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7 December 2021

Meetings of Council Committees are broadcast live through the [Mid Sussex District Council's YouTube channel](#). Owing to continuing public health restrictions, very limited space is available to observe proceedings in-person. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the working day prior to the meeting.

Dear Councillor,

A meeting of **DISTRICT PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 16TH DECEMBER, 2021 at 2.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

#### **A G E N D A**

#### **Pages**

1. To receive apologies for absence.
2. To receive Declarations of Interest from Members in respect of any matter on the Agenda.
3. To confirm Minutes of the previous meeting of the District Planning Committee held on 21 October 2021. **3 - 6**
4. To consider any items that the Chairman agrees to take as urgent business.

#### **Recommended for Approval.**

5. DM/21/2841 - Land North of Clayton Mills, Hassocks. **7 - 76**

#### **Recommended for Refusal.**

None.

## Other Matters

6. EF/17/0248 - 145 High Street, Hurstpierpoint, West Sussex, BN6 9PU. 77 - 80
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.

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

To: **Members of District Planning Committee:** Councillors D Sweatman, R Bates, A Eves, B Forbes, S Hatton, R Jackson, C Laband, A Peacock, C Trumble, R Webb and R Whittaker

**Minutes of a meeting of District Planning Committee  
held on Thursday, 21st October, 2021  
from 2.00 pm - 3.30 pm**

**Present:** D Sweatman (Chairman)  
B Forbes (Vice-Chair)

R Bates

A Eves

R Jackson

C Laband

A Peacock

C Trumble

R Webb

R Whittaker

**Absent:** Councillor S Hatton

**Also Present:** Councillor Salisbury

**1. TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Cllr Hatton.

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

Councillor Jackson declared a non-pre-determined interest in Item 5 DM/21/1118 as he is a Member of Hassocks and Sayer Common Parish Council.

**3. TO CONFIRM MINUTES OF THE PREVIOUS MEETING OF THE DISTRICT PLANNING COMMITTEE HELD ON 16 SEPTEMBER 2021.**

The Minutes of the Committee meeting held on 16 September 2021 were agreed as a correct record and signed by the Chairman.

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

None.

**5. DM/21/1118 - EAST LODGE FARM, MALTHOUSE LANE, HURSTPIERPOINT, WEST SUSSEX, BN6 9LA.**

Steven King, Planning Applications Team Leader introduced the application. He drew Members' attention to the Agenda Update Sheet noting the additions in relation to policy DP1, the cycle parking, the additional conditions and the removal of permitted development rights for the site.

The Officer advised the application was seeking full planning permission to erect a class E(g) building to include a mix of office, research and development and industrial processes with carpark, new vehicle access onto Malthouse Lane and associated landscaping.

The Team Leader highlighted that the previous buildings had already been removed, confirmed the planning history of the site was detailed in the report, noted the issues of the site and highlighted that the principle of development had been established by previous extant planning consents for a similar development. The site has developments already on two sides, would not result in coalescence between Hurstpierpoint and Burgess Hill, and the public benefit of the development would outweigh the less than substantial harm to the setting of the grade II listed building, Kent Farm. The Urban Designer had no objections, and the design had a fabric first approach to sustainability. West Sussex Highways had no objections and there would be no severe impact on the highway network. He concluded that the committee should determine the application in relation to the Development Plan and reiterated the material conditions of the two extant applications for the site.

Ms Sacha Drabble, resident spoke in objection of the application.

Mr David Wakefield, resident spoke in objection of the application.

Ms Sally North, resident spoke in objection of the application.

Mr John White, agent for the applicant spoke in favour of the application.

Cllr Alison Bennett, Ward Member for Hurstpierpoint and Downs spoke in objection of the application. She advised that she was speaking against the application as it was contrary to District Plan policies: DP1: Sustainable Economic Development as a planned business park is nearby; DP12: Protection and Enhancement of Countryside as the site is outside the built-up area of Hurstpierpoint and in her opinion the proposal would not enhance the countryside; DP13: Preventing Coalescence; DP21: Transport as Malthouse Lane has no sustainable transport and has been subjected to flooding; DP26: Character and Design as the proposal would not be sensitive to its countryside setting. The application would provide 30 jobs, and these should be provided within the allocated employment areas of the Burgess Hill Growth Programme.

Cllr Jackson, Ward Member for Hurstpierpoint and Down spoke in objection to the application. He objected as the application was contrary to District Plan policies DP12: Protection and Enhancement of Countryside and DP13: Preventing Coalescence. He commented of the volume of traffic in the vicinity of the site, expressed concern that West Sussex Highways had not raised an objection and noted that permission had been granted previously. He confirmed that he would not support the application.

The Chairman highlighted the extant planning permission, the application had an improved design with a lower roof height and reiterated that Highways had no objection.

Members expressed concern about the notification process for the 2007 planning application, fatalities on the highway that had not been listed in the report, the lack of Total Access Demand (TAD) contributions, the ecological survey, the removal of established trees, increased traffic and requested that the large car park be reassessed. They noted they were compromised by the previously approved application and discussed flooding, light pollution, sustainable design, biodiversity and future proofing of the site.

The Chairman noted the oak tree would be removed as the car park would damage the tree's roots and reminded Members that the existing principle of development had already been established.

The Team Leader advised that TAD contributions could only be required where they met the tests set out in the Community Infrastructure Levy Regulations. He advised that infrastructure contributions were to mitigate the impacts of development. He advised that the Highway Authority had stated that the application would not result in a highway safety hazard and would not have a severe impact on the highway network. He highlighted that no TAD was requested in the approved 2019 application and in light of these points there was no justification for TAD on this application. The report detailed the comments received from the Councils Ecological Consultant regarding the ecological survey. The Team Leader advised that the Councils Ecological Consultant would have objected to the application if he had not been satisfied with the survey.

A Member recounted a brief history of the site including a previous application elsewhere in the Parish that was approved on appeal by the Planning Inspectorate as too much attention had been paid to local opinion and not enough to assess the application against policies. Members were reminded to assess all applications in relation to the National Planning Policy Framework (NPPF) and the Council's planning policy and they highlighted that a cross-party committee had unanimously approved the last application in 2019.

The Chairman advised the Committee that they had to consider the application that had been received. The extant permission included the felling of the oak tree, works could commence immediately, and a substantial tree and hedgerow planting schedule was listed in the report. The car park provision would allow for future expansion of the businesses and prevent parking on the lane.

The Team Leader confirmed each application was judged on its merit. The site was unique as there had been former agricultural buildings on the site, no precedent was being set in relation to other commercial developments on the lane. West Sussex Highways use TRICS, which is a national database to work out traffic movements, the test is whether there will be a severe impact, and they do not consider there to be such an impact. He confirmed most local traffic is generated by the college. There would be an impact on the setting of a listed building, but the public benefits of the scheme outweigh the less than substantial harm, which the Team Leader advised should be given significant weight to reflect the statutory position that the preservation of the setting of listed buildings is desirable. The information from the Highway Authority was that the two 2 fatalities noted by a Member were caused by driver error and not the road layout, the matter of coalescence was detailed in the report. With regards to the question about neighbour notification he advised the District Councils policy is to notify by letters those properties adjoining the site and put up site notice for rural sites where there are no adjoining buildings. He confirmed that the proposal involved the provision of 9 Electric Vehicle Charging points (EVC).

In response to a query from a Member regarding the oak tree and amount of car parking proposed, Nick Rogers, Business Unit Leader - Development Manager highlighted that the condition on page 3 of the Agenda Update Sheet, did not prevent the removal of the tree simply that it was checked for nesting birds and roosting bats prior to commencing removal of trees and shrubs. It was confirmed that there was no Tree Preservation Order on the oak that was to be felled. Car parking was similar to the previous permission.

The Chairman took Members to a named vote on the recommendations outlined in the report and the amendments as detailed on the Agenda Update Sheet. This was proposed by Cllr Coote and seconded by Cllr Laband and was approved.

<b>Councillor</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Bates, R.		Y	
Coote, P	Y		
Eves, A.		Y	
Forbes, B.	Y		
Jackson, R.		Y	
Laband, C	Y		
Peacock, A	Y		
Sweatman, D	Y		
Trumble, C	Y		
Webb, R.	Y		
Whittaker, R.	Y		

## **RESOLVED**

Recommendation A

It is recommended that planning permission be granted subject to the conditions set out in Appendix A and the Agenda Update Sheet.

## **6. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 3.30 pm

Chairman

MID SUSSEX DISTRICT COUNCIL

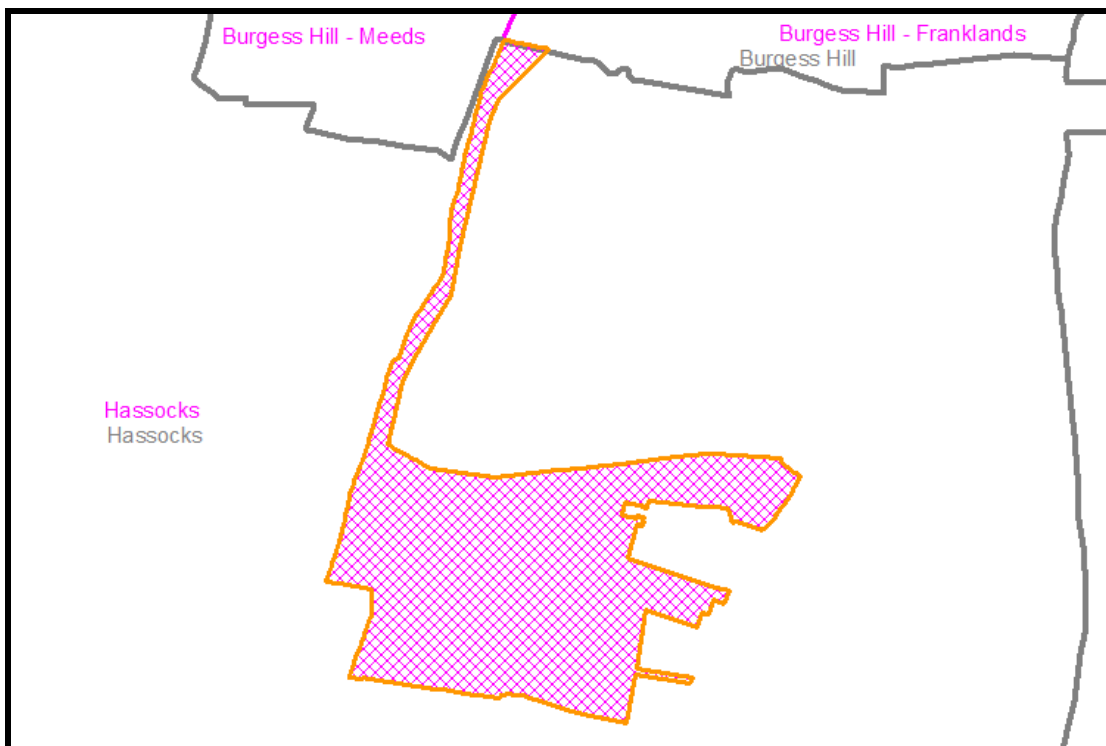
District Wide Committee

**16 DEC 2021**

RECOMMENDED FOR PERMISSION

**Hassocks**

**DM/21/2841**



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**LAND NORTH OF CLAYTON MILLS HAS SOCKS WEST SUSSEX  
APPROVAL OF RESERVED MATTERS (APPEARANCE, LAYOUT,  
LANDSCAPE AND SCALE), FOR 500 DWELLINGS, (CLASS C3), WITH  
ASSOCIATED INFRASTRUCTURE, OPEN SPACE AND LANDSCAPING,  
PURSUANT TO OUTLINE PLANNING PERMISSION DM/18/4979.  
(AMENDED PLANS RECEIVED 4TH NOVEMBER RELATING TO THE  
DESIGN AND LAYOUT OF THE SCHEME, INCLUDING THE SUBMISSION  
OF A SUSTAINABILITY STATEMENT)  
MR. J NEWTON**

POLICY: Area of Special Control of Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Informal Open Space / Planning Agreement / Planning Obligation / Public Right Of Way / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / SWT Bat Survey / Trees subject to a planning condition / Archaeological Notification Area (WSCC) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 3rd February 2022

WARD MEMBERS: Cllr Sue Hatton / Cllr Benedict Dempsey / Cllr Alexander Sparasci /

CASE OFFICER: Stephen Ashdown

#### **PURPOSE OF REPORT**

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

#### **EXECUTIVE SUMMARY**

Reserved matters consent is sought in relation to the layout, appearance, scale and landscaping of 500 dwellings on land north of Clayton Mills, Ockley Lane, Hassocks. The site is allocated in the District Plan (policy DP11 refers) for residential development of approximately 500 dwellings and a new primary school. The site is also subject to a site specific policy within the Hassocks Neighbourhood Plan (policy 16 refers).

The site benefits from an outline planning permission, granted under application DM/18/4979, and the details contained within this application are submitted pursuant to this outline permission. This application needs to be determined within the context and parameters established within the outline permission, having regard to the policies within the Development Plan (Mid Sussex District Plan and Hassocks Neighbourhood Plan). The outline application considered detailed matters associated with the access (onto Ockley Lane), impact on the local highway network and impact on local infrastructure and this application does not present an opportunity to revisit them. The scope of this application is limited to the layout, appearance, scale and landscaping of the proposed 500 dwellings.

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



The details of the reserved matters of the layout, scale, appearance and landscaping of the site need to be assessed against the relevant policies in the development plan. 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 proposal is considered acceptable in respect of the layout, appearance and scale, with no objections being raised by either the Council's Urban Designer or the Mid Sussex Design Review Panel. Conditions are however recommended to secure detailed (1:20) design matters and boundary treatments to ensure that the development proceeds in an appropriate way with respect to these matters.

The proposed landscaping is acceptable and well-integrated into the overall layout of the site, with appropriate native species be proposed to provide sensitive landscape buffers to the north, south and eastern boundaries of the site. The proposal also provides a good level of play space and open space in accordance with the outline planning permission

No objections are raised to the proposal by the local highway authority and while it is noted that the proposed level of parking across the site exceeds standards, it is considered that the proposals in this respect are acceptable. Conditions are recommended to secure the proposed cycle parking provision and require the details of the proposed EV charging points, that will be provided in each garage on site.

The affordable housing provision of 150 units is policy compliant (30%) and the mix of units and location of them also accords with the Council's requirements. The general mix of the private accommodation is also considered acceptable

The proposal is supported by a sustainability statement which demonstrates that the development will deliver carbon reduction over Building Regulations requirements, as envisaged and considered acceptable at the outline application stage.

Matters associated with drainage, ecology and air quality were considered at the outline stage and are already subject to conditions attached to that permission.

The proposal will cause less than substantial harm to nearby designated heritage assets and great weight needs to be given to this. The test set out at paragraph 202 of the NPPF is that this harm (less than substantial) should be weighed against the public benefits of the development. In this particular case there are clear, substantial, demonstrable and compelling public benefits outlined in this report which are considered to outweigh the less than substantial harm to the settings of the heritage assets identified.

In addition, the proposal will cause less than substantial harm to the non-designated heritage assets of moderate to high significance, a balanced judgement on this issue must be made in accordance with the NPPF. This less than substantial harm has been balanced against the positive benefits that flow from the development of up to 500 dwellings and the provision of land for a primary school on the site that forms

one of strategic site allocations within the District Plan (DP11 refers). It is judged that the benefits of the scheme significantly outweigh the less than substantial harm to the non-designated heritage assets.

The application is deemed to comply with policies DP11, DP21, DP26, DP27, DP28, DP30, DP30, DP34, DP38 and DP39 of the Mid Sussex District Plan, policies 3, 5, 6, 9 and 16 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD, the NPPF and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **RECOMMENDATION**

It is recommended that reserved matters consent is granted subject to the conditions set out in Appendix A.

### **SUMMARY OF REPRESENTATIONS**

A combined total of 38 letters of objection have been received in respect of the application and the main concerns raised can be summarised as follows;

- Proposed access is dangerous
- Unacceptable impact on the local road network
- Insufficient infrastructure within the village to cope additional development
- Impact on ecology and loss of trees
- Vehicle bypass should be created across the railway
- Ockley Lane and Lodge Lane major upgrades are required to meet demand
- Proposal fails to take into account energy efficiency
- Proposed houses should be built to zero carbon standards
- Development of the site will destroy the countryside
- Increased noise and disturbance during the construction process
- Visitor parking needs to be spread across the site
- Green corridor through the site should be protected and not cut through by roads
- Increase in domestic pets will have a negative impact on local wildlife
- Design of the houses is not good enough
- No need for further homes in Hassocks
- There are natural spring on site that need to be taken into account
- Security of property
- Loss of outlook and overlooking
- Concern about future loft conversions
- Proposed development would be overbearing to existing properties to the south
- Development has ignored the opportunities for renewable energies
- Air pollution and air quality
- The plans relating to the access are incorrect and do not properly reflect a private right of way
- The proposed access will obstruct a private right of way

**SUMMARY OF CONSULTATIONS** (Full comments are available in Appendix B and on the file)

**MSDC Urban Designer**

The scheme benefits from a carefully organised layout that is well-served by open spaces. Bearing in mind the size of the scheme, it suffers a little from a lack of architectural variety; however, this is compensated for by the application of different brick detailing and secondary materials that provides the necessary contrast between the four different "character areas". The scheme is consequently supported by the Design Review Panel who agreed that the landscaping and green spaces were particularly well thought through. However, the DRP still had concerns about the impact of the proposed primary school in terms of traffic generation during drop off and pick up times but unfortunately they cannot be fully assessed until a proposal for the school is received.

The sustainability strategy encompasses a fabric first approach and no commitment to renewables at this stage. While this does not fully address the provisions of DG37 of the Mid Sussex Design Guide (MSDG), the scheme in other respects sufficiently addresses the guidelines of the MSDG as well as DP26 of the District Plan; I therefore raise no objection to this planning application. To secure the quality of the design, I would nevertheless recommend conditions

**Mid Sussex Design Review Panel**

The panel support the scheme subject identified issues being addressed

**MSDC Conservation Officer**

Considers that the level of harm to the setting of heritage and non-designated heritage assets would be less than substantial in terms of the NPPF such that the criteria set out in paragraph 202 of that document would apply.

**MSDC Housing Officer**

No objection

**MSDC Drainage Officer**

No objection

**MSDC Tree and Landscape Officer**

No objection

**MSDC Landscape Architect**

No objection, but further details required

## **MSDC Community Facilities Project Officer**

No comments

## **MSDC Ecology Consultant**

No objection

## **WSCC Highways**

No objection

## **WSCC Lead Local Flood Authority**

No comments.

## **Southern Water**

No objection

## **Sussex Police**

No objection to the proposed development as submitted from a crime prevention perspective subject to observations, concerns and recommendations being satisfactorily addressed.

## **HASSOCKS PARISH COUNCIL**

Recommend refusal

### Land Ownership and Access Concerns

Despite assurances from Nexus Planning that the ongoing land ownership and access issues are being addressed, it appears that these still remain unresolved and an area of concern. The Parish Council would therefore reiterate its previous comments and ask that these are addressed and a satisfactory resolution attained.

### Sustainability

On 16 March 2020 MSDC granted permission to the Outline Application for this site (DM/18/4979) subject to compliance with specified conditions. Condition 14 was as follows:

A Sustainability Statement shall be submitted in support of any reserved matter application(s) setting out the measures that will be included within the development to support sustainable design and construction. The development shall only be implemented in accordance with the approved details. Reason: In the interest of sustainability and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.

Hassocks Neighbourhood Plan was made on 24 June 2020, however the Sustainability Statement provided by Taylor Wimpey makes no reference to the Neighbourhood Plan at all, in particular to Policy 5: Enabling Carbon Zero. The Neighbourhood Plan is part of the statutory Development Plan for Hassocks and planning applications must be determined in accordance with it unless material considerations indicate otherwise.

Policy 5 of the Hassocks Neighbourhood Plan confirms that 'support will be offered for development proposals that maximise the opportunity to include sustainable design features'. Furthermore DP11 of the District Plan sets out that development in this location will *'Wherever viable, incorporate on-site 'community energy systems', such as Combined Heat and Power, ground source heat pumps or other appropriate low carbon technologies, to meet energy needs and create sustainable development. The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measure to demonstrate high levels of sustainability.'*

The Sustainability proposals do not result in the proposed development achieving net zero carbon emissions. The opportunities for sustainable design have not been maximised and the requirements of Policy DP39 have not been addressed, the plans fail to:

*"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; 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."* (the most egregious omissions being marked in italics).

It is most inappropriate that a development should be allowed to emit 772.4 tonnes of CO<sub>2</sub> per annum - over a 60 year life this would mean unnecessary carbon emissions of over 46,000 tonnes of CO<sub>2</sub> - contrary we believe to the Climate Change Act 2008 (as amended) which requires net zero by 2050.

It is thus considered that the developer has not complied with Policy 5 of the Hassocks Neighbourhood Plan nor Policies DP11 and DP39 of the District Plan. It is therefore maintained that condition 14 of the Planning Permission has not yet been met and is not ready for discharge. In order to comply with Policy 5 of the Neighbourhood Plan and DP11 and DP39 and allow the development to proceed, Hassocks Parish Council would suggest that the following specific mitigating conditions should be met:

1. Require that electricity is used as the fuel source for heating and cooking, as this is being decarbonised fast and would allow wholly zero carbon fuel source to be used in time - this is in line with the Government's longer term Net Zero Carbon 2050 strategy as enshrined in the Climate Change Act 2008. No gas will be required on site, a saving for the developer.

2. Require that heat pumps are used for heating, with no gas boilers. These heat pumps could be air source or ground source, and will reduce the average CO2 emissions from 772.4 tonnes of CO2 per year to around 260 tonnes CO2 per year.
3. Require the 500 homes to be built to the LETI Climate Emergency Design Guide standard for medium and large scale housing.

(252d09\_dfa8ae10c10144d9828b0caf6e7b7aa1.pdf (filesusr.com) The Passivhaus Trust estimates that the additional cost of building to that comparable standard is no more than 4%, or less than 9 months' house price inflation currently and a good value investment if it makes the houses liveable-in over the next 50 years with less than 10% overheating. If this is not done, who is going to pay in future for the houses to meet the zero carbon requirements? Social housing costs will fall to MSDC and/or housing associations - and be a lot higher than 4%, with a complex decant-and-retrofit programme within the next 5 - 9 years.

4. Require a Passivhaus-qualified energy consultant to be employed at the developer's expense, to monitor the build to ensure that the as-built homes actually meet the LETI design standard as regards energy efficiency, carbon emissions and overheating, and approved and to report directly to Mid Sussex Council. This monitoring should cover a sample of no less than 10% of the built homes, should cover a range of design styles, and the consultant should pick which ones are to be tested so that the developer does not selectively build some to a higher and others to a lower standard. This will mean that MSDC is made aware of whether the agreed build standard is being met. (This will also entail air-tightness tests being conducted on the built homes). This will not materially increase cost for the home-owners - they will instead stand a better chance of actually getting what they have paid for, so it will save money on snagging and downstream legal disputes and save money on their heating bills.

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## INTRODUCTION

Reserved matters consent is sought in relation to the layout, appearance, scale and landscaping of 500 dwellings on land north of Clayton Mills, Ockley Lane, Hassocks. The site is allocated in the District Plan (policy DP11 refers) for residential development of approximately 500 dwellings and a new primary school. The site is also subject to a site specific policy within the Hassocks Neighbourhood Plan (policy 16 refers).

The site benefits from an outline planning permission, granted under application DM/18/4979, and the details contained within this application are submitted pursuant to this outline permission. This application needs to be determined within the context and parameters established within the outline permission, having regard to the policies within the Development Plan (Mid Sussex District Plan and Hassocks Neighbourhood Plan).

## **RELEVANT PLANNING HISTORY**

DM/18/4979 - Outline planning application with all matters reserved except for access for up to 500 residential dwellings and land for a two-form entry primary school and community building, land for a bridleway link between Hassocks and Burgess Hill, associated infrastructure including informal open space, hard and soft landscaping, sustainable drainage features and a new site access onto Ockley Lane and provision of improved pedestrian access across the railway line. Approved 16th March 2020.

## **SITE AND SURROUNDINGS**

The site covers approximately 30ha and is located on the northern edge of the village between Ockley Lane and the Brighton mainline railway. It consists of two large arable fields and several smaller fields and is bisected by a public right of way (5K) that links Ockley Lane in the east and London Road to the west, via the Woodside level crossing. A further, interconnecting public right of way (11K) links the site to the Clayton Mills development to the south.

To the north of the site arable land continues, while to the south the site abuts the rear of properties within Mackie Avenue. In addition, the western end of the southern boundary of the site lies adjacent to the area of public open space associated with the residential development of Clayton Mills to the south.

To the west of the site is a detached residential property known as Woodside Grange, which is accessed from Woodland Road, via Clayton Mills to the south. To the east, are the rear of a number of residential properties that front onto the Ockley Lane. On the eastern side of Ockley Lane lies Ockley Manor, a Grade II\* listed building, which sits within a group of buildings that are all Grade II listed.

The site is not located within any national designated area, although the South Downs National Park wraps round Hassocks to the south and east, with the boundary being approximately 135m east of the site at its closet point.

## **APPLICATION DETAILS**

This reserved matters submission seeks consent for the layout, appearance, scale and landscaping of a scheme containing 500 dwellings, pursuant to outline planning permission DM/18/4979, 30% of which will be affordable (150 units in total). The scheme consists of a mix of one, two, three, four and five bed units, with the submitted details showing that these will be provided within a range of house types including, flats, bungalows, coach houses, town houses, detached dwellings, semi-detached dwellings and terrace houses.

The submitted details show that site will predominantly consist of two storey dwellings, although there are two and half and three storey elements in specific areas, particularly along the main spine road. A total of seven bungalows (single storey) are proposed along the northern edge of the scheme. The three storey elements within the scheme are made up of the various apartment buildings proposed.

The proposed scheme is divided into four separate character areas, each area comprises different layout characteristics, as well as being differentiated from each other by utilising contrasting elevational treatments. The design approach is traditional with a differing detailing creating a more contemporary take on the traditional appearance in some cases.

Open space / green buffers are to be provided along the entire northern boundary, as well as along the eastern side of the site. The main open space, containing a NEAP play area is located to the south of the main spine road through site, abutting the eastern boundary. Planting is also proposed along the eastern boundary, as a strategic buffer to the heritage assets on Ockley Lane. In addition, a landscape buffer is shown on the southern boundary to properties in the Mackie Avenue.

A total of 1,213 parking spaces are proposed, spread across the site to meet the needs of future occupiers and it is proposed that electric charging (EV) points will be provided to all garages within the development.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

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

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

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

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

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

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

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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



Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and Hassocks Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

## **LIST OF POLICIES**

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

DP11 - Land north of Clayton Mills, Hassocks  
DP18 - Setting of the South Down National Park  
DP21 - Transport  
DP22 - Rights of Way and other Recreational Routes  
DP26 - Character and Design  
DP27 - Dwelling Space Standards  
DP28 - Accessibility  
DP30 - Housing Mix  
DP31 - Affordable Housing  
DP34 - Listed Buildings and Other Heritage Assets  
DP37 - Trees, Woodland and Hedgerows  
DP39 - Sustainable Design and Construction

### **Hassocks Neighbourhood Plan**

The Hassocks Neighbourhood Plan was made on 20th June 2020 and forms part of the Development Plan for the District.

Policy 3 - Green Infrastructure  
Policy 5 - Enabling Zero Carbon  
Policy 6 - Development Proposals Affecting the South Downs National Park  
Policy 9 - Character and Design  
Policy 16 - Land to the north of Clayton Mills and Mackie Avenue

*Affordable Housing Supplementary Planning Document (SPD)*

*Mid Sussex Design Guide Supplementary Planning Document (SPD)*

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

## *National Design Guide*

### *Ministerial Statement and Design Guide*

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

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

### *Technical Housing Standards Nationally Described Space Standards*

## **ASSESSMENT**

As this is a Reserved Matters submission, the principle of development of the site has already been established. The outline application also considered detailed matters associated with the access (onto Ockley Lane), impact on the local highway network and impact on local infrastructure and this application does not present an opportunity to revisit them. The scope of this application is limited to the layout, appearance, scale and landscaping of the proposed 500 dwellings.

It should be noted that school does not form part of this application and it will be for the Education Authority (WSCC) to bring this forward under a separate application. The fact that this is not included at this stage does not infer that it will not be delivered, nor does it mean that this application should not be determined on its merits. The fact that the school is not included at this stage is not material to the determination of this application.

With this in the mind the main issues that need to be considered in the determination of this application are as follows.

- Layout, Appearance and Scale
- Impact on setting of the South Downs National Park
- Impact on Heritage assets
- Housing Mix and Affordable Housing
- Standard of Accommodation
- Accessibility
- Landscaping
- Residential Amenity
- Highways and Parking Matters
- Sustainability
- Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- Other Matters (noise/light/air pollution, EIA compliance)

- Planning Balance and Conclusion

### **Layout, Appearance and Scale**

Policy DP26 of the District Plan deals with design matters and sets out that 'all development and surrounding spaces... will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside'. It sets out a number of criteria against which the applicant is required to demonstrate that their development complies. These include the need for high quality design / layout and the creation of a sense of place, amongst other things - specially related to large scale development such as this. Policy DP11 of the District Plan is also of relevance (set out above).

Policy 9 of the HNP deals with character and design matters and sets a number of design principles that development proposals should take account of, including the need for a high quality design and layout. Policy 16 of the HNP is also of relevance (set out above).

In addition, policy 16 of the HNP is specific to the application and is of relevance and is set out below in full below;

*'Land to the north of Clayton Mills and Mackie Avenue is allocated as a Strategic Development in MSDP Policy DP 11. Development Proposals on this site will be supported where they accord with MSDP DP 11.'*

*To ensure the site is developed in line with the Vision and Strategic Objectives of the HNP, HPC will support proposals which:*

- 1. Provide a green space buffer on the northern periphery of the site to form a defensible boundary and to prevent coalescence with Burgess Hill;*
- 2. Protect the amenity of existing residential properties bordering the site;*
- 3. Provide a suitable mix of dwelling type and sizes to meet the needs of current and future households;*
- 4. Protect existing Public Rights of Way within, and adjacent to, the site and their open aspect through suitable landscaping;*
- 5. Provide and enhance safe pedestrian and cycle routes from Hassocks village centre to Burgess Hill via the development site;*
- 6. Protect the setting of the nearby heritage asset;*
- 7. Protect existing open space to the south of the strategic allocation;*
- 8. Provide a mix of high quality formal and informal open space;*
- 9. Provide suitable access and parking arrangements; and*

*10. Maximise opportunities to facilitate and provide the increased use of alternative means of transport to private non-carbon fuelled vehicles.'*

The NPPF sets out in paragraph 126 that 'the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. Paragraph 130 sets out criteria against which decisions should be taken and they reflect those set out in policy DP26 of the District Plan.

Sections 4 (site layout, streets and spaces), 5 (site optimisation and mixed use) and 6 (high quality and sustainable building design) of the Council's Design Guide SPD provide additional guide in the consideration of these matters, with a number of specific principles of particular relevance in respect of these issues and they will be identified in the following sub-sections of this assessment.

The scheme has been carefully considered by the Council's Urban Designer and the Mid Sussex Design Review Panel (DRP) and their comments can be found in full in Appendix B of this report. It should be noted the scheme has been amended since the original submission, in order to try and address matters raised through the consultation process.

### Layout

Section 4 of the Council's Design Guide SPD concentrates on 'site layout, streets and spaces and sets out that well-designed streets and public spaces can contribute significantly to the success of places (in this a development site) and to the sustainability agenda - street and spaces should be laid out to support both well-being and environmentally friendly transport. In particular, principles DG12 (connected street network), DG13 (frontage), DG14 (enclosure), DG 18-20 (car parking), DG25 (open space), DG26 (play space), DG27-28 (trees and soft landscaping), DG29 (public realm) are of relevance when considering the layout of a proposed development.

The layout generally follows the illustrative masterplan that was submitted at the outline application stage, with the positioning of the main land uses in accordance with the requirements of the parameter plans (as required by condition 3 of the outline planning permission).

In relation to the layout, your Urban Designer states;

*'It benefits from being organised around a series of perimeter blocks with building frontages that address/face the streets and spaces including the existing public rights of way, retained hedgerows, and existing and proposed open spaces. This arrangement also provides a front-on relationship with the site boundaries except along parts of the southern boundary where the proposed houses have sensibly been organised to back-on to existing back gardens along Mackie Avenue.'*

Furthermore, he states;

*'The three centrally positioned open spaces (the main open space including the "Northern Spur"/"Central Square", the "Green Link" and the "Focal Square") provide the organising focus for the layout and appropriately break-up the development parcels, while the proposed orchard and linear open space along the northern boundary soften the development along the rural edge.'*

And;

*'The hierarchy within the layout is reinforced by focusing the school, community centre and apartment buildings around the two squares at each end of the central avenue. The importance of the latter within the layout is further emphasised by its formal arrangement that include a regular tree line (combined with low hedge row) and consistent typologies and façade treatment of the houses on both sides of the street.'*

Having regard to the above, and the detailed comments set out in appendix B both from your Urban Design and the Mid Sussex Design Review Panel, it is considered that the layout is well conceived and provides for a legible and accessible development that is well integrated with the landscape features proposed within and around the edges of the site as a whole. It is considered that the proposed layout will provide for an attractive and high quality development that responds to its setting and will create a distinct sense of place.

The comments from your Urban Designer regarding boundary treatments is noted and a suitable condition is suggested to control this element of the development. Furthermore, the comments of the Sussex Police are also noted and many of the points they raised are already incorporated into the proposals, while other like access control to communal doors, fall outside the remit of planning. Notwithstanding the comments, no objection has been raised from a crime prevention perspective.

Your officers support the Urban Designer's and Design Review Panels comments in respect of the proposed layout and in regard to this element, it is considered that the application complies with policies DP11 and DP26 of the Mid Sussex District Plan, policies 9 and 16 of the Hassocks Neighbourhood Plan and the principles with the Mid Sussex Design Guide and be commended.

### Appearance

Section 6 of the Councils Design Guide concentrates on 'high quality building design' and outlines the important principles that need to be considered when designing new building. It states that *'key to this is adopting a design approach that minimises their environmental impact. The various components of new buildings including their form, proportions, roofscape and overall appearance should also display underlying architectural integrity and contribute to a sense of place by being borne from their location'*. In particular, principles DG37 (sustainable buildings), DG38 (respond to context), DG39 (scale and height), and DG40 (active frontages) are of relevance.

The layout of the scheme is organised into four different character areas - Clayton Core, The Avenue, Rural Edge and Central Green Edge - and each area comprises different layout characteristics, as well as being differentiated from each other by utilising contrasting elevational treatments.

On this matter the Urban Designer has stated;

*'The building design combines a fresh contemporary aesthetic with facing materials that reference the local area and avoid pastiche vernacular interpretations. The generously proportioned windows and open plan interiors should ensure that dwellings benefit from modern living requirements and a good level of natural light while also providing open frontages that address the street. Most of the houses benefit from either secondary materials or, brick detailing that provides some elevational interest.'*

While it is accepted that the development does employ the use of standard house types, which can often result in a lack of variety, particularly in a development of this size, the applicants have used the four different characters (and their approach within each) to address these concerns and the results is a development that has is distinctly divided in its appearance through the site.

It is noted that your Urban Designer has identified a number of detailed design points and a suitable condition is suggested to cover these elements.

In respect of appearance, it is considered that the application complies with policies DP11 and DP26 of the Mid Sussex District Plan, policies 9 and 16 of the Hassocks Neighbourhood Plan and the principles with the Mid Sussex Design Guide.

### Scale

Section 5 of the Council's Design Guide concentrates on 'increased density' and in respect of large developments, such as proposed here, looks at how different densities, building types and forms can enhance the legibility and distinctiveness of a development. In particular, principles DG 34 (managing increased density in urban extension) and DG36 (mixed communities) are of relevance.

In terms of the building heights, then the development is governed by the parameters plan approved as part of the outline application, which sets out that two storey buildings (up to 10m) are to be located along the northern, eastern and south eastern parcels of the site, while three buildings (up to 13m) are allowed within the central and south western parcels of the development.

The submitted scheme shows that the majority of the site will be built out at two storey, with taller three storey elements limited to the block of flats located along the main central avenue and in south/south western parts of the site. The taller (two and half storey) dwellings are also located the main central avenue, with the seven bungalows located in the north eastern part of the site.

Having regard to the submitted scale of the proposed development, it is considered that it is broadly in accordance with the parameters plan approved at the outline application stage and the proposals are acceptable in this regard.

In conclusion on these matters, it is considered that the development benefits from a well-considered and thoughtful layout and that officers are content that the appearance and scale of the dwellings are acceptable. The Councils Urban Designer and the Mid Sussex Design Review have not raised an objection and officers are content the overall layout and design will create a distinct and high quality development.

As such, it is considered that the proposal complies with policies DP11 and DP26 of the District Plan, policies 9 and 16 of the Hassocks Neighbourhood Plan and relevant principles of the Council's Design Guide SPD.

### **Impact on the Setting of the South Downs National Park**

Policy DP18 of the DP states;

*'Development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, and in particular should not adversely affect the transitional open green spaces between the site and the boundary of the South Down National Park, and the views, outlook and aspect, into and out of the National Park by virtue of its location, scale, form or design.'*

*Development should be consistent with National Park purposes and must not significantly harm the National Park or its setting. Assessment of such development proposals will also have regard to the South Downs Partnership Management Plan and emerging National Park Local Plan and other adopted planning documents and strategies.'*

Site specific policy DP11 states, inter alia;

*'In addition to conforming to other relevant policies in the District Plan, strategic mixed-use development in this location will ...*

- *Provide appropriate mitigation to reduce the visual impact of the development on the landscape and to ensure, in particular, that development respects the South Downs National Park and its setting.'*

The South Downs Partnership Management Plan sets out a number of aims including;

- *'Policy 1: Conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures.*
- *Policy 3: Protect and enhance tranquillity and dark night skies.'*

Paragraph 176 of the NPPF states;

*'Great weight should be given to conserving and enhancing landscape and scenic beauty of National Parks ... which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important in these areas, and should be given great weight in National Parks and the Broads.'*

Policy 6 of the NP supports development that does not detract, or cause detriment to, the special qualities and tranquillity of the South Downs National Park; and do not unacceptably harm the South Downs National Park or its settings.

The proposed development lies approximately 135m from the closest point of the boundary of the National Park, which is to the southeast of the site. From the south, the National Park boundary is approximately 1.5km away, with the elevated Wolstonbury Hill and Clayton Windmills (both public vantage points within the National Park) over 2.5km from the site.

As part of the Environmental Statement that was submitted at the outline application stage the impact on the setting of the South Downs National Park was considered and the effect of the proposed development being assessed as being moderate and not significant from the two locations referenced above. The assessment undertaken has been informed by the proposed nature of development that it is set out on the parameter plans submitted with the (which includes building heights and the identification of green infrastructure areas). It was a requirement under condition 3 of the outline permission that any reserved matters submission be 'broadly in accordance with' these parameter plans. Additionally, lighting conditions were also attached to the outline permission (in relation to general arrangements (c.18) and possible school floodlighting (c.34)) with the impact on the National Park in mind. It should be noted the lighting details will be considered under a separate condition discharge process.

The submitted details contained within this application demonstrate that the proposed scheme is 'broadly in accordance' with the approved parameters plans, specifically in relation to the land uses and building heights. As such the conclusions reached on any impact on the National Park remain as that reached at the outline stage and that the proposal would not harm the setting or tranquillity of the National Park.

As such, the proposal accords with policy DP11 and DP18 of the Mid Sussex District Plan, policy 6 of the Hassocks Neighbourhood Plan and paragraph 176 of the NPPF. Furthermore, it would not conflict with the aims of the South Downs Partnership Management Plan.

### **Impact on Heritage Assets**

The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions): *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority*



*or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

*Case law has stated that "As the Court of Appeal has made absolutely clear in its recent decision in Barnwell, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight."*

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

Policy DP34 of the District Plan states in relation to Listed Buildings:

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

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal; ...*
- Special regard is given to protecting the setting of a listed building;'*

Policy DP34 of the District Plan states in relation to other heritage assets:

*'The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.*

*The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.*

*Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance'.*

Policy DP11 requires a *'suitable buffer to protect the setting of Ockley Manor (Grade II\*), Ockley Manor Barn (Grade II) and Dovecote (Grade II), which lie to the east of the site.'*

Policy 16 of the HNP requires proposals to *'protect the setting of the nearby heritage asset'.*

Section 16 of the NPPF is particularly relevant in this instance and paragraph 195 states;

*'Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal of heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*

Furthermore, the NPPF states;

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

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

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

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

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

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

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

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

In relation to non-designated heritage assets, the NPPF in paragraph 203 states;

*'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

As part of the determination of the outline application, a detailed and careful consideration was given to the impact of the proposed development (as known at the time based upon the parameter plans) on the nearby heritage assets (Ockley Manor, Ockley Manor Dovecote, Ockley Manor Barb and Ockley Manor Cottages) and non-designated heritage assets (converted buildings around the former farm courtyard known as The Old Malthouse, The Barn, The Old Dairy and the Old Granary, a timber framed cart shed and 19th century barn located to the south east of the farmstead group). It concluded that the impact on the setting on these heritage and non-designated assets would be less than substantial and that the significant public benefits of the scheme (provision of new housing (including affordable housing) and the provision of land for a school on a site that has been allocated for such development in the DP, economic benefits including construction jobs, additional spending in the locality and new homes bonus) would outweigh the identified less than substantial harm.

Given that this reserved matters application provides the details of the layout, scale, appearance and landscaping of the scheme, a further assessment of the schemes impact on the heritage and non-designated assets is required.

As per the outline application, your Conservation Officer has considered the heritage and non-designated assets not only individually, but collectively as well. The assessment undertaken by your Officer has been done in accordance with the guidance set out in Historic England's Historic *'Environment Good Practice Advice in*

Planning Note 3 'The Setting of Heritage Assets', and the are summarised below. Your Conservation Officer's full comments can be found in Appendix B.

### Ockley Manor

Ockley Manor is Grade II\* listed house set in extensive grounds to the east of Ockley Lane. The house, which is listed as dating from the early 18th century, in fact contains fabric that suggests a 17th century origin.

In assessing the proposals, your Conservation Officer has stated;

*'The proposed development site lies to the west and north west of Ockley Manor to the opposite side of Ockley Lane. Although set at a small remove from the western side of the Lane (two fields adjacent to the Lane being retained in the ownership of the Manor and not forming part of the current proposed site), development on the site would have a fundamental impact on the currently rural character of this part of the setting of Ockley Manor for reasons of:*

- *The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the blocks to the south east corner of the site and to the rear of Barn Cottage.*
- *The impact of the proposal on the character of the retained open space/parkland within the site.*
- *The impact of development of this scale on the currently rural broader setting to the west of Ockley Manor, including views from the house and its immediate setting.*
- *The impact of the proposed development on the character of the principal approaches to the Manor along Ockley Lane and along the PROW approaching the Manor through the site from the west.'*

The harmful effect identified by your Conservation Officer on this part of the setting of Ockley Manor is categorised, in NPPF terms, as less than substantial and as such paragraph 202 of the NPPF is relevant.

The Conservation Officers comments at the outline application stage identified a number of areas of potential mitigation, although it was noted that no amount of mitigation would be unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the asset and to its special interest.

In assessing the impact of proposals contained within this application, your Conservation Officer has stated;

*'The current detailed application shows a similar disposition of development to the approved scheme. Greater detail of the proposed landscaping has been provided, and does confirm the use of appropriate native species where planted screening is proposed, and the partially 'natural' character of the open spaces within the site, to the east of Ockley Manor. However, the degree of screening appears similar to that shown in the outline proposal, and my assessment of the level of harm caused remains unchanged, at less than substantial.'*

## Ockley Manor Dovecote

Ockley Manor Dovecote is a brick built building located to the south west of the Manor at the edge of the gardens to the house, adjacent to Ockley Lane. It is Grade II listed. It is suggested in the list description to date from the 18th century, but Maggie Henderson's report suggests a 17th century origin. The building was altered in the early 20th century with the insertion of large windows to create a summer house.

In assessing the proposals, your Conservation Officer has stated;

*'The positioning of the building adjacent to Ockley Lane is likely to have been deliberate, as a visually prominent demonstration of the wealth and status of the owner of the Manor (or farm as it then was), although it would also have served a practical purpose, as doves provided a precious source of meat for the residents of the farm during the winter months. In its more recent reincarnation as a summer house, the introduction of windows to the west elevation seems intended to take advantage of the rural views over the fields to the opposite side of Ockley Lane. In both phases of its existence, as a functioning building within the farmstead of Ockley, and as a summer house, the building has enjoyed a close relationship with its rural setting. The surviving fields to the west of Ockley Lane therefore make a significant positive contribution to the setting of the listed building and the manner in which its special interest is appreciated.'*

*The proposed development will impact on the character of the setting of the dovecote for reasons of:*

- *The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the block to the south east corner of the site.*
- *The impact of the proposal on the character of the retained open space/parkland.*
- *The impact of development of this scale on the currently rural broader setting to the west of Ockley Lane, including views from the Dovecote and its immediate setting.*
- *The impact of the proposed development on the character of the principal approaches to the Dovecote along Ockley Lane and along the PROW approaching the Manor through the site from the west, which arrives at Ockley Lane directly opposite the Dovecote.'*

The harmful effect identified by your Conservation Officer on this part of the setting of Ockley Manor Dovecote is categorised, in NPPF terms, as less than substantial and as such paragraph 202 of the NPPF is relevant.

The Conservation Officers comments at the outline application stage identified a number of areas of potential mitigation, although it was noted that no amount of mitigation would be unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the asset and to its special interest.

In assessing the impact of proposals contained within this application, your Conservation Officer has stated;

*'..the current detailed application shows a similar disposition of development to the approved scheme. Greater detail of the proposed landscaping has been provided, and does confirm the use of appropriate native species where planted screening is proposed, and the partially 'natural' character of the open spaces within the site, to the east of Ockley Manor. However, the degree of screening appears similar to that shown in the outline proposal, and my assessment of the level of harm caused remains unchanged, at less than substantial.'*

### Ockley Manor Barn

Ockley Manor Barn is a Grade II listed timber framed former barn that is now converted to residential use. The listing description refers to the building as dating from the 18th century, but again the report submitted on behalf of the owner of Ockley Manor suggests that the building dates from the 17th century. It is considered that its special interest lie in its character as a good example of a surviving vernacular barn of the period.

In assessing the proposals, your Conservation Officer has stated;

*'The Barn is situated to the north west of the manor house, at the southern end of the farmstead. It faces onto the gardens to the front of the house, but views from its immediate setting to the west are of the open fields to the west of Ockley Lane including the development site. This rural element of the Barn's setting is considered to make a strong positive contribution to the manner in which its special interest is appreciated.'*

*The proposed development will impact on the character of the setting of the barn for reasons of:*

- *The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the block to the rear of Barn Cottage.*
- *The impact of the proposal on the character of the retained open space/parkland within the site.*
- *The impact of development of this scale on the currently rural broader setting to the west of Ockley Lane, including views from the Barn and its immediate setting.*
- *The impact of the proposed development on the character of the principal approaches to the Barn along Ockley Lane and along the PROW approaching the Manor through the site from the west.'*

The harmful effect identified by your Conservation Officer on this part of the setting of Ockley Manor Barn is categorised, in NPPF terms, as less than substantial and as such paragraph 202 of the NPPF is relevant.

The Conservation Officers comments at the outline application stage identified a number of areas of potential mitigation, although it was noted that no amount of mitigation would be unlikely to entirely remove the harm that a development of this

scale in this location is likely to cause to the setting of the asset and to its special interest.

In assessing the impact of proposals contained within this application, your Conservation Officer has stated;

*'The current detailed application shows a similar disposition of development to the approved scheme. Greater detail of the proposed landscaping has been provided, and does confirm the use of appropriate native species where planted screening is proposed, and the partially 'natural' character of the open spaces within the site, to the east of Ockley Manor. However, the degree of screening appears similar to that shown in the outline proposal, and my assessment of the level of harm caused remains unchanged, at less than substantial.'*

### Ockley Manor Cottages

Ockley Manor Cottages Grade II listed. They are situated at the northern end of the Ockley Manor farmstead and were constructed between 1818 and 1845 as a semi-detached pair to house farmworkers. The list description states that the cottages have special architectural interest for reason of their striking use of traditional materials, symmetrical arrangement and good survival of interior joinery, and special historic interest in the way that they illustrate modest farm workers cottages of the 19th century and the way that these were occupied. The buildings are also identified as having group value with the Ockley Manor, Barn and Dovecote.

In assessing the proposals, your Conservation Officer has stated;

*'From the north facing frontages of the cottages there are open views across the farmland to the north, which also take in Ockley Lane to the west and the cottages and fields beyond. This rural setting is considered to make a strong positive contribution to the manner in which the special interest of the building as former farmworkers cottages is appreciated.'*

*Development on the site will have an impact on the character of the setting of the cottages for reasons of:*

- *The impact on the hedge line to the east of Ockley Lane which it is proposed to reposition.*
- *The impact of the proposed built development to the north east corner of the site including housing and the proposed new school, which is likely to be visible between and beyond the cottages to the western side of Ockley Lane.*
- *The impact of the changed character of the retained open land to the north east corner of the site (school playing fields and community orchard).*
- *The impact on the character of the approach to Ockley Manor Cottages from the north along Ockley Lane. Ockley Manor Cottages are prominent in views looking south along Ockley Lane which would also take in the proposed development site to the west of the road.'*

The harmful effect identified by your Conservation Officer on this part of the setting of Ockley Manor Cottages is categorised, in NPPF terms, as less than substantial and as such paragraph 202 of the NPPF is relevant.

The Conservation Officers comments at the outline application stage identified a number of areas of potential mitigation, although it was noted that no amount of mitigation would be unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the asset and to its special interest.

In assessing the impact of proposals contained within this application, your Conservation Officer has stated;

*'The current detailed application shows a similar disposition of development to the approved scheme. Greater detail of the proposed landscaping has been provided, and does confirm the use of appropriate native species where planted screening is proposed, and the partially 'natural' or 'rural' character of the open spaces within the site, to the east of Ockley Manor, and within the community orchard. However, the degree of screening appears similar to that shown in the outline proposal, and my assessment of the level of harm caused remains unchanged, at less than substantial.'*

#### Non Designated Heritage Assets

There are a number of buildings within Ockley Farmstead that your Conservation Officer to considered as non-designated heritage assets, which are of interest in their own right but also make a strong positive contribution to the settings of the designated heritage assets. The non-designated assets are identified as follows;

- Converted buildings around the former farm courtyard known as The Old Malthouse, The Barn, The Old Dairy and the Old Granary.
- A timber framed cart shed and 19th century barn located to the south east of the farmstead group.

In assessing the proposals, your Conservation Officer has stated;

*'These buildings, which have been identified above, are all situated to the north of the Manor house, within the historic farmstead. They are all former agricultural buildings of one type or another, the special interest of which lies partly in their illustrative value as parts of the historic farmstead. As such, their currently rural setting makes a strong positive contribution to the manner in which their special interests are appreciated.'*

With regards to the impacts of the proposed development on the above assets, and potential mitigation measures, these are considered to be similar to those identified for Ockley Manor Cottages, which they are in close proximity to. In this regards paragraph 203 of the NPPF is relevant.



## Group Value

Having considered individually the designated and non-designated assets above, it follows that consideration should be given to the impact of the development on their value as a cohesive group. The recent listing decision in respect of Ockley Manor Cottages identifies that the group, forming part of the former farmstead of Ockley, have a high level of group value. This group value adds to and enhances their individual special interests.

In assessing the proposals, your Conservation Officer has stated;

*'The rural nature of the landscape to the west of the group of assets at Ockley Manor, as part of their wider setting, must be considered to make a strong positive contribution to the manner in which their special interest is appreciated. Development on the site will have a fundamental impact on the character of that part of the setting, which will detract from the special interests and group value of the assets for reasons of:*

- *The impact of the proposed built development on the character of the site.*
- *The impact of the changed character of the retained open land within the site.*
- *The impact on the approaches to the group along Ockley Lane and the PROW.'*

The harmful impacts identified by your Conservation Officer will detract from part of the setting, which will detract from the special interests and group of the assets and this harm. In NPPF terms, can be categorised as less than substantial. It should be noted that the less than substantial harm attributed to the group value contributes to the harm identified to the assets individual special interest.

In assessing the impact of proposals contained within this application, your Conservation Officer has stated;

*'The current detailed application shows a similar disposition of development to the approved scheme. Greater detail of the proposed landscaping has been provided, and does confirm the use of appropriate native species where planted screening is proposed, and the partially 'natural' or 'rural' character of the open spaces within the site, to the east of Ockley Manor and within the community orchard. However, the degree of screening appears similar to that shown in the outline proposal, and my assessment of the level of harm caused remains unchanged.'*

## Conclusion on Heritage Matters

The reserved matters proposal includes details associated to much of the mitigation considered necessary at the outline stage to mitigate, in part, the harm that the development would have on the setting of the nearby heritage assets and non-designated heritage assets, including the detailed planting and the location and form of development in accordance with the parameter plans. At the outline stage, it was considered that harm would be considered, in NPPF terms, less than substantial.

Having regard to this, and the assessments made by your Conservation Officer (as set out above), it is clear that that the degree of harm reflected at the outline stage

remains at less than substantial having taken into account the details of the development contained within this application. It should be remembered, as it was stated at the outline stage, that a development of this scale, in this location, is likely to cause harm to the setting of the asset and special interest and any amount of mitigation is unlikely to entirely remove this negative impact.

It is your officer's view that sufficient information has been submitted for a reasoned conclusion to be drawn that the scheme will cause less than substantial harm to the setting of the heritage assets and non-designated heritage assets.

In respect of the heritage assets, in accordance with paragraph 199 of the NPPF 'great weight' needs to be given to the conservation of the designated heritage assets. Although the harm is less than substantial, it should nonetheless be given considerable importance and weight in accordance with the relevant provisions of the 1990 Act. However, having regard to paragraph 202 of the NPPF, it is considered that the significant public benefits of the scheme (provision of new housing (including affordable housing) and the provision of land for a school on a site that has been allocated for such development in the DP, economic benefits including construction jobs, additional spending in the locality and new homes bonus) do outweigh the less than substantial harm to the setting of the heritage assets outlined above.

As highlighted within this report DP34 of the DP states that proposals affecting non-designated heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current guidance. The NPPF (paragraph 203) is clear in how planning applications should be determined when they have an impact on a non-designated heritage asset.

Firstly, the effect of an application on the significance of the non-designated heritage assets should be taken into account. In this case the Council's Conservation Officer considers that within the local context the buildings would have a moderate to high significance.

Secondly, in weighing application that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this case the Council's Conservation Officer considers that the impact on non-designated heritage assets will be less than substantial.

Members should therefore take into account the less than substantial harm to the non-designated heritage assets of moderate to high significance when coming to a balanced judgement. This should be balanced against the substantial positive benefits that flow from the development of up to 500 dwellings and land for the provision of a primary school, on the site that forms one of the strategic site allocations within the District Plan (DP11 refers). It is your Officers view that the less than substantial harm is outweighed by the substantial benefits in this case.

In light of the above analysis on heritage assets and non-designated heritage assets, Officers consider the development accords with policies DP11 and DP34 of the Mid

Sussex District Plan, policy 16 of the Hassocks Neighbourhood Plan, the NPPF and the Listed Building and Conservation Area (LBCA) Act 1990.

### **Housing Mix and Affordable Housing**

To support sustainable communities, policy DP30 requires housing development to provide a mix of dwelling types and sizes that reflect the current and future housing needs of the district. Policy DP31 deals specifically with affordable housing and requires the provision of 30% affordable housing on all development of 11 dwellings or more.

Policy 16 of the HNP sets out, amongst other things, that the development on the site *'provide a suitable mix of dwelling type and sizes to meet the needs of current and future households'*.

It should be noted the S106 Legal Agreement associated with the outline planning permission secures the provision of affordable housing on the site and the subsequent reserved matters applications need to ensure that they include the appropriate provision to meet the requirements of the outline planning permission.

The proposal involves the erection of 500 dwellings of which 150 would be affordable units, which represents 30 per cent of the total number contained within this application.

The proposed affordable dwelling mix is as follows:

- 41 x one bed flats (including 2 wheelchair accessible flats)
- 4 x one bed bungalows
- 38 x two bed flats (including 2 wheelchair accessible flats)
- 3 x two bed bungalows
- 45 x two bed houses (including 1 wheelchair accessible house)
- 14 x three bed houses (including 1 wheelchair accessible house)
- 5 x four bed houses

The tenure split will be 75% social rented and 25% shared ownership. This is in-line with policy and the requirements of the S106 Legal Agreement associated with the outline planning permission.

The MSDC Housing Officer has not raised an objection to the application

The proposed affordable units will be dispersed across the phase to ensure that they are in suitable clusters to comply with the requirements of the Council's supplementary planning document on 'affordable housing'.

In respect of the private dwellings the following mix is proposed.

- 21 x 2 bed flats
- 56 x 2 bed houses
- 166 x 3 bed houses

- 93 x 4 bed houses
- 14 x 5 bed houses

It is considered that the proposed mix, both in respect of the private dwellings and affordable are acceptable and therefore application complies with Policies DP30 and DP31 of the Mid Sussex District Plan and policy 16 of the Hassocks Neighbourhood Plan

### **Standard of Accommodation**

Policy DP27 of District Plan deals with dwelling space standards and sets out that *'minimum nationally described space standards for internal floor space and storage spaces will be applied to all new residential development'*. The nationally described space standard were published by the Government in March 2015.

The submitted details demonstrate that the proposed dwellings meet the required space standards based upon their size and intended occupancy levels and as such they will provide for an acceptable quality of accommodation for future occupiers.

The application complies with policy DP27 of the Mid Sussex District Plan.

### **Accessibility**

Policy DP28 of the District Plan requires all developments to *'meet and maintain high standards of accessibility so that all users can use them safely and easily'*. This policy enables the Council to require new developments of 5 or more dwellings (at a level of 20%) to meet additional technical requirements under Part M of the Building Regulations - Approved Document M Requirement M4(2). In addition, Category 3 (or M4(3)) relates to wheelchair users requires and the policy requires a reasonable proportion of any affordable homes on a scheme, generally 4%, to meet these additional requirements.

Condition 28 on the outline permission secured the requirement for the provision of the 20% of dwellings to comply to the additional M4(2) standards and in line with this condition, the submissions identify the 131 plots that will be constructed to meet these requirements. Prior to occupation of these units, the applicant will need submit a verification report confirming compliance.

In respect of the M4(3) wheelchair units, then these were secured in the s106 Agreement completed in relation to the outline permission, and there are six in total (identified in the above affordable housing section of the report). These units are subject, through your Housing Officer, to detailed review by an Occupational Therapist to ensure suitability for wheelchair users. While the plans submitted for these units are sufficient to allow determination of this application, a condition is required to allow for the submission and review of further details, mainly in relation to the detailed design of the internal fit out, to ensure that these units meet the required standard. A suitably worded condition is proposed.

Having regard to the above, it is considered that the application complies with policy DP28 of the Mid Sussex District Plan.

## Landscaping

Policy DP26 of the District Plan seeks to ensure that high quality design and layout includes appropriate landscape and green space. It also, along with policy DP37, seeks to protect trees that contribute to the character of the area. This later policy specifically relates to trees, woodland and hedgerows.

Policy 3 of the HNP relates to green infrastructure and sets that support will be given to the proposals that, amongst other things, include off road access for walking, cycling and horse-riding and/or includes planting that contribute to wildlife linkages and/or include the planting of native species. Policy 16 of the HNP seeks development, amongst other things to provide a defensible boundary along the northern periphery of the site by means of green space buffer.

The Councils Design Guide SPD is also of relevance with regard to this matter and principle DG25 states *'Open space should be provided as an integral part of a development and designed with a specific role or function as part of the wider open space network. They should take the opportunity to create environments and facilities that provide for and encourage inclusive activity for all age groups and abilities'*. Principle DG26 relates to the integration of play space into design and sets out that they should be in an accessible location that is well overlooked. DG27 relates to tree planting and soft landscaping and sets out that a clear landscaping strategy should be an integral part of the design of any new development. Principle DG29 relates to the coordination of the public realm materials with landscaping proposals.

Landscaping is one of the four 'reserved matters' that the applicant is seeking consent for as part of this application. To support the submission a full set of both soft and hard landscaping drawings have been provided, along with landscape masterplan, arboricultural impact assessment and method statement and a soft landscaping management and maintenance plan.

The submitted scheme shows the proposed landscape features;

- New native woodland and scrub planting to western boundary of the site
- The provision of enhanced landscaped boundary along the entire northern extreme of the site
- Provision of landscaped drainage features to the north west of the site
- A green landscape buffer along northern edge of the development, including linear open space and trim trail
- A community orchard to the north eastern corner of the site, adjacent to Ockley Lane
- Provision of a central open space at the eastern end of the development containing a NEAP, with enhanced planting along eastern site boundary
- Provision of 10m wide landscape buffer (outside the rear gardens of the proposed properties) along the southern boundary of the site with existing properties in Mackie Avenue
- Smaller areas of open space outside the proposed school site to the east, to the south of the site and at the western end of the main spine road through the site

- Existing north/south hedgerow retained and enhanced to maintained as green corridors

In respect of the soft landscaping proposals, the Council's Tree and Landscape Officer has reviewed the submissions and her detailed comments can be found in full in appendix B. No objection has been raised and she states that *'Overall, the scheme works very well with good use of native trees and native understory planting around the boundaries'*. Her comments highlight of a number of minor points relating to specific suggested species in particularly areas and this have been taken up with the applicant and an update will be provided at the meeting, however, these elements do not detract from the overall well-conceived landscape approach that has been adopted in the design of the scheme as a whole.

In terms of hard landscaping a series of drawings have been submitted that show a palette of acceptable materials however, the comments of the LHA are noted and that these may be subject to change through any subsequent technical approval relating to highway adoption. The matter has been raised with the applicant and they wish for the application to be determined on the basis of the submission and should changes be required as part of the technical approval process, then they will address them at that particular point in time.

In terms of the proposed play areas, then there positioning accords with what was envisaged at the outline stage and each area is well overlooked. The main LEAP play facility has a minimum 30m buffer distance to the nearest habitable room, which the Council would expect in order to mitigate potential non-science to residents. The details of the proposed play equipped have been submitted and reviewed by officers and those comments are available in full on appendix B. The comments highlight a number of detailed points and can be addressed by the applicant as part of a future condition discharge application, as the details of the play area are secured via condition 26 of the outline permission. The details submitted at this stage are sufficient to satisfy officers that the design and integration of the play areas is appropriate in the context of the design, layout and landscaping of the scheme as a whole.

Having regard to the above, officers are content with the landscaping and play facilities proposed and that the application complies with policies DP26 and DP38 of the Mid Sussex Local Plan, policies 3 and 16 of the Hassocks Neighbourhood Plan and Mid Sussex Design Guide.

### **Residential Amenity**

Policy D26 seeks to protect residential amenity and states that new development will not be permitted if significant harm to amenities is likely to be created by noise and disturbance, amongst other potential issues. The policy seeks to protect future occupier amenity issues.

Policy 9 of the HNP sets out, amongst other things, that developments will be supported where it does not cause unacceptable harm to the amenities of existing residents and future occupiers. Policy 16 of the HNP (site specific to application site)

sets out that proposals will be supported that protect the amenity of existing residential properties boarding the site.

The nearest residential property to the east of the site, in relation to the proposed dwellings, is Barn Cottage, which is located to the south of the proposed site access to Ockley Lane. The western boundary of this property is in excess of 30m away from the nearest proposed plot (no.1) with proposed new planting in between. While views of the new housing will be afforded from this property, the distances involved will ensure that any overlooking and intervisibility is well within normal acceptable distances (21m window to window) and it is not considered that there would be any significant harm to the amenities of this property.

Further to the north of Barn Cottage, is Hawthorn Cottage and 1-4 Ockley Cottages, which will share their western boundaries with the proposed school site, however the school does not form part of this application and as such this application is not considering the impact on these properties from this future element of the scheme. To the north of 1 Ockley Cottages will be proposed community orchard, however having regard to future boundary planting it is not considered that this element of the scheme will give rise to any harm to the amenities of this property.

In respect to properties to the south of the site in Mackie Avenue, the proposed dwellings will be off set from the mutual boundary by approximately 20m, 10m of which be laid out as a landscape buffer that sets outside the residential gardens of the new dwellings. The existing properties in Mackie Avenue generally have generous rear gardens with the properties themselves set some 20m back from the mutual boundary. While some intervisibility may be possible, this doesn't make the proposals unacceptable and given the distances involved, with the proposed intervening planting, it is not considered that there would be any significant harm to the amenities of the existing residents by means of overlooking, loss of privacy or loss of light. Concerns have been raised within the representations with regard to the impact of future loft conversions on the amenities of existing residents in Mackie Avenue and while these noted, the distances referenced above indicate that

Concern has been raised regarding the potential impact of the proposed flat block G, which is located to the south the footpath 5k that runs east/west through the site, on existing amenities to the south, particularly given that this will be 3 storey in part. This building will be located some 40m from the boundary of the site and while the views of it will be afforded from existing properties in Mackie Avenue, this doesn't make it unacceptable and given the distances involved, it is not considered that the proposal would give rise to any significant impact on the amenities of existing resident, by means of loss of overlooking or loss of light.

It is noted that there is some conflict between the wording of the relevant development plan policies with regard to the test that needs to apply in these circumstances. Moreover, there is conflict between the two HNP policies in relation to the applicable test with policy 9 referencing 'unacceptable harm' and policy 16 referencing that support will be given to proposals that 'protect' the amenities of existing residents.

In normal circumstances, 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 case there is conflict between policies contained within the neighbourhood plan, which is the last adopted document.

However, given the above assessment set out above, it is clear that given the relative distances between proposed and existing residential properties, with proposed intervening planting in appropriate places, that there will be no significant or unacceptable harm to those amenities by means of overlooking, loss of privacy or loss of light. As such, regardless of the apparent conflict between policies, it is considered that the application complies with all three definitions.

As such, it is considered that the application complies with policy DP26 of the Mid Sussex District Plan and policies 9 and 16 of the Hassock Neighbourhood Plan.

### **Highways and Parking Matters**

Policy DP21 of the District Plan deals with transport matters and sets out a number of criteria which decisions on development proposals will take account of, including whether the scheme is designed to adoptable standards, whether it provides adequate car parking and whether the scheme protect the safety of road users and pedestrians, amongst other things.

policy 16 of the HNP sets out that proposals should provide '*suitable access and parking arrangements.*'

Matters of surrounding the design and form of the site access to Ockley Lane, as well as the impact on the local highway network, were considered and approved at the outline application stage and these matters are not for consideration as part of this application.

The application has been considered by the Local Highway Authority (LHA) who have considered the layout of the proposal from a highway perspective and have not raised an objection. There comments contain a number of detailed points that may impact on the adoption of the roads in future, mainly in respect of the materials/finishes to be used, however, that is a separate technical process with the LHA and they have not identified anything that would prevent this application being determined.

The comments from the LHA relating to the configuration of layout in front of the school site are noted however, that will need to be an issue addressed at the time of the school application, should it be necessary. There is no objection to the highways layout contained within this application that is currently before members.

In terms of parking, a total of 1,213 spaces are proposed across the site split between allocated and unallocated (visitor spaces) in the following manner;

- 801 allocated spaces (on plot or within parking courtyard)



- 245 garage spaces
- 25 allocated car port spaces
- 7 allocated disabled spaces (on plot or within parking courtyard)
- 135 visitor spaces

In terms of the visitor spaces, a number of these are located along the spine road and within the area immediately adjacent to the school in anticipation of future demand from school pick-ups. The comments on the LHA in respect of the need for enforceable controls to limit parking within the parking spaces during weekends and a suitably worded condition is proposed.

The LHA have confirmed that the proposed level of parking exceeds the forecast parking requirement based upon the WSCC Parking Demand Calculator, however, they have not raised an objection.

The applicants have indicated that cycle parking provision will be provided either with the proposed garages (or store in relation to the flat blocks) or in a 1.8m by 1.2m shed in the gardens of other plots. The LHA have not raised an objection to this provision and have requested a suitable condition to secure them prior to occupation of the units.

The comments relating to the land ownership conflict with the site access as raised in the Parish Council comments, and within the representations, is noted, however, the detail of the access has been approved and does not form part of the consideration of this application. Matters associated with land ownership are private matters and this issue is not a material planning consideration in the determination of this application.

Having regard to the above, the LHA have not raised any objection to the details of the proposed application from a highways or parking perspective, subject to suitable conditions, and your officers accept this position given that there is no alternative evidence to the contrary. Officers are content that the application complies with policy DP21 of the District Plan and policy 16 of the Hassocks Neighbourhood 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.'*

Site specific policy DP11 states, inter alia;

*'development in this location will: ...*

- *Make provision for charging electric vehicles by installing a dedicated electrical socket suitable for charging electric vehicles at each residential unit (either internally such as within a garaged, or externally at an allocated parking space) and making parking areas 'charger ready' by making it possible to install a dedicated electric vehicle charging device (such as fast charges) at a later date;*
- *Wherever viable incorporate on-site 'community energy systems', such as combined heat and power, ground-source heat pumps or other appropriate low carbon technologies, to meet energy needs and create a sustainable development. The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measures to demonstrate high levels of sustainability.'*

Policy 5 of the HNP will support development proposals that maximise the opportunity to include sustainable design features and those which make provision for charging of electric vehicles. Policy 16 of the NP seeks to maximise opportunities to facilitate and provide increased use of non-carbon fuelled vehicles.

Principle DG37 of the Council's Design Guide deals with 'sustainable buildings' and states;

*'The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.'*

It lists a number of issues that designers should consider to minimise energy demand, including, the orientation and design of the buildings; use of materials with embodied energy; incorporating high levels of insulation; and the use of low flow technologies in water fittings. The incorporation of renewable energy technologies is also included in this list.

Paragraph 154 of the NPPF seeks to ensure new development helps, *"to reduce greenhouse gas emissions, such as through its location, orientation and design.'* In determining planning applications paragraph 157 expects new development to, *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

At the outline application stage an energy statement was submitted to support the application and it set out that the development could exceed the Building Regulations target Carbon Dioxide reduction by 4.6%. The outline energy strategy did not propose to include any renewable or low carbon energy technologies as it

could be demonstrated that the target for a reduction in CO2 emissions (above TER ADL 2013 ) was exceeded by incorporating a high standard of sustainable design and adopting measures to reduce energy demand on site and within the fabric of building design.

On this basis, the outline application was considered to comply with policies DP39 and DP11 of the District Plan (as set out above) in regard to this matter and a condition was attached to ensure that the details of how the reduction will be achieved are submitted. Condition 14 of the outline planning permission states;

*'A Sustainability Statement shall be submitted in support of any reserved matter application(s) setting out the measures that will be included within the development to support sustainable design and construction. The development shall only be implemented in accordance with the approved details.'*

*Reason: In the interest of sustainability and to accord with Policy DP39 of the Mid Sussex District Plan 2014 - 2031.'*

In accordance with the above condition, this application is supported by a Sustainability Statement.

The submitted Sustainability Statement sets out that the development has been designed to generate a total reduction in Carbon Dioxide emissions of 4.7% TER ADL 2013, which is slightly more than the stated target which was considered acceptable at the outline stage. This will be achieved primarily through a fabric-first approach to design to minimise energy consumption, incorporating the following;

- Energy-efficient building fabric and insulation to all heat loss floors, walls and roof.
- High-efficiency double-glazed windows throughout.
- Quality of build will be confirmed by achieving good air-tightness results throughout.
- Efficient-building services including high-efficiency heating systems.
- Low-energy lighting throughout.

In addition, the document sets out the following additional efficiencies;

- Achieves the water reduction target of 110 litres per person per day.
- Maximises efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation.
- Flood risks associated with future climate change has been minimised as part of the layout of the scheme and design of its buildings to ensure long-term resilience.
- Large openable windows provide good natural daylighting and the potential for natural ventilation.
- Existing landscape features within the site (hedgerows and trees) will be retained as far as possible and set within green corridors, to retain and enhance the existing landscape structure and the amenity within the site, with proposals for

substantial numbers of new trees and green spaces incorporated throughout the scheme.

- Proposals promote alternative modes of transport and reduced reliance on cars and to promote exercise and health and wellbeing to residents through the provision of convenient walking & cycling routes and large attractive areas of public open space. A residential Travel Plan was approved as part of the outline planning application.

Furthermore, Electric Vehicle (EV) charging points will be provided in every garage (a total of 245) within the development. The details of these charging points, and a programme for their provision, will be subject to a further condition, as requested by the LHA in their consultation response.

The submitted Sustainability Statement meets the requirements of condition 14 of the outline planning permission and is acceptable officers.

The comments raised by the Parish Council, as well as within the representations, regarding the need for the development to go further and be constructed to meet net zero carbon emission standards are noted. However, the context of the development, in respect of the outline planning permission and condition, are very important. It is this context that is material to the determination of this application and submitted Sustainability Statement slightly exceeds that considered acceptable at the outline stage and it would not be reasonable to seek to go further in this instance.

Similarly, the comment from your Urban Designer regarding the sustainability strategy that encompasses a fabric first approach and no commitment to renewables at this stage is also noted.

It is important to recognise that in respect of policy DP39 of the District Plan and Policy 5 of HNP whilst the wording of both policies are supportive of improving the sustainability of developments, there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

Currently Building Regulations set the energy efficiency standards to be applied across the country. It is acknowledged that changes in Building Regulations in the form of the Future Homes Standard will be implemented from June 2022 (with a transition period to 2023) with a further uplift in requirements set out in 2025. Both requirements will have to be met by this development.

Notwithstanding that Building Regulations sit outside planning and are not a matter which is material to the determination on this application. Officers have sought clarity on the implications for this development.

The applicants have written to the officers and this letter can be found in full on the file. On the future Building Regulations, they state;

*'The 2021 Building Regulations part L&F (dealing with Conservation of fuel & power and ventilation respectively) are due to be published shortly following the Government's Fabric Energy Efficiency Standards (FEES) and Overheating consultation. The expectation is that the new Building Regulations will come into force in June 2022 with a 1-year transition to June 2023. This means that all plots not started by June 2023 will transition to the 2021 L&F specification. It is expected that the new Regulations will introduce a 31% carbon reduction over the 2013 Building Regulations.*

*Until the new Building Regulations are published, we cannot be certain as to the specification that will be needed to meet the new Regulations; they will however need to be met. Some of the options that could feature include:*

- *Triple glazing*
- *Wastewater heat recovery*
- *Gas boilers with flue gas heat recovery*
- *Thermal Break Lintels*
- *Renewables such as PVs*

*Beyond this, the Future Homes Standard plans to reduce carbon emissions from new homes by 75-80% compared to 2013 Building Regulations. The Government are due to issue a consultation on the Future Homes Standard in early 2023 and as currently envisioned, this will come into force in 2025. Again, the specification is not yet known, but further measures will likely include:*

- *Removal of fossil fuels for heating and cooking (known)*
- *Air source heat pumps*
- *Smart heating controls*

*The new Taylor Wimpey house type range plotted on this site, have been future-proof designed to be able to better integrate some of the services and equipment that will be needed to meet the future carbon reduction requirements; as already listed.'*

Given the large scale of the development proposed for the site and the likely build out time, the applicants have indicated that a large portion of the dwellings will be built under the new Building Regulations (circa 400) and as such the carbon reduction will be much greater than currently anticipated. It should be noted that compliance with Building Regulations is mandatory.

While a large proportion of changes required to meet the future Building Regulations are not matters that will impact on the design and appearance of the development, as too warrant separate control, with the exception of any possible PV's that may be added to roof slopes. It is considered reasonable that such matters, should they be required, be covered by a condition and a suitably worded one is suggested in appendix A.

Having regard for all the above, and given the context of the application, it is considered that the application complies with policies DP11 and DP39 of the Mid Sussex Plan and Policies 5 and 16 of the Hassocks Neighbourhood Plan.

### **Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)**

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 development allocated through the policy DP10 of the District Plan, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

#### Conclusion of the Habitats Regulations Assessment screening report

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

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

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

#### **Other Matters**

##### Drainage

The outline planning permission secures via condition the detailed scheme associated with the surface water and the foul water drainage for the entire development. The Council's Drainage Officer has not raised an objection to this application and will consider further details as part of future condition discharge application for the site.

##### Ecology

The outline planning permission considered the site wide implications of the development in ecology/biodiversity and condition 13 required the reserved matter submission to be supported by an updated ecological impact assessment, as well as a construction environmental management plan. The latter document is to set protection and mitigation measures and habitat enhancement and management proposals. In response, the application has been supported by an updated ecological impact assessment and an environmental construction management plan (biodiversity)

These documents have been reviewed by the Council's Ecological Consultant and he has confirmed that their contents are acceptable and that condition 13 has been satisfied and discharged.

##### Air Quality

Air quality was considered at the outline planning application and subject to a condition in relation to proposed mitigation measures. It does not form part of the reserved matters that are being considered as part of this application.

## EIA Regulations

The outline planning permission, DM/18/4979, was EIA development and was therefore subject to an Environmental Statement. Paragraph 9 of Part 3 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 refers to the procedures for determining subsequent applications where environmental information has previously been provided. In this case the local planning authority considers that the environmental information already before the Council is adequate to assess the significant effects of the development on the environment. It is considered that the development is in broad accordance with the outline planning permission and as such the conclusions of the Environmental Statement submitted under that application remain relevant.

## **PLANNING BALANCE AND CONCLUSION**

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

The details of the reserved matters of the layout, scale, appearance and landscaping of the site need to be assessed against the relevant policies in the development plan. 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 proposal is considered acceptable in respect of the layout, appearance and scale, with no objections being raised by either the Council's Urban Designer or the Mid Sussex Design Review Panel. Conditions are however recommended to secure detailed (1:20) design matters and boundary treatments to ensure that the development proceeds in an appropriate way with respect to these matters.

The proposed landscaping is acceptable and well-integrated into the overall layout of the site, with appropriate native species be proposed to provide sensitive landscape buffers to the north and eastern boundaries of the site. The proposal also provides a good level of play space and open space in accordance with the outline planning permission

No objections are raised to the proposal by the local highway authority and while it is noted that the proposed level of parking across the site exceeds standards, it is considered that the proposals in this respect are acceptable. Conditions are recommended to secure the proposed cycle parking provision and require the details of the proposed EV charging points, that will be provided in each garage on site.

The affordable housing provision of 150 units is policy compliant (30%) and the mix of units and location of them also accords with the Council's requirements. The general mix of the private accommodation is also considered acceptable



The proposal is supported by a sustainability statement which demonstrates that the development will deliver carbon reduction over Building Regulations requirements, as envisaged and considered acceptable at the outline application stage.

Matters associated with drainage, ecology and air quality were considered at the outline stage and are already subject to conditions attached to that permission.

The proposal will cause less than substantial harm to nearby designated heritage assets and great weight needs to be given to this. The test set out at paragraph 202 of the NPPF is that this harm (less than substantial) should be weighed against the public benefits of the development. In this particular case there are clear, substantial, demonstrable and compelling public benefits outlined in this report which are considered to outweigh the less than substantial harm to the settings of the heritage assets identified.

In addition, the proposal will cause less than substantial harm to the non-designated heritage assets of moderate to high significance, a balanced judgement on this issue must be made in accordance with the NPPF. This less than substantial harm has been balanced against the positive benefits that flow from the development of up to 500 dwellings and the provision of land for a primary school on the site that forms one of strategic site allocations within the District Plan (DP11 refers). It is judged that the benefits of the scheme significantly outweigh the less than substantial harm to the non-designated heritage assets.

The application is deemed to comply with policies DP11, DP21, DP26, DP27, DP28, DP30, DP30, DP34, DP38 and DP39 of the Mid Sussex District Plan, policies 3, 5, 6, 9 and 16 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD, the NPPF and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

1. Prior to the commencement of construction of any dwelling or building, including the construction of foundations, further detailed design of the internal layout of the six M4(3) units to demonstrate compliance, shall be submitted to and agreed in writing the Local Planning Authority. The units shall only be constructed in accordance with the approved details.

Reason: To ensure that the units are fully wheelchair accessible and to accord with policy DP28 of the Mid Sussex District Plan 2014 -2031.

2. Prior to the commencement of construction of any dwelling or building, including the construction of foundations, 1:20 scale elevation and section (shown in context) drawings of the following typical features shall be submitted to and approved in writing with the Local Planning Authority;
  - The brick detailing
  - Dormer windows
  - Juliet balconies
  - Entrance canopies and doors (in relation to blocks D, G, H, J, K)

The development shall only be constructed in accordance with the approved details.

Reason: To control the quality of the appearance of the development and to comply with policy DP26 of the Mid Sussex District Plan 2014 - 2031 and policy 9 of the Hassocks Neighbourhood Plan.

3. Prior to the commencement of construction of any dwelling or building, including the construction of foundations, and notwithstanding any information submitted in support of this application, details of the proposed boundary treatments to the proposed dwellings, open space and play areas, shall be submitted to and approved in writing with the Local Planning Authority. The development shall only be constructed in accordance with the approved details.

Reason: In the interest of the character and appearance of the area and to accord with policy Dp26 of the Mid Sussex District Plan 2014 -2031 and policy 9 of the Hassocks Neighbourhood Plan

4. Prior to the commencement of construction of any dwelling or building, including the construction of foundations, details of the proposed electric vehicle charging points, in respect of the specification and location, have been submitted to and approved in writing with the Local Planning Authority. No dwelling shall first be occupied until such time as the approved details, relative to that property, have been constructed and are operational.

Reason: In the interest of sustainability and to accord with policies DP21 and DP39 of the Mid Sussex District Plan 2014 -2031 and policies 5 and 16 of the Hassocks Neighbourhood Plan.

5. No dwelling(s) shall be occupied until the car parking space(s) serving that particular dwellings(s) have been constructed and made available for use in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

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

6. No dwelling(s) shall be occupied until covered and secure cycle parking spaces serving that particular dwelling(s) have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

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

7. In the event that photovoltaic panels are required to be installed as part of the construction process of any dwelling subject to this permission, details of the location and specification of the panels shall be submitted to and approved in writing with the Local Planning Authority prior to the commenced of the relevant dwelling(s). The dwelling(s) shall thereafter only be built in accordance with the approved details.

Reason: In the interest of visual amenity and to accord with policy DP26 of the Mid Sussex District Plan and policies 9 and 16 of the Hassocks Neighbourhood Plan.

8. The development hereby permitted shall only be implemented in accordance with the details contained within Ecology Impact Assessment by The Ecology Partnership (July 2021) and the Construction Environmental Management Plan (Biodiversity) by The Ecology Partnership (July 2021), unless first agreed in writing with the Local Planning Authority.

Reason: To protect the biodiversity value of the site and to accord with policy DP38 of the Mid Sussex District Plan 2014 - 2031.

9. 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

- 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.
- In respect of condition 2, I would draw your attention to the consultation response from the Council's Urban Designer, particularly with regard to brick detailing and the expectation of 25mm projecting brickwork.
- On the basis of the information contained within this application, I can confirm that conditions 12, 13 and 29 (of the outline permission) are discharged. Please note that submission of and granting of this reserved matters application means condition 1 of the outline permission has been complied with.

### 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	CB_85_234_000		03.08.2021
Planning Layout	CB_85_234_001	H	04.11.2021
Planning Layout	CB_85_234_002	B	04.11.2021
Planning Layout	CB_85_234_003	B	04.11.2021
Planning Layout	CB_85_234_004	C	04.11.2021
Planning Layout	CB_85_234_005	B	04.11.2021
Parking Layout	CB_85_234_006	B	04.11.2021
Planning Layout	CB_85_234_007	B	04.11.2021
Planning Layout	CB_85_234_012	B	04.11.2021
Planning Layout	CB_85_234_013	B	04.11.2021
Planning Layout	CB_85_234_901	B	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_TA_NT42_01	A	04.11.2021

Proposed Floor and Elevations Plan	CB_85_234_TA_EMA46_01	B	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_TA_EMT41_01	A	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_TA_EMA42_01	A	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_TA_EMB31_01		04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_TA_EMB31_02		04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_TA_EMT31_01	A	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_TA_EMT31_01	A	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_TA_EMA33_01	A	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_TA_EMA33_02	B	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_TA_A&2BCH_01	D	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_TA_A&2BCH_02	C	04.11.2021
Proposed Elevations	CB_85_234_TA_E_01	C	04.11.2021
Proposed Floor Plans	CB_85_234_TA_E_02	C	04.11.2021
Proposed Elevations	CB_85_234_TA_F_01	D	04.11.2021
Proposed Floor Plans	CB_85_234_TA_F_02	C	04.11.2021
Proposed Elevations	CB_85_234_TA_L&2BCHA_01	E	04.11.2021
Proposed Elevations	CB_85_234_TA_L&2BCHA_02	E	04.11.2021
Proposed Elevations	CB_85_234_TA_L&2BCHA_03	D	04.11.2021
Proposed Elevations	CB_85_234_TA_N_0	D	04.11.2021
Proposed Floor Plans	CB_85_234_TA_N_02	D	04.11.2021
Proposed Elevations	CB_85_234_TA_B&2BCH_01		04.11.2021
Proposed Floor Plans	CB_85_234_TA_B&2BCH_02		04.11.2021
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Proposed Floor and Elevations Plan	CB_85_234_RE_NA51_02		04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_RE_NA46_01	B	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_RE_NT42_01	A	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_RE_NT42_02	A	04.11.2021
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Landscaping Details	TWST23192 10B		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 1		04.11.2021
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Landscaping Details	TWST23192 11C - Sheet 3		04.11.2021

Landscaping Details	TWST23192 11C - Sheet 4		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 5		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 6		04.11.2021
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Landscaping Details	TWST23192 11C - Sheet 8		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 8		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 9		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 10		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 11		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 12		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 13		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 14		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 15		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 16		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 17		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 18		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 19		04.11.2021
Landscaping Details	TWST23192 11C - Sheet 20		04.11.2021
Landscaping Details	TWST23192 12C - Sheet 1		04.11.2021
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Landscaping Details	TWST23192 12C - Sheet 4		04.11.2021
Landscaping Details	TWST23192 12C - Sheet 5		04.11.2021
Landscaping Details	TWST23192 12C - Sheet 6		04.11.2021
Landscaping Details	TWST23192 12C - Sheet 7		04.11.2021
Landscaping Details	TWST23192 12C - Sheet 8		04.11.2021
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Proposed Floor and Elevations Plan	CB_85_234_CGE_EMT31_02	A	04.11.2021

Proposed Floor and Elevations Plan	CB_85_234_CGE_EMT31+EM A33_01	A	04.11.2021
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Proposed Floor and Elevations Plan	CB_85_234_CGE_EMA22_02	A	04.11.2021
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Proposed Floor Plans	CB_85_234_CGE_C_02	B	04.11.2021
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Proposed Floor Plans	CB_85_234_CGE_D_02	B	04.11.2021
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Proposed Floor Plans	CB_85_234_CGE_G&2BCHA_02	C	04.11.2021
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Proposed Floor Plans	CB_85_234_CGE_H_02	B	04.11.2021
Proposed Elevations	B_85_234_CGE_J_01	C	04.11.2021
Proposed Floor Plans	CB_85_234_CGE_J_02	B	04.11.2021
Proposed Elevations	CB_85_234_CGE_K&2BCHA_01	D	04.11.2021
Proposed Floor Plans	CB_85_234_CGE_K&2BCHA_02	C	04.11.2021
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Proposed Floor and Elevations Plan	CB_85_234_GAR_02	A	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_GAR_03	B	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_GAR_04	B	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_GAR_05	A	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_GAR_06	B	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_BIN_01		04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_BIN_01		04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_BIN&CYC_03		04.11.2021



Proposed Floor and Elevations Plan	CB_85_234_BIN&CYC_04	A	04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_CYC_01		04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_CYC_02		04.11.2021
Proposed Floor and Elevations Plan	CB_85_234_SUB_01		04.11.2021

## APPENDIX B – CONSULTATIONS

### Parish Consultation

Hassocks Parish Council RECOMMENDS REFUSAL for the following reasons:

#### 1. Access to Woodside Grange

When PROW 11K is upgraded to a cycle route and is serving 500 homes, there will be a high risk of conflict between motor vehicles accessing Woodside Grange and cyclists and pedestrians using the PROW. It is important that the design allows for alternative motor vehicle access, including emergency and service vehicles, to the south of Block C.

#### 2. Public Rights of Way (PROW)

The Landscape Masterplan states that PROW 5K will be upgraded to a bridleway as part of the non-car route provision on the development. However other documents refer to this route as a footpath. Please can these be updated to reflect the upgrade to Bridleway status.

#### 3. Non-Car Route Provision

The Parish welcomes the provision of a new off-road cycle and pedestrian route to Burgess Hill. Please can the documentation make it clear that the existing PROW 11K which links Woodsland Road to the development site will be upgraded to Bridleway status as part of the non-car route provision. Additionally, the Parish requests that the new route to Burgess Hill be delivered as early as possible in the development due to increased works traffic on Ockley Lane and inevitable safety issues.

#### 4. Sustainable Design

4.1 Sustainability Statement. No Sustainability Statement has been submitted as required under condition 14 of the outline permission, and as referred to in the covering letter and Planning Statement for this application. Without sight of this document the Parish Council cannot tell whether the proposal complies with policy 5 of the Hassocks Neighbourhood Plan; and therefore the Council's response would be to submit a Holding Objection until the Sustainability Statement is available and accepted by the Parish.

4.2 Future Homes Standards. Given the expected duration of the build time for the development, it is highly likely that new Government Regulations will come into effect before the end of the build. Therefore the Government's Future Homes Standard for New Build Developments should be adopted for all homes being built on this site.

## 5. Electric Charging Points

In view of the Government's accelerated timescales for conversion to electric vehicles it would be appropriate to install a higher level of charging points. It is suggested that:

1. The base level of fully installed Charging Points be 50%.
2. 100% of detached houses be fully installed ' as these will have high car ownership and be more likely to purchase an electric vehicle.

## 6. Allotments

The Parish Council notes and welcomes the inclusion of a small number of allotments as part of the Community Orchard ' however these appear to be unfenced and past experience suggests that additional protection is required to prevent vandalism and loss of crops. Therefore fencing is essential as part of the provision please.

In view of the number of dwellings being built the Parish would welcome a further allocation of a larger separate site with space for 20 to 30 allotments. The Parish Council would also like to take this opportunity to express its interest in owning and managing of all/any allotment sites provided and the Community Orchard.

## 7. Building/Site Layout

### 7.1 Green Edge Buildings

The Parish is concerned that 3 storey buildings are included at the edges of the site. Particularly in the southwest corner of the site (opposite Woodside Grange) where there are two sets of Type C apartments designed as a focal building 'to frame the landscape'. These buildings will in fact have a number of negative effects:

They will loom over the Public Right of Way removing any illusion of a rural route with open views.

Approaching through the open space from the south they will dominate the view and detract from the gentle blending from open space to built form.

They will have an imposing impact on Woodside Grange rather than the gentler effect offered by lower buildings.

The Parish therefore asks that all large and imposing buildings on the green edges be reconsidered to ensure the development has a soft edge that enhances the view when approached from outside.

### 7.2 Bungalows

Whilst the Parish welcomes the inclusion of bungalows in the development, it is thought that these would be better placed nearer the southwest corner of the site. This would allow a shorter pedestrian route into the centre of the village.

### 7.3 Green Link

The proposed 'Green Link' is a natural desire line for walkers from the east to the new bridleway to Burgess Hill but is not shown as a footpath connection and only has intermittent footpath / driveways. This should be formalised as a pedestrian link as this is how it is highly likely to be used.

## 8. Landscaping

8.1 Northern Boundary. The landscaping on the northern side of the site is mostly open / SuDS with only intermittent tree planting and will not provide a strong landscape buffer to the site to protect the countryside and strategic gap between Hassocks and Burgess Hill. This therefore needs to be reviewed and additional tree planting is required.

8.2 Landscaping Maintenance. Where hedges are planted adjacent to footpaths and roadways, a robust maintenance plan is required. It is essential that vegetation is kept tidy and does not extend onto pedestrian and/or vehicular routes which will impact on visibility and access; potentially presenting a safety issue.

## 9. Parking

Insufficient car parking is shown for the inevitable drop-off / pick-up of children for the school which will result in parking along the only access road into the development potentially causing obstruction to emergency and refuse vehicles.

## 10. Flood Risk Management

Insufficient information has been provided concerning how surface water will be managed on the site to prevent flooding here or elsewhere.

## 11. Land Ownership And Access Concerns

The Parish Council is concerned that the ongoing issues raised by Mr and Mrs Hayhurst of Hawthorn Cottage, Ockley Lane, Hassocks appear to remain unresolved and would therefore ask that these are addressed and a satisfactory resolution attained.

## **MSDC Urban Designer**

### Summary and Overall Assessment

The scheme benefits from a carefully organised layout that is well-served by open spaces. Bearing in mind the size of the scheme, it suffers a little from a lack of architectural variety; however, this is compensated for by the application of different brick detailing and secondary materials that provides the necessary contrast between the four different "character areas". The scheme is consequently supported by the Design Review Panel who agreed that the landscaping and green spaces were particularly well thought through. However, the DRP still had concerns about the impact of the proposed primary school in terms of traffic generation during drop off and pick up times but unfortunately they cannot be fully assessed until a proposal for the school is received.

The sustainability strategy encompasses a fabric first approach and no commitment to renewables at this stage. While this does not fully address the provisions of DG37 of the Mid Sussex Design Guide (MSDG), the scheme in other respects sufficiently addresses the guidelines of the MSDG as well as DP26 of the District Plan; I therefore raise no objection to this planning application. To secure the quality of the design, I would nevertheless recommend conditions requiring the approval of the following details/information:

- 1:20 scale elevations and section (shown in context) of the following typical features: the brick detailing (which should feature 25mm projecting brickwork), dormer windows, Juliet balconies, entrance canopies and doors.
- Hard and soft landscaping details including boundary treatments.

- Details of the facing materials including the application of materials in respect of plot 98.

### Layout

The overall layout generally follows the illustrative masterplan in the outline consent. It benefits from being organised around a series of perimeter blocks with building frontages that address/face the streets and spaces including the existing public rights of way, retained hedgerows, and existing and proposed open spaces. This arrangement also provides a front-on relationship with the site boundaries except along parts of the southern boundary where the proposed houses have sensibly been organised to back-on to existing back gardens along Mackie Avenue.

The three centrally positioned open spaces (the main open space including the "Northern Spur"/"Central Square", the "Green Link" and the "Focal Square") provide the organising focus for the layout and appropriately break-up the development parcels, while the proposed orchard and linear open space along the northern boundary soften the development along the rural edge.

The main open space incorporates the main play area that along with the proposed school provide the necessary community focus for a scheme of this size. The position of this open space has also been influenced by the need to provide a buffer that reduces the inter-visibility between the listed Ockley Manor and the new development and the proposed tree-belt on the eastern boundary will reinforce this buffer.

The prominence of the main open space is reinforced to the north by its intervisibility and connection with the main avenue, public square, primary school, and community centre public square that is provided by the green spur that connects them.

The Green Link incorporates a (mostly) retained hedgerow that is the natural dividing line between the east and west part of the development. The Green Link also has a connecting role in linking up the open spaces on the northern boundary with the existing PRow to the south which links up the open spaces/green links inside and outside the southern boundary (and Hassocks village centre beyond) and western boundary (including the proposed cycle path to Burgess Hill) as well as linking the main spaces on the eastern part of the scheme. The Green Link also incorporates breaks in the hedgerow to ensure there is sufficient permeability from east to west.

As its name suggests the Focal Square provides an appropriate focus for both the western part of the site and the termination of the main avenue.

The hierarchy within the layout is reinforced by focusing the school, community centre and apartment buildings around the two squares at each end of the central avenue. The importance of the latter within the layout is further emphasised by its formal arrangement that include a regular tree line (combined with low hedge row) and consistent typologies and façade treatment of the houses on both sides of the street.

The revised drawings have resulted in the following improvements to the layout:

- The rear court parking serving the apartment blocks now benefit from more soft landscaping and the inclusion of pergolas that break up the hard surface area. Some of them also incorporate a more generous buffer around the rear building threshold especially in relation to block L (where the wheelchair accessible flats now benefit from their own private gardens) and block N. The rear court parking areas also impose less upon the street environment as they are less visible because gaps in the street frontages have been filled either by reorganising building frontages (including re-positioning sub

stations, bin and cycle stores at the front) and/or by introducing more boundary screening; the more continuous frontages also help the apartment blocks integrate better with the houses and in the case of block B provides for a longer frontage onto the main open space/spur. While blocks A/B/L still exceed the recommended maximum of 15 spaces (by 6/7 spaces) set out in DG19 of the MSDG, they benefit from a good level of natural surveillance and good quality landscaping that should ensure they feel sufficiently attractive and safe.

- Right-angle front threshold parking has been reduced and now accounts for a relatively small proportion of street frontages (with most of the allocated parking either provided at the side of houses or within rear courts) contributing to greener and better-defined streets and spaces; this has been achieved by incorporating more parallel-parking visitor spaces principally around the perimeter of open spaces where they have less impact while not significantly impacting upon the open space provision. The removal of right-angle front threshold parking has been especially beneficial for apartment blocks B and D, not only because it previously presented hard-edged frontages, but it also removed potential vehicle headlight and noise nuisance that might have otherwise been suffered by adjacent ground floor flat residents.
- The houses on plot 481-498 now benefit from a direct pedestrian link to the school and main open spaces; however, as this extends beyond the red line boundary it will need to be subject to agreement with the developer of the school.
- The road structure in front of plots 17-21 has been amended to allow for a greater landscape buffer to further reduce the impact of the development upon Ockley Manor.
- The pathway across the main avenue from the school to the main open space is now a straight (rather than dog-leg) link that addresses the desire line in accordance with the DRP's recommendation.
- The houses adjacent to the northern boundary are better spaced as a result of re-positioning the garages/parking spaces.

The pumping station is unfortunately positioned between the bungalows on plots 366-370 and the open space along the northern boundary. Unfortunately, there is no other acceptable location and it is mitigated by a generous soft-landscaped screen proposed around its north east and west boundaries.

Blocks B and F would benefit from a boundary wall to screen the parking, I would therefore like the boundary treatment to be conditioned.

### Elevations

The building design combines a fresh contemporary aesthetic with facing materials that reference the local area and avoid pastiche vernacular interpretations. The generously proportioned windows and open plan interiors should ensure that dwellings benefit from modern living requirements and a good level of natural light while also providing open frontages that address the street. Most of the houses benefit from either secondary materials or, brick detailing that provides some elevational interest.

The layout is organised into four "character areas"; in addition to their different layout characteristics, these areas are further distinguished from each other by employing contrasting façade treatment which helps to address the overall lack of variety in the standard building typologies.

The revised elevations have made the following improvements:

- The contrasting elevational approaches between the different character areas has been further emphasised by more consistent grouping of house types and/or application of

materials within individual streets or around spaces. This is exemplified by the employment of gabled frontages around the main open space and by the consistent vertical grouping of ground and first floor windows along the central avenue. Also plots 191-200 and 161-168 now benefit from a formally grouped street elevation that face the existing open space to the south of the site. The character areas including the "Central Green Edge" area (which the DRP criticised for being too bland) benefit from the application of more detailing / secondary materials.

- The facades of the apartment blocks have been significantly improved. They now incorporate front entrances that properly address the street and benefit from better composed frontages that reflect the same architectural approach applied to the houses incorporating either a high level of brick detailing or the comprehensive application of secondary materials (boarding). This integrates them better with the houses, adds architectural interest and helps to break down their scale. Previously bland rear elevations have also been enhanced by employing additional detailing.
- The juxtaposition between buildings have been improved. For instance, on the Focus Square block E has been pulled away from the houses on plots 296/297 and consequently no longer overwhelms them; its more southerly position also allows its symmetrical double gabled frontage to terminate the east west axis of the central avenue.
- The employment of boarding of more of the gable-fronted houses on corner plots at first floor level helps to define their prominent position and frame the longer street frontage.
- The terraced houses are better articulated, as they now benefit from being bookended by gabled frontages or, in the case of most of the three-house groupings, they benefit from a replicated arrangement of their individual frontage that provides underlying rhythm.
- Fake glazing bars have been omitted from all the houses (they were previously featured in the "Green Central Edge").

I have the following detailed issues:

- There is a need for a significant contrast in the brick colour between the character areas.
- The entrance doors are traditionally panelled and the canopies feature console brackets that are at odds with the contemporary design of the buildings
- The boarding is mostly applied across all four sides of building. However, in some buildings it is not, this is most obvious on plot 98 where the proposed boarding needs to extend to the visible flank return.
- It is a shame that the east elevation of block F does not feature more detailing; as it is a street frontage it is more important than block E's flank, which doesn't.

I would therefore like these elements covered by condition.

### **Mid Sussex Design Review Panel**

The panel agreed that the landscaping and green spaces are now well thought through and significantly improved since the pre-application submission.

The space opposite the school coordinates better with main open space and benefits from a more open layout, but the spill out area may need to be even bigger. The panel were concerned as the traffic generation and drop off requirements of the school need to be properly understood to prevent an uncoordinated arrangement and traffic congestion around the entrance of the development; this is difficult to plan for without the design of the school being progressed at the same time.

The dog-leg configuration of the pathway from the main open space to the spine road / avenue is unnecessarily circuitous and defies the natural desire line. Traffic calming

measures rather than pedestrian calming is needed to ensure safe passage across the road; for instance, a raised table could be considered.

The hedgerows defining the front threshold of houses will need to be kept low and would benefit from being evergreen.

The elevations have improved especially in respect of the brick detailing and larger windows in the Avenue and Clayton Core character areas. The latter will allow more natural light to filter in; however, care will need to be taken to avoid overheating especially on south facing frontages. While floorplans were not presented, the DRP approved in principle to more open plan layout.

The Central Green Edge area still unfortunately suffers from bland facades as well as small windows and would benefit from being further reviewed.

Overall Assessment:

The panel support the scheme subject to changes that address the above issues.

### **MSDC Conservation Officer**

These comments follow on from the granting of outline planning permission for the above scheme under reference DM/18/4979. Although greater detail has now been provided of the development scheme, including the associated landscaping, my assessment of the impact on the affected heritage assets remains similar.

#### The application site and affected heritage assets

The application site is an area of open fields and hedgerows to the west of Ockley Lane and to the north of Mackie Avenue, Hassocks. A PROW runs east-west through the site meeting Ockley Lane opposite Ockley Manor.

There are a number of designated and non-designated heritage assets in the vicinity of the site, grouped around Ockley Manor, which is located to the east side of Ockley Lane opposite the south eastern corner of the site. These assets comprise:

- Ockley Manor, Grade II\* listed, located to the east of Ockley Lane and set back from it in generous grounds.
- Ockley Manor dovecote, located to the south west of the Manor within its grounds and adjacent to Ockley Lane, Grade II listed.
- Ockley Manor Barn, located to the north west of the Manor and Grade II listed.
- Ockley Manor Cottages, recently listed Grade II and located within the former farmstead to Ockley Manor, to the north of the house.
- Further buildings within the former farmstead which are not included on the statutory list but would be regarded as non-designated heritage assets, including the converted buildings around the former farm courtyard known as The Old Malthouse, The Barn, The Old Dairy and the Old Granary, and two further buildings located to the south east of the farmstead group, a timber framed cart shed and a 19th century barn.

These buildings are considered to have both individual and group value in built heritage terms. These comments will consider each asset in turn and then collectively, in terms of their special significance, including group value, and the contribution that settings and views make to that significance, and the effects of the proposed development on each asset's significance and the ability to appreciate it. Ways in which harm can be avoided or minimised

will also be explored as appropriate. This is in accordance with the guidance set out in Historic England's Historic Environment Good Practice Advice in Planning Note 3 'The Setting of Heritage Assets.'

### Ockley Manor

Ockley Manor is a Grade II\* listed house set in extensive grounds to the east of Ockley Lane. The house, which is listed as dating from the early 18th century, in fact contains earlier fabric suggesting a 17th century origin. The origins and development of the house are outlined in a survey and report prepared by Maggie Henderson of HB Archaeology and Conservation Ltd on behalf of the owner of Ockley Manor, which was submitted in response to the previous, outline application (DM/18/4979).

Despite its name, it seems that the house was never in fact a manor, but originated as and remained for many years the farmhouse for Ockley Farm, before the house and farmlands were separated by sale in the late 19th century. From this date the house has functioned primarily as a country residence. The changing fortunes of the farm and its tenants or owners, and later its changing role, have been reflected in alterations and extensions to the building over time. The special interest of the building is therefore considered to lie partly in its character as a good example of a predominantly early 18th century farmhouse of some pretension, with earlier origins and with later alterations, associated with and illustrating the fluctuating fortunes of farming throughout the period, as well as a later change in function.

Throughout its lifespan, the house has existed in a close relationship with its rural setting, this relationship being at first the functional relationship of a farmhouse with its associated farmlands, and latterly that of a country residence with its rural setting and prospects (the enjoyment of which by the occupants of the house is demonstrated by the alterations to the house's Dovecote, discussed below). The surviving rural setting of the house is therefore considered to make a strong positive contribution to the manner in which the special interest of the house is appreciated.

The proposed development site lies to the west and north west of Ockley Manor to the opposite side of Ockley Lane. Although set at a small remove from the western side of the Lane (two fields adjacent to the Lane being retained in the ownership of the Manor and not forming part of the current proposed site), development on the site would have a fundamental impact on the currently rural character of this part of the setting of Ockley Manor for reasons of:

- The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the blocks to the south east corner of the site and to the rear of Barn Cottage.
- The impact of the proposal on the character of the retained open space/parkland within the site.
- The impact of development of this scale on the currently rural broader setting to the west of Ockley Manor, including views from the house and its immediate setting.
- The impact of the proposed development on the character of the principal approaches to the Manor along Ockley Lane and along the PROW approaching the Manor through the site from the west.

In my opinion this will have a harmful effect on this part of the setting of the Manor and the way in which this contributes to an appreciation of the special interest of the listed building as set out above. In terms of the NPPF, I would categorise this harm as less than substantial, such that the criteria set out in paragraph 202 of that document would apply.



My previous comments on the outline application identified several areas of potential mitigation, including setting the development further away from the asset, introducing enhanced natural screening along the edges of the built development, and ensuring that the character of the retained open spaces is as close as possible to the existing rural landscape. Retention of characteristic features such as hedgerows would also assist in this, as would a careful consideration of how the proposal will affect the approaches to the Manor including the PROW which runs through the site. It was noted however that any amount of mitigation would be unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the asset and to its special interest.

The current detailed application shows a similar disposition of development to the approved scheme. Greater detail of the proposed landscaping has been provided, and does confirm the use of appropriate native species where planted screening is proposed, and the partially 'natural' character of the open spaces within the site, to the east of Ockley Manor. However the degree of screening appears similar to that shown in the outline proposal, and my assessment of the level of harm caused remains unchanged, at less than substantial.

### Ockley Manor Dovecote

Ockley Manor Dovecote is a brick built building located to the south west of the Manor at the edge of the gardens to the house, adjacent to Ockley Lane. It is Grade II listed. It is suggested in the list description to date from the 18th century, but Maggie Henderson's report suggests a 17th century origin. The building was altered in the early 20th century with the insertion of large windows to create a summer house.

The positioning of the building adjacent to Ockley Lane is likely to have been deliberate, as a visually prominent demonstration of the wealth and status of the owner of the Manor (or farm as it then was), although it would also have served a practical purpose, as doves provided a precious source of meat for the residents of the farm during the winter months. In its more recent reincarnation as a summer house, the introduction of windows to the west elevation seems intended to take advantage of the rural views over the fields to the opposite side of Ockley Lane. In both phases of its existence, as a functioning building within the farmstead of Ockley, and as a summer house, the building has enjoyed a close relationship with its rural setting. The surviving fields to the west of Ockley Lane therefore make a significant positive contribution to the setting of the listed building and the manner in which its special interest is appreciated.

The proposed development will impact on the character of the setting of the dovecote for reasons of:

- The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the block to the south east corner of the site.
- The impact of the proposal on the character of the retained open space/parkland.
- The impact of development of this scale on the currently rural broader setting to the west of Ockley Lane, including views from the Dovecote and its immediate setting.
- The impact of the proposed development on the character of the principal approaches to the Dovecote along Ockley Lane and along the PROW approaching the Manor through the site from the west, which arrives at Ockley Lane directly opposite the Dovecote.

The proposed development will have a fundamental impact on the rural character of the western part of the setting of the Dovecote. This will detract from the manner in which the special interest of the Dovecote as a former functional part of the historic farmstead of Ockley and later as a summerhouse to the Manor house is appreciated. I would categorise this harm as less than substantial in terms of the NPPF.

As above for Ockley Manor, potential mitigation was identified in my previous comments and could take the form of setting the development further away from the asset, introducing enhanced natural screening along the edges of the built development, and ensuring that the character of the retained open spaces is as close as possible to the existing rural landscape. Retention of characteristic features such as hedgerows will also assist in this, as will careful consideration of the treatment of the approaches to the asset along Ockley Lane and the PROW. Again, it was noted that any amount of mitigation would be unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the Dovecote.

Again as above, the current detailed application shows a similar disposition of development to the approved scheme. Greater detail of the proposed landscaping has been provided, and does confirm the use of appropriate native species where planted screening is proposed, and the partially 'natural' character of the open spaces within the site, to the east of Ockley Manor. However the degree of screening appears similar to that shown in the outline proposal, and my assessment of the level of harm caused remains unchanged, at less than substantial.

### Ockley Manor Barn

Ockley Manor Barn is a Grade II listed timber framed former barn, now converted for residential use. The list description refers to the building as dating from the 18th century, but the assessment of the origin and development of the manor and farmstead given by Maggie Henderson suggests a 17th century origin for the building. Its special interest is considered to lie in its character as a good example of a surviving vernacular barn of the period.

The Barn is situated to the north west of the manor house, at the southern end of the farmstead. It faces onto the gardens to the front of the house, but views from its immediate setting to the west are of the open fields to the west of Ockley Lane including the development site. This rural element of the Barn's setting is considered to make a strong positive contribution to the manner in which its special interest is appreciated.

The proposed development will impact on the character of the setting of the barn for reasons of:

- The impact of the built form to the west of Ockley Lane, which will be in relatively close proximity, in particular the block to the rear of Barn Cottage.
- The impact of the proposal on the character of the retained open space/parkland within the site.
- The impact of development of this scale on the currently rural broader setting to the west of Ockley Lane, including views from the Barn and its immediate setting.
- The impact of the proposed development on the character of the principal approaches to the Barn along Ockley Lane and along the PROW approaching the Manor through the site from the west.

The proposed development will have a fundamental impact on the rural character of the western part of the wider setting of the Barn. This will detract from the manner in which the special interest of the Barn as a former agricultural building and part of the historic farmstead of Ockley is appreciated. I would categorise this harm as less than substantial in terms of the NPPF.

As above for Ockley Manor and the Dovecote, potential mitigation could take the form of setting the development further away from the asset, introducing enhanced natural screening along the edges of the built development and ensuring that the character of the

retained open spaces is as close as possible to the existing rural landscape. Retention of characteristic features such as hedgerows will also assist in this, as will careful consideration of the approaches to the Barn along Ockley Lane and the PROW running through the site. Again, it should be noted however that any amount of mitigation is unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the asset.

The current detailed application shows a similar disposition of development to the approved scheme. Greater detail of the proposed landscaping has been provided, and does confirm the use of appropriate native species where planted screening is proposed, and the partially 'natural' character of the open spaces within the site, to the east of Ockley Manor. However the degree of screening appears similar to that shown in the outline proposal, and my assessment of the level of harm caused remains unchanged, at less than substantial.

### Ockley Manor Cottages

Ockley Manor Cottages have been recently listed Grade II. They are situated at the northern end of the Ockley Manor farmstead and were constructed between 1818 and 1845 as a semi-detached pair to house farmworkers. The list description states that the cottages have special architectural interest for reason of their striking use of traditional materials, symmetrical arrangement and good survival of interior joinery, and special historic interest in the way that they illustrate modest farm workers cottages of the 19th century and the way that these were occupied. The buildings are also identified as having group value with the Ockley Manor, Barn and Dovecote.

From the north facing frontages of the cottages there are open views across the farmland to the north, which also take in Ockley Lane to the west and the cottages and fields beyond. This rural setting is considered to make a strong positive contribution to the manner in which the special interest of the building as former farmworkers cottages is appreciated. Development on the site will have an impact on the character of the setting of the cottages for reasons of:

- The impact on the hedge line to the east of Ockley Lane which it is proposed to reposition.
- The impact of the proposed built development to the north east corner of the site including housing and the proposed new school, which is likely to be visible between and beyond the cottages to the western side of Ockley Lane.
- The impact of the changed character of the retained open land to the north east corner of the site (school playing fields and community orchard).
- The impact on the character of the approach to Ockley Manor Cottages from the north along Ockley Lane. Ockley Manor Cottages are prominent in views looking south along Ockley Lane which would also take in the proposed development site to the west of the road.

These impacts are likely to detract from the existing rural character of these parts of the setting of the Cottages which will in turn detract from the contribution that this setting makes to the special interest of the listed building, as identified above, and how this is appreciated. I would consider that the level of harm would be less than substantial in terms of the NPPF such that the criteria set out in paragraph 202 of that document would apply.

In terms of mitigation, previous comments noted that this could take the form of setting the development further away from the asset, introducing enhanced natural screening along the edges of the built development and ensuring that the character of the retained open spaces is as close as possible to the existing rural landscape. Retention of characteristic features

such as hedgerows will also assist in this, as will careful consideration of the approach to the Cottages along Ockley Lane. It should be noted however that any amount of mitigation is unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the asset.

The current detailed application shows a similar disposition of development to the approved scheme. Greater detail of the proposed landscaping has been provided, and does confirm the use of appropriate native species where planted screening is proposed, and the partially 'natural' or 'rural' character of the open spaces within the site, to the east of Ockley Manor, and within the community orchard. However the degree of screening appears similar to that shown in the outline proposal, and my assessment of the level of harm caused remains unchanged, at less than substantial.

#### Non designated heritage assets

Ockley farmstead contains a number of other buildings which while not listed or curtilage listed would be regarded as non-designated heritage assets, of interest in their own right but also making a strong positive contribution to the settings of the designated heritage assets mentioned above. These buildings, which have been identified above, are all situated to the north of the Manor house, within the historic farmstead. They are all former agricultural buildings of one type or another, the special interest of which lies partly in their illustrative value as parts of the historic farmstead. As such, their currently rural setting makes a strong positive contribution to the manner in which their special interests are appreciated.

The impacts of the proposed development on these non-designated heritage assets will be similar to those identified in respect of Ockley Manor Cottages, to which they are in close proximity. Potential mitigation measures would also be similar.

Paragraph 203 of the NPPF states that: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' In my opinion, the proposal as detailed in the current application will cause a medium level of less than substantial harm through setting to NDHAs of a moderate-high level of interest in the local context.

#### Group value

The designated and non-designated heritage assets forming part of the former farmstead of Ockley have a high level of group value, which is identified in the recent listing decision in respect of Ockley Manor Cottages. This group value adds to and enhances their individual special interests. It is therefore appropriate to consider the impact of the proposed development on the assets at Ockley Manor as a cohesive grouping, in addition to the impacts on each asset individually.

The report prepared by Maggie Henderson identifies the early origins and long history of the Ockley farmstead. Both this report and the Heritage Statement submitted by the applicant demonstrate that the farmstead and house have existed for centuries in a rural landscape which has supported their development and evolution. Although this landscape has itself undergone some changes, both of ownership and in physical appearance such as field layouts, it remains clearly rural, and supports an understanding of the origins, nature and special interest of the assets at Ockley Manor.

The rural nature of the landscape to the west of the group of assets at Ockley Manor, as part of their wider setting, must be considered to make a strong positive contribution to the

manner in which their special interest is appreciated. Development on the site will have a fundamental impact on the character of that part of the setting, which will detract from the special interests and group value of the assets for reasons of:

- The impact of the proposed built development on the character of the site.
- The impact of the changed character of the retained open land within the site.
- The impact on the approaches to the group along Ockley Lane and the PROW.

Previous comments noted that potential mitigation, as for the assets individually considered above, could take the form of setting the development further away from the group, introducing enhanced natural screening along the edges of the built development and ensuring that the character of the retained open spaces is as close as possible to the existing rural landscape. Retention of characteristic landscape features such as hedgerows will also assist in this, as will careful consideration of the approaches to the group along Ockley Lane. It should be noted however that any amount of mitigation is unlikely to entirely remove the harm that a development of this scale in this location is likely to cause to the setting of the asset grouping.

The current detailed application shows a similar disposition of development to the approved scheme. Greater detail of the proposed landscaping has been provided, and does confirm the use of appropriate native species where planted screening is proposed, and the partially 'natural' or 'rural' character of the open spaces within the site, to the east of Ockley Manor and within the community orchard. However the degree of screening appears similar to that shown in the outline proposal, and my assessment of the level of harm caused remains unchanged.

### **MSDC Housing Officer**

The developer is proposing a development of 500 units, on this large, strategic site, which gives rise to an Affordable Housing requirement of 150 units (30%) in line with District Plan Policy DP31. The mix, tenure and floor areas to be provided are detailed in the table below and these, together with the clustering proposed, are all acceptable in this instance.

<b>Unit type</b>	<b>Number</b>	<b>Floor Area</b>	<b>Tenure</b>
1B/2P Flats	39	50.1m <sup>2</sup> - 56.8m <sup>2</sup>	39 for rent
1B/2P Wheelchair Accessible Flats	2	62.9m <sup>2</sup>	2 for rent
1B/2P M4(2) Bungalows	4	50.0m <sup>2</sup>	4 for rent
2B/4P Flats & Coach Houses	36	70.0m <sup>2</sup> – 71.3m <sup>2</sup> & 80.1m <sup>2</sup> coach houses	36 for rent
2B/4P Wheelchair Accessible Flats	2	84.6m <sup>2</sup>	2 for rent
2B/4P M4(2) Bungalows	3	86.0m <sup>2</sup>	3 for rent
2B/4P Houses	44	80.1m <sup>2</sup> - 80.3m <sup>2</sup>	19 for rent & 25 for shared ownership
2B/4P Wheelchair Accessible House	1	106m <sup>2</sup>	1 for rent
3B/5P Houses	13	94.3m <sup>2</sup> – 98.9m <sup>2</sup>	3 for rent & 10 for shared ownership
3B/5P Wheelchair Accessible House	1	128.5m <sup>2</sup>	1 for rent
4B/6P Houses	5	108.3m <sup>2</sup>	3 for rent & 2 for shared ownership

Further clarification, confirmation and amendment is awaited with regards to the layout of the wheelchair accessible units to ensure that they meet the requirements of Part M4(3)(1)(a) and (b) and part M4(3)(2)(b) for wheelchair accessible dwellings as contained in Category 3 - wheelchair user dwellings of Schedule 1 of the Building Regulations 2010, as amended. An appropriate condition will be required to ensure that the necessary requirements are met. The wheelchair accessible flats will also require access to private open space.

### **MSDC Drainage Officer**

Having reviewed the additional information provided I can confirm this has addressed our earlier request for further information. The final detailed drainage design can be addressed as part of a discharge of conditions application.

### **MSDC Tree and Landscape Officer**

I have reviewed the above documents and plans and have the following comments:

#### Open Space Proposals

Subject to agreement/ comments from the landscaping team, I have the following observations:

- the boundary trees and those surrounding and screening the proposed properties are appropriate with good numbers of trees (native) which in general appear to be sufficiently dense where needed. Furthermore, the boundaries are enhanced by native hedge mix and native scrub mix planting, which will add to the screening and provide excellent wildlife habitat.
- Sheet 13 - I would request the boundary orchard mix to the south of sheet 13 is replaced with native scrub mix as it sits adjacent to the properties on Ockley Lane and would benefit from a more natural and likely denser screen. This would then be consistent with sheet 9 which covers the eastern corner also sitting adjacent to property on Ockley Lane.
- Sheet 18 - I feel there is room for additional (native) boundary trees (e.g. Quercus robur) in this SW corner of the site which will add screening for the adjacent property to the west.
- I note a few Carpinus betulus in and around parking spaces (e.g. sheet 15) which are internal to the site but within the open spaces proposals. Carpinus betulus are great native trees, but can become wide in their habit, this is not necessarily an issue, but should be taken into account when the trees are planted around parking spaces.

#### Soft Landscaping Proposals

These plans relate to the internal planting that does not fall within the open spaces proposals.

- The use of more ornamental and smaller trees is acceptable and appropriate for the planting in and around gardens and properties.
- Again, I would like to point out that the choice of species around parking spaces should be carefully considered. I note there are a few berried trees sitting adjacent to parking spaces within the scheme such as Crataegus prunifolia 'Splendens' (berries and thorns). I would not like to discourage such trees as they are clearly great for wildlife however it may be worth reconsidering their position within the scheme to avoid unnecessary pressure to prune or remove them in the future due to the nuisance they may be perceived to cause.

- I note previous comments from my colleague requesting the substitution of Pyrus calleryana 'Chanticleer' which needs to be addressed, again particularly when they are adjacent to parking spaces.
- Ornamental shrubs and planting is generally confined to more domestic areas and therefore acceptable.

#### Management and Maintenance Plan

- This is thorough and appropriate and should be adhered to.

Overall, the scheme works very well with good use of native trees and native understory planting around the boundaries, however I would recommend the minor amendments as outlined above.

#### **MSDC Landscape Architect**

I have had a look through the plans and am unable to find any detail relating to play. I note the location of the LEAP and 2 LAPs has previously been agreed and would support that, as they appear to be well overlooked.

We will need more detail to be able to provide comments.

#### **MSDC Community Facilities Project Officer**

Thanks for the opportunity to comment on the Reserve Matters application for this site but I have no comments to make in relation to play, formal sport and community buildings.

Waste, Leisure and Landscapes may have comments on the open space and landscaping.

#### **MSDC Ecology Consultant**

Following review of the following documents, EclA to Discharge Condition 13 by The Ecology Partnership (July 2021) and supporting appended information, and the Construction Environmental Management Plan (Biodiversity) by The Ecology Partnership (July 2021), I can recommend that requirements of Condition 13 be discharged.

#### **WSCC Highways**

WSCC Highways have previously issued comments on the current reserved matters application. A number of comments were raised, which have been subsequently discussed with their transport consultant, and the drawings amended accordingly. Unfortunately, details of these discussions or a commentary of the highway changes has not been included with the application. Consequently taking each point raised by WSCC Highways previously, the following comments would be offered.

All comments are made against the drawing titled 'Planning Layout', numbered CB\_85\_234\_001 Rev H.

Provision for school parking - The amended layout includes an additional number of unallocated parking spaces in the vicinity of the school, and importantly along the access road leading to Ockley Lane. Enforceable controls will be required to limit waiting within the parking spaces during week days to provide some assurance that these will be available for use by the school. A condition is required to secure details of these controls.

Although the design of the school site is only indicative at this stage, the layout has limited waiting room for parents at the frontage of the school. Whilst additional waiting room could be included within the school site, it would seemingly be prudent to revisit the design of this access road once the internal layout of the school is known to better integrate the two. For the purposes of the current application, the layout of the access road is accepted.

Landscape Plugs adjacent to plots 299 and 346 - These landscape plugs have been removed within the revised scheme.

Access Corridor within Community Orchard - This is still indicated on the revised drawing. As previously stated, it's recognised that there is an existing access onto Ockley Lane at the point indicated on the layout plan. It would be helpful if it could be confirmed if this existing access is to be used for maintenance purposes or whether the label on the drawing is superfluous.

Missing footway on frontages of plots 135-144 - A footway is shown on the latest drawing.

Purpose of 3 metre wide footway running from Block M to N - It's understood that this is to be a shared use foot/cycle way. Given the route is relatively short and in light of the low trafficked nature of the adjacent carriageway, there is seemingly little purpose to having this as a shared use route as this would be expected to have very limited use and as a shared use route would entail signing and lining. Through the detailed design it's advised that this route is left only as a wide footway rather than provided for shared use.

Need for Fire Turning Areas - These are understood to be a Building Regulation requirement. If through the Building Regs review, it's determined that some of these additional turning heads are not required, it may be appropriate to then remove.

Offsetting of footway in front of plots 407-409 - The footway has been amended so as to lie adjacent to the carriageway.

Provision of a short length of footway southwards from plot 99 - A short length of footway has now been provided.

Consistency between Planning Layout and Hard Landscaping Plans - For the purposes of reviewing this application, the Planning Layout drawing is taken to be the definitive drawing. As stated in the initial WSCC Highway response, the materials proposed within adoptable areas will in any case be further reviewed by WSCC as part of any adoption agreement. The materials may consequently be subject to change.

Materials in Shared Surface Areas - The hard landscaping plans still appear to show tarmac within shared surface areas. As a matter of principle, shared surface areas should include block work rather than tarmac. If shared surface areas are to be offered for adoption as public highway, the material must be altered.

Surfacing of Right of Way 5K - This is understood to be under discussion with the WSCC Rights of Way team.

Parking - Details have been provided indicating the parking demands for the development proposed. These forecasts are based on the WSCC Parking Demand Calculator. Parking provision is indicated to exceed the forecast parking requirement.

Electric Vehicle Charging - Details of EV charging should be secured via condition.



In summary, the significant majority of points raised by WSCC Highways have been addressed. The only point that should be clarified is that relating to the 'Access Corridor' indicated for the community orchard.

Notwithstanding the one outstanding point, the following conditions are recommended.

#### *School Parking Controls*

No part of the school shall be first occupied until such time as plans and details covering the management of parking areas associated with the school have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of those measures that may be necessary to manage on-street parking demands associated with the school.

Reason: In the interests of highway safety.

#### *Electric Vehicle Charging*

No dwelling shall be first occupied until plans and details of electric vehicle charging point locations, along with a timetable for their provision, have been submitted to and approved in writing by the Local Planning Authority. Once approved the EV charging shall be provided in accordance with the approved details.

Reason: To ensure electric vehicle charging is provided for the proposed dwellings.

#### *Car parking space*

No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use of the dwellings

#### *Cycle parking*

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

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

### **WSCC Lead Local Flood Authority**

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

We have no comments to submit for this Approval of Reserve Matters Application although we would support the District Drainage Engineer's request for further information to ensure this development can be drained sustainably and will not increase flood risk, on or off site.

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

## **Southern Water**

Southern Water has no objections to the above reserved matter application.

No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. As previously advised Southern Water seeks to limit the timescales to a maximum of 24 months from a firm commitment of the development.

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

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

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

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

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

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

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

All other comments in our previous response dated 31/12/2018 remain unchanged and valid.

## **Sussex Police**

Thank you for your correspondence of 10th August 2021, advising me of a reserved matters application for approval of reserved matters (appearance, layout, landscape and scale for 500 dwellings, (class C3), with associated infrastructure, open space, and landscaping, pursuant to outline planning permission DM/18/4979, at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a

Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security - Dwellings), that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

With the level of crime and anti-social behaviour in the Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered.

The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked, this design has all but eliminated the need for vulnerable rear garden pathways. Parking in the main has been provided with in-curtilage, garage & car barn parking and a number of on street parking bays, this should leave the street layout free and unobstructed.

Where communal parking occurs, it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area. Previous experience has shown that where parking courts are hidden away behind trees, shrubbery or fences they can become targets for crime. This can result in the vehicle owners deserting their designated bays and parking on the street in full view of their house, resulting in illegal parking, the obstruction of emergency and refuse vehicles as well as neighbourly disharmony.

It is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls, fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence. However, vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m.

Where gates provide access to the rear gardens, the gates must be placed at the entrance to the garden, as near to the front building line as possible, so that attempts to climb them will be in full view of the street and be the same height as the adjoining fence so as not to reduce the overall security of the dwellings boundary. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges.

With respects to blocks of multiple dwellings, access control will be very important, and I recommend the advice within chapter 27 of SBD Homes 2019 V2 is applied to communal entrance door-sets. Mail delivery is also very important in communal living. I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block. There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or

bedrooms. Therefore, mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence is not permitted under the SBD scheme. Facilities should be provided that enable mail to be delivered to safe and secure areas.

Communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour. Care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space, and it should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance. Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. See chapter 9 SBD Homes 2019. I would ask that consideration is given to the eventual locations in that they are surrounded with railings with self-closing gates to provide a dog free environment where possible.

In order to maintain as much natural surveillance as possible across the development, I ask that ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area. By retaining as much natural surveillance as possible, will assist the capable guardian. A capable guardian has a 'human element', that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a crime. However, a capable guardian could also be CCTV, providing that someone is monitoring it at the other end of the camera at all times.

Secure storage for bicycles will be provided for each dwelling, within garages or sheds where appropriate. Apartment blocks are to have dedicated stores. I would like to direct the applicant to SBD Homes 2019 V2 document para 56 for advice on cycle security and para 54 for increasing security of the garage vehicle door-set or the interconnecting door-set to the dwelling where applicable.

Finally, lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. I recommend dusk till dawn, vandal resistant, low energy lighting is installed within the car ports to create a safe and secure environment for the vehicle and the user.

Sussex Police have no objection to the proposed development as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations being satisfactorily addressed.

## MID SUSSEX DISTRICT COUNCIL

District Wide Committee

**16 DEC 2021**

### OTHER MATTERS

#### **Hurstpierpoint And Sayers Common**

**EF/17/0248**

#### **145 HIGH STREET, HURSTPIERPOINT, WEST SUSSEX**

##### **INTRODUCTION**

This report relates to a planning enforcement investigation and breach of planning control where the land owner has failed to comply with the requirements of an Enforcement Notice. Officers are therefore requesting authorisation from members of the committee to commence prosecution proceedings in relation to the failure to comply with an extant s.172 Enforcement Notice.

##### **SITE AND SURROUNDING**

No. 145 High Street is a detached dwellinghouse which abuts the pavement upon the northern side of Hurstpierpoint High Street and is orientated at 90 degrees to the road so that the front (but not principle) elevation faces eastwards. The property benefits from a garage and small garden to the rear (north) which is accessed via a shared driveway to the east.

The building's original form was as a small 1½ storey building constructed of red brick with tile hanging to the first floor with a catslide roof and large dormer projection.

To the east of the site lies Hurstpierpoint Players Theatre whilst no. 141 High Street; a grade II listed building, is situated to the west. The site falls within Hurstpierpoint Conservation Area which is characterised by traditional building materials and finishes which collectively contribute to the historic character and appearance of the Conservation Area.

The property is within the designated heritage asset of the Hurstpierpoint Conservation Area which benefits from special protection addressed under paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states the following:

*With respect to any buildings or other land in a conservation area..., special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

##### **PLANNING AND ENFORCEMENT HISTORY**

Planning permission was granted on the 2<sup>nd</sup> May 2017 under reference DM/16/5175 for substantial ground and first floor extensions to the building. This permission was granted with the imposition of five conditions; three of which related to the design and finish of the building.

Work thereafter commenced but were considered materially different to that approved and were considered not to benefit from planning permission and represented a breach of planning

control. Planning application DM/17/2313 sought to regularise the development as being constructed but was refused in August 2017. A further application under reference DM/18/0288 seeking remedial works to address the breach of planning control was also refused in April 2018.

Thereafter, having sought unsuccessfully to address the breach of planning control through negotiation, the Council issued an Enforcement Notice under s.172 of the Town and Country Planning Act 1990 on 25<sup>th</sup> October 2018.

The Notice alleged the following breaches of planning control:

*'Without planning permission:*

- (a) the construction on the existing dwelling on the Land ("the Dwelling") of a ground floor extension on the northern elevation and reconstruction of the first floor of the Dwelling including installation of a flue, three roof light windows to the western elevation, glazed panel to the eastern elevation, replacement windows and alteration to the appearance and finish of the Dwelling ("the Unauthorised Works"); and*
- (b) the demolition of a brick boundary wall.'*

And which required the following steps to be taken:

*'1) Remove the Unauthorised Works and reinstate the Dwelling to its design and appearance immediately prior to the breach, to include (but not limited to) the following:*

*(a) remove from the Dwelling the cement board fascia and fixings to all elevations;*

*(b) reinstate in accordance with drawing number 16/142/SK02 A and as shown on "Photo 1" and "Photo 2" :*

- i. the catslide roof and front facing gable;*
- ii. the red brick finish to the ground floor;*
- iii. the clay tile hanging to the first floor;*
- iv. the clay tile roof;*
- v. the windows at ground floor and first floor level (including cills and reveals at ground floor level);*

*(c) demolish the block rendered wall erected to the rear western elevation and rebuild on the Land a boundary wall with facing red brick in a running bond to a height of 1.8m above ground level..*

*2) Alternatively, remedy the breach by making the development comply with the terms, including conditions and informatives, of the planning permission which was granted on 2<sup>nd</sup> May 2017 in respect of the Land under reference DM/16/5175 a copy of which is attached to this Notice and for the avoidance of doubt this shall include discharging conditions 3, 4, and 5 of the Planning Permission.*

*3) Remove from the Land any other waste or debris resulting from steps 1 or 2 above.'*

An appeal against the issue of the Notice was dismissed on 17<sup>th</sup> September 2019. The Notice therefore came into effect in September 2019 with the requirements of the Notice to be complied with by 17<sup>th</sup> March 2020.

In February 2020 a further planning permission was granted under reference DM/19/5209 which sought to address the breach of planning control by regularising certain elements of the construction and proposed amendments to address the previous reasons for the refusal of planning applications and the comments of the Inspector in dismissing the appeal against the issue of the Enforcement Notice.

This permission included the following

- Extension and alteration of ground and first floor to create a full two storey building with a hipped roof
- Insertion of two conservation style rooflights to western roofslope in place of current three unlawful rooflights.
- Insertion of one conservation style rooflight to eastern roofslope in place of unlawful large glazed panel.
- Removal of unlawful flue and creation of a new brick chimneystack in the same location.
- Replacement of rear brickwork wall to replace unlawful rendered brick wall.
- Replace 10 composite windows with replace with timber sash windows with new cills
- Remove cement board render and replace with render applied directly to brickwork and plywood at first floor level.
- Amendments to soffit detail to introduce wooden frieze boards

Conditions were imposed requiring the amendments to the unlawful works to take place within 3 or 4 months of the date of the permission (June 2020)

## **CURRENT SITUATION**

Whilst some works to remove the composite windows to the front elevation took place in spring 2020, works ceased at the outbreak of the Covid pandemic in March 2020 and to date no further works to comply with the requirements of the Enforcement Notice or the conditioned planning permission have taken place.

The Council has noted the height of the Covid pandemic in 2020 into 2021 may have resulted in delays in undertaking the necessary works, but since summer 2020 the Council have noted no further works and have received no correspondence from the owners.

The requirements of the Enforcement Notice have therefore not been complied with and the time period for compliance has elapsed. It is therefore open to the Council to pursue a prosecution against the failure to comply with the requirements of an Enforcement Notice in line with s.179 of the Town and Country Planning Act 1990 which provides that where the owner of the land is in breach of an enforcement notice they shall be guilty of an offence.

In accordance with the contents of the NPPF and policy DP31 of the District Plan, the development as it stands at the moment is considered harmful to amenity and to the appearance and character of the Hurstpierpoint Conservation Area as a designated heritage asset and therefore it is in public interest to seek to ensure the cessation of the breach of planning control through compliance with the requirements of the Enforcement Notice.

It is considered that the instigation of prosecution proceedings are undertaken where there does not appear to be any voluntary compliance with the requirements of an extant Enforcement Notice. It should be noted that any prosecution proceedings relate solely to the substantive unlawful development which took place originally and the failure to comply with the requirements of the Enforcement Notice to undo those works. Whilst there are lesser steps possible through the implementation of the later February 2020 planning permission (DM/19/5209), the Council cannot take legal proceedings for the failure to comply with the

conditions of this planning permission because no Enforcement Notice relating to the breach of planning control for the failure to comply with the conditions of a planning permission has been entered into. The Council is therefore relying on the current Enforcement Notice for the development which has taken place. This outcome and possibility was outlined to the owner in the determination of the 2020 application.

Should works to implement permission DM/19/5209 commence and remedy the breach of planning control prior to any prosecution proceedings being concluded, the Council can choose not to pursue the proceedings further at that time. At the current time, however, and as the owner has failed to comply with the requirements of the Enforcement Notice, the harm to the character and appearance Hurstpierpoint Conservation Area as a designated heritage asset remains. Therefore the owner may be prosecuted under s.179 of the Town and Country Planning Act and if found guilty of an offence shall be liable on summary conviction, or conviction on indictment, to a fine not exceeding £20,000.

## **RECOMMENDATION AND CONCLUSIONS**

The owner has failed to comply with the requirements of the extant Enforcement Notice by the end of the period for compliance of 17<sup>th</sup> March 2020 and remains in breach of the Enforcement Notice. The harm caused by the unauthorised development to the character and appearance Hurstpierpoint Conservation Area as a designated heritage asset which the Enforcement Notice seeks to remedy remains

The Council has allowed an extended period for informal compliance through the Covid pandemic period but would now require the commencement of works in order to remedy the breach of planning control.

Having due regard to the options that are available (but without prejudice to any other enforcement action the Council may decide to take), the Town and Country Planning Act 1990 and relevant policies and applicable guidance issued, it is concluded that the most satisfactory course of action, at this time, is to recommend that authority be given for the Council to prosecute the owner of the land for non-compliance with the Enforcement Notice (which is an offence under section 179 TCPA 1990) subject to the Solicitor to the Council being satisfied that there is sufficient evidence and it is in the public interest to pursue a prosecution.