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15 February 2022

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, 24TH FEBRUARY, 2022 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 16 December 2021. | <b>3 - 8</b>    |
| 4.                               | To consider any items that the Chairman agrees to take as urgent business.                              |                 |
| <b>Recommended for Approval.</b> |   |                 |
| 5.                               | DM/20/0886 - Land East of Kingsway, Burgess Hill, RH15 0SD.   | <b>9 - 68</b>   |
| 6.                               | DM/21/4235 - Land Adj. Balcombe House, London Road, Balcombe, RH17 6PB.                                 | <b>69 - 156</b> |

## Recommended for Refusal.

None.

## Other Matters.

None.

7. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

### Human Rights Act

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

### Risk Assessment

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

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

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

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

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

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

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, B Forbes, R Bates, P Coote, A Eves, 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, 16th December, 2021  
from 2.00 pm - 3.46 pm**

**Present:** D Sweatman (Chairman)

B Forbes  
R Bates  
P Coote  
A Eves

S Hatton  
R Jackson  
C Laband  
A Peacock

C Trumble  
R Webb  
R Whittaker

**Also Present:** Councillor R Salisbury

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

None as all Members were present.

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

None.

**3. TO CONFIRM MINUTES OF THE PREVIOUS MEETING OF THE DISTRICT PLANNING COMMITTEE HELD ON 21 OCTOBER 2021.**

The Minutes of the Committee meeting held on 21 October 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/21/2841 - LAND NORTH OF CLAYTON MILLS, HASSOCKS.**

Stephen Ashdown, Planning Applications Team Leader for Major Developments introduced the application. He drew Members' attention to the Agenda Update Sheet noting the recent correspondence from the applicant in relation to electric vehicle charging points (EVC), and amendments regarding the paragraph on local amenities. The reserved matters application detailed the appearance, layout, landscape and scale for 500 dwellings, with associated infrastructure, open space and landscaping, pursuant to outline planning permission DM/18/4979. He highlighted that the outline planning permission had already determined the principles of development for the site, the access to the site, highway safety matters and the impact of the development on the highway network which were not part of the application before the Committee, and the site has been allocated for housing under the District Plan policy DP11.

The Team Leader confirmed the parameter plan had been approved, noted the mix of 1,2,3,4 & 5 bedrooomed dwellings including 7 bungalows. The application was policy compliant for the provision of affordable homes, with a mix of social housing and shared ownership spread throughout the site. The designs of the dwellings depend to the position within the site, there are 4 designs. He noted the policy compliant northern buffer to the green open space, mitigation to the heritage assets, community orchard, and retention of hedgerows to provide a green corridor. He highlighted that the 10ms buffer to existing properties in Mackey Avenue would be outside the garden of the new properties, which would be managed by a Management Company. There will be a link to join up with bridleways 19 and 18 to connect with Burgess Hill. The main play area is integrated into the scheme and is overlooked by the adjacent dwellings. The application provides 1200 parking spaces, garages, allocated parking and visitor spaces, with EVC points in the garages. Provision of EVCs for the remainder of the site is covered by condition 4.

The Team Leader advised the Design Review Panel and Urban Designer had no objections. The application has mitigation measures to deal with the Urban Designers concerns regarding issues relating to drop off and pick up at the proposed school, by providing a drop off loop around the open space and additional parking along the avenue. There is a sustainability statement, a reduction of CO2 emissions has been achieved and EVC points will be installed. There is less than substantial harm to Ockley Manor and the public benefits are clear and outweigh the harm identified.

Cllr Dempsey, Ward Member for Hassocks spoke in objection to the application noting that the site has been controversial and was unpopular with the local residents as it was not part of the Neighbourhood Plan. Along with other sites it contributes to more than 1000 new houses in Hassocks, a 33% increase in the size of the village. Many Members and the Council have an aspiration for new houses to meet the highest environmental standards, and with the installation of gas boilers these new houses do not match that aspiration. He noted that the outline planning application had confirmed that solar thermal, solar voltaic and ground source heat pumps were viable for the site. Alternatives to gas boilers were not included in the application and gas boilers conflicted with government proposals. DP 11 and DP 39 are both fabric first approaches and comply with the District plan, a higher standard to meet the challenge of climate change would be desirable. He expressed concern of the developer setting aside land for the new school for only 10 years.

Cllr Nick Owens, Member of Hassocks Parish Council spoke in objection of the application.

Mr Hywel James, agent for the applicant spoke in favour of the application.

Following a request by the Chairman the Team Leader reiterated that a sustainability statement had been received to support the application, and the development will provide a standard better than the current required by 4.7%. He confirmed that the application must be considered with regard to current policies, and the application meets current sustainability standards. The development will comply with new regulations in 2022 and 2025 when they are mandatory. Any new conditions must meet 6 tests, the conditions suggested would not meet the tests.

Cllr Hatton, Ward Member for Hassocks endorsed the comments of Cllr Dempsey. She noted she had been invited to attend meetings with the developer, and that they had taken on board some of the comments received from those meetings. She highlighted the safe crossing of the railway line and that the roads would be put up

for adoption by West Sussex County Council. She expressed concern over District Plan policy DP11, specific to this site stating that the Council should work with the Parish Council to develop this site. The Parish Council's aspirations for sustainability have not been met. She questioned the emphasis on a fabric first approach and commented on the lack of EVC points for the parking spaces.

Members noted the high number of the objections received from the residents of Hassocks and appreciated their views. They discussed the comments of the Urban Designer, Public Rights of Way, loss of trees, future proofing of the site, the allotments, communal refuse bins, protection of green areas, and the site working hours.

The Chairman highlighted the fabric first approach to construct with good insulation and low CO2 emissions, he advised that the developer could not be forced to exceed current standards.

Sally Blomfield, Divisional Leader reminded Members of the benefits of a fabric first approach And reminded Members of the need to ensure energy efficiency and reduce energy demand which is what the fabric first approach does. This would be done in advance. The Committee must determine applications with the context of current policies.

The Team Leader noted the Urban Designers comments were covered by condition 2, the allotments were not statutory allotments and were part of the orchard, there was a condition for the bridleway to ensure a suitable surface and a condition to control the emptying of the communal waste refuse bins was not appropriate in a residential setting. The Council could not protect the green areas through conditions on a reserved matters application, if agreed some green spaces could be transferred to the control of the Parish Council. A Section 106 agreement would be in place for the large open space and a management company, or the Council could maintain the area. The developer had submitted a construction management plan (under a separate condition discharge application) which must be approved before commencing work on the site and there would be an overall net biodiversity gain on the site of 11%.

Members noted they were sensitive to the views of local residents, developers had to meet the current policies and regulations, and it was aspirational to be better. They commended the green corridor and retaining of existing hedgerows but some thought this should be an exemplar site for sustainability.

The Team Leader confirmed that condition 8 had been updated to the latest ecology assessment, the units have been designed to be future proofed for easy retro fitting of EV panels etc at minimal cost. He reiterated that the Urban Designer and Housing Officer had not raised any objections to the design or housing mix. The developers make a financial contribution for and set aside land for the community building and it is for the Council to decide if it will be transferred to their ownership. He highlighted

A Member wanted to know if there would be an impact on the Council's five-year housing land supply if this application were refused. The Divisional Leader confirmed that strategic sites are critical to ensuring on going delivery of the 5-year land supply. If this application were to be refused the decision would be appealed. Appeals take a long time to be heard which would lead to a delay in on site delivery of homes from this site. Currently, in line with a statement of common ground with Taylor Wimpey, it is anticipated that homes would be delivered on this site in 2022-3. She therefore

confirmed that if this application were to be refused there would be an impact on the five year housing land supply.

As there were no further questions or contributions 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 Forbes and was approved.

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

## **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. EF/17/0248 - 145 HIGH STREET, HURSTPIERPOINT, WEST SUSSEX, BN6 9PU.**

Andrew Clarke, Senior Planning introduced the report. He noted that the report related to a planning enforcement investigation and breach of planning control where the landowner has failed to comply with the requirements of an Enforcement Notice. Officers were requesting authorisation from the District Planning Committee to commence prosecution proceedings in relation to the failure to comply with an extant s.172 Enforcement Notice. He confirmed that enforcement action had been delayed due to the pandemic. The owner had contacted the enforcement team after the report requesting authorisation to prosecute had been submitted to the committee. The Officer advised the offence had been committed as the landowner had failed to comply within the specified time period.

A Member noted that the work on the property had encroached on the footway and supported enforcement action. Another Member supported the proposed action to uphold planning legislation.

As there were no further questions or contributions the Chairman took the Members to the recommendation. This was proposed by Cllr Coote and seconded by Cllr Peacock and was unanimously approved.

## **RESOLVED**

It is recommended 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.

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

None.

The meeting finished at 3.46 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

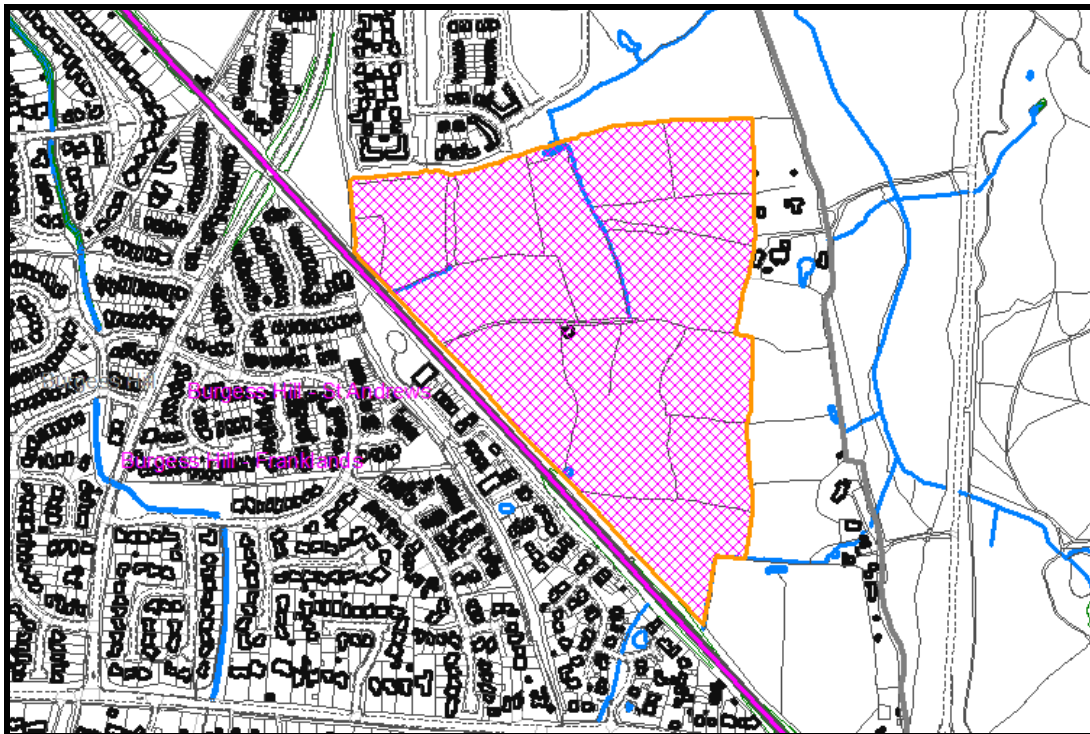
District Wide Committee

24 FEB 2022

RECOMMENDED FOR PERMISSION

## Burgess Hill

DM/20/0886



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### **PERSIMMON HOMES PHASE 4 LAND EAST OF KINGS WAY BURGESS HILL WEST SUSSEX**

