
12 August 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 **DISTRICT PLANNING COMMITTEE** will be held **REMOTE VIDEO LINK** on **THURSDAY, 20TH AUGUST, 2020 at 2.00 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 Minutes of the previous meeting of the District Planning Committee held on 16 July 2020. **3 - 10**
5. To consider any items that the Chairman agrees to take as urgent business.

Recommended for Approval.

6. DM/19/5207 - Rookery Farm, Rocky Lane, Haywards Heath, RH16 4RW **11 - 52**

Recommended for Refusal.

None.

Working together for a better Mid Sussex



Other Matters

None.

7. 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.

To: **Members of District Planning Committee:** Councillors R Salisbury, D Sweatman, R Bates, E Coe-Gunnell White, A Eves, S Hatton, R Jackson, C Laband, A Peacock, N Walker, R Webb and R Whittaker

**Minutes of a meeting of District Planning Committee
held on Thursday, 16th July, 2020
from 2.00 pm - 3.30 pm**

Present: R Salisbury (Chair)
D Sweatman (Vice-Chair)

R Bates	R Jackson	N Walker
E Coe-	C Laband	R Webb
Gunnell White	A Peacock	R Whittaker
S Hatton		

Absent: Councillors J Henwood

Also Present: Councillors A Eves, N Webster and G Marsh

1. ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.

The Chairman commenced the roll call to confirm the Members present.

Carolyn Forster, Business Unit Leader for Legal Services, advised that new regulations have recently been introduced to enable the Council to hold its meetings to include those participants attending remotely. To ensure the smooth running of such remote meetings it has been necessary to amend some of the Council procedure rules and such rules have been amended by Tom Clark / the Head of Regulatory Services in accordance with urgency powers in the scheme of officer delegation to keep the Constitution legally updated.

2. TO RECEIVE APOLOGIES FOR ABSENCE.

None.

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

None.

4. TO CONFIRM MINUTES OF THE PREVIOUS MEETING OF THE DISTRICT PLANNING COMMITTEE HELD ON 18 JUNE 2020.

The Minutes of the Committee meeting held on 18 June 2020 were agreed as a correct record after a minor amendment and signed electronically by the Chairman.

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

None.

The Chairman confirmed all Committee Members had received the Agenda Update Sheet. He welcomed the speakers and he highlighted the public speaking procedure.

6. DM/19/5212 - ARDINGLY COLLEGE, COLLEGE ROAD, ARDINGLY ,WEST SUSSEX, RH17 6SQ.

Joseph Swift, Senior Planning Officer introduced the report seeking planning permission for the construction of a new 193 space car park and new vehicular access from College Road to serve Ardingly College, along with associated landscaping. He highlighted the amendments on the agenda update sheet. He noted the provision of electric car charging points and relocation of trees within the site. He confirmed there were no details of how the redundant car parking spaces would be landscaped. Members were reminded that the application is in the countryside, and the development is not supported by Council policies and was contrary to the Development Plan. The proposal is deemed to cause less than substantial harm to the listed buildings, the benefits of the proposal do not outweigh the identified harm and the proposal will unduly urbanise the site.

Mr Ben Figgis, of Ardingly College, spoke in support of the application. He noted the future growth in vehicular traffic at the college and the occurrence of several near misses in the college car parks.

Mr J James, resident of Ardingly, spoke in support of the application. He noted the current congestion of traffic around the college and that the application would provide a suitable solution to benefit the wider community of Ardingly.

Mr G Dixon, agent, spoke in support of the application. He highlighted that part of the car park is within the built core of the college and that the proposed car park had been reduced in size.

Ward Member, Cllr Gary Marsh spoke in support of the application. He noted the recent developments within the local area of his Ward, all within the High Weald Area of Outstanding National Beauty, AONB. He commented that three public schools in Mid Sussex are within the AONB have listed buildings and development at those sites has been permitted. He highlighted the sympathetic car park lighting, the provision of electric car charging points and transplanting existing hedgerows and trees. He noted the lack of public transport to the college site and that vehicular traffic to the site may increase due to the potential increase in day pupils, a result of the pandemic.

The Chairman explained the technical language in the report regarding harm to heritage assets and he confirmed that Members were aware of the meaning of the terminology for the scale of the application in the AONB.

Members discussed the issues of sightlines on College Road, screening of the car park from the road, the proximity of the reservoir car park; the temperature of the lighting to protect the local wildlife and the provision of minibuses.

The Senior Planning Officer advised West Sussex Highways had raised no objections to the proposed access to the car park, and they had not received details of the lighting temperature and if approved a condition could be included.

The Chairman noted that the reservoir car park was on private land and Ardingly PC has a policy in their Neighbourhood Plan to find a new car park for the village.

Extensive minibus routes are provided by the college, but there has been little take up by the parents and the same for the Car Share App designed by the college. The Planning Officer confirmed that Cllr Marsh comments was in relation to there being no public bus routes go to the college not the mini bus routes provided by the College.

Several Members commented on the approved development and condition of buildings within the AONB. They noted safety issues around colleges and the proposed one-way system and drop area. It was highlighted that Ardingly Parish Council support the proposal, some Members noted that they supported the application.

The Chairman confirmed that the Parish Council did not object to the car park but objects to right hand turns from the exit and reminded Members that Policy ARD 18 and its supporting text states that any application should enhance the setting of listed buildings within the AONB.

A Member reminded the Committee that every case is judged on its merits and the Committee should refer to the relevant Planning Policies to ensure protection of the AONB. He supported the Officer's recommendation to refuse the application.

Members discussed the future use of any redundant car park should the proposal be granted, the safety of school children and the less than significant harm which must be weighed against public benefits. It was highlighted that West Sussex Highways had completed two speed surveys and there was a possibility of extending the speed limit beyond the proposed car park. Which several Members approved.

A Member expressed concern that the proposal would permanently alter the landscape, he highlighted the High Weald Unit have objected to the proposal and in their comments they think site 4 has been undervalued as an alternative location for a car park which would be less detrimental to the area. He noted that the Committee needs to be consistent on planning decisions.

A Member suggested adding conditions for the type and use of the lighting to protect the local habitat, and future proofing the car park by requiring the cables for additional electric vehicle charging points above the current allocation to improve the sustainable transport provision.

A Member queried whether full use would be made of the proposed car park due to the current pandemic and he opposed the application.

The Chairman noted the comments of Members and speakers, and advised that planning it is a balancing matter, there are policies to assist the Committee's decision. The approval of boarding accommodation had supported the economy and business of the college. He highlighted that the college had done little to spread the arrival/ and departure times of vehicles but commended the college on the minibus provision.

The Chairman took the Members to the recommendations and Councillor Walker proposed that the Committee refuse the application in line with the Officer's recommendation, this was seconded by Councillor Sweatman.

The Business Unit Leader for Legal Services took a recorded vote and the Committee voted with five in favour and six against the motion.

	For	Against	Abstained
Councillor R Bates		✓	
Councillor E Coe-Gunnell White		✓	
Councillor S Hatton		✓	
Councillor R Jackson		✓	
Councillor C Laband		✓	
Councillor A Peacock	✓		
Councillor R Salisbury	✓		
Councillor D Sweatman	✓		
Councillor N Walker	✓		
Councillor R Webb	✓		
Councillor R Whittaker		✓	

There was a short adjournment for the officers to prepare the detailed reasons for approval and the draft conditions of the application.

Councillor Laband proposed that the Committee approve the application, and this was seconded by Councillor Jackson.

The Business Unit Leader for Legal Services took a recorded vote and the Committee voted with seven in favour and four against the motion.

	For	Against	Abstained
Councillor R Bates		✓	
Councillor E Coe-Gunnell White		✓	
Councillor S Hatton		✓	
Councillor R Jackson		✓	
Councillor C Laband		✓	
Councillor A Peacock	✓		
Councillor R Salisbury	✓		
Councillor D Sweatman	✓		
Councillor N Walker	✓		
Councillor R Webb		✓	
Councillor R Whittaker		✓	

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

National planning policy states that planning should be genuinely plan led. The application site lies within the countryside and therefore policy DP12 of the DP is the proper starting point for assessing the application. To comply with policy DP12 the proposal must maintain or enhance the quality of the rural and landscape character of the District and either be necessary for agricultural purposes or be supported by a specific policy reference elsewhere in the plan, a Development Plan Document or a Neighbourhood Plan.

The proposal is not for the purposes of agriculture and is not fully supported by a specific policy elsewhere within the Development Plan as it is only partially within the

built core of Ardingly College as defined by the Neighbourhood Plan. As such the principal of development as a whole is contrary to the Development Plan.

