> <p>Discharge rates should be restricted to the Greenfield 1 in 1 year runoff rate for the positively drained area for all events up to and including the 1 in 100 year rainfall event with climate change.</p> <p>If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an Ordinary Watercourse Consent (OWC) may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via drainage@midsussex.gov.uk.</p>

<p style="text-align: center;">PROPOSED SURFACE WATER DRAINAGE METHOD</p>	<p style="text-align: center;">INFORMATION REQUIRED</p>
<p>Outfall to public sewer</p>	<p>You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Any proposed run-off to a sewer will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf).</p> <p>Discharge rates should be restricted to the Greenfield 1 in 1 year runoff rate for the positively drained area for all events up to and including the 1 in 100 year rainfall event with climate change.</p> <p>Both the connection point and discharge rate must be agreed with the relevant owner or responsible body including sewerage undertakers.</p> <p>Copies of the approval of the adoption of foul and surface water sewers and/or the connection to foul and surface water sewers from the sewerage undertaker, which agrees a rate of discharge, will need to be submitted. It will be expected that any controlled discharge of surface water will need to be restricted so that the cumulative total run-off rates, from the developed area and remaining greenfield area, is not an increase above the pre-developed greenfield rates.</p>

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
SuDS and attenuation	<p>Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.</p> <p>Percolation tests, calculations, plans and details will need to be submitted to demonstrate that the development will be able to cater for the 1 in 100 year storm event plus climate change percentages, for some developments this will mean considering between 20 and 40% additional volume for climate change but scenarios should be calculated and a precautionary worst case taken.</p> <p>Any proposed run-off to a watercourse or sewer system will need to be restricted in accordance with the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (https://www.midsussex.gov.uk/media/3826/ws-llfa-policy-for-management-of-surface-water.pdf). You cannot discharge surface water unrestricted to a watercourse or sewer.</p> <p>A maintenance and management plan will also need to be submitted that shows how all SuDS infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted.</p> <p>A clear timetable for the schedule of maintenance can help to demonstrate this.</p>

Architect / Urban Designer - Will Dorman

This is an outline scheme in which design, landscaping, scale and layout are subject to further approval, so there is limited scope for my consideration. I nevertheless have concerns, as like the previous proposal the layout does not address Isaacs lane successfully as it involves houses that back on to it and the loss of many trees to address the visibility splay requirements. As advised on site this scheme needs to be accessed via the Northern Arc development to help address these problems.

Parks And Landscapes Team

Please see below my comments for planning permission DM/19/3769

- 1) The landscape layout for the small estate is well design with large areas of open green spaces being considered
- 2) There are no plans for me to comment on the future soft landscape (planting plans)
- 3) There are no future management plans for me to comment on
- 4) There are no Landscape specification I could comment on

Housing Enabling & Development Officer

This is an outline application for 30 new dwellings of which 9 (30%) are proposed as affordable housing in line with the policy requirement. The applicant has submitted an Affordable Housing Statement which acknowledges the necessary 75% /25% tenure split offering 7 dwellings for rent and 2 for shared ownership. The statement suggests an indicative affordable housing mix as 1 x 1 bed dwelling and 8 x 2 bed houses with a final mix to be discussed with housing officers at Reserved Matters stage. The Affordable Housing Statement also acknowledges the required space standards and a tenure blind approach to design and location of dwellings.

Community Leisure Officer

Thank you for the opportunity to comment on the plans for the development of 30 residential dwellings at Woodfield House Isaacs Lane Burgess Hill West Sussex RH15 8RA 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

Blackstone Way, owned and managed by the Council, is the nearest locally equipped play area to the development site. This facility will face increased demand from the new development and a contribution of £35,625 is required to make improvements to play equipment. A contribution of £29,925 is also required to make improvements to kickabout provision for older children at Leylands Park.

FORMAL SPORT

In the case of this development, a financial contribution of £40,800 is required toward pitch drainage and / or an upgrade in the facilities at Burgess Hill Football Club.

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 £23,400 is required to make improvements to the Park 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 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.

Tree Officer

I acknowledge Arbortrack's response to my previous comments and as a result, and due to the access remaining on Isaacs Lane, regrettably there is no objection to the development on arboricultural grounds. I would request that prior to the development commencing a detailed planting plan is submitted and agreed adhering to the details outlined by Arbortrack in the response document dated 31/1/20.

MID SUSSEX DISTRICT COUNCIL

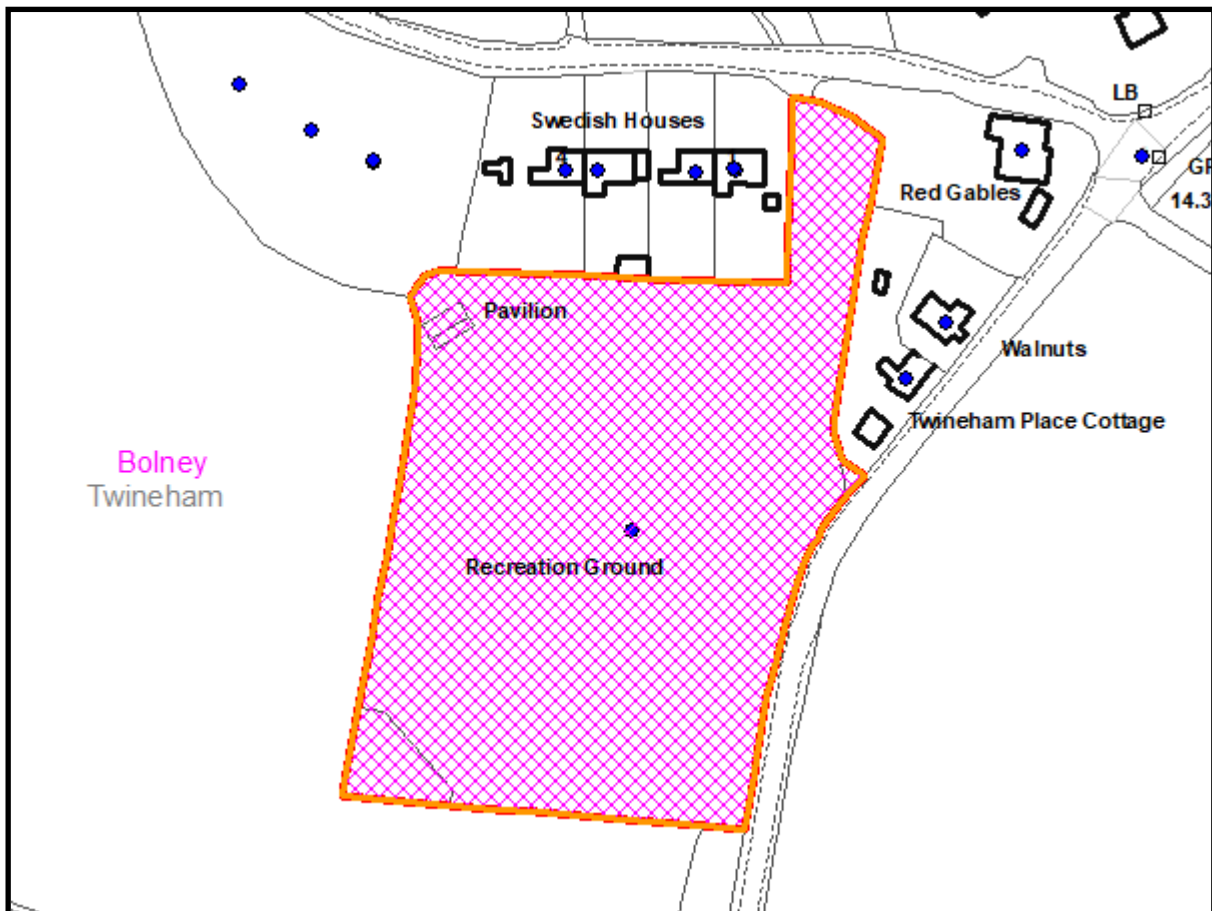
Planning Committee

11 JUN 2020

RECOMMENDED FOR PERMISSION

Twineham

DM/20/0525



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TWINEHAM RECREATION GROUND CHURCH LANE TWINEHAM WEST SUSSEX

DEMOLISH PRESENT BLOCK BUILT CRICKET PAVILION AND REPLACE WITH LARGER WOODEN PAVILION WITH TOILET AND DRAIN TO CESSPIT.

MR PAUL HUNTER TWINEHAM CRICKET CLUB

POLICY: Areas of Special Control for Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Land Compensation Act Notice / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Minor Other

8 WEEK DATE: 29th May 2020

WARD MEMBERS: Cllr Judy Llewellyn-Burke /

CASE OFFICER: Katherine Williams

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the erection of a replacement cricket pavilion within the northwest corner of Twineham Recreation Ground.

The proposed replacement pavilion is considered to be of a design, size and scale which is in proportion and appropriate to the rural character of the site and would not cause significant harm to the amenities of the neighbouring property. It is also considered to be acceptable in terms of its impact on adjacent trees and drainage.

This application is before committee as the application site is located on land owned by Mid Sussex District Council.

The proposed development is considered to comply with the requirements of Mid Sussex District Plan policies DP12, DP24, DP26, DP37 and DP41, Twineham Neighbourhood Plan policies TNP 2 and TNP4, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission is granted.

RECOMMENDATION

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTATIONS

TWINEHAM PARISH COUNCIL OBSERVATIONS

Twineham Parish Council confirms it fully supports the application.

Drainage Officer

No objection following the submission of additional information.

Community Facilities Project Officer

Support the application.

Tree Officer

No objection, subject to condition.

Sports England

No objection.

Introduction

Planning permission is sought for the erection of a replacement cricket pavilion within the north-west corner of Twineham Recreation Ground, within the countryside.

The application has been referred to Committee because the building is owned by the District Council.

Relevant Planning History

TW/003/82 - Erection of football clubhouse and construction of vehicle access and ancillary car parking. Refused

Site and Surroundings

The site is accessed off the southern side of Church Lane, within the countryside. The site is rectangular in shape and located to the rear of the residential properties which face onto Church Lane and Twineham Lane.

The locality is characterised loose knit sporadic development along the vehicular highways with large areas of open fields used for agriculture with low hedgerow boundaries, which gives the area an open verdant character. Due to the low boundary hedges the application site is visible from the larger area.

The site includes a fenced playground within the south-west corner and an existing cricket pavilion located to the north-west corner. This existing building have a depth and width of some 4.1 metres and 10.5 metres and is constructed with white breeze

blocks and corrugated PVC roof with an open canopy to the front elevation. During the site visit the existing building is in a state of disrepair with the roof removed.

Application Details

The proposed replacement pavilion would be positioned in a similar location to the existing pavilion, however would be located slightly further to the east to be more central within the corner of the site. The pavilion would have a width and depth of 12 metres and 4.2 metres, with a pitched gable roof with an overall height of 3.9 metres which would extend 1.8 metres over the front elevation to create a covered canopy area.

The building would be constructed in timber weatherboard and plastic corrugated roofing.

List of Policies

Mid Sussex District Plan (adopted March 2018)

DP12 - Protection and Enhancement of the Countryside

DP24 - Leisure and Cultural Facilities and Activities

DP26 - Character and Design

DP37 - Trees, Woodland and Hedgerows

DP41 - Flood Risk and Drainage

TWINEHAM NEIGHBOURHOOD PLAN (made March 2016)

TNP2 - Design

TNP4 - Landscape and Environment

National Policy

The National Planning Policy Framework (NPPF) 2019 is also a material consideration and paragraphs 8, 11, 15, 38, 124 and 127 are considered to be relevant to this application.

Assessment

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 Twineham Neighbourhood Plan.

Mid Sussex District Plan policy DP12 seeks to protect the intrinsic character and beauty of the countryside, with development permitted provided that it maintains or where possible, enhances the quality of the rural and landscape character of the district. Development would have to be necessary for the purposes of agriculture or supported by a specific policy in the District Plan or Neighbourhood Plan.

Policy DP24 of the Mid Sussex District Plan supports new and enhanced leisure and cultural activities and facilities, including allotments.

It is considered that the erection of a replacement cricket pavilion would support the existing leisure use of the land and enhance it by the improvement of the existing facilities. Therefore the proposal is considered to be in accordance with DP12 and DP25 of the Mid Sussex District Plan and acceptable in principle.

Character and Design

Policy DP26 of the Mid Sussex 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 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 proposed replacement pavilion is considered to be of a design, size and scale which is in proportion and appropriate to the character of the site. The proposed building would be visible from the street due to the open nature of the site, however due to the design and form of the building, and its similarity to the existing, it is considered to be in keeping with the character of the locality. It is therefore considered that the proposal would not have an adverse impact on the character of the site or the area generally.

Impact on the amenities of neighbouring properties

DP26 states:

"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);"

The proposed cricket pavilion would be located in a similar location to the existing pavilion within the north-west corner of the site, adjacent to the rear boundaries of the neighbouring residential properties. The closest neighbouring property No. 1 Little Field would be some 31 metres from the location of the proposed pavilion. It is considered that given the separation distance to the neighbouring properties and the relationship with the existing pavilion, it is not considered that the proposal would harm the amenities of neighbouring properties to any significant degree.

Impact on Trees

Mid Sussex District Plan policy DP37 states:

'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.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *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.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

The Council's Tree Officer has been consulted on the application and has no objection to the proposal. Given, however, the proximity to the existing trees, the officer has requested a condition for works comply with tree protection measures submitted with the application. This is considered to be necessary and acceptable.

Drainage

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The site is not within an area identified as having possible pluvial flood risk, and there are not any historic records of flooding occurring on this site however there are historic records of flooding 100 metres to the north-west. The Council's Drainage Engineer has been consulted on the scheme and following the submission of additional information they raise no objection. However they would advise the applicant that the cesspit will need to meet Environment Agency General Binding Rules and to be installed by appropriately qualified individuals, and that the applicant discusses the means of emptying and access requirements for the cesspit with the landowner. This would be added to the decision letter as an informative.

It is considered that the proposal would not cause an unacceptable risk to flooding. The proposal is thereby considered to comply with policy DP41 of the District Plan.

Planning Balance and Conclusions

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 proposal is acceptable both in terms of its design and impact on the character of the area, would not cause harm to the amenities of neighbouring properties, and would not have an impact on trees and acceptable in terms of drainage.

Therefore the proposal complies with Mid Sussex District Plan policies DP12, DP24, DP26, DP37, and DP41, Twineham Neighbourhood Plan policies TNP2 and TNP4, and the relevant provisions of the NPPF.

It is therefore recommended that planning permission be granted.

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 plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the approved plans and application details without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan.

4. The works shall be carried out in accordance with the information received on 18th March 2020 regarding the protection of tree roots.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031.

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:

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.

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The cess pit will need to meet Environment Agency General Binding Rules and be installed by appropriately qualified individuals. It is also advised for the applicant to discuss the proposed means of emptying and access requirements with the landowner.

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
Drainage Details			04.03.2020
Sections	53-67622-Sheet1		06.02.2020
Proposed Floor and Elevations Plan	53-67622-Sheet2		06.02.2020
General	53-67622		06.02.2020
Location Plan			06.02.2020
Block Plan			06.02.2020

APPENDIX B – CONSULTATIONS

Trees And Landscape

Comments: I have reviewed the amended root protection plan and as a result I can confirm that I have no objection to the proposed development provided the documents are fully adhered to throughout the development.

MSDC Drainage Engineer (21/02/2020)

FLOOD RISK

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is within an area identified as having possible very low to low surface water (pluvial) flood risk.

There are historic records of sewer flooding occurring within 100m north-west of the site. No records of flooding on site have been found. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

SURFACE WATER DRAINAGE

Very little information has been provided in relation to how the development shall manage surface water drainage. The application form states sustainable drainage, discharge to watercourse and soakaways shall be utilised. However, a plan submitted as part of the application shows a soakaway located to the north-west of the proposed development.

We would advise the applicant that the proposed location of the soakaway is likely to be within a root protection zone and as such would not be a suitable location. The BGS infiltration potential map shows the site to be in an area with low infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways is unlikely to be possible on site.

Further information into our general requirements for surface water drainage is included within the 'Further Advice' section.

FOUL WATER DRAINAGE

It is proposed that the development will utilise a cess tank to manage the foul water drainage.

Non-mains foul drainage will need to comply with the Environment Agency's General Binding Rules. Further information into our general requirements for foul water drainage is included within the 'Further Advice' section.

We would advise the applicant that whilst a cess tank is proposed then details of how access shall be provided for the emptying tanker will need to be provided.

FURTHER INFORMATION REQUIRED

At this time the following further information is required:

- Details into how a cess tank / cess pit shall be emptied, including appropriate means of access for the waste tanker.

MSDC Drainage Engineer (10/03/2020)

I've reviewed the proposed means of drainage and can provide the following comments.

- The applicant proposes to utilise a French drain around the proposed pavilion to manage surface water drainage.
 - Given the scale of the development we are happy with this approach to managing surface water drainage.
- The applicant proposes to utilise a cess pit which will be emptied annually during the summer to manage foul water drainage.
 - Evidence has been provided which shows a drainage firm would be able to reach the tank for emptying. From a foul water drainage technical perspective the proposed system is appropriate.
 - We would advise the applicant that the cess pit will need to meet Environment Agency General Binding Rules and be installed by appropriately qualified individuals.
 - We would also advise the applicant that discussion around the proposed means of emptying and access requirements should be undertaken with the landowner.

Given the scale of the proposed development, the nature of the site and the information provided at this time we have no objection to the application given drainage is provided as per the information provided. We therefore do not feel a drainage condition is required.

Tree Officer (23/03/2020)

I have reviewed the amended root protection plan and as a result I can confirm that I have no objection to the proposed development provided the documents are fully adhered to throughout the development.

Sports England (03/04/2020)

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England does not wish to raise an objection to this application.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

MSDC Community Services (26/02/2020)

The Council's Waste, Landscapes & Leisure and Estates & Facilities teams have discussed these proposals with the cricket club and are supportive of their plans to upgrade facilities. These improvements will help them to increase membership and grow the club.

MID SUSSEX DISTRICT COUNCIL

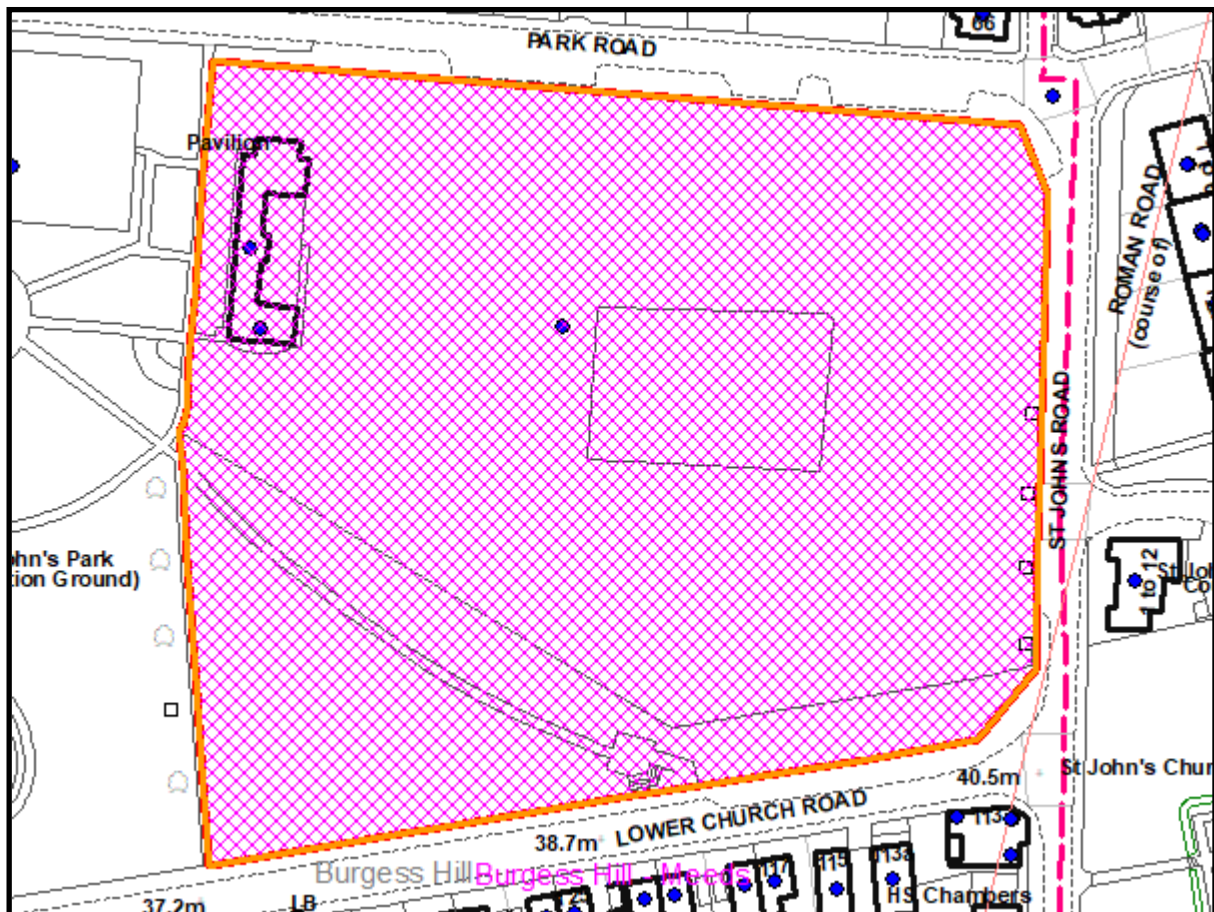
Planning Committee

11 JUN 2020

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/20/0937



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**THE PAVILION ST JOHNS PARK PARK ROAD BURGESS HILL
CORNER INFIL EXTENSION TO NORTH SIDE. INSERTION OF BI-FOLD
DOORS TO SOCIAL AREA. ERECTION A OF HYPAR SHADE CANOPY.
MR PAUL WILLIAMS**

POLICY: Built Up Areas / Conservation Area / Post 1974 Conservation Area Boundary / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / Sewer Line (Southern Water) / SWT Bat Survey / Archaeological Notification Area (WSCC) /

ODPM CODE: Minor Other

8 WEEK DATE: 18th May 2020

WARD MEMBERS: Cllr Robert Eggleston / Cllr Tofojjul Hussain /

CASE OFFICER: Joseph Swift

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Planning permission is sought for the corner infill extension to the north side, insertion of Bi-fold doors to social area and erection of a hyper shade canopy at The Pavilion, St Johns Park, Park Road, Burgess Hill.

The proposal is considered to be of a design, size and scale which is in keeping with the character of the existing building and the wider area while preserving the special character of the Conservation Area. The proposal is not considered to cause significant harm to the amenities of the neighbouring property. It is also considered to be acceptable in terms of its impact on adjacent trees.

This application is before committee as the application site is located on land owned by Mid Sussex District Council.

The proposed development is considered to comply with the requirements of Mid Sussex District Plan policies DP24, DP26, DP35 and DP37, Burgess Hill Neighbourhood Plan policies S3 and H1 of the Burgess Hill Neighbourhood Plan, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act and the relevant provisions of the NPPF.

It is therefore recommended that planning permission is granted.

RECOMMENDATION

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTATIONS

Tree Officer

No objection.

Burgess Hill Town Council:

Recommend Approval.

Introduction

Planning permission is sought for the corner infill extension to the north side, insertion of Bi-fold doors to social area and erection of a hyper shade canopy at The Pavilion, St Johns Park, Park Road, Burgess Hill.

The application has been referred to Committee because the building is owned by the District Council.

Relevant Planning History

BH/171/89: CONVERT EXISTING LEAN-TO TO FORM SCORERS ROOM AND SCOREBOARD. PERMISSION

BH/247/82: EXTENSION TO REAR TO INCORPORATE NEW KITCHEN/BAR SPACE AND LADIES TOILET. PERMISSION

BH/151/92: APPLICATION UNDER REGULATION 4 - UPGRADING, REFURBISHMENT AND EXTENSIONS TO EXISTING SPORTS PAVILION. PERMISSION

Site and Surroundings

St Johns Park is located to the south of Park Road, with London Road, Dinnages garage and dwellings along the western boundary of the park. Lower Church Road lies to the southern boundary and St Johns Road to the eastern boundary. The park provides a number of facilities including a cricket pitch and nets, car park, skate park, play area and tennis courts linked by a number of footpaths.

The existing pavilion is located towards the northern edge of the park with the cricket pitch to the eastern (front) of the building and the tennis courts to the western (rear) of the building. The existing pavilion is single storey in nature with brick walls, a pitched clay tile roof with UPVC windows and doors and internally consists of a social area, toilets, kitchen, bar area, changing rooms and a storage area.

The application site is designated within the Mid Sussex District Plan as being within the built up area boundaries of Burgess Hill and is within the Conservation Area.

Application Details

The proposal is seeking consent for a corner infill extension to the northern side of the existing pavilion. The proposed infill extension would measure some 3.3 metres in width, by 2.6 metres in depth with an overall height of 2.4 metres. The store extension has been shown to be constructed of facing brickwork to match the existing and a GRP roof.

To the eastern (front) elevation the existing door and windows is to be replaced with bi-fold doors measuring some 3.8 metres in width, by 2.7 metres in height. A hypar shade canopy to the eastern elevation measuring a maximum of some 5.1 metres in width, by 5.65 metres in depth with an overall height of 3.5 metres. The bi-fold doors have been shown to be white powder coated aluminium doors and the hypar shade is constructed of steel columns with a UPVC shade cloth.

The plans also show a 42.5 square metres paved area under the hypar shade and a 1:15 gradient ramped access to the new bi-fold doors and a soft play area.

List of Policies

Mid Sussex District Plan (adopted March 2018)

DP24 - Leisure and Cultural Facilities and Activities
DP26 - Character and Design
DP25- Conservation Areas
DP37 - Trees, Woodland and Hedgerows

BURGESS HILL NEIGHBOURHOOD PLAN (made January 2016)

Policy S3 -Protect and Enhance Existing Community and Medical Facilities
Policy H1 - Protecting and Enhancing Heritage Assets and Conservation Areas

National Policy

The National Planning Policy Framework (NPPF) 2019 is also a material consideration and paragraphs 8, 11, 15, 38, 124 and 127 are considered to be relevant to this application.

Assessment

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 Burgess Hill Neighbourhood Plan.

Policy DP24 of the Mid Sussex District Plan in part states:

'Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported.'

A similar ethos is found within Policy S3 of the Burgess Hill Neighbourhood Plan which in part states:

'The existing community facilities within Burgess Hill are important resources for the local community and should be retained. Support will be given to allocating new facilities or improving existing ones.'

It is considered that the proposal would result in the improvement of the existing facilities. Therefore, the proposal is considered to be in accordance with DP24 of the Mid Sussex District Plan and Policy S3 of the Burgess Hill Neighbourhood Plan and is acceptable in principle.

Character and Design

Policy DP26 of the Mid Sussex 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 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 proposed infill extension, bifold doors and hyper shade although visible from the public realm, would all be viewed in context of the existing pavilion building while also being subservient to the existing building. The proposed materials are considered to be appropriate and details of these can be secured by a suitably worded condition. The proposal is therefore considered to be of an appropriate design size and scale that is in-keeping with the existing pavilion and that of the wider St Johns Park area.

Impact on the amenities of neighbouring properties

DP26 states:

'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);'

Due to the modest nature of the proposed extensions and alterations, combined with them being set approximately 25 metres from the boundary of the closest residential dwellings it can be reasonably concluded that the proposal would not cause a significant detrimental impact upon neighbouring amenities in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook. The proposal is therefore considered to comply with the above mentioned policy.

Conservation Area

The proposed development is located within the Conservation Area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers to Conservation Areas and states: *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*

Policy DP35 of the Mid Sussex District Plan states (in part):

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*

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

A similar ethos is found within Policy H1 of the Burgess Hill Neighbourhood Plan.

These are modest proposals which are considered to be of an appropriate design, size and scale that is in-keeping with the existing Pavilion and will be viewed in context of the existing Pavilion. The proposal is considered to preserve the character of the Conservation Area in accordance with Policy DP35 of the Mid Sussex District Plan, Policy H1 of the Burgess Hill Neighbourhood Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act.

Impact on Trees

Mid Sussex District Plan policy DP37 states:

'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.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *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.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

The Council's Tree Officer has been consulted on the application and has no objection to the proposal subject to it being carried out in accordance with the recommendations set out within the tree report submitted as part of this application.

Planning Balance and Conclusions

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 principle of improved community facilities is supported by both the Mid Sussex District Plan and the Burgess Hill Neighbourhood Plan.

The proposals are considered to be of a design, size and scale which are in keeping with the character of the existing building and the wider area while preserving the special character of the Conservation Area. The proposals are not considered to cause significant harm to the amenities of the neighbouring property. It is also considered to be acceptable in terms of their impact on adjacent trees.

The proposed development is considered to comply with the requirements of Mid Sussex District Plan policies DP24, DP26, DP35 and DP37, Burgess Hill Neighbourhood Plan policies S3 and H1 of the Burgess Hill Neighbourhood Plan, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act and the relevant provisions of the NPPF.

APPENDIX A – RECOMMENDED CONDITIONS

Approved Plans

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

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

2. 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.

3. No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy H1 of the Neighbourhood Plan.

4. The development hereby permitted shall be carried out in full accordance with the Arboricultural Implications Assessment (CTS-0LN7-aia-01) submitted in relation to this application.

Reason: In the interests of sustainability and to accord with the NPPF and Policy DP37 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:

- 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.

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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			05.03.2020
Site Plan	PL 001		23.03.2020
Existing Floor and Elevations Plan	PL 002		05.03.2020
Proposed Floor Plans	PL 003		05.03.2020
Proposed Floor Plans	PL 004		05.03.2020
Proposed Elevations	PL 005		05.03.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

OBSERVATIONS: Recommend Approval

Trees And Landscape

I have reviewed the above Arboricultural report.

In conclusion, I do not object to the development on arboricultural grounds provided the report as detailed above is fully adhered to throughout the development.

Tree Officer:

I have reviewed the above Arboricultural report.

In conclusion, I do not object to the development on arboricultural grounds provided the report as detailed above is fully adhered to throughout the development.

Burgess Hill Town Council:

OBSERVATIONS: Recommend Approval

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MID SUSSEX DISTRICT COUNCIL

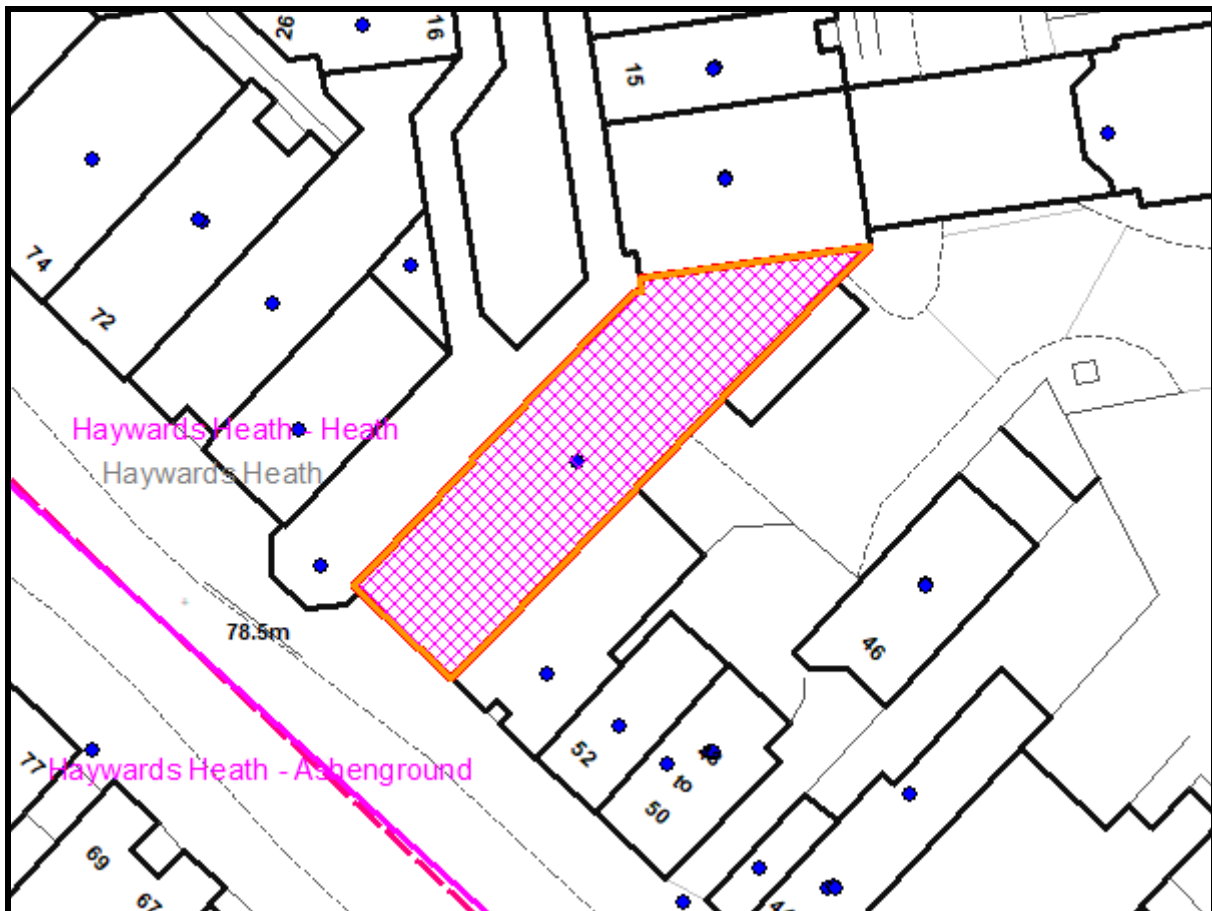
Planning Committee

11 JUN 2020

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/20/1108



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**UNIT B THE ORCHARDS SHOPPING CENTRE 10 ST WILFRIDS WAY
HAYWARDS HEATH
REMOVE EXISTING SIGNS AND REPLACE WITH 3 NEW UPDATED
BRAND LOGO FASCIA SIGNS, ONE ILLUMINATED.
MR ANTHONY BORROW**

POLICY: Built Up Areas / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Trees subject to a planning condition / Highways Agreement (WSCC) /

ODPM CODE: Advertisements

8 WEEK DATE: 12th June 2020

WARD MEMBERS: Cllr Sandra Ellis / Cllr Clive Laband /

CASE OFFICER: Caroline Grist

PURPOSE OF THE REPORT

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

EXECUTIVE SUMMARY

Advertisement consent is sought in order to replace three existing signs, one of which is to be illuminated.

The application relates to an existing retail unit, located on a corner plot, at the entrance to The Orchards shopping centre. The ground floor comprises the Fat Face shop, with an existing fascia on two sides.

It is being reported to planning committee as the Council is the landowner.

The proposed development complies with policy DP26 of the Mid Sussex District Plan and policy E9 of the Haywards Heath Neighbourhood Plan.

RECOMMENDATION

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTATIONS

None.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application seeks advertisement consent is sought in order to replace three existing signs, one of which is to be illuminated.

RELEVANT PLANNING HISTORY

CU/007/80 - Haywards Heath Town Centre Redevelopment comprising supermarket, 33 shops with 30 one-bed flats over, rebuilding of George Hilton and Sons' premises, all formed around pedestrian square and walkways together with additional car parking and service areas; also highway works to Church Road and Hazelgrove Road. Permitted.

HH/198/97 - Refurbishment of public areas of shopping centre, including new canopies and entrance treatment. Extension of one shop unit. Permitted.

SITE AND SURROUNDINGS

The application relates to an existing retail unit, located on a corner plot, at the entrance to The Orchards shopping centre.

The ground floor comprises the Fat Face shop, with an existing fascia on two sides. Externally the walls have a red brick finish, with regularly spaced windows that have dark frames.

The site is located within Hayward Heath Town Centre, on the primary shopping frontage. Neighbouring units are located to the south and east of the site. To the west is the public highway whist a pedestrian entrance into The Orchards is to the north.

APPLICATION DETAILS

This application seeks advertisement consent to replace existing signage. Three fascia signs are proposed, two on the northern and one on the western elevation, that would retain similar dimensions to the existing units. The sign on the western elevation is to be internally illuminated at a level of 500/cdm².

LIST OF POLICIES

Mid Sussex District Plan

DP26 - Character and Design

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan has been formally 'made' as of 15th December 2016.

Relevant policies:

E9 - Design

National Policy

National Planning Policy Framework (February 2019)

Legislation

Town and Country Planning Control of Advertisements) (England) Regulations 2007

ASSESSMENT

The Town and Country Planning Control of Advertisements) (England) Regulations 2007 states that *'a local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account -*

- a) the provisions of the development plan, so far as they are material; and*
- b) any other relevant factors'.*

Factors that are listed as relevant to amenity include *'the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest'*; and factors relevant to public safety include the safety of persons using any highway (amongst others) and whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign (amongst others).

Paragraph 132 of the National Planning Policy Framework states that *'the quality and character of places can suffer when advertisements are poorly sited and designed ... Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts'*.

The existing signage would be replaced with units of a similar size but of an updated design. The site is located within Haywards Heath Town Centre where there are a variety of different advertisements on shopfront fascias. Recently there have been permissions at Specsavers and W. H. Smith to have illuminated signage. These shops are opposite the application site. The proposed level of illumination would be at a level consistent with these two consents and would only apply to the elevation facing South Road, not into The Orchards shopping centre. It is therefore considered that, overall, there would not be significant harm to the visual amenity of the area as a result of the proposed development.

In terms of public safety, the illumination proposed would be static and at a level that would be considered appropriate for the area. The proposed signs are therefore considered to be appropriate in terms of the character of the existing building, and the character of the streetscene, and would not have an adverse impact on the amenity of the area or public safety.

CONCLUSION

The proposed signage is considered to be appropriate in terms of the design and would not detract from the amenity of the surrounding area. There would also not be an adverse impact on highways safety as a result of the development. The proposal is therefore considered to comply with policy DP26 of the Mid Sussex District Plan, policy E9 of the Haywards Heath Neighbourhood Plan and the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the NPPF.

The application is therefore recommended for approval subject to the conditions listed in Appendix A.

APPENDIX A – RECOMMENDED CONDITIONS

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

Reasons 1-5: To comply with Regulations 13(1)(b) and Schedule 1 of the above regulations.

6. The advertisement consent hereby granted expires at the end of the period of five years from the date of this notice.

Reason: To accord with Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Approved Plans

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

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

8. The intensity of illumination of the sign on the western elevation shall not exceed 500cd/m².

Reason: In the interests of visual amenity and highway safety.

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:

- 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.

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Floor and Elevations Plan	20.1873.01-2	A	30.03.2020
Location Plan			30.03.2020
Block Plan			30.03.2020
Existing Floor and Elevations Plan	15.1543.02		30.03.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

No Comment.

SUMMARY OF CONSULTATIONS

None.

TOWN COUNCIL OBSERVATIONS

No comment.

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