**FULL PLANNING APPLICATION FOR 237 DWELLINGS (30% AFFORDABLE) WITH ASSOCIATED INFORMAL OPEN SPACE, SUDS ATTENUATION FEATURES AND A LOCALLY EQUIPPED AREA OF PLAY (AMENDED PLANS RECEIVED 07.12.2021 WHICH INCLUDE ADDITIONAL VISITOR PARKING, ADDITIONAL FOOTPATHS, A NEW FOOTPATH LINK AND MINOR CHANGES TO THE LAYOUT)**

**MR CHARLES CHURCH**

POLICY: Ancient Woodland / Area of Special Control of Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Countryside Gap / Planning Agreement / Planning Obligation / Revocation of planning permission / Aerodrome Safeguarding (CAA) / SWT Bat Survey /

Tree Preservation Order / Minerals Local Plan Safeguarding  
(WSCC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 4th March 2022

WARD MEMBERS: Cllr Roger Cartwright / Cllr Matthew Cornish /

CASE OFFICER: Susan Dubberley

**PURPOSE OF REPORT**

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

**EXECUTIVE SUMMARY**

The application seeks full planning permission for 237 dwellings (30% affordable) with associated informal open space, SUDS attenuation features and a Locally Equipped Area of Play. The proposal is part of a wider development of the site totalling 480 houses following outline planning approval under 12/01532/OUT including related community and outdoor facilities, which is already being implemented by the applicant with phases 1, 2 3a and 3b already built and occupied and phase 3b at an advanced stage of construction.

Therefore, while the application is for 237 dwellings, a significant proportion of these have already, in principle, been agreed under the earlier outline consent and this application would result in an addition 33 units over and above the 480 units established by the outline consent.

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

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

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

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

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

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

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

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

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

The principle of development on this site has been established by virtue of the outline consent scheme for 480 dwellings on the site, which is being implemented. The Kings Way site is also a strategic allocation as set out in policy DP8 of the District Plan.

As the proposed development is within the built up area of Burgess Hill, the principle of additional windfall housing development is also acceptable under Policy DP6 of the District Plan which states: Therefore, the principle of further development within the site accords with policy DP6 of the DP in any event.

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

The scheme would generate a need for infrastructure payments to mitigate the impact of the additional 33 units which would be secured by a S106 legal agreement, thereby complying with policy DP20 of the DP.

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

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

In view of the above it is considered that the application complies with Mid Sussex District Plan policies DP6, DP8, DP17, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39 and DP41 and Burgess Hill Neighbourhood Plan policies SR4 and LR3. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and accordingly the application is recommended for approval, subject to the completion

of a S106 Obligation planning permission should be granted.

## **RECOMMENDATIONS**

### **Recommendation A**

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure infrastructure contributions, affordable housing and the conditions set in Appendix A.

### **Recommendation B**

It is recommended that if the applicants have not completed a satisfactory signed planning obligation by the 24th May 2022, then it is recommended that permission be refused, at the discretion of the Divisional Leader for Planning and Economy, for the following reason:

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

## **SUMMARY OF REPRESENTATIONS**

6 letters of objection received:

- Still very concerned over the one access into the development from Kingsway with all the additional traffic that will be generated.
- Possible look at an alternative entrance to proposed site rather than all new traffic coming in from Kings Way and around Unicorn way.
- The access to the new phase will be cutting through some very old trees which is not great for environment and all the wildlife.
- Part of Unicorn way does not have a footpath and this is already a blind spot due to a bend in the road. This is a potentially a risk for accidents.
- Already due to increased construction traffic man hole covers in roads and pavements have sunk causing possible damage to cars and trip hazards, this will just increase further.
- Traffic calming measures should be introduced.
- Loss of wildlife and mature trees.
- Insufficient parking
- Potential flooding as the road at the entrance to the new phase already floods with the slightest bit of rain. There is only one way out for all the water on this site which exits through to the common, so all run off, pollution etc is going through a nature reserve, ponds, countryside. Who will check future maintenance of pipes
- There are many open / large suds, flood basins that only have small knee height fencing which could present a safety issue.
- The houses will disconnect the natural flow of water and increase the volume of water being put into the ditch system and already over run stream on the site. There is only one way for the water to get out.

- Concerned that surface water drainage will not be adequate, and flooding will get worse.
- Noise and disturbance during construction.
- Proposed layout of 2 bed houses batched together in rows will affect the appearance of the area as it will look like war time back to houses with the design having them in long rows.
- The number of houses already is high and only appears to have one sewage outlet in the far corner of the site.
- Should be more monitoring of the building works and site.
- Where are dog waste bins going, should not be next to children's play area and who will empty them.
- Overpopulating the town with fewer and fewer facilities or infrastructure improvements over this side of town. The impact to nature is huge destroying land that has been enjoyed by nature and people for years.
- Question the need for more housing in Burgess Hill when 3500 houses are being built on green land in the Northern Arc and hundreds more south of Folders Lane and off Kings Way.
- Land should not be built on as there is an opportunity to connect the conservation natural wildlife corridor with the ditching common reserve,

## **SUMMARY OF CONSULTATIONS**

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

No objection.

### **WSCC Minerals & Waste**

No objection

### **WSCC Fire and Rescue**

No objection subject to condition requiring details of fire hydrant.

### **WSCC - Flood risk**

No objection.

### **Sussex Police**

In the main I do not have any concerns with the design and layout of the development however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

### **Southern Water**

No objection subject to conditions

**MSDC Culture**

No objection.

**Ecologist**

No objection subject to conditions

**Parks and Landscapes**

No objection overall but come comments on species.

**Surrey County Council Archaeologist**

No objection.

**MSDC Environmental Health - Contaminated Land**

No objection, subject to conditions.

**MSDC Environmental Health - Protection**

No objection, subject to conditions.

**MSDC Urban Designer**

No objection subject to conditions.

**Design Review Panel**

The panel support the scheme subject to concerns being satisfactorily addressed.

**MSDC Housing**

No objection.

**MSDC Drainage Engineer**

No objection in principle subject to condition.

**MSDC Street Naming and Numbering**

Request informative regarding street naming and numbering.

**Environment Agency**

No objection.

## **Burgess Hill Town Council**

**OBSERVATIONS:** The Committee wish the developer to adhere to District Plan Policy DP7, particularly incorporating onsite community energy systems and road accessibility.

Due to recent flooding issues, the Town Council would appreciate officers looking closely at the drainage proposals.

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

Section 106 requests under Community Building and/or Community Infrastructure monies to go towards The Beehive Centre.

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### **Introduction**

The application is a full application for 237 dwellings (30% affordable) with associated informal open space, SUDS attenuation features and a Locally Equipped Area of Play.

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

### **Relevant Planning History**

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

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

DM/16/2204 Reserved matters application for the approval of the appearance, landscaping, layout and scale for the proposed development of kings way (phase 2 erection of 95 dwellings) following outline application 12/01532/out. Approved on 9 February 2016.

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

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

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

DM/19/3144 Full application for 39 new dwellings (including the provision of 23 on-site affordable homes) a new Community Centre and retail floor space to the ground floor of Block B, including the provision of associated parking and landscaping. Approved 1st July 2020.

### **Site and Surroundings**

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

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

The third phase of the development for 64 units, split into two land parcels, one containing 29 units to the south of phase 2 and the other site with 35 units to the south of phase 1 is complete and occupied.

Phase 3B the second stage of phase 3 is currently under construction and located near the centre of the site opposite the site's country park. This phase consists of 39 new dwellings, a new Community Centre and retail floor space.

The current application is the final phase, phase 4 of the development, which also proposes an uplift in the total number of units on the site by 33. This phase is located in the southern section of the site below a section of the houses and flats in phase 3b and the southern boundary of the country park. To the west is the railway line and to the east largely open countryside with the exception of the residential properties, Freckborough Manor and Trendlewood.



## Application details

The application is a full application for 237 dwellings (30% affordable) with associated informal open space, SUDS attenuation features and a Locally Equipped Area of Play.

The previous phases of the development have been dealt with as reserved matters application following the approval of outline planning permission (12/01532/OUT) for 480 units on the site. However, the time limit for the submission of reserved matters has now lapsed so therefore this phase is now required to submit a planning application. In addition, a planning application would also be required as the current application proposes an additional 33 units on the site as a whole so that the total number of units would be 513, exceeding the 480 units granted by the outline consent.

The dwellings will be two storeys in height, although there are limited instances of the utilisation of roof space for accommodation and there is one three story block that contains the only flatted development in this phase. The block would consist of 6 flats (two per floor), all 2 -bedroom units. Overall, there is a mix of 2 to 4 bed units spread across the site of which there would be a total of 72 affordable units.

The proposals will utilise the permitted access arrangements for the wider site and the dwellings would have perimeter block arrangements that is set within the original field pattern. This enables most of the existing mature hedgerows and trees to be retained.

The plans show the dwellings arranged as a mixture of detached, semi-detached and terraced houses. Areas of open space are proposed in the form of a large public open space, along with an informal open space and a further public open space that would contain a play area. An attenuation pond is site in the far south eastern corner of the site.

The scheme provides 479 allocated parking spaces, which are a mix of garages, car ports and parking spaces, along with 73 visitor spaces.

In terms of design there would be mix of house types along with the subdivision of the site into two-character area, rural and urban. The urban area would be located in the northern section of the site which adjoins the existing and under-construction development to the north. This urban area would consist of mainly semi-detached and terraced units set back behind modest front gardens and the block of 6 flats would also be located in the urban area. The architecture of this part of the development would feature traditional Sussex materials along with some contemporary features like weatherboarding, flat roof canopies, dark coloured window frames, fascia's and contemporary style doors.

The rural area would be located in the southern section of the site and would be less dense with mainly semi-detached and detached units with set behind modest front gardens and have mainly on plot parking. The architecture of this part of the site will be that of typical Sussex vernacular using materials such as tile hanging, and red bricks.

## **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 the Burgess Hill 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.