Within the school grounds there are a number of grade 2 listed buildings. In this case, and as the report details under the impact on heritage assets assessment section, it is considered that less than substantial harm will occur to the designated heritage assets.

Case law has confirmed that when an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

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

The proposal would remove 83 spaces and 20 temporary spaces from within the college campus in closer proximity to the Grade II Listed Building, reduce vehicle movements centrally through the college and in turn improve pedestrian health and safety with the college grounds. The proposal is to support the existing use and future growth of the College which is a major local employer which provides economic benefits for the local rural economy.

While it is accepted that the new car park would have a slight to moderate impact on the AONB in terms of landscape character and views, these impacts would reduce over time as the screening matures. At the same time replacing the existing hardstanding within the north and west quads of the main school campus, surrounding the main College building is considered to enhance the landscape and improve scenic beauty at this point of the High Weald AONB which is given great weight. In addition, it is considered that the economic benefits to the College outweigh the identified harm and the great weight given to the protection of the AONB.

The provision of a car park is to meet existing demand and is not considered to alter the way in which people access the College, while also providing electric vehicle charging points and mini bus parking which will encourage sustainable transport methods.

There will be a neutral impact in respect of highway safety, impact on neighbouring amenities, drainage, trees, ecology and the impact on the Ashdown Forest.

Overall the planning balance considers the public benefits of the proposal outweigh the conflict with the development plan as a whole and the less than substantial harm to the setting of the surrounding listed buildings, while in part enhancing the character of the wider High Weald AONB within the main school campus and the identified slight/moderate visual impact of the new car park on the landscape character and wider views which will reduce as the screening matures.

The Committee agreed that any amendments to the conditions proposed would be approved in consultation with the Chairman and Vice-chairman.

RESOLVED

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. 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.
3. No development shall commence until an Ecological Mitigation and Enhancement Plan has been submitted to, and approved in writing by, the local planning authority. The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority and evidence of this submitted to the local planning authority prior to use of the car park.
Reason: to prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP37 and DP38 of the Mid Sussex District Plan and 175 of the NPPF.
4. No development shall take place until the applicant, or their agents or successors in title, had secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.
Reason: This 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 Paragraph 189 of the NPPF.
5. Prior to the commencement of construction 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 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 to accord with Policy DP26 of the Mid Sussex District Plan.
6. 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 details shown on the drawing titled 'Car Park Plan and numbered 10208/200 P4.
Reason: In the interests of road safety and to accord with the NPPF and Policy DP21 of the District Plan.
7. No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within

the approved document. The Travel Plan 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 accord with the NPPF and Policy DP21 of the District Plan.

8. No development shall take place until an expanded landscape master plan has been submitted and approved, which shall include details of permanent landscaped areas to replace the parking areas within the main campus and a long term management plan of these landscaped area. These areas, shall be constructed in accordance with the approved plans within the next planting season following the completion of the new car park and shall not be used for the parking of vehicles unless otherwise agreed by the Local Planning Authority.

Reason: To protect and enhance the character of the valued landscape and to comply with Policy DP16, DP26, and DP34 of the Mid Sussex District Plan.

9. The development hereby permitted shall not commence unless and until details of the proposed surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The car park shall not be brought into use until all the approved drainage works have been carried out in accordance with the approved details.

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

10. Notwithstanding the lighting details submitted no development shall commence until a revised external lighting scheme for the proposed car park has been submitted and approved by the Local Planning Authority. The proposed lighting scheme shall be construed in accordance with the revised scheme.

Reason: To protect and enhance the character of the valued landscape and to comply with Policy DP16 and DP26 of the Mid Sussex District Plan.

The Business Unit Leader for Legal Services confirmed that the Officer's report with reason and justifications, and conditions appropriate to planning.

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

None.

The meeting finished at 3.30 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

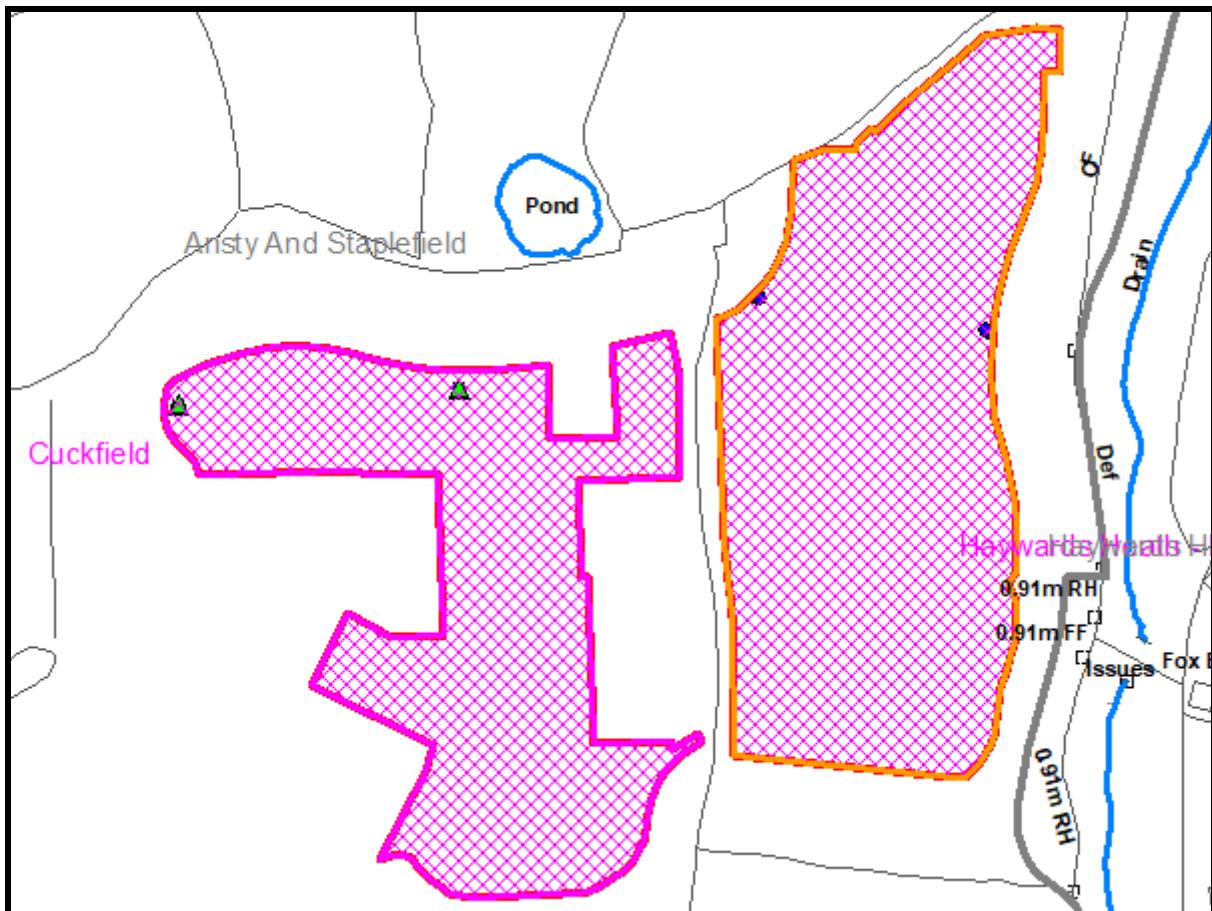
District Wide Committee

20 AUG 2020

RECOMMENDED FOR PERMISSION

Ansty And Staplefield

DM/19/5207



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**ROOKERY FARM ROCKY LANE HAYWARDS HEATH WEST SUSSEX
DETAILED APPLICATION FOR 72.NO RESIDENTIAL DWELLINGS
(PROVIDING SOME ALTERATIONS TO THE SCHEMES ALREADY
APPROVED UNDER DM/16/4496 AND DM/17/4190 - NAMELY TO ALLOW
23.NO ADDITIONAL DWELLINGS). (AMENDED PLANS RECIEVED 18TH
JUNE RELATING TO DESIGN MATTERS AND TALLER HOUSE TYPE TO
PLOTS 26/27 AND 38/39.)
MS JESSICA SPARKS**

POLICY: Ancient Woodland / Areas of Special Control for Adverts / Built Up Areas / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Highways Agreement (WSCC) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 14th May 2020

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Stephen Ashdown

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

Planning permission is sought for the erection of 72 no. residential dwellings at the Wychwood Park development site on Rocky Lane, Haywards Heath. The site is already subject to a permission that allows for the construction of 320 no. residential dwellings, which is already being implemented by the applicant and a number of occupations have already occurred on the northern part of the site.

While the application contains 72 no. dwellings, a significant proportion of these are already consented under the existing consent and this application would result in an addition 23 no. over and above the 320 no. already permitted on the site.

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

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

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

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

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

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

In this part of Mid Sussex the development plan comprises the District Plan (DP) and the Haywards Heath Neighbourhood Plan (HHNP).

In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

The principle of development on this site has been established by virtue of the consented scheme for 320 no. dwellings on the site, which is being implemented. Furthermore, the site is allocated within the Neighbourhood Plan for residential development and the site falls within the built-up area of Haywards Heath as defined in the DP. Therefore, the principle of further development within the site accords with policy DP6 of the DP in any event.

The additional 23 no. dwellings sought by this application have been achieved by reducing the number of larger four-bedroom units and replacing them with smaller two and three bed units, including an apartment building. The external elevations of the dwellings follow the same design approach as the previous approval for the site and the basic layout also remains similar. The applicants are seeking to address a number of detailed points raised by officers, but the overall design and layout of the proposals is considered acceptable. While the additional dwellings will increase the density in this part of the site it is not considered that this would materially impact on the character and appearance of the area. The provision of smaller units will optimise the use of the site, which is sought by policy DP26 in the DP and the NPPF.

The access to the site remains unchanged from the consented scheme. This was satisfactory to serve 320 no. dwellings and will be satisfactory to serve the additional 23 no. units that this scheme would effectively produce. There would be no severe cumulative impact on the local highway network from the additional 23 no. dwellings proposed.

The Councils Environmental Protection Officer does not consider that the proposal would result in unacceptable levels of air pollution. As such there would be no breach of policy DP29 in the DP.

The Councils Drainage Officer is satisfied that the principles established in respect of the detailed drainage scheme approved for the extant permission remain relevant and acceptable and surface water can be satisfactorily drained from the site. Southern Water has no objections relating to foul water disposal. As such the scheme would comply with policy DP41 of the DP

The scheme would provide additional smaller units of accommodation within an area that has the benefit of an extant planning permission for residential development. Of the additional 23 no. dwellings provided, 7 no. would be affordable units. This would

comply with policies DP30 and DP31 in relation to housing mix and affordable housing.

The scheme would generate a need for infrastructure payments to mitigate the impact of the additional 23 no. dwellings. This can be secured by a legal agreement, thereby complying with policy DP20 of the DP.

Given the distances involved and the intervening vegetation, it is not considered that the proposal would give rise to any likely significant impact on existing residential amenities. The proposed relationships remain largely unaltered to those considered acceptable under the extant permission. As such there is no conflict with policy DP26 of the District Plan.

The Habitats Regulations Assessment for this application concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

Taking all of the above into account, it is considered that this proposal would optimise the use of the site by providing smaller units of accommodation, including 7 no. more affordable units. This should attract significant positive weight in the planning balance. There are no technical objections to the application relating to transport, drainage or air quality matters. The scheme would not cause to any likely significant impacts to the amenities of the neighbouring properties to the east of the site.

It is therefore felt that the proposal complies with the development plan when read as whole, which is the proper basis for decision making. It is therefore recommended that planning permission be granted for this development subject to the conditions set out in appendix A.

RECOMMENDATION

Recommendation A

It is recommended that permission be granted, subject to the completion of a section 106 planning agreement to secure the necessary infrastructure contributions and affordable housing and the conditions listed at Appendix A.

Recommendation B

It is recommended that if a satisfactory legal agreement has not been entered into by 20th November then the application be refused at the discretion of the Divisional Leader, Planning and Economy for the following reason:

The proposal fails to provide the necessary infrastructure to serve the development and fails to provide the required affordable housing. The scheme therefore conflicts with policies DP20 and DP31 of the Mid Sussex District Plan 2014-2031.

SUMMARY OF REPRESENTATIONS

A total of 10 letters of objection have been received raising the following points;

- Further development will exacerbate the problem of poor air quality that currently exists along Rocky Lane.
- The proposed block of flats is out of character with other planned dwellings and will be an eyesore to existing and proposed residents.
- Increased border planting of tall ever-green trees should be instigated along the boundaries of the site.
- Concerned about drainage.
- The scale of the apartment building is out of character and given slope of site much bigger than the suggested three storeys.
- Re-plan provides for a suburban character, which is at odds with the semi-rural character shown under the existing approval.
- The design of the apartment block has no architectural merit.
- Concentration of tenures seems to ignore best practice.
- Is the parking provision sufficient?
- Electric car charging provision should be made.
- Additional congestion on local highway network
- Application should be subject to current guidance in relation to proximity of Ancient Woodland.
- Run-off from the existing site is impacting on the ecology of the Ancient Woodland.
- Loss of outlook.
- Increase in noise and disturbance.
- Additional development will be overbearing to neighbouring residents.
- Loss of privacy.
- Further intrusion into countryside.
- No indication when the footpath that crosses the site will be re-open to public.
- Developer is currently in breach of their Construction Management Plan.
- Proposals represent an overdevelopment of the site.
- Use of white noise reverse beepers should be mandatory for all construction sites.

SUMMARY OF CONSULTEES (full comments can be found on the file)

MSDC Urban Designer

The overall road layout has not been significantly changed from the consented scheme (DM/17/4190) but the additional density has reduced the diversity across the whole development as this part of the scheme was originally designed at a lower density that differentiated it from the rest of the scheme; this area is also least suited to higher density as it is the most remote part of the site. However, these considerations need to be balanced against the site optimisation benefits.

While improvements have been made to other elevations, I still have a significant concern about the awkward juxtaposition of the frontages and rooflines on the north-south sloping roads. As the applicant has provisionally agreed to address this in line

with my advice, I raise no objections subject to a condition requiring the approval of the front/street elevations of plots 30-32, 42-44, 52-53, 79-81 showing the houses in the context of their wider street frontages (showing adjacent buildings) to secure the quality of the street frontages.

MSDC Housing Officer

No objection.

MSDC Community Leisure Officer

No objection subject to securing infrastructure contributions.

MSDC Drainage Officer

No objection subject to conditions.

MSDC Environmental Protection Officer

No objection subject to condition.

WSCC Highways

No objection. Parking needs to be considered against current standards.

WSCC Local Lead Flood Authority

No objection.

WSCC Infrastructure

No objection subject to securing financial contributions to mitigate the impact of development on the local infrastructure.

West Sussex Minerals & Waste Planning Authority

No objection.

Southern Water

No objection subject to condition.

ANSTY AND STAPLEFIELD PARISH COUNCIL

No comments received.

HAYWARDS HEATH TOWN COUNCIL

Whilst the Town Council notes that this site is located in the neighbouring parish of Ansty and Staplefield, the effects of this development will impact entirely upon the

town of Haywards Heath. Therefore, it is requested that the appropriate S106 (Local Community Infrastructure) contributions arising from the uplift in the number of dwellings are allocated to the development, management and upkeep of a Country Park, including cemetery and allotments, off Hurstwood Lane, in accordance with the existing S106 Agreement for the Rookery Farm site.

INTRODUCTION

Planning permission is sought for the erection of 72 no. residential dwellings at the Wychwood Park development site on Rocky Lane, Haywards Heath. The site is already subject to a permission that allows for the construction of 320 no. residential dwellings, which is already being implemented by the applicant and a number of occupations have already occurred on the northern part of the site.

While the application contains 72 no. dwellings, a significant proportion of these are already consented under the existing consent and this application would result in an addition 23 no. over and above the 320 no. already permitted on the site.

RELEVANT PLANNING HISTORY

DM/16/4496 - Outline application for the erection of 320 new dwellings, including 30% affordable housing, the provision of public open space, and vehicular access from Rocky Lane. All matters to be reserved except for access. Approved 10th April 2017.

DM/17/4190 - Reserved Matters approval pursuant to Condition 1 of Outline Approval DM/16/4496 for the scale, layout, appearance and landscaping of 320 new dwellings (including 30% affordable housing), including the provision of public open space, drainage swales and detention ponds. Approved 25th May 2018.

SITE AND SURROUNDINGS

The application site covers approximately 1.7 hectares and sits at the southern end of a larger development site of around 15.4 hectares.

The site is bounded to the east by residential properties within Weald Rise and Fox Hill village, with properties in Wychwood further to the north. Immediately to the north of the application site are two large woodland copses (known as Kiln Rough Wood and Coal Pit Wood). These fall within the wider developer site. Immediate to the south, and outside the wider development site are Kiln Wood and Furze Wood. All of these areas of woodland are designated ancient woodlands.

There is a Public Right Of Way (PROW) that crosses the wider site (No. 104CR) that provides a route from Rocky Lane through Rookery Way and diagonally across the site to the west boundary. It then follows the southwestern boundary of the site, through Kiln Wood and connects to the further footpath network to the south. This does not fall within the application site of this application.

APPLICATION DETAILS

The applicants seek full planning permission for the erection of 72 no, dwellings within the application site. As the site falls within an existing development site that has an extant consent and under construction, a total of 49 no. of these dwellings have already been granted under this previous permission and the only 23 no, of these dwellings present new, or additional units, over and above the 320 no, already permitted on the site.

The proposals consist of the following;

6 x one bed dwellings
12 x two bed dwellings
51 x three bed dwellings
3 x four bed dwellings

Within the above at total of 16 no. affordable units will be provided, of which 7 of these are generated by the additional uplift in dwellings.

The proposals will utilise the permitted access arrangements for the wider site and represent a slight re-design of the lower portion of the site, which is accessed via the internal spine road that runs along the northern and eastern fringes of the woodland copses that site in the centre of the site.

The majority of the dwellings will be two storeys in height, although there are limited instances of the utilisation of roof space for accommodation and one three storey building proposed.

In terms of architecture, then the proposals broadly mirror that already approved elsewhere on the wider site.

LIST OF POLICIES

Mid Sussex District Plan

DP4 - Housing
DP6 - Settlement Hierarchy
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP20 - Securing infrastructure
DP21 - Transport
DP23 - Communication Infrastructure
DP24 - Leisure and Cultural Facilities and Activities
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP29 - Noise, Air and Light Pollution
DP30 - Housing Mix
DP31 - Affordable Housing
DP37 - Trees, Woodland and Hedgerows

DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage
DP42 - Water Infrastructure & the Water Environment

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan has been made and it can be given full weight.

Relevant policies include;

E7 - Flooding and Drainage
E9 - Design
E11 - Major Developments
E13 - Outdoor Space
T1 - Pedestrian and Cycle connections
T3 - Parking
H2 - Land South of Rocky Lane

Other Material Considerations and Relevant Legislation

National Planning Policy Framework (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 role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local service; 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 the proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permissions 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 (NPPG)

SPD Development Infrastructure and Contributions (2018)

SPD Affordable Housing (2018)

Technical Housing Standards

Habitat Regulations

ASSESSMENT

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

- Principle of Development
- Design and Layout
- Transport and Parking
- Housing and Affordable Housing
- Neighbour Amenity
- Ecology
- Trees and Landscape
- Air Quality
- Contaminated Land
- Drainage
- Sustainability
- Infrastructure
- Ashdown Forest
- Other Issues
- 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.'

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and the Haywards Heath Neighbourhood Plan (HHNP).

Policy DP4 of the DP set out the overall housing need for the plan period and the DP6 (Settlement Hierarchy) 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 cause harm to the character and function of the settlement.'

The site lies within the built-up area of Haywards Heath, a category 1 settlement as defined in the District Plan. As such the principle of additional development within the site complies with policy DP6.

Furthermore, the site is allocated for residential development within the HHNP where policy H2 states;

'Land South of Rocky Lane and West of Weald Rise and Fox Hill Village. Land is allocated for a housing development for approximately 190 additional homes together with informal open space. The new development will:

- *Be progressed in accordance with a Master plan, Infrastructure delivery strategy and phasing strategy prepared in collaboration with Haywards Heath Town Council and other stakeholders.*
- *Provide infrastructure as set out in the Mid Sussex District Council Infrastructure Delivery Plan.*
- *Deliver safe and satisfactory access to the site and sustainable transport measures and other infrastructure requirements identified in technical assessments of transport impact, including measures to mitigate impact upon the local road network in the vicinity of the site.*
- *Identify and take account of environmental, landscape and ecological constraints.*
- *Be informed by archaeological investigation undertaken according to a written scheme of investigation agreed in writing with the District Council's archaeological advisor and will seek to retain archaeological remains, and particularly those of national importance, in-situ. Where it is felt that the merits of development justify the loss of archaeological remains that are identified as present a suitable programme of recording and publication of those remains will be required.*
- *Take account of onsite water features and comply with SUD policy E7.*

To be acceptable the planning application(s) must be accompanied by a master plan and delivery statement that sets out:

- *Site specific infrastructure requirements.*
- *Details of the phasing of the proposed development.*
- *Identification of the housing mix and location of the affordable housing element of the development.*
- *Details on the delivery of the informal open space.*
- *Details on how the proposed publicly accessible spaces and facilities would be managed and maintained.'*

In addition to the above, the site is subject to an extant planning permission for a wider residential development of 320 no. dwellings, granted under outline application DM/16/4496 and subsequent Reserved Matters approval DM/17/4190.

The principle of residential development has been established on the site and as such consideration needs to be given to the detailed matters associated with the proposals and these will be assessed in the remainder of the report.

Layout and Design

Policy DP26 of the District Plan requires developments to demonstrate high quality design and layout, which includes appropriate landscaping and greenspace. Furthermore, it states that development should positively contribute to public and private realms and create a sense of place, while addressing the character and scale of the surrounding area.

Policies E9 and the E11 of the Neighbourhood Plan deal with design matters and have the same ethos as the District Plan policy. The former sets out how developments should protect and reinforce the local character within the locality, while the latter requires proposals that are on the edge of the town to address visual impacts through the design and layout of the development. Policy E13 requires proposals for new residential development to provide good quality private outdoor space.

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.'*

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.'

The proposed road layout of the re-planned areas remains largely as previously approved, the main exception being to the eastern side of the retained north/south hedge where terraces have been introduced to plots 31-35 and 41-45. A three-storey apartment block has also been introduced at the southern end of the spine road, to the south of the east/west retained hedgerow.

In considering the layout your Urban Designer has stated;

'The additional dwellings require more parking spaces, and this has unfortunately increased the amount of front threshold parking. As a consequence, the set-backs required to accommodate right-angle parking has resulted in less consistent building lines and has diluted street enclosure. However, the impact of this is generally limited to the less prominent street frontages, and tree planting should help to soften the areas of additional hard-standing. The reconfigured houses on plots 30-35 now reveals the existing established hedgerow that should help to soften the parking here and in front of plots 41-44.'

In respect of the design approach, then the applicants have largely used the same house types that can be found on the wider development, including the apartment building. This ensures that the dwellings can be seamlessly integrated with those being constructed under the extant permission. The appearance of the proposed dwellings is considered acceptable; however, your Urban Designer has raised concerns about a number of the roof forms and has stated;

'While improvements have been made to other elevations, I still have a significant concern about the awkward juxtaposition of the frontages and rooflines on the north-south sloping roads. As the applicant has provisionally agreed to address this in line with my advice, I raise no objections subject to a condition requiring the approval of the front/street elevations of plots 30-32, 42-44, 52-53, 79-81 showing the houses in the context of their wider street frontages (showing adjacent buildings) to secure the quality of the street frontages.'

The applicant is aware of the above concerns and at the time of writing the report they are preparing drawings to address the points and avoid the need for a planning condition. Should the matter remain unresolved, then officers may need to suggest

further conditions to those set out in appendix A to this report. Officers will update members at the committee on this matter should it be necessary.

It is noted that several of the representations, and your Urban Designer, highlight the point that the re-plan does increase the density of this part of the site. In particular, the representations draw attention to the apartment block and its overall height and scale. It needs to be remembered that the site lies within the built-up area of Haywards Heath and that the house types, including the apartment block, have already been approved elsewhere on the site. It is considered that the proposed changes, including the introduction of the proposed apartment building, will not make a material difference in terms of wider views into and out of the site, especially when the context of whole development is taken into account.

Overall the proposal optimises the use of the site and results in the good quality design in utilising the same design approach as the already consented scheme, the proposal would protect and reinforce the local character within the locality of the site.

Having regard to the above, it is considered that the application complies with policy DP26 of the DP and policies E9 and E11 of HHNP.

Transport and Parking

Looking at the policy context, policy DP21 of the DP requires development proposals to provide appropriate opportunities to facilitate and promote the increased use of alternative modes of transport, such as the provision of safe and convenient routes for walking and cycling. The policy sets out that decisions will take account of whether a scheme is designed to adoptable standards and whether it provides adequate car parking for the proposed development. On the matter of parking, policy DP26 expects well integrated parking arrangements that do not dominate the street environment.

Policy T3 of the Neighbourhood Plan states that development outside the defined town centre boundary should provide on-street parking in accordance with the standards adopted by MSDC. While policy T1 requires major development proposals to be provide good pedestrian and cycle connections to the existing network.

The application has been considered by the Local Highway Authority and their full comments can be found in appendix B of this report.

The proposals would use the existing site access arrangements consented and constructed in relation to the wider development and on the matter of the highway safety the Local Highway Authority have stated;

'A Transport Statement has been submitted to review the highways and transport implications. This makes use of the same assumptions from within the Transport Assessment submitted with the consented outline scheme. Applying these assumptions, the additional dwelling numbers are expected to result in an additional 15 two vehicle movements in the AM peak hour and 14 two-way movements in the PM peak hour. It is noted that these are based on an increase of 23 units as opposed to the 24 referred to within the application description. The difference in

vehicle movements in the peak hour between 23 and 24 dwellings would be negligible. It is in any case, accepted that the additional dwellings would not give rise to any severe or unacceptable highway impact'.

Members should note that there was an initial error in the description of the application in respect of the total additional dwellings, hence the reference to 24 no. units by the Local Highway Authority. This was clarified in a later re-advertisement of the application but had no material impact on the Local Highway Authority's comments.

On the basis of the consultation response, there is no evidence to suggest that the proposed additional units proposed under this application will have a material impact on the operation or safety of the local highway network, over and above that already considered acceptable under the extant permission.

In terms of the details of the layout, the Local Highway Authority have not made any specific comments and are content with the proposed arrangements from a planning perspective. They have noted in their comments that the internal roads are being offered for adoption.

Turning to parking, the proposals provide for a total of 150 no. spaces made up of garages, allocated (on-plot) parking, unallocated parking and visitor spaces. It should be noted that only 15 no. of the plots will have garages, which will also be suitable for cycle parking.

Having regard to the WSCC 'Guidance on Parking at New Developments (2020)', which represent the adopted standards for the district, a total of 152 no. spaces is required to meet parking demand. While the proposed figure is marginally below this, the guidance states;

'To meet with current and emerging guidance on the promotion of sustainable travel modes and choices, consideration could also be given to reducing the expected level of parking demand by 10%. This is based on the Department for Transport's 'Smarter Choices' research that shows reductions in traffic movements can be achieved by up to 10 to 30% where a range of travel choices are available through provision of travel plans, public transport contributions, and other sustainable travel initiatives.'

The site will be subject to a travel plan that seeks to reduce the future resident's reliance on the motor vehicle and encourages alternative modes of transport. Having regard to this, the guidance does allow for a reduction in parking provision by 10%, meaning that the proposed level of parking within the application is in accordance with the Council's adopted standards and is acceptable.

Having regard to Neighbourhood Plan policy T1, the proposal does not provide any specific pedestrian and cycle connections however, these matters are being delivered as part of the wider development site and have already been considered acceptable and as such it is that needs further consideration as part of this application.

Having regard to the above, it is considered that the application complies with policies DP21 and DP26 of the District Plan and policies T1 and T3 of the Neighbourhood Plan.

Housing and Affordable Housing

Policy DP30 of the DP deals with housing mix and requires housing developments to provide a mix of dwelling types and sizes that reflects current and future needs. Policy DP31 deals specifically with the provision of affordable housing and requires developments to provide a minimum of 30% affordable housing on schemes of 11 no. dwellings or more.

Policy DP27 requires all development to meet the nationally described space standards.

In making the application the applicants have stated;

'Due to market conditions, the design proved to be sub-optimal, and the following needed to be established;

- *Increase the number of two and three bedroom dwellings*
- *Reduce the number of larger dwellings.'*

The proposals consist of the following mix;

6 no. x one bed dwellings (all affordable)
12 no. x two bed dwellings (9 no. affordable)
51 no. x three bed dwellings (1 no. affordable)
3 no. x four bed dwellings

The District Councils Housing and Economic Development Needs Assessment (HEDNA) (February 2015) which formed part of the evidence base for the District Plan examination is attached as appendix 2. The HEDNA states on page 75:

'Table 31 indicates that the over the plan period, there will be a significant need for smaller dwelling types, with the majority of new households being 1 or 2 person households with a very high proportion of need arising for elderly persons (75+) with the majority of such households being 1 or 2 person households. A significant proportion of future household growth will also be for family sized homes at around 30% of total growth, with 15% of total household growth requiring smaller family sized homes of 2-3 bedrooms and 15% requiring larger family sized homes of 3+ bedrooms.'

It is therefore clear that the available evidence indicates that there is a requirement for smaller dwellings within the District and that this application would go towards meeting this need, thereby complying with policy DP30 of the DP.

Having regard to the proposed affordable units, the application provides for an additional 7 no. units in total over that already consented, which represents 30% of

the additional uplift in dwellings proposed. The proposed tenure split is 75% rented to 25% shared ownership.

Your Housing Officer has considered the proposals and has not raised an objection in respect of the proposed mix, tenure splits or clustering. The proposed affordable units will be secured through the proposed s106 Legal Agreement.

The proposed units reflect those already permitted across the wider site and they meet the minimum size standards.

Having regard to the above it is considered the application complies with policies DP27, DP30 and DP31 of the District Plan.

Neighbour Amenity

Policy DP26 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...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.'

Within the representations a number of concerns have been raised with regard to the impact on existing amenities, ranging from the loss of outlook, loss of privacy and overlooking to increase in noise and disturbance.

This application needs to be considered in the context of the extant permission on the site, which established an acceptable form of the development that would not give rise to a likely significant impact on residential amenities, through loss of outlook, loss of privacy, loss of light or increase in noise and disturbance.

While this current proposal would result in an additional 23 no. dwellings over that previously approved, this is being achieved through the rationalisation of the consented scheme both in respect of its layout and housing types. The development envelope established under the extant permission is not being enlarged and while there are some minor variations to the location of the proposed built form along the eastern side of the application site, the distances between the proposed and existing properties remains largely as previously consented.

In addition, it is noted the two and half storey dwellings have also been introduced on the eastern side of the site, namely plots 25-26 and 38-39, however for the reasons stated it above, it is not considered that there addition in will have any material impact on the amenities of existing residents to the east of the site.

The nearest properties to the east of the development site within Fox Hill Village are in excess of 50m from the proposed dwellings, with an intervening strip of Ancient Woodland that is being retained as part of the wider development (it lies outside the

red-line of this application). Such a relationship was considered acceptable previously and there is no reason to take a different view in regard to this application.

Several of the representations raise particular concern in relation to the proposed apartment block, however given its positioning within the site, the distance to the nearest neighbouring properties and the intervening boundary vegetation, it would not give rise to any likely significant impacts in relation to loss of privacy nor overlooking. It is accepted that given the overall size and scale of the building that it may be visible from existing properties, but this in itself does not make it unacceptable.

The outlook from the existing residential properties that bound the site has changed from a green field to a housing development and this change was established through the allocation of the site for development through the Neighbourhood Plan process. The additional 23 no. dwellings contained within this application and the subsequent re-plan of this portion of the wider development site does not materially alter this and regardless of the outcome of this application, the site will be developed by virtue of the extant planning permission.

It is not considered that the proposed additional units or the proposed re-plan would give rise to any material increase in noise and disturbance over and above that considered as part of the approval of the wider development site.

Having regard to the proposals and their relationship with existing residential properties to the east, it is not considered that they would give rise to likely significant harm to residential amenities by virtue, loss of outlook, loss of privacy, overlooking or increased noise and disturbance.

The proposal is therefore considered to accord with policy DP26 of the Mid Sussex District Plan in respect to this issue.

Ecology and Nature Conservation

Policy DP38 states;

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*

- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

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

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

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

NPPF states in part at paragraph 170 that, inter alia:

'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; ...*
- 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; ...'*

Paragraph 175 is also relevant to the determination of planning applications with this stating, inter alia, that:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

As has already been noted, the application site is bounded by areas of Ancient Woodland and the red-line of the application is tightly drawn around the proposed built form and as such these areas of woodland lay outside this application. The buffer zones to these areas of Ancient Woodland were established through the extant permission and are not affected by the proposals.

The issue of ecology, especially the impact on the Ancient Woodland was considered in detail as part of the extant permission process, both at the outline and reserved matters stage, and were subject to a number of conditions, which included a Construction Environmental Management Plan and an Ecology Management Plan. Both of these documents have been approved.

It is noted from the representations that there is concern regarding the Ancient Woodland and the impact that the development will have on it.

The re-plan subject to this application respects the Ancient Woodland buffers zones established through the extant permission, which actually fall outside the red-line of the application. Furthermore, the extant permission considered in detail the impact of the development of the site on its bio-diversity, including protected species and the current proposals do not alter the views reached, given that the re-plan that forms this application falls within the development envelope previously considered.

While the details approved under the extant permission will continue to deal with the ecology matters associated with the development site as a whole, it is considered appropriate to tie any consent granted for the proposals contained within this application to the Construction Environmental Management Plan and Ecology Management Plan approved for the wider site. Suitably worded conditions are proposed.

Having regard to the above, it is considered that the proposals comply with policy DP38 of the District Plan and the principles contained within the NPPF.

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

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.

The application complies with policy DP17 of the District Plan.

Trees and Landscaping

Policy DP37 of the District Plan states that 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/planting should be of suitable species (usually native).

The portion of the wide development site that is subject to this application does not currently contain any trees. The existing trees and woodland that are being retained fall outside the red-line of this application site.

While initial soft landscaping proposal were submitted with the application, these have not been updated as the applicant has amended the layout of the scheme through the course of the application. The soft landscaping required as part of this application is mainly confined to street planting and small ancillary spaces.

There is no suggestion that a suitable landscaping scheme cannot be achieved, and a suitably worded condition is suggested to deal with this matter.

It is considered that the application complies with policy DP37 of the District Plan.

Infrastructure

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

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

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

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

'54 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

and:

'56 Planning obligations must only be sought where they meet all of the following tests:

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

These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

The proposal would give rise to following infrastructure contributions;

- Primary Education (WSCC) - sum to confirmed to be spent on additional facilities at Northlands Wood primary school
- Secondary Education (WSCC) - sum to be confirmed to be spent on additional facilities at Warden Park secondary academy
- Libraries (WSCC) - sum to be confirmed to be spent on the expansion of facilities at Haywards Heath library.
- TAD (WSCC) - sum to be confirmed to be spent on South Road pedestrian improvement scheme.
- Formal Sport (MSDC) - sum to be confirmed to be spent towards formal sport facilities at Hardy Memorial field.
- Community Buildings (MSDC) - sum to be confirmed to be spent on improvements towards Ansty Village Centre Trust pavilion and ancillary facilities.
- Local Community Infrastructure (MSDC) - sum to be confirmed to spent on the development, management and upkeep of a Country Park, including cemetery and allotments, off Hurstwood Lane, Haywards Heath.

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

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

Air Quality

In relation to air pollution policy DP29 in the District Plan states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

- *It does not cause unacceptable levels of air pollution;*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

Policy DP26 of the DP states that development will not cause significant harm to the amenities of existing nearby residents and future residents of new dwellings, including taking account of impact on noise, air and light pollution.

Para 181 of the NPPF states that;

'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'

The application has been considered by your Environmental Protection Officer and their comments are set out in full in appendix B to this report. It is recognised that the additional dwellings, while representing a modest increase in the overall numbers, does have the potential to negatively impact on air quality. Previously, a condition was attached to original outline permission (condition no.10) that required the submission and approval of air quality mitigation measures. In discharging this condition, the Council have approved the provision of elective vehicle charging points (10% of dwellings across the site) and £150 travel voucher as part of the travel plan commitments.

It is noted within the Environmental Protection Officer's comments that a further condition is requested based upon a 'emissions mitigation calculation', however at present such a condition is not supported by policies within the in DP (this is a matter being looked at through the current DPD work), however the applicants have confirmed that are intending to apply similar mitigation measures, as approved under

the outline permission, to this application. This would result in a further 3 electric vehicle charging points and £150 travel vouchers to each of the additional households.

These details can be secured through a condition and it is considered given that such commitments would bring it in to line with the wider site commitments approved by the Council and ensure that the additional dwellings provide reasonable mitigation to address air quality issues.

The approved Construction Management Plan for the wider site has measures to deal with dust generated through the construction process and it is considered the development contained within this application should also be subject to the measures contained within the approved document for the site. A suitably worded condition is suggested.

Your Environmental Protection Officer has not raised an object to the application as proposed, subject to conditions being imposed.

In light of the above conclusions it is reasonable to conclude that the proposal will not have a significant impact on air quality.

The proposal is considered to accord with policies DP26 and DP29 of the DP and paragraphs 171 and 181 of the NPPF in relation to air quality.

Contaminated Land

Paragraph 170 of the NPPF states, inter alia, that decisions should,

'contribute to and enhance the natural and local environment by...

d) 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

e) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'

Paragraph 178 of the NPPF states that decisions should,

'ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

- b) *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) *adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

The comments of your Contaminated Land Officer are noted, and the suitable conditions have been suggested. Your officer is aware that the applicants have submitted an application for the discharge of the condition attached to the outline consent, which would equally cover the site subject to this application. In the event that this is discharged before this application is determined, then the suggested contaminated conditions would not be required.

Overall, no objection is raised on this matter and appropriate conditions could be used to secure any remediation and monitoring works.

It is not considered that the proposed development would give rise to contaminated land issues and thus accords with the relevant paragraphs of the NPPF in this regard.

Drainage

Policy DP41 of the DP deals with flood risk and drainage and proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. Furthermore, it requires Sustainable Drainage System (SuDS) to be implemented in all new developments of 10 or more dwellings.

Policy DP42 deals with water infrastructure and water environment and in particular the water consumption requirements for new developments. In addition, it outlines the approach infrastructure provision to serve both existing and new development.

The surface water and foul drainage systems for the extant permission have been agreed and the relevant conditions discharged. The applicants have submitted additional drainage plans to support this application that tie into the principle already established for the site.

The application has been considered by your Drainage Officer and he has not raised an objection to the proposals and states the following;

'looking at the submitted plans, details and calculations, I am satisfied that the conditions under DM/18/2430 (the discharge of condition application reference) are still met with this alteration.'

It should be noted that the submitted plans do not reflect the final layout as amended and as such a suitably worded condition is proposed to secure the drainage details.

Officers are content that the proposed development can be adequately drained. From a flood risk perspective, the development of the wider site has already been considered acceptable and these additional dwellings will not have any material

impact on the view reached on this issue. No objections have been raised by any statutory consultee on these matters.

In respect of foul drainage, Southern Water have indicated that there is capacity to service the site and that the applicant will need to make a formal application, to them, for a connection to the public foul sewer.

The applicants have confirmed in their submissions that all the proposed dwellings will meet the water consumption standard of 110 litres per person per day through the use of water saving and flow restricting fittings, in line with policy DP42.

Having regard to the above the development accords with policies DP41 and DP42 of the Mid Sussex Local Plan.

Sustainability

Policy DP39 of the District Plan states:

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

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

Paragraph 150 of the NPPF seeks to ensure new development helps, *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* Paragraph 153 expects new development to, *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The application is supported by a sustainability assessment that considers the efficiency of the proposed development from an energy, water and drainage perspectives. It sets out the following;

- Fabric first approach that exceeds current building regulations
- High efficiency condensing boilers
- 100% Low-E lighting fixtures to all properties
- 110 litres per person per day consumption

- Drainage designed to match existing greenfield run-off rates and designed for 1 in 100 year event plus 40% allowance for climate change.
- 3 electric vehicle charging points.

Having regard to the above, officers are satisfied that the proposal has been sought to improve the sustainability of the development and the application is therefore in accordance with Policies DP39 of the DP and paragraphs 150 and 153 of the NPPF.

Other Matters

Concerns have been raised within the representations in relation to additional noise and disturbance as a result of this proposals. Policy DP29 requires the developments to be designed and located to minimise the impact of noise. It is not considered that the additional dwellings represented by this development would have any material impact on the general noise and disturbance that would be generated from a development consisting of the already consent 320 no. dwellings and no objections have been raised by your Environmental Protection Officer in relation to this issue. It is considered that the application complies with policy DP29 in this respect.

Policy DP28 deals with accessibility and developments of 5 or more dwellings are expected to make provision for 20% of the units to meet M4(2) under part M of Building Regulations, unless it one of the exceptions set out in the policy apply. In this particular instance, it is considered having regard to the topology of the site and the fact that a significant portion of the units contained within the application already benefit from an approval that pre-dates this requirement, the proposals can be considered exempt in this instance.

Planning Balance and Conclusion

In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

The principle of development on this site has been established by virtue of the consented scheme for 320 no. dwellings on the site, which is being implemented. Furthermore, the site is allocated within the Neighbourhood Plan for residential development and the site falls within the built-up area of Haywards Heath as defined in the DP. Therefore, the principle of further development within the site accords with policy DP6 of the DP in any event.

The additional 23 no. dwellings sought by this application have been achieved by reducing the number of larger four-bedroom units and replacing them with smaller two and three bed units, including an apartment building. The external elevations of the dwellings follow the same design approach as the previously approval for the site and the basic layout also remains similar. The applicants are seeking to address a number of detailed points raised by officers, but the overall design and layout of the proposals is considered acceptable. While the additional dwellings will increase the density in this part of the site it is not considered that this would materially impact on

the character and appearance of the area. The provision of smaller units will optimise the use of the site, which is sought by policy DP26 in the DP and the NPPF.

The access to the site remains unchanged from the consented scheme. This was satisfactory to serve 320 no. dwellings and will be satisfactory to serve the additional 23 no. units that this scheme would effectively produce. There would be no severe cumulative impact on the local highway network from the additional 23 no. dwellings proposed.

The Councils Environmental Protection Officer does not consider that the proposal would result in unacceptable levels of air pollution. As such there would be no breach of policy DP29 in the DP.

The Councils Drainage Officer is satisfied that the principles established in respect of the detailed drainage scheme approved for the extant permission remain relevant and acceptable and surface water can be satisfactorily drained from the site. Southern Water has no objections relating to foul water disposal. As such the scheme would comply with policy DP41 of the DP.

The scheme would provide additional smaller units of accommodation within an area that has the benefit of an extant planning permission for residential development. Of the additional 23 no. dwellings provided, 7 no. would be affordable units. This would comply with policies DP30 and DP31 in relation to housing mix and affordable housing.

The scheme would generate a need for infrastructure payments to mitigate the impact of the additional 23 no. dwellings. This can be secured by a legal agreement, thereby complying with policy DP20 of the DP.

Given the distances involved and the intervening vegetation, it is not considered that the proposal would give rise to any likely significant impact on existing residential amenities. The proposed relationships remain largely unaltered to those considered acceptable under the extant permission. As such there is no conflict with policy DP26 of the District Plan.

The Habitats Regulations Assessment for this application concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

Taking all of the above into account, it is considered that this proposal would optimise the use of the site by providing smaller units of accommodation, including 7 no. more affordable units. This should attract significant positive weight in the planning balance. There are no technical objections to the application relating to transport, drainage or air quality matters. The scheme would not cause to any likely significant impacts to the amenities of the neighbouring properties to the east of the site.

It is therefore felt that the proposal complies with the development plan when read as whole, which is the proper basis for decision making. It is therefore recommended

that planning permission be granted for this development subject to the conditions set out in appendix A.

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. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

3. No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roof of the proposed dwellings, including how secondary facing material will be applied and how the down waterpipes will be positioned, have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

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 proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

5. The development hereby permitted shall not be occupied/brought into use until the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, have each been submitted to and approved, in writing, by the local planning authority:

a) A site investigation scheme, based on the Hilson Moran Environmental Assessment, reference 21998/S/SUR01/01, dated 17th October 2016, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

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

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 170 of the National Planning Policy Framework.

6. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 170 of the National Planning Policy Framework.

7. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 170 of the National Planning Policy Framework.

8. The development shall be implemented in accordance with the Construction Management Plan that was approved under condition 6 of planning permission reference DM/16/4496 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy T1 of the Neighbourhood Plan.

9. The development shall be implemented in accordance with the Construction Environmental Management Plan that was approved under condition 3 of planning permission reference DM/16/4496 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species in accordance with 109 and 118 of the NPPF and to comply with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

10. The development shall be implemented in accordance with the archaeological details that were approved under condition 8 of planning permission reference DM/16/4496 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To identify and to secure the appropriate level of work that is necessary before commencement of the development, and also what may be required after commencement and in some cases after the development has been completed, and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

11. The development shall be implemented, and maintained thereafter, in accordance with the ecological management report that was approved under condition 16 of planning permission reference DM/16/4496 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with 109 and 118 of the NPPF and to comply with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

12. For the avoidance of doubt, the Travel Plan approved under condition 7 of planning permission DM/16/4496 shall equally apply to the dwellings hereby permitted within this application. The Travel Plan shall be implemented as specified within the approved document prior to the first occupation of the dwellings hereby approved.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy T1 of the Neighbourhood Plan.

13. The development shall not be occupied until details of air quality mitigation measures (the scheme), to minimise the long-term impact upon local air quality and to mitigate emissions, incorporating details agreed under condition of planning permission DM/16/4496, shall be submitted to and approved in writing with the Local Planning Authority. All measures which form part of the approved scheme to be implemented before occupation of the development.

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with policy D29 of the Mid Sussex District Plan 2014-2031.

14. Notwithstanding any details submitted with the application, prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, details of proposed screen walls/fences and/or hedges shall be submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls/fences or hedges associated with them have been erected.

Reason: In order to protect the appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

15. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, a lighting scheme shall be submitted to and approved in writing with the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To protect the residential amenity and the ecological value of the site and to accord with Policies DP26 and DP38 of the District Plan.

16. 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 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 Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

17. The buildings shall not be occupied until the parking spaces/turning facilities/and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning/and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy T1 of the Neighbourhood Plan.

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with and Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and Policy T1 of the Neighbourhood Plan.

19. 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 DP26 of the Mid Sussex District Plan 2014 - 2031.

20. 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 DP26 of the Mid Sussex District Plan 2014 - 2031.

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

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

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	PLN-6-1110	B	18.06.2020
Drainage Details	BDWHROOKERY.2/20-5		09.01.2020
Drainage Details	BDWHROOKERY.2/20-6		09.01.2020
Site Plan	SK21990-01		23.12.2019
Site Plan	SK21990-02		23.12.2019
Site Plan	SK21990-03		23.12.2019
Site Plan	SK21990-04		23.12.2019
Proposed Elevations	PLN-6-2101	A	18.06.2020
Proposed Elevations	PLN-6-2102	A	18.06.2020
Proposed Floor Plans	PLN-6-2103		18.06.2020
Proposed Elevations	PLN-6-2104	B	18.06.2020
Proposed Floor Plans	PLN-6-2105	A	18.06.2020
Proposed Elevations	PLN-6-2106	A	18.06.2020
Proposed Elevations	PLN-6-2109	A	18.06.2020
Proposed Floor Plans	PLN-6-2110		18.06.2020
Proposed Elevations	PLN-6-2111		18.06.2020
Proposed Floor Plans	PLN-6-2112		18.06.2020
Proposed Elevations	PLN-6-2126	A	18.06.2020
Proposed Elevations	PLN-6-2120	A	18.03.2020
Proposed Floor Plans	PLN-6-2127	A	18.06.2020
Proposed Elevations	PLN-6-2128	A	18.06.2020
Proposed Floor Plans	PLN-6-2129	A	18.06.2020
Proposed Elevations	PLN-6-2130	A	18.06.2020
Proposed Floor Plans	PLN-6-2131	A	18.06.2020

Proposed Elevations	PLN-6-2132	A	18.06.2020
Proposed Floor Plans	PLN-6-2133	A	18.06.2020
Proposed Elevations	PLN-6-2134	A	18.06.2020
Proposed Elevations	PLN-6-2135	A	18.06.2020
Proposed Floor Plans	PLN-6-2136	A	18.06.2020
Proposed Elevations	PLN-6-2137	A	18.06.2020
Proposed Floor Plans	PLN-6-2138	A	18.06.2020
Proposed Elevations	PLN-6-2139	A	18.06.2020
Proposed Elevations	PLN-6-2111	A	18.06.2020
Proposed Floor Plans	PLN-6-2112		18.06.2020
Proposed Elevations	PLN-6-2113	A	18.06.2020
Proposed Floor Plans	PLN-6-2114		18.06.2020
Proposed Elevations	PLN-6-2115	A	18.06.2020
Proposed Floor Plans	PLN-6-2116	A	18.06.2020
Proposed Elevations	PLN-6-3000	A	18.06.2020
Planning Layout	PLN-6-1101	H	04.08.2020
Planning Layout	PLN-6-1102	E	04.08.2020
Planning Layout	PLN-6-1103	E	04.08.2030
Planning Layout	PLN-6-1104	E	04.08.2030
Planning Layout	PLN-6-1105	E	04.08.2020
Planning Layout	PLN-6-1106	E	04.08.2020
Planning Layout	PLN-6-1107	E	04.08.2020
Planning Layout	PLN-6-1108	E	04.08.2020
Planning Layout	PLN-6-1109		23.12.2019
Street Scene	PLN-6-1150	J	04.08.2020
Landscaping Details	JBA 19/360-01		23.12.2019
Planning Layout	11-5		23.12.2019
Planning Layout	11-6		23.12.2019
Landscaping Details	JBA 19/360-02		23.12.2019
Street Scene	PLN-6-1151	A	04.08.2020

APPENDIX B – CONSULTATIONS

MSDC Urban Designer

Summary and Overall Assessment

The overall road layout has not been significantly changed from the consented scheme (DM/17/4190) but the additional density has reduced the diversity across the whole development as this part of the scheme was originally designed at a lower density that differentiated it from the rest of the scheme; this area is also least suited to higher density as it is the most remote part of the site. However, these considerations need to be balanced against the site optimisation benefits.

While improvements have been made to other elevations, I still have a significant concern about the awkward juxtaposition of the frontages and rooflines on the north-south sloping roads. As the applicant has provisionally agreed to address this in line with my advice, I raise no objections subject to a condition requiring the approval of the front/street elevations of plots 30-32, 42-44, 52-53, 79-81 showing the houses in the context of their wider street frontages (showing adjacent buildings) to secure the quality of the street frontages. I also recommend further conditions requiring the submission and approval of drawings/material in respect of:

- The detailed soft and hard landscaping including boundary treatment.

- The position of the rainwater downpipes on the front/street elevations of the block of flats, terraced and semi-detached houses.
- The facing materials and their application.

Layout

The additional dwellings require more parking spaces, and this has unfortunately increased the amount of front threshold parking. As a consequence, the set-backs required to accommodate right-angle parking has resulted in less consistent building lines and has diluted street enclosure. However, the impact of this is generally limited to the less prominent street frontages, and tree planting should help to soften the areas of additional hard-standing. The reconfigured houses on plots 30-35 now reveals the existing established hedgerow that should help to soften the parking here and in front of plots 41-44.

The amended drawings have introduced a Hesketh house type on the prominently positioned plot 19 to appropriately address both return elevations that face the public realm on this corner site. Positioning the front entrance facing the footpath helps to improve the natural surveillance of this link; the latter is also improved by the reconfigured plots 30-35 that has opened up this connection.

There are a few frontages (for example adjacent to plots 19, 49 and 73) that unattractively show close-boarded fencing facing / defining the street; I am therefore recommending that boundary treatment is subject to a condition in addition to landscaping to secure the quality of the planting.

Elevations

The amended drawings incorporate improvements that have sufficiently addressed my earlier concerns about inconsistent roof pitches and poor juxtapositions between adjacent buildings on the east-west roads. Also, the apartment block now features cladding that should give it a less austere appearance.

We have only recently received street sections that show the juxtaposition of the frontages on the sloping roads that run north-south in the middle of the site. Unfortunately, the building frontages on plots 30-35, 41-46, 50-53 suffer from awkward juxtapositions and inconsistent rooflines. However, the applicant has advised that they will update their drawings to show the following changes which should address my concerns:

- Hand Plot 30, creating a stepped roofline (same as Plots 31-32) and add a gable roof instead of a hipped roof.
- Hand Plot 44, creating a stepped roofline and add a gable roof instead of a hipped roof.
- Hand Plot 42, to ensure consistent appearance.
- Amend Plot 52-53 to a gable roof instead of hipped.

To ensure these changes are satisfactorily made, I would like a condition to be included that secures this, and which also covers the terraced housing on plots 79-81 frontage that is not fully shown in the submitted drawings.

Rainwater downpipes are not shown on any of the elevations. I would also like a condition requiring these to be shown on all the street elevations for the terraced and semi-detached houses as well as the block of flats to ensure they work harmoniously with the facades and take the opportunity to vertically articulate them.

MSDC Housing Officer

The applicant has submitted a detailed application for 72 residential dwellings, providing alterations to the schemes already approved under DM/16/4496 and DM/17/4190 - namely to allow 23 additional dwellings. This give rise to an additional onsite affordable housing requirement of 7 units (30%) bringing the total number of affordable units to 16. The proposed affordable units comprise 6 x 1B flats, 4 x 2B flats, 5 x 2B houses, and 1 x 3B house, whereas the original mix proposed comprised 8 x 2B houses and 1 x 3B house. This revised mix and the location of the units is acceptable to us and in order to comply with our tenure split 12 dwellings (75%) comprising 6 x 1B flats , 4 x 2B flats , 1 x 2B house and 1 x 3B house should be provided for affordable rent and 4 dwellings (25%) comprising 4 x 2B houses should be provided for shared ownership. The units will also need to be tenure blind.

MSDC Drainage

Looking at the submitted plans, details and calculations, I am satisfied that the conditions under DM/18/2430 are still met with this alteration. Therefore, my comments under DM/18/2430 remain appropriate for this development.

MSDC Environmental Protection Officer

The increase in number of homes will increase the impact the site will have on air quality, and therefore conditions should be attached requiring that the damage mitigation costs be reassessed and recalculated.

Additionally, given the closeness of existing residents to the build it is suggested that a CEMP again be requested.

1. The applicant shall submit an emissions mitigation calculation, in accordance with the Air Quality & Emissions Mitigation Guidance for Sussex which is current at the time of the reserved matters application, the purpose of which is to assess the emissions relating to the development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment.

The emissions mitigation assessment must use the most up to date emission factors. A Mitigation Scheme to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

2. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.
3. 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.

MSDC Contaminated Land Officer

Having checked our records it does not appear that any of the contaminated land conditions previously put on under DM/16/4496 have been discharged. If this is indeed the case then none of the homes across the site should yet be occupied. I presume the conditions on application DM/16/4496 will still stand with this updated application, but if not, I would certainly recommend that the following conditions be attached to this application:

1. The development hereby permitted shall not be occupied/brought into use until the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, have each been submitted to and approved, in writing, by the local planning authority:
 - a) A site investigation scheme, based on the Hilson Moran Environmental Assessment, reference 21998/S/SUR01/01, dated 17th October 2016, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,
 - b) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
2. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

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

3. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

WSCC Highways

A number of documents have been submitted that originally formed part of the initial outline planning consent or subsequent discharge of planning conditions. This includes the Stage One Road Safety Audit and Travel Plan. The Stage One RSA wouldn't need to be revised as part of the current application as this relates only to the junction onto the Rocky Lane. The Travel Plan would only need to be revised so as its scope is widened to incorporate the additional dwellings now proposed.

A Transport Statement has been submitted to review the highways and transport implications. This makes use of the same assumptions from within the Transport Assessment submitted with the consented outline scheme. Applying these assumptions, the additional dwelling numbers are expected to result in an additional 15 two vehicle movements in the AM peak hour and 14 two way movements in the PM peak hour. It is noted that these are based on an increase of 23 units as opposed to the 24 referred to within the application description. The difference in vehicle movements in the peak hour between 23 and 24 dwellings would be negligible. It is in any case, accepted that the additional dwellings would not give rise to any severe or unacceptable highway impacts.

In terms of the layout, changes are proposed only to the house and garage locations. Some of the garage locations have moved slightly with resultant changes needed to vehicle crossover locations. In planning terms, there are no particular comments in these respects. It's understood that the internal roads are being offered for adoption as public highway. The detailed drawings related to this process would need to be appropriately updated.

The only aspect that doesn't appear to have been considered is parking. The increase in the number of dwellings would trigger an increase in the number of parking spaces. This is indicated on the drawings but no consideration appears to have been given as to whether the parking complies with the appropriate standards. This should be checked and confirmed.

In summary, other than a requirement to consider parking against current standards, the additional development is acceptable.

WSCC Lead Local Flood Authority

As the Drainage Strategy for this application appears to be the same as the previously discharged drainage conditions for this site (DM/18/2430), we have no objection to this application.

WSCC Minerals and Waste Planning Authority

West Sussex Joint Minerals Local Plan (July 2018)

The application site occupies a 1.7ha plot and is located within the Mineral Consultation Area (MCA) for Building Stone (Policy M9).

The Minerals and Waste Safeguarding Guidance, updated October 2019, states that the MPA (Minerals Planning Authority) should be consulted on all applications where development would occur within mineral resource safeguarding areas (2.1) and would not be considered exempt from consultation when considered against criteria within 2.4.

In the case of this application, the MWPA would expect to be consulted on all applications within the Building Stone Consultation area where the total site area exceeds 3ha.

In light of this, the Mineral Planning Authority would offer No Objection to the development as the area of the application site is less than 3ha.

West Sussex Waste Local Plan (April 2014)

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23).

Southern Water

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

A formal application for connection to the public sewerage system is required in order to service this development. Please read or New Connections Services Charging Arrangement documents which has now been published and is available to read on our website.

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

Under current legislation and guidance SUDs rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDs facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage systems.

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

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

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

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Should the applicant wish to offer the sewers for adoption under section 104 of the Water Industry Act, the drainage design should comply with Sewers for Adoption standards and Southern Water's requirements. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on the site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

In determining the application, we ask that the Planning Authority take into account the provisions of the National Planning Policy Framework (NPPF) regarding the encroachment of development towards existing potential polluting uses.

The proposed development is located approximately 270 metres of the Foxhill Haywards Heath Wastewater Treatment Works. A precautionary buffer zone distance of 500 metres from the perimeter of the WWTW has been used for the purposes of this planning consultation response.

Due to the potential odour nuisance for the Waste Water Treatment Works, no habitable development should be located within the 1.5 OdU odour contour of the WWTW. An odour survey will need to be carried out to a specification agreed with Southern Water to identify and agree the 1.5 OdU contour.

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

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

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site.

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