### **Mid Sussex District Plan**

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

Relevant policies include;

DP6: Settlement hierarchy

DP8: Strategic Allocation to the east of Burgess Hill at Kings Way

DP17: Ashdown Forest

DP20: Securing Infrastructure

DP21: Transport

DP25: Community Facilities and Local Services  
DP26: Character and Design  
DP27: Dwellings Space Standards  
DP29: Noise, Air and Light Pollution  
DP30: Housing Mix  
DP31: Affordable Housing  
DP37: Trees, Woodland and Hedgerows  
DP38: Biodiversity  
DP39: Sustainable Design and Construction  
DP41: Flood Risk and Drainage

## **Burgess Hill Neighbourhood Plan] Made 2016**

Relevant policies:

Policy S4 Parking Standards for new developments

*Development Infrastructure and Contributions Supplementary Planning Document (SPD)*

*Affordable Housing Supplementary Planning Document (SPD)*

*Development Viability 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 Planning Policy Framework (NPPF) (July 2021)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development.

Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is '*significantly boosting the supply of homes.*'

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning*

*authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

Paragraph 38 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

### National Planning Policy Guidance

#### *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*

## **ASSESSMENT**

### **Principle**

Planning permission is sought for 237 dwellings (30% affordable) with associated informal open space, SUDS attenuation features and a Locally Equipped Area of Play.

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

Using this as the starting point the development plan in Mid Sussex consists of the District Plan (2018) and Burgess Hill Neighbourhood Plan.

The District Plan is up to date and the Council can demonstrate a 5 year supply of deliverable housing land.

As the proposed development is within the built up area of Burgess Hill, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

*'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'*

The Kings Way site is also a strategic allocation as set out in policy DP8 of the District Plan:

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

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

*The strategic development in this location will:*

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

Furthermore, the principle of a large scale housing development across the Kings Way site has also been established through the granting of outline planning permission (12/01532/OUT) for 480 units on the site.

In view of the above it is considered that the principle of a residential development on the site has been established and as such consideration needs to be given to the detailed matters associated with the proposals and these will be assessed in the remainder of the report.

## Layout and design

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

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

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

Paragraph 119 of the NPPF states in part:

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

Paragraph 124 of the NPPF states:

*124. Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*

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

Paragraph 126 of the NPPF states that:

*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*

The scheme has been carefully considered by the Mid Sussex Design Review Panel (DRP), who overall support the scheme subject to some concerns being satisfactorily addressed. While the DRP were satisfied with the landscaping and central open space, they had some concerns regarding the elevations and felt the different character areas were unconvincing. The DRP stated:

*...The use of 'character area' naming does not feel supported by the developed architecture. More site-specific design is required to reinforce the implied character variations.*

*Many of the buildings unfortunately feature the front façade treatment peeled away at the side and back of the houses, that both undermines the integrity of the architecture and results in ubiquitous looking rear elevations that look much the same whether they are in the contemporary or traditional zones. Some of the corner buildings that have been given special treatment on their street frontages will be more visible from the rear because of the angle or direction of approach; yet often the same consideration has not been given to the rear. There needs to be more understanding how the buildings will actually present themselves in the street context. 3D images and/or a fly-through model are needed.*

*The opportunity has not been taken to give the contemporary designed houses open-planned interiors and they consequently have the same old-fashioned standard interiors as the others.*

*While some of the more contemporary-looking buildings benefit from well-proportioned windows, too many suffer from overly bland frontages both in the contemporary and traditional areas.*

The application has been revised following the comments of the Design Review Panel and the Council's Urban Designer. The Urban Designer is now satisfied with the revised plans and has commented:

*As with the earlier phases, the layout largely follows the illustrative site plan in the outline consent (12/01532/OUT) and can be commended for its perimeter block arrangements that is carefully set within the original field pattern. This enables most of the existing mature hedgerows and trees to be retained and provides an attractive backdrop for the public realm. As well as allowing outward facing frontages that overlook and define the streets and spaces, the perimeter block arrangement enables the existing vegetation to be fully revealed; it also provides secure back-to-back private gardens and rear elevations (the latter also applies to the houses that back on to the railway line on the western boundary).*

*The revised drawings have improved the layout by incorporating the parking more discreetly, employing more consistent building lines and connecting-up the access roads. While overall the Design Review Panel (DRP) supported the scheme, they were critical of the elevations and felt the different character areas were unconvincing. The applicant has since submitted revised elevations which employ more consistent application of facing materials and more harmonious and articulated facades. Furthermore, the subdivision of phase 4 into a contemporary and traditional-styled zone does much to distinguish these areas from each other. The scheme now also benefits from more diversity as result of better grouping of building types and facing materials.*

*For these reasons, I believe this scheme now accords with District Plan policy DP26 and the Design Guide principles.*

Your Planning Officers agree with this assessment and it is considered that following the submission of the amended plans, the development is now acceptable in design terms, particularly the proposal to divide phase 4 into contemporary and traditional-styled zones, which is welcomed and will prevent the development appearing too homogeneous.

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

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

Policy DP30 of the District Plan states that to support sustainable communities, housing development will provide a mix of dwelling types and sizes from new development that reflects current and future housing needs. Policy DP31 of the District Plan seeks to secure 30% affordable housing from developments containing 11 or more dwellings of which 75% would be social rented and 25% shared ownership.

The existing legal agreement for the 2012 outline consent requires that each phase will incorporate 30% affordable housing units. In this phase the required number of affordable units is 72 and consists of the following mix;

- 6 x 2 bed / 4 person flats for shared ownership
- 17 x 2 bed / 4 person houses for rent
- 6 x 2 bed /4 person houses for shared ownership



- 33 x 3 bed /5 person houses (incl. 1 x 3 bed Wheelchair Accessible house) for rent
- 6 x 3 bed / 5 person houses for shared ownership
- 4 x 4 bed /6 person houses for rent

The Council's Housing service has considered the affordable housing proposals and is now satisfied in respect of the proposed mix, tenure splits or clustering. It has noted that while one of the clusters of properties comprises 11 affordable units, it considers that in this instance it would be acceptable.

Initially, the applicant proposed 71 affordable units rather than the required 72 units. This was due to the applicant rounding down when calculating the required 30% affordable housing, as the calculation was just over 71. However, it is clearly set out in para 2.10 (page 6) of the Affordable Housing SPD that: *in calculating the number of affordable housing units to be provided, the number of units will be rounded up if it is not a whole number.*

The applicant has now proposed an additional unit with plots 176 to be changed to a 3 bed affordable and terraced with plots 178-177. Amended plans to reflect this change are expected and as this represents a very minor change to the overall scheme, it is not considered necessary to readvertise this small change to the development. The plans are to be formally submitted before the committee meeting and members will be updated.

The application is therefore considered acceptable in terms of mix of unit size and affordable housing provision. The proposed affordable units will be secured through the proposed s106 Legal Agreement.

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

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

The plans show that the proposed houses would achieve the Council's required dwelling space standards.

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

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

Policy DP20 requires applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. This includes securing affordable housing which is dealt with under Policy DP31 of the District

Plan. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations.

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

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

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

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

and:

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

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

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

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

Therefore, the contribution set out below are based on the increase of 33 units that the current application now proposes over and above the 480 units for which contributions have already been secured under the original s106 agreement attached to the 2012 outline approval and will apply to this phase also.

#### *County Council Contributions*

- Education - Primary £22,212
- Education - Secondary £23,906
- Education - 6th Form - £5,600

- Libraries - £14,316
- TAD - £62,192

#### *District Council Contributions*

- Local community Infrastructure: £68, 111

#### CHILDRENS PLAYING SPACE

The developer has indicated that they intend to provide a LEAP on site and full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition.

#### FORMAL SPORT

In the case of this development, a financial contribution of £42,201 is required toward new formal sport facilities at the Centre for Outdoor Sport and / or The Triangle in Burgess Hill.

#### COMMUNITY BUILDINGS

The developer will construct a community building in Phase 3b of the development to an agreed specification secured through a s106 supplemental agreement.

**AFFORDABLE HOUSING - 30% (72 affordable housing units) (54 for rent and 18 shared ownership)**

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

It is noted that the Town Council have requested that Community Building and/or Community Infrastructure monies to go towards The Beehive Centre. However, in this case there is no requirement for any contributions towards a community building or infrastructure as a community building is being constructed in phase 3b of the development, which when completed is due to be handed over to the Council.

The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan.

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

#### **Residential Amenity**

Policy DP26 of the Mid Sussex District Plan which is set out in full above, stipulates that development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight.

Policy DP29 of the Mid Sussex District Plan seeks to protect the environment from noise, air, and light pollution.

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

The Council's Environmental Health service has raised concerns regarding the proximity of the development to the railway line and potential noise impacts. It is considered that it is probable that due to high train noise levels, any habitable rooms with windows facing the railway would need them to be kept closed in order to avoid sleep disturbance and to meet World Health Organisation and BS8233 internal noise standards. Environmental Health however, are satisfied that the issue of the railway noise issue can be addressed by a suitable soundproofing condition requiring additional ventilation in affected rooms.

Environmental Health have also commented on air quality, more specifically the pollution generated by traffic from the development and policy D29 requires that development does not cause unacceptable levels of air pollution. Therefore, a condition is recommended relating to Air Quality, to require a scheme of measures to minimise the long-term impact upon local air quality and to mitigate emissions to be submitted to and approved by the local planning authority.

It is noted that noise and dust from construction has already been addressed by way of a CEMP condition for the original outline permission 12/01532/OUT.

In terms of the impact of the proposal on existing residential amenity on the site, the nearest housing lies to the north of the site, although it is noted that much of the northern boundary is adjacent to the country park. However, those houses and flats in part of phase 3a that are near the boundary of phase 4 are separated from the proposed phase by an access road and a row of mature trees that would be retained. Therefore, it is considered that there would be no significant impact on the residential amenity of the existing residential buildings on the site.

To the west of the site is the railway line and to the east is open countryside with the exception of the residential properties of Freckborough Manor and Trendlewood. In the case of Freckborough Manor, there are no buildings proposed near this part of the eastern boundary as the public open space and informal open space would be located here. While in the case of Trendlewood the closest houses would be some 46m from the boundary with an access road between the boundary and the houses and there is also screening in the form of mature trees and vegetation.

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

### **Parking and Highways issues**

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic

congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

Transport and highways issues were addressed in detail at outline application stage. The Section 106 agreement secures around £3.3 million towards a variety of transport and highways improvements through the construction period. Although as set out in the infrastructure section of the report an additional TAD contribution of £62,192 would form part of the S106 to take into account the uplift in numbers by 33 units.

Some of the objections received express concerns regarding the single access into the development from Kings Way and additional traffic. However the access to the site from Kings Way was approved in detail as part of the outline approval and there are no highways objection to the increase of 33 units now proposed.

The transport statement and travel plan along with the plans and other documents submitted with the application have been considered by WSCC Highways Authority and following the submission of further information regarding, parking and swept path information, no objections have been raised. The Highways Authority is satisfied with the proposed parking and road layout and are content that it has been demonstrated that a refuse collection vehicle and fire tender can safely manoeuvre within the site layout. The Highways Authority did also ask for confirmation as to whether or not the new access roads would be adopted. The applicant has confirmed that in line with the earlier built out phases of the development, the roads would not be offered for adoption. This is not, however a planning matter for consideration in this application.

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

### **Landscaping issues and trees**

Policy DP37 of the Mid Sussex District Plan states that:

*The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.*

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

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

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

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

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

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

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

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

An Arboricultural Impact Assessment and an Arboricultural Method Statement has been submitted with the application and the Arboriculturist has considered both reports and has no objection, commenting that the development is generally sympathetic to its setting and retains a large amount of trees, hedgerows and small copses. The Arboriculturist has some concerns regarding some of the tree species proposed as part of the landscaping plans, however, a landscaping condition forms part of the recommendation and this issue can be addressed when further details are submitted through the planning condition.

The Arboriculturist considers that the proposed buildings are also located at a sufficient distance from existing trees, to avoid being overshadowed and thereby reducing any potential pressure from future residents for lopping or felling in the future. The landscaping shown on the plans also includes additional tree planting and a condition requiring further details of both hard and soft landscaping forms part of the recommendation.

The Council's Parks and Landscapes service have considered the landscaping details submitted and have commented that the soft landscape designed for this site is very complex and well thought, however they have suggested some alternatives to some of the proposed planting in some areas and again these issues can be addressed further as part of a separate discharge of conditions application.

The Urban Designer has raised an issue along with Sussex Police, regarding the natural surveillance of these spaces. While the surrounding houses have been organised to face the spaces, the concern is that the density of the vegetation surrounding the open spaces in the form of mature trees and hedges, will block views especially when the trees are in full leaf, so that natural surveillance will be limited, and community safety compromised. In order to improve the surveillance of the proposed open spaces it is considered that more crown lifting of some of the trees should be conditioned. The Arboriculturist has commented that this would be acceptable subject to any lifting being limited to no more than 3m from ground level and this forms part of the recommended conditions.

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

## **Sustainability**

### Sustainable Design and Construction

District Plan policy DP39 relates to Sustainable Design and Construction and 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.'*

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, including, amongst others, the incorporation of renewable energy technologies.

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.'*

A sustainability statement submitted with the application sets out various measure to ensure that the building design and construction is sustainable, these include:

Primarily 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, windows and roof.
- Use of High-efficiency double-glazed windows throughout.
- Use of low energy lighting throughout.
- Ventilation in the form of highly efficient intermittent extract fan and openable windows to provide natural ventilation.

In addition, the document includes the following additional efficiencies;

- Water efficient sanitary devices to meet a target of 110 litres per person per day.
- Priority given to materials with low Lifecycle impacts to the BRE's green guide.
- All timber products will be sourced responsibly
- Provision of cycle storage to all dwellings
- Provision of internal recycling bins to all dwellings
- Water butts to be provided in the rear gardens of the houses
- Various ecological enhancements to introduce a net gain in biodiversity and provide a suitable environment for local flora and fauna.

'Active' charging points for electric vehicles are also to be conditioned to provide at a minimum of 20% of all parking spaces with ducting provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future.

The submitted Sustainability Statement is considered acceptable in meeting the above policies and guidance in terms of sustainable design and construction. It should be noted that in respect of policy DP39 of the District Plan, the wording of this policy is supportive of improving the sustainability of developments, but 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.

### The accessibility of the site

The accessibility of the site, or the sustainable location of it is also a key consideration.

MSDP Policy DP21 relates to transport and requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

The application site is in a sustainable location being within the built-up boundary of Burgess Hill, defined as a Category 1 settlement by DP6, which is a *Settlement with a comprehensive range of employment, retail, health, education leisure services and facilities. These settlements will also benefit from good public transport provision and will act as a main service centre for the smaller settlements.*

The proposal is therefore considered acceptable in terms of the accessibility of the site.

In view of the above it is considered that the proposal satisfactorily complies with the requirements of policy DP39.

### **Ecology**

Para 180 of the NPPF highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible. In determining planning applications, para 180 sets out a number of principles that local planning authorities should apply in trying to conserve and enhance biodiversity, which include the following:

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

Policy DP38 of the District Plan also seeks to ensure that biodiversity will be protected and enhanced.

Some of the objections received relate to the potential loss of wildlife and habitats. The Council's consultant ecologist has reviewed the ecology reports that have been

submitted with the application documents and has raised no objections, subject to conditions to ensure that a wildlife and habitat protection plan to cover the construction phases, including any pre-construction vegetation clearance is submitted for approval prior to commencement of development and to ensure that the submitted Landscape and Ecology Management Plan, are implemented in full.

In view of the above it is considered that the ecological and biodiversity issues regarding the application could be satisfactorily addressed by condition and therefore this aspect of the proposal complies with Policy DP38 of the District Plan of and the NPPF.

## **Archaeology**

Policy DP34 of the District Plan seeks to protect heritage assets and states:

*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's archaeology consultant has commented that;

*The application site has previously been subject to archaeological investigation in the form of Geophysical Survey (Wessex Archaeology, 2012) and a targeted Trial Trench exercise comprising 94 trenches across the entirety of the site to test the results of the survey (Archaeology South East, 2013). Only a small number of linear features were identified which were post medieval in date, with no significant earlier finds. It was concluded that before the late medieval/post-medieval enclosure period the site seems to have been woodland lacking any substantial human activity. As such I have no further archaeological concerns regarding the detailed phase 4 proposals detailed.*

In light of the above it is considered that the application complies with Policy DP34 of the District Plan.

## **Drainage**

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

The Council's Drainage Engineer initially considered the drainage information that had been submitted with the application and raised no objection and recommended that this matter could be suitably dealt with by condition. However, the applicant has submitted further drawings and technical details of the drainage and the Drainage Engineer is now satisfied that sufficient information has been submitted so that the usual drainage condition is no longer need. A condition is however still required to

ensure that modifications are made to an attenuation basin that forms part of the existing drainage infrastructure prior to new drainage connecting to the system.

There is therefore no objection to the proposed drainage subject to the aforementioned condition to ensure the modification to the attenuation basin are carried out prior to new drainage connecting to the existing system. A condition is also recommended to ensure the full implementation of the drainage system and the submission for approval of a management and maintenance plan for the lifetime of the development.

While the objections relating to flooding are noted and while there have been some flooding issues in relation to the drainage of the earlier phases of the development, remediation works have recently been carried out. The drainage engineer is now satisfied with the existing drainage on the site following the completion of the remediation works.

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

### **Ashdown Forest**

Under the Conservation of Habitats and Species Regulations 2017 (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 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 was modelled in the Mid Sussex Transport Study as a development allocated through the District Plan Policy DP8 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. Policy DP8 allocates up to 480 dwelling on the site and the current application proposes an increase of an additional 34 units on the site. However, it is considered that the 34 units will not lead to a significant generation of additional traffic. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

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

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

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

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

### **Planning Balance and Conclusion**

The application seeks full planning permission for 237 dwellings (30% affordable) with associated informal open space, SUDS attenuation features and a Locally Equipped Area of Play. The proposal is part of a wider development of the site totalling 480 houses following outline planning approval under 12/01532/OUT including related community and outdoor facilities, which is already being implemented by the applicant with phases 1, 2 3a and 3b already built and occupied and phase 3b at an advanced stage of construction.

Therefore, while the application is for 237 dwellings, a significant proportion of these have already, in principle, been agreed under the earlier outline consent and this application would result in an addition 33 units over and above the 480 units established by the outline consent.

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

The principle of development on this site has been established by virtue of the outline consent scheme for 480 dwellings on the site, which is being implemented. The Kings Way site is also a strategic allocation as set out in policy DP8 of the District Plan.

As the proposed development is within the built up area of Burgess Hill, the principle of additional windfall housing development is also acceptable under Policy DP6 of the District Plan which states: Therefore, the principle of further development within the site accords with policy DP6 of the DP in any event.

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

The scheme would generate a need for infrastructure payments to mitigate the impact of the additional 33 units which would be secured by a legal agreement, thereby complying with policy DP20 of the DP.

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

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

In view of the above it is considered that the application complies with Mid Sussex District Plan policies DP6, DP8, DP17, DP20, DP21, DP26, DP27, DP28 ,DP29, DP30, DP31, DP37, DP38, DP39 and DP41 and Burgess Hill Neighbourhood Plan policies SR4 and LR3. There are no material considerations which indicate that a decision should not be taken in accordance with the development plan and accordingly the application is recommended for approval, subject to the completion of a S106 Obligation planning permission should be granted.

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## APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

### **Pre-commencement**

3. No development shall commence until the details have been submitted to, and approved by, the local planning authority of 'active' charging points for electric vehicles to be provided at a minimum of 20% of all parking spaces with ducting provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future.

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

4. Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. The development shall only be implemented in accordance with the approved details and no dwelling hereby approved shall be occupied until the such time as the approved fire hydrants have been installed and are operational.

Reason: In the interests of amenity and in accordance with policy DP20 Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.'

5. No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

- a wildlife and habitat protection plan to cover construction phases, including any pre-construction vegetation clearance.

The approved details, along with the submitted Landscape and Ecology Management Plan, shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 180 of the NPPF.

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

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

Reason: In the interests of highway safety and the amenities of the area and to accord with Policies DP21 and 29 of the Mid Sussex District Plan.

7. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority evidence to show that Basin 2's control chamber weir wall has been raised to 40.7m and prior to new drainage connecting to the existing drainage infrastructure and thereafter retained as such.

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

8. No part of the development shall be first occupied until the submitted details of the proposed foul and surface water drainage and means of disposal have been implemented in full and a management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. Details shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

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

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

10. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale front elevation and section drawing of a typical contemporary designed house that features floor to ceiling height windows, entrance door and canopy and

secondary facing materials. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

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

11. No development shall be carried out above ground slab level unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development and the proposed boundary treatments. Details to include the identification of trees for crown lifting to a maximum of 3m from ground level and shrub removal to address the natural surveillance of the open spaces. These works shall be carried out as approved.

Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

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

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

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

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

Reason: To safeguard the amenities of nearby residents and to accord with Policy DP26 and DP29 of the Mid Sussex District Plan.

14. No development shall be carried out above ground slab level until a scheme of measures to minimise the long-term impact upon local air quality and to mitigate emissions has been submitted to and approved by the local planning authority. The scheme shall be in accordance with the Air quality and emissions mitigation



guidance for Sussex (2019) available at <http://www.sussexair.net/ImprovingAQ/GuidancePlanning.aspx>

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with Policy DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

15. No development shall be carried out above ground slab level until a detailed scheme for protecting the residential units from noise generated by rail traffic has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request.

Reason: To safeguard the amenities of the future occupants of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

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

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

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

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

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

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

## INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

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

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

3. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
4. The flood risk and drainage team would advise the applicant that all works within watercourses, permanent and temporary require ordinary watercourse consent prior to those work commencing. Failure to obtain consent could place the developer in breach of the Land Drainage Act.

Works identified within the details submitted as part of this planning application that will require consent include all culverts and any new or alterations to a headwall. Any alterations or redirecting of a watercourse also requires consent.

Information into how to apply for consent can be found on West Sussex County Council's website:

<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/>

## 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
Levels		D	
Proposed Floor Plans	P58-60.e	A	09.11.2021
Proposed Floor Plans	P85-87.p	A1	09.11.2021
Proposed Elevations	P157-160.e	A1	09.11.2021
Proposed Floor Plans	P157-160.e	A	09.11.2021
Proposed Floor Plans	P196-192.p	A2	09.11.2021
Proposed Elevations	P209-210.e	A1	09.11.2021
Proposed Floor Plans	P209-210.p	A	09.11.2021
Proposed Floor Plans	P218-220.p	A1	09.11.2021
Proposed Elevations	FB-A.pe	A3	09.11.2021
Proposed Floor and Elevations Plan			
Proposed Elevations	HT.BAR-SEM.2e	B1	09.11.2021
Proposed Floor Plans	HT.CON.1.p	A	09.11.2021
Proposed Elevations	HT.FOX.SEM-3.e	A	09.11.2021
Proposed Floor and Elevations Plan	BSC.01pe	A	09.11.2021
Proposed Floor and Elevations Plan	GAR.01..pe	A	09.11.2021
Proposed Floor and Elevations Plan	GAR.02.pe	A	09.11.2021
Proposed Floor and Elevations Plan	GAR.03.pe	A	09.11.2021
Proposed Floor and Elevations Plan	SUB.o1.pe	A	09.11.2021
Proposed Elevations	HT.4B6P-SEM-2.e	A	09.11.2021
Proposed Floor Plans	HT.4B6P-SEM-3.P	A	09.11.2021
Levels	11036 PH4 101	E	09.11.2021
Levels	11036 PH4 102	F	09.11.2021
Levels	11036 PH4 103	E	09.11.2021
Levels	11036 PH4 104	E	09.11.2021
Levels	11036 PH4 105	F	09.11.2021
Levels	11036 PH4 106	D	09.11.2021
Levels	11036 PH4 107	D	09.11.2021
Levels	11036 PH4 108	D	09.11.2021
Levels	11036 PH4 109	D	09.11.2021
General	11036 PH4/DSP01	A	02.03.2020
General	11036 PH4/DSP02	A	02.03.2020
General	11036 PH4/DSP03	A	02.03.2020
General	11036 PH4/DSP04	A	02.03.2020
General	11036 PH4/DSP05	A	02.03.2020
General	11036 PH4/DSP06	A	02.03.2020
General	11036 PH4/DSP07	A	02.03.2020
General	11036 PH4/DSP08	A	02.03.2020
General	11036 PH4/DSP09	A	02.03.2020
General	11036 PH4/DSP10	A	02.03.2020
General	11036 PH4/DSP11	A	02.03.2020
General	11036 PH4/DSP12	A	02.03.2020
General	11036 PH4/DSP13	A	02.03.2020
General	11036 PH4/DSP14	A	02.03.2020
General	11036 PH4/DSP15	A	02.03.2020
General	11036 PH4/DSP16	A	02.03.2020
General	11036 PH4/DSP17	A	02.03.2020
General	11036 PH4/DSP18	A	02.03.2020
General	11036 PH4/DSP19	A	02.03.2020
General	11036 PH4/DSP20	A	02.03.2020
General	11036 PH4/DSP21	A	02.03.2020

General	11036 PH4/DSP22	A	02.03.2020
General	11036 PH4/DSP23	A	02.03.2020
General	11036 PH4/DSP24	A	02.03.2020
General	11036 PH4/DSP25	A	02.03.2020
General	11036 PH4/DSP26	A	02.03.2020
General	11036 PH4/DSP27	A	02.03.2020
Proposed Floor Plans	P158-161.p	A	23.09.2020
Location Plan	LP.01	A	09.11.2021
Site Plan	OSL.01	B8	09.11.2021
Planning Layout	ODBML.01	B	23.09.2020
Planning Layout	AHL.01	B4	09.11.2021
Planning Layout	RL.01	B3	09.11.2021
Street Scene	CSE.02-a	B	23.09.2020
Street Scene	CSE.01	B	23.09.2020
Street Scene	CSE.01-A	B	23.09.2020
Street Scene	CSE.02	B	23.09.2020
Proposed Floor Plans	HT.2B4P-SEM.p	A1	09.11.2021
Proposed Elevations	HT.2B4P-SEM-1e	B1	09.11.2021
Proposed Elevations	HT.2B4P-SEM-2.e	B1	09.11.2021
Proposed Floor Plans	HT.3B5P-SEM-.p	A	09.11.2021
Proposed Elevations	HT.3B59-SEM-1.e	B4	09.11.2021
Proposed Elevations	HT.3B5P-SEM-2.e	A2	09.11.2021
Proposed Elevations	HT.3B5P-SEM-3.e	B1	09.11.2021
Proposed Elevations	HT.3B5P-SEM-4.e	B4	09.11.2021
Proposed Floor Plans	HT.3B5P-SEM.5.e	A	09.11.2021
Proposed Elevations	HT.4B6P-SEM-2.e1	B2	09.11.2021
Proposed Elevations	HT.4B6P-SEM-2.e2	B2	09.11.2021
Proposed Floor Plans	HT.4B6P-SEM-2.p	B2	09.11.2021
Proposed Floor Plans	HT.ASH.SEM.p	B1	09.11.2021
Proposed Elevations	HT.ASH-SEM-1.e	B1	09.11.2021
Proposed Elevations	HT.ASH-SEM-4.e	B1	09.11.2021
Proposed Elevations	HT.BAR-SEM-1.e	B2	09.11.2021
Proposed Elevations	HT.BAR-SEM.2.e	B1	09.11.2021
Proposed Floor Plans	HT.BAR-TER.p	B3	09.11.2021
Proposed Elevations	HT.BAR-TER-1.e	A2	09.11.2021
Proposed Elevations	HT.BAR-TER-3.e	B3	09.11.2021
Proposed Floor Plans	HT.CON.1.p	A	09.11.2021
Proposed Elevations	HT.CON.1.e	A2	09.11.2021
Proposed Elevations	HT.CON-2.e	A1	09.11.2021
Proposed Elevations	HT.CON-3.e	B2	09.11.2021
Proposed Floor Plans	HT.DER-.p	B1	09.11.2021
Proposed Elevations	HT.DER-1.e	B	09.11.2021
Proposed Floor Plans	HT.EAR.p	B2	09.11.2021
Proposed Elevations	HT.EAR-1.e	B	09.11.2021
Proposed Elevations	HT.EAR-3.E	B	09.11.2021
Proposed Floor Plans	HT.FOX.SEM.p	B1	09.11.2021
Proposed Floor Plans	HT.FOX-SEM-1.e	B1	09.11.2021
Proposed Elevations	HT.FOX.SEM-2.e	B2	09.11.2021
Proposed Elevations	HT.HOL-1.e	A1	09.11.2021
Proposed Floor Plans	HT.HOL-1.p	A1	09.11.2021
Proposed Elevations	HT.HOL-2.e	A1	09.11.2021
Proposed Floor Plans	HT.HOL-2.p	B	09.11.2021
Proposed Elevations	HT.HOL-3.e	B1	09.11.2021
Proposed Floor Plans	HT.HOL-3.p	B	09.11.2021
Proposed Elevations	HT.HOL-4.e	B2	09.11.2021

Proposed Elevations	HT.HOL-6.e	B1	09.11.2021
Proposed Elevations	HT.HOL-7.e	B1	09.11.2021
Proposed Elevations	HT.LOC-1.e	A1	09.11.2021
Proposed Floor Plans	HT.LOC-1.p	B1	09.11.2021
Proposed Floor Plans	HT.LOC-2.p	A	09.11.2021
Proposed Elevations	HT.LOC-3.e	A1	09.11.2021
Proposed Floor Plans	HT.LOC-3.p	A	09.11.2021
Proposed Elevations	HT.LOC-4.e	A3	09.11.2021
Proposed Elevations	HT.LOC-CNR-1.e	B3	09.11.2021
Proposed Floor Plans	HT.LOC-CNR-1.P	B2	09.11.2021
Proposed Floor Plans	HT.LOC-CNR-2.p	B1	09.11.2021
Proposed Elevations	HT.LOC-CNR-3.e	B1	09.11.2021
Proposed Elevations	HT.LOC-CNR-A-1.e	B2	09.11.2021
Proposed Floor Plans	HT.LOC-CNR-A-1.p	B2	09.11.2021
Proposed Elevations	HT.LOC-CNR-A-2.e	B2	09.11.2021
Proposed Floor Plans	HT.LOC-CNR-A-2.p	B1	09.11.2021
Proposed Elevations	HT.LOC-CNR-A-3.e	B2	09.11.2021
Proposed Elevations	HT.SAU.e	B2	09.11.2021
Proposed Floor Plans	HT.SAU.p	B2	09.11.2021
Proposed Elevations	P35-37.e	A	09.11.2021
Proposed Elevations	P45-47.e	A2	09.11.2021
Proposed Floor Plans	P45-47.p	A2	09.11.2021
Proposed Elevations	P52-54.e1	A2	09.11.2021
Proposed Elevations	P52-54.e2	A2	09.11.2021
Proposed Floor Plans	P52-54.p	A1	09.11.2021
Proposed Elevations	P58-60.e	A	09.11.2021
Proposed Elevations	P85-87.e	B2	09.11.2021
Proposed Elevations	P166-167.e	A2	09.11.2021
Proposed Floor Plans	P166-167.p	A1	09.11.2021
Proposed Elevations	P168-170.e	A2	09.11.2021
Proposed Floor Plans	P.168-170.p	A2	09.11.2021
Proposed Elevations	P196-199.e	A2	09.11.2021
Proposed Elevations	P206-208.e	P2	09.11.2021
Proposed Floor Plans	P206-208.p	A	09.11.2021
Proposed Elevations	P218-220.e	A2	09.11.2021
Proposed Site Plan	AHL01	B2	22.12.2020
Proposed Elevations	CSE.01	B3	22.12.2020
Proposed Elevations	CSE.01-A	A3	22.12.2020
Proposed Elevations	CSE.02	B3	22.12.2020
Proposed Elevations	CSE.02-A	A3	22.12.2020
Proposed Elevations	CSE.03	P2	22.12.2020
Proposed Elevations	CSE.03 -A	P3	22.12.2020
Means of Enclosure	ODBML.01	B3	22.12.2020
Planning Layout	OSL.01	B4	22.12.2020
Proposed Floor and Elevations Plan	Car port 01	A	09.11.2021
Proposed Floor and Elevations Plan	Car port 02	A	09.11.2021
Proposed Floor and Elevations Plan	Car port 03	A	09.11.2021
Proposed Floor and Elevations Plan	FB-A.pe	A3	22.12.2020
Proposed Floor Plans	HT.3B5P-SEM-2.p	P2	22.12.2020
Proposed Elevations	HT.3B5P-SEM-3.e	B3	22.12.2020
Proposed Elevations	HT.3B5P-SEM-4.e	B3	22.12.2020
Proposed Block Plan	HT.3B5P-SEM-5.e	A2	22.12.2020
Proposed Floor Plans	HT.BAR-SEM.p	B2	22.12.2020
Proposed Elevations	HT.BAR-SEM-1.e	B2	22.12.2020
Proposed Floor Plans	HT.BAR-TER.p	B3	22.12.2020

Proposed Elevations	HT.BAR-TER-1.e	A2	22.12.2020
Proposed Elevations	HT.BAR-TER-3.e	B3	22.12.2020
Proposed Elevations	HT.CON-1.e	A2	22.12.2020
Proposed Elevations	HT.DER.p	B1	22.12.2020
Proposed Elevations	HT.DER-2.e	B2	09.11.2021
Proposed Floor Plans	HT.EAR.p	B2	22.12.2020
Proposed Elevations	HT.EAR-3.e	B2	22.12.2020
Proposed Elevations	HT.EAR-4.e	P2	22.12.2020
Proposed Elevations	HT.LOC-4.e	A3	22.12.2020
Proposed Elevations	HT.LOC-CNR-1.e	B3	22.12.2020
Proposed Floor Plans	HT.LOC-CNR-1.p	B2	22.12.2020
Proposed Floor Plans	HT.LOC-CNR-2.p	B1	22.12.2020
Proposed Elevations	HT.LOC-CNR-3.e	B1	22.12.2020
Proposed Elevations	HT.LOC-CNR-A-1.e	B2	22.12.2020
Proposed Floor Plans	HT.LOC-CNR-A-1.p	B1	22.12.2020
Proposed Elevations	HT.LOC-CNR-A-2.e	B1	22.12.2020
Proposed Floor Plans	HT.LOC-CNR-A-2.p	B1	22.12.2020
Proposed Elevations	HT.LOC-CNR-A-3.e	B2	22.12.2020
Proposed Elevations	HT.SAU.e	B2	22.12.2020
Proposed Floor Plans	HT.SAU.p	B2	22.12.2020

## APPENDIX B – CONSULTATIONS

### Parish Consultation

OBSERVATIONS: The Committee wish the developer to adhere to District Plan Policy DP7, particularly incorporating onsite community energy systems and road accessibility.

Due to recent flooding issues, the Town Council would appreciate officers looking closely at the drainage proposals.

INFRASTRUCTURE REQUIREMENTS: Mid Sussex District Council welcome specific recommendations with regard to Section 106 needs associated with this development. The recommendations of the Planning Committee are as follow: Section 106 requests under Community Building and/or Community Infrastructure monies to go towards The Beehive Centre

### Parish Consultation

OBSERVATIONS: The Committee raised concerns around the volume of traffic impacting the wider road structure of Burgess Hill - specifically leading to the mainline train stations.

With further site development lined up for south of Folders Lane and a shift in modal transport unlikely to take hold during this time of development, priority should be given to dedicated cycle lanes for phase 4 (not shared with traffic) and more prominent signage for encouraging cycling and walking - with mileage indicators and pedestrian/cycling route maps as part of the street furniture.

Furthermore they proposed that street signage towards the two train stations be more heavily weighted towards Burgess Hill than Wivelsfield, given the burden already placed on Wivelsfield station traffic levels, nearby Manor Field school and the influx of new commuters from the Rocky Lane development already preferring to be dropped off at Wivelsfield rather than Haywards Heath.

Looking at the transport statement from Milestone, the Committee felt this was not clear enough and was in conflict with greater levels of traffic still to come from proposed surrounding developments at that side of Burgess Hill.

The Committee also raised concerns over the existing cycleway that had been put in place along Kingsway. These could be addressed to improve cycle safety. The concerns were as follows:

- 1) The two-way route on one side of the road forced cyclists to give way when crossing what would be soon a busy side-road entrance into the development (Unicorn Way). It would be safer to remain on the road;
- 2) Shared cycle-pedestrian crossing near junction of Longhurst took the 2-way cycle route onto a narrow pavement. Again it would be safe to negotiate the junction into The Holt from the vehicle refuge.
- 3) Very limited safety signage currently throughout.

There were no renewable energy schemes in this application, which contravened District Plan Policy DP39.

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

Section 106 requests under Community Building and/or Community Infrastructure monies to go towards The Beehive Centre

### **Parish Consultation**

**OBSERVATIONS:** Section 106 requests under Community Building should go towards The Beehive Centre.

The Committee expressed the following concerns:

Insufficient car parking; Gravel pathways would need to have barriers to prevent access.

There would need to be more provision for alternative transport including electric cars and covered cycle parking.

That the removal of trees would impact wildlife. Mature trees would be replaced with saplings

The Committee suggested that a renewable energy scheme should be used on the development in the new buildings. It would be requested that a traffic transport plan should take into account the whole estate, to take into account the traffic flow over the wider estate.

### **Consultant Ecologist**

In my opinion, there are no biodiversity policy reasons for refusal or amendment of the proposals, subject to the following conditions:

No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

- a wildlife and habitat protection plan to cover demolition and construction phases, including any pre-construction vegetation clearance.

The approved details, along with the submitted Landscape and Ecology Management Plan, shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with DP38 of the District Plan and 175 of the NPPF.

### **WSSC Fire and Rescue**

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

I refer to your consultation in respect of the above planning application and would provide the following comments:

- 1) Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
- 2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

*Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.*

### **MSDC Culture**

Thank you for the opportunity to comment on the plans for the development of 31 additional residential dwellings (30% affordable) on Phase 4, Land East Of Kings Way, Burgess Hill on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with



the District Plan policy and SPD which require contributions for developments of five or more dwellings.

#### CHILDRENS PLAYING SPACE

The developer has indicated that they intend to provide a LEAP on site and full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition.

#### FORMAL SPORT

In the case of this development, a financial contribution of £42,201 is required toward new formal sport facilities at the Centre for Outdoor Sport and / or The Triangle in Burgess Hill.

#### COMMUNITY BUILDINGS

The developer will construct a community building in Phase 3b of the development to an agreed specification secured through a s106 supplemental agreement.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

#### **Parks and Landscapes**

The soft landscape designed for this site is very complex and well thought. The open areas are practical and not overlooked. The green areas are connected and are good corridors for the wildlife.

Please see below comments regarding the planting plan overall.

Please be aware that some of these comments were mentioned before for this planning application.

#### General planting plans comments

- Aucuba japonica 'Rozannie'-plant proposed to be planted at the entrance of some properties: this plant is very vigorous and can obstruct entrances easily when established or block windows... When maintained/ pruned the plant doesn't look aesthetically pleasing for a long time or may not recover. Reconsider plant choice
- Viburnum Tinus 'Eve Prince' - plant highly susceptible of pests and diseases- particularly thrips (Heliethrips haemorrhoidalis)- reconsider plant choice
- Prunus laurocerasus 'Otto Luyken'- This plant is less aesthetically pleasing compared with the other plants used at the property entrance such as Hebe, Skimmia, grasses. This plant also require annual trimming compared with the other plants already mentioned. Reconsider plant choice if possible so a more consistent maintenance approach can be achieved.
- Some areas have a larger variety of herbaceous perennials. Planting consistency is required as some areas will look more flower abundant compared with other areas where common plants focussed on foliage is planned. Example: Sheet 5 of 6 Phase 4 - includes a larger variety of perennials

- Convallaria bulbs- highly toxic if ingested- please reconsider with something more appropriate for a woodland such as Hyacinthoides Non-Scripta or Galanthus nivalis. Is very unlikely for these proposed plants to thrive in few years' time.
- Hippophae rhamnoides- non-native plant considered to be invasive and hard to manage . Please reconsider plant choice
- Sambucus nigra- a very large number of this plant is proposed for these areas (110 no in one location) . Other similar plants should be considered to enhance the biodiversity of the area such as plants from the same family (Elder). The foliage of this plant is distinctive and the whole area will look red considering the number of plants proposed. Moreover this plant is a hybrid and it is expected that not all of these plants will thrive/ survive after few years without considerable maintenance.

#### General hard landscape comments

- Play areas paths- the proposed loose gravel path will create problems in the future as this type of paths gets normally covered in grass in few years' time. Also the loose gravel will be easily eroded, and the stones may "fly every were" when the grass is maintained and accidents may happen. Reconsider choice material to get a more solid surface. Loose gravel is not recommended for people with disabilities and a flat even surface such as tarmac or similar would be a more suitable for everyone to access.

#### Planting Specification: General/trees/ shrubs/ grass

Planting specification proposed for this area is detailed and cover all issues that may arise when new soft landscape is planned. The planting specification is only for 12 months only so is still not very clear about the future maintenance of this area. As an example it is proposed that for the first grass cut the arisings to be removed from site. Is this going to be on all occasions? Is the grass going to be cut to a specific hight any time is needed or a management company is going to be appointed to maintain the areas according to an agreed schedule (10 to 15 cuts a year).

A detailed Management plan is expected to be presented for the soft and hard landscape.

#### **MSDC Drainage Engineer:**

##### Comments dated 02/02/22

The flood risk and drainage team are aware the developer wishes to avoid a pre-commencement drainage condition. As such, the information submitted as been reviewed based on the requirements for detailed drainage design.

#### **Reviewed information**

In formulating this response, the information outline within the table below has been reviewed.

##### **Title**

<b>11036 - PH4 - 111 E Plot Drainage Plan - Sheet 1 of 10</b>
<b>11036 - PH4 - 112 F Plot Drainage Plan - Sheet 2 of 10</b>
<b>11036 - PH4 - 113 E Plot Drainage Plan - Sheet 3 of 10</b>
<b>11036 - PH4 - 114 E Plot Drainage Plan - Sheet 4 of 10</b>
<b>11036 - PH4 - 115 F Plot Drainage Plan - Sheet 5 of 10</b>
<b>11036 - PH4 - 116 D Plot Drainage Plan - Sheet 6 of 10</b>
<b>11036 - PH4 - 117 D Plot Drainage Plan - Sheet 7 of 10</b>

11036 - PH4 - 118 D Plot Drainage Plan - Sheet 8 of 10
11036 - PH4 - 119 E Plot Drainage Plan - Sheet 9 of 10
11036 - PH4 - 120 D Plot Drainage Plan - Sheet 10 of 10
11036 - PH4 - 151 Storm Inlets Into Existing Drainage Network - Layout Plan
11036 - PH4 - 171 Surface Water Catchment Plan
11036 - PH4 - 221 A - Attenuation Basin Cross Sections Plan
11036 - PH4 - 231 Culvert Crossing Sections & Details Plan - Sheets 1 to 10
11036 - PH4 - 232 Culvert Crossing Sections & Details Plan - Sheets 2 to 10
11036 - PH4 - 233 Culvert Crossing Sections & Details Plan - Sheets 3 to 10
11036 - PH4 - 234 Culvert Crossing Sections & Details Plan - Sheets 4 to 10
11036 - PH4 - 235 Culvert Crossing Sections & Details Plan - Sheets 5 to 10
11036 - PH4 - 236 Culvert Crossing Sections & Details Plan - Sheets 6 to 10
11036 - PH4 - 237 Culvert Crossing Sections & Details Plan - Sheets 7 to 10
11036 - PH4 - 238 Culvert Crossing Sections & Details Plan - Sheets 8 to 10
11036 - PH4 - 239 Culvert Crossing Sections & Details Plan - Sheets 9 to 10
11036 - PH4 - 240 Culvert Crossing Sections & Details Plan - Sheets 10 to 10
11036 - PH4 - 251 D Manhole Schedule Plan
11036 - PH4 - 311 A - Infrastructure Drainage Construction Details Plan
11036 - PH4 - 351 A Driveways & Features Construction Details Plan
11036 - PH4 - 361 Plot Drainage Construction Details Plan - Sheets 1 of 3
11036 - PH4 - 362 Plot Drainage Construction Details Plan - Sheet 2 of 3
11036 - PH4 - 363 Plot Drainage Construction Details Plan - Sheet 3 of 3
11036 - PH4 - 371 A Private Control Chamber & Headwalls Construction Detail Plan
11036_Kings Way_Phase 4_FRA_00
11036 - PH4 BGC Response to LLFA Comments 2022-01-20

Works required to existing drainage infrastructure

- Weir wall in Basin 2's control chamber to be raised from 40.2m to 40.7m.

### Ordinary watercourse consent advice

Whilst not part of the planning process, the flood risk and drainage team would advise the applicant that all works within watercourses, permanent and temporary require ordinary watercourse consent prior to those work commencing. Failure to obtain consent could place the developer in breach of the Land Drainage Act.

Works identified within the details submitted as part of this planning application that will require consent include all culverts and any new or alterations to a headwall. Any alterations or redirecting of a watercourse also requires consent.

Information into how to apply for consent can be found on West Sussex County Council's website:

<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/>.

Recommended wording for planning -

No objection subject to:

1. Drainage being constructed as per the plans listed within the reviewed documents of this consultation response.
2. Basin 2's control chamber weir wall raised to 40.7m and evidence provided to MSDC prior to new drainage connecting to the existing drainage infrastructure.

Where earlier versions of drawings form the appendix of the flood risk and drainage report (11036\_Kings Way\_Phase 4\_FRA\_00) the listed drawings are to supersede these.

Any alterations to the development, including but not limited to levels, layout, construction phasing, surfacing materials, landscaping and boundary treatments will result in this recommendation becoming null. The flood risk and drainage team will need to be consulted in this event.

Comments dated 20/01/22

## **SUMMARY**

The principle of the drainage design is considered acceptable, and a pre-commencement drainage condition can be applied to the application. The Flood Risk and Drainage Team do require several further details should the developer wish to avoid a pre-commencement condition. A list of these details is included within this response.

## **FLOOD RISK**

The application has been supported by a Flood Risk & Drainage Assessment dated December 2020.

The report identifies that the site is at predominantly low flood risk. Two areas of increased surface water flood risk have been identified on site. The report states that these areas are associated with natural land drainage channels and these areas shall remain undeveloped.

The report identifies surface water runoff generated by the development as the most likely sources of flooding on site post development. The report states this shall be addressed through the surface water drainage strategy.

## **SURFACE WATER DRAINAGE**

The Phase 4 development area has been split into two surface water drainage catchments: north and south. The Flood Risk and Drainage Team have previously reviewed the information provided within the 2020 Flood Risk & Drainage Assessment and have provided comments for each drainage catchment. The applicant submitted amended drainage plans and calculations in December 2021.

The below comments are based on our comments provided 16 March 2021, alterations and additions have been highlighted in yellow<sup>1</sup>.

## **GENERAL**

The applicant has provided plot drainage plans which show invert levels and discharge rates where relevant.

<sup>1</sup> "alterations and additions have been highlighted in yellow" – on original Consultation response, highlighted sections not shown here

## *NORTH CATCHMENT DRAINAGE*

Phase 4's north catchment is part of a larger natural drainage catchment which development Phases 2 and 3 have already partially built over. A surface water drainage system already exists within the natural drainage catchment. It is understood that this existing system was designed to accommodate the surface water drainage from Phase 4's north catchment. It is proposed that Phase 4's north catchment shall utilise the existing drainage system. The Flood Risk and Drainage Team understand that this system was designed, in line with guidance at the time, to cater for the 1 in 100-year storm event with a 30% allowance for climate change. Whilst this does not meet our usual requirements for a 40% allowance for climate change it is within the current Environment Agency's climate change allowance guideline and in this instance, it is considered acceptable.

The Flood Risk and Drainage Team understand that the connection of Phase 4's north catchment's surface water drainage system will not increase the discharge rate over the Greenfield runoff rate for the developed area.

The 2020 Flood Risk & Drainage Assessment states that the existing drainage system was designed to accommodate Phase 4's north catchment based on an impermeable area of 4.16ha. The Flood Risk and Drainage Team have been unable to find confirmation that the plans submitted in December 2021 so not increase the impermeable area of Phase 4's north catchment above the 4.16ha allowance. We also understand that alterations to Phase 1, 2 and 3's basins were previously proposed.

Detailed drainage plans have been provided for the proposed development layout within the north catchment.

As part of the December 2021 submission of updated plans we understand the developer provided a summary email which states the discharge rate from Phases 1, 2 and 3 were unaffected by the connection of Phase 4's north catchment. However, we understand this is based on an impermeable area of 4.16ha draining into the system.

We will require:

- Evidence that the impermeable area of Phase 4's north catchment is 4.16ha or less.
- Any required alterations to Phase 1, 2 and 3's basins have been completed.
- Confirmation that the connection of Phase 4's north catchment into the existing (Phase 1, 2 and 3) drainage system will not increase the final discharge rate into the watercourse over the 1-year Greenfield runoff rate.

## *SOUTH CATCHMENT DRAINAGE*

Phase 4's south catchment serves only Phase 4 and therefore no existing drainage system is in place.

The 2020 Flood Risk & Drainage Assessment states that surface water runoff shall be attenuated within a single basin located in the south-east corner of the site before discharging into an existing watercourse.

The report states discharge rates shall be limited to the 1-year Greenfield runoff rates for the impermeable area. As part of the December 2021 updated plans submission drainage calculations have been provided which show a discharge rate of 4l/s for all events up to and including the 1 in 100-year with 40% climate change event.

## **FOUL WATER DRAINAGE**

The Flood Risk and Drainage Team have previously reviewed the information provided within the 2020 Flood Risk & Drainage Assessment and have provided comments on the foul water drainage scheme. The applicant submitted amended drainage plans and calculations in December 2021.

The below comments are based on our comments provided 16 March 2021, alterations and additions have been highlighted in yellow.

It is proposed that foul water drainage shall connect to the existing foul system on site. This system utilises a pumping station located in Phase 1 of the development. The applicant has confirmed that the pumping station is designed to accommodate 520 dwellings across the wider Kings Way development site. They have also confirmed that the Kings Way development shall total 513 dwellings across the wider site.

## **ADDITIONAL GENERAL COMMENTS - CULVERTING WATERCOURSES**

The proposed drainage plans show many watercourses requiring culverting or rerouting to facilitate the development. We would advise the applicant that each will require an Ordinary Watercourse Consent from the Lead Local Flood Authority. This is in addition to the consent required for the new outfall. Failure to obtain a consent places the landowner in breach of the Land Drainage Act 1991.

## **FURTHER INFORMATION REQUIRED TO AVOID PRE-COMMENCEMENT CONDITION**

At this time, we will require the following further information if a pre-commencement condition wishes to be avoided:

- Evidence that the impermeable area of Phase 4's surface water drainage north catchment is 4.16ha or less.
- All required alterations/ remedial works to Phase 1, 2 and 3's surface water drainage basins have been completed.
- Confirmation that the connection of Phase 4's north catchment into the existing (Phase 1, 2 and 3) drainage system will not increase the final discharge rate into the watercourse over the 1-year Greenfield runoff rate.

## **SUGGESTED PRE-COMMENCEMENT CONDITION**

### *C18F - MULTIPLE DWELLINGS/UNITS*

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

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

Given the size and sensitivity of the proposed use, and the fact it was agricultural land previously I would recommend full contaminated land conditions are attached to the application.

However, I note outline permission (12/01532/OUT) only required a discovery strategy, and that no further contaminated land conditions were attached to phases 1 to 3 phases.

I am conscious that planning conditions must be consistent. If full contamination conditions cannot be attached, then I would recommend that a discovery condition, as outlined below, be attached to the application.

Discovery Condition:

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

## **MSDC Environmental Health - Protection**

The site is adjacent to the railway, so noise impacts upon future residents must be considered. It is probable that due to high train noise levels, any habitable rooms with windows facing the railway would need them to be kept closed in order to avoid sleep disturbance and to meet World Health Organisation and BS8233 internal noise standards. This in turn would mean that additional ventilation may be required, with adequate air flow to allow thermal comfort. Accordingly, there are two questions which the Planning officer may wish to consider: How acceptable is it to have residents in this development sleeping all year round in a windows closed environment? 2 If acceptable, what type of ventilation would be deemed appropriate for these residents? In our view the railway noise issue can be addressed by a suitable soundproofing condition requiring additional ventilation in affected rooms.

Regarding air quality, more specifically the pollution generated by traffic from the development, knowledge, guidance and policy have changed since the original outline permission. There is local guidance produced by Sussex Air, and the Institute of Air Quality Management (IAQM) have produced guidance which is widely accepted and used for assessing the significance of air quality impacts. Accordingly, I recommend a condition, relating to Air Quality, to allow measures to be agreed between the developers and the LPA. It is noted that noise and dust from construction has already been addressed by way of a CEMP condition for the original outline permission 12/01532/OUT. Therefore, should the development receive approval, Environmental Protection recommends the following conditions:

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

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

Reason: To protect the amenity of local residents.

Air Quality - Construction work shall not commence until a scheme of measures to minimise the long-term impact upon local air quality and to mitigate emissions has been submitted to and approved by the local planning authority. The scheme shall be in accordance with the Air quality and emissions mitigation guidance for Sussex (2019) available at <http://www.sussexair.net/ImprovingAQ/GuidancePlanning.aspx>

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

Soundproofing (Rail Noise): No development shall take place until a detailed scheme for protecting the residential units from noise generated by rail traffic has been submitted to, and approved in writing by, the local planning authority. All works that form part of the scheme shall be completed before any part of the noise sensitive development is occupied. Details of post installation acoustic testing shall be submitted to and approved in writing by the Local Planning Authority upon request.

### **Environment Agency**

Thank you for re-consulting the Environment Agency in regard to the above application.

Environment Agency Position:

We have reviewed the plans and as there are no main rivers or proposed bridges onsite, we can confirm that we can remove our previously requested condition in our response dated 5 May 2020 (our ref HA/2020/122183/01).

We have no objection to the proposal as submitted.

### **Southern Water**

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent: A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: [www.southernwater.co.uk/infrastructure-charges](http://www.southernwater.co.uk/infrastructure-charges).

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage 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. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors. It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. We request that should this application receive planning approval, the following condition is attached to the consent:

"Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: [www.southernwater.co.uk](http://www.southernwater.co.uk) or by email at: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk)

### **WSCC - Flood Risk;**

Comments dated 11th January 2022:

Thank you for consulting with us regarding the above application.

Following our previous consultation response, dated 4th May 2020, we have in principle, no objection to the Drainage Strategy proposed.

It is recommended that this application be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

Comments dated 4th May 2020:

This application states that ponds, basins and swales would be used to control the surface water runoff from the site. As per the District Drainage Engineers comments, an up to date FRA/Drainage Strategy should accompany this application. All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles. The maintenance and management of the SUDs system should be set out in a site-specific maintenance manual and submitted to,

and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs. Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

## **MSDC Housing**

### Comments dated 18th January

It is noted that this application is seeking to deliver 237 units (down from 240 and 238 on previous applications), however this will not affect the total number of affordable housing units required. As per our comments of 15 May 2020 and 07 December 2020, the site will still be required to deliver 72 units for affordable housing (30% of 237 = 71.1 rounded up to the next whole number = 72) as initially proposed.

The amended plans currently show only 71 units comprising:

- 6 x 2 bed / 4 person flats for shared ownership
- 17 x 2 bed / 4 person houses for rent
- 6 x 2 bed / 4 person houses for shared ownership
- 32 x 3 bed / 5 person houses (incl. 1 x 3 bed Wheelchair Accessible house) for rent
- 6 x 3 bed / 5 person houses for shared ownership
- 4 x 4 bed / 6 person houses for rent

A further 3 bed / 5 person house is therefore required to bring the total number and mix in to line with that in the comments provided on 15 May 2020.

The 3B/5P wheelchair house will also need to meet the requirements contained in 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. 1:50 plans for this unit will need to be approved by our OT prior to planning consent being issued

It is noted that one of the clusters of properties comprises 11 affordable units, which in this instance would be acceptable.

### Comments dated 18th May

The proposals for Phase 4 of the Kings Way development involve 240 units and include the provision of 72 affordable housing units - 54 for rent and 18 for shared ownership. This complies with the Council's requirement for 30% of the total development to be for affordable housing, with 75% of the affordable units being for rent and 25% for shared ownership.

The affordable units proposed include:

- 6 x 2 bed / 4 person flats for shared ownership
- 17 x 2 bed houses for rent
- 6 x 2 bed houses for shared ownership
- 33 x 3 bed houses (incl. 1 x 3 bed Wheelchair Accessible house) for rent
- 6 x 3 bed houses for shared ownership
- 4 x 4 bed houses for rent

This mix is acceptable and will meet a range of housing needs, and all houses will also need to meet our occupancy standards i.e. 2B/4P, 3B/5P and 4B/6P. The 3B/5P wheelchair house

must meet the requirements contained in 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.

The affordable units will also need to be located in clusters of no more than 10 units, with market units in between and between the affordable units in this phase and those in other phases, in order to aid social integration and the creation of a balanced community. A tenure blind approach will also be required.

The development of Phase 4 will deliver 11 additional affordable units to the original s106 (P/35/769 (10532)) and as a result the mix and number in the section 106 will require amendment.

### **Design Review Panel**

The landscape scheme has responded positively to the DRP's comments with improvements to green links and demonstrating the landscape streetscape character. The layout of the central open space is now considered more inclusive to a range of users, with the natural play space relocated to the west, using the existing vegetation as a backdrop.

However, the panel were otherwise disappointed by the lack of progress that has been made since they saw the scheme at pre-application stage. The presentation focussed on 'landmark' houses used to accentuate corner and end plots with mixed design styles between. The panel felt this was weakened by 'landmark' buildings appearing to be lifted from standard house types that do not work sufficiently to address multiple view-points when set at corners. The use of 'character area' naming does not feel supported by the developed architecture. More site-specific design is required to reinforce the implied character variations.

Many of the buildings unfortunately feature the front façade treatment peeled away at the side and back of the houses, that both undermines the integrity of the architecture and results in ubiquitous looking rear elevations that look much the same whether they are in the contemporary or traditional zones. Some of the corner buildings that have been given special treatment on their street frontages will be more visible from the rear because of the angle or direction of approach; yet often the same consideration has not been given to the rear. There needs to be more understanding how the buildings will actually present themselves in the street context. 3D images and/or a fly-through model are needed.

The opportunity has not been taken to give the contemporary designed houses open-planned interiors and they consequently have the same old-fashioned standard interiors as the others.

While some of the more contemporary-looking buildings benefit from well-proportioned windows, too many suffer from overly bland frontages both in the contemporary and traditional areas.

As previously advised, the GRP chimneys are weak/unconvincing features; it is better to lose them.

The scheme is weak on sustainability and erroneously mentions code levels which no longer apply.

Overall Assessment: The panel support the scheme subject to their above concerns being satisfactorily addressed.

## **MSDC Urban Designer**

### **Summary and Overall Assessment**

As with the earlier phases, the layout largely follows the illustrative site plan in the outline consent (12/01532/OUT) and can be commended for its perimeter block arrangements that is carefully set within the original field pattern. This enables most of the existing mature hedgerows and trees to be retained and provides an attractive backdrop for the public realm. As well as allowing outward facing frontages that overlook and define the streets and spaces, the perimeter block arrangement enables the existing vegetation to be fully revealed; it also provides secure back-to-back private gardens and rear elevations (the latter also applies to the houses that back on to the railway line on the western boundary).

The revised drawings have improved the layout by incorporating the parking more discreetly, employing more consistent building lines and connecting-up the access roads. While overall the Design Review Panel (DRP) supported the scheme, they were critical of the elevations and felt the different character areas were unconvincing. The applicant has since submitted revised elevations which employ more consistent application of facing materials and more harmonious and articulated facades. Furthermore, the subdivision of phase 4 into a contemporary and traditional-styled zone does much to distinguish these areas from each other. The scheme now also benefits from more diversity as result of better grouping of building types and facing materials.

For these reasons, I believe this scheme now accords with District Plan policy DP26 and the Design Guide principles. However, to secure the quality of the design and address concerns with the lack of natural surveillance (especially in respect of the open spaces), I would recommend conditions requiring the submission of the following further drawings and information:

- Detailed hard and soft landscaping including plans, elevations and sections (as appropriate) of: the design of the attenuation pond; the details of boundary treatment including the measures to address the natural surveillance of the open spaces and pathways (comprising raising of tree canopies and shrub removal); the incorporation of a comprehensive network of pathways.
- A 1:20 scale front elevation and section drawing of a typical contemporary designed house that features floor to ceiling height windows, entrance door and canopy and secondary facing materials.
- The construction drawings of the front elevations of the terraced houses showing the positions of the rainwater downpipes (that show them subdividing the front elevation by defining each house).
- Details of the facing materials.
- The detailed design of car port 01 showing an open rear elevation to enable the rear alleyway behind it to be fully visible.

### **Layout**

The revised drawings have improved the layout in the following respects:

- The parking is now more discreetly accommodated. The proportion of right-angle front-threshold parking has been reduced, and car barn enclosures have been introduced, both between houses and in parking courts, which help to reduce the dominance of parking in the street (a condition is nevertheless recommended in respect of the rear elevation of the car port 01 to permit better natural surveillance of the rear alley behind it).

- The building lines are more consistent, and the frontages address the street better. For instance, the block of flats on plot 179-184 has a more forward building line that now aligns with building line of the adjacent houses that not only allows it to integrate better with the streetscene but also makes space at the rear to allow more threshold space between the rear elevation and the rear parking.

The access roads are more connected-up around the perimeter blocks than originally proposed at the initial pre-application stage. This helps create a more legible layout and reduces the need for unsightly turning heads.

The layout is also well provided by public open spaces with a LEAP provided in the central space. However, the attractive tree belts and hedgerows potentially undermine the natural surveillance of these spaces; while the surrounding houses have appropriately been organised to face the spaces, unless some measures are taken the density of the vegetation will block their views over the spaces especially when the trees are in full leaf; consequently, natural surveillance will be limited, and community safety will be compromised. This is the case with the central open space and the spaces on the north east corner which occupy entire fields surrounded mostly by mature trees and hedges, and I note the police also raise this issue. It is also relevant to the northern boundary with the country park (although it does benefit from overlooking from phase 3).

The central open space benefits from an opening in the tree line on its southern side but unfortunately a proposed sub-station occupies part of this boundary. The applicant has advised this is the only feasible position for it but has at least re-positioned it to the west of the visitor parking space (previously it was on the east side) that permits direct views of the open space from the house on plot 138 (albeit from the flank side). However, some loss of the lower foliage and raising of tree canopies is also needed to enable a satisfactory level of surveillance and a condition is needed to enable this while also ensuring that biodiversity is not unduly compromised in the process.

The Movement Strategy plan unfortunately does not include pedestrian/cycle routes through the site. While some of these are shown on the detailed landscape plans these have not been revised so they accord with revised site plan. More consideration needs to be given to creating a continuous pedestrian path along the east and west boundaries and around the attenuation pond.

The design of the attenuation pond will be key to the success of the open space at the southern corner of the site. It is crucial that it does not look engineered and is sensitively designed and integrated with the natural landscape to enable this area to provide visual amenity and recreational potential. Further detailed hard and soft landscape drawings are therefore required of the whole site including the pond.

## **Elevations**

The DRP were especially disappointed with the elevations in the originally submitted application drawings when they considered the scheme in May 2020. Their criticisms included the comment that the use of 'character area' naming does not feel supported by the developed architecture. While the revised drawings do not fully address this point (chiefly because of the over-reliance of a limited number of standard house types), the elevations have been improved in respect of the DRP's other points:

- The landmark/corner buildings have been redesigned so they address multiple viewpoints that includes fully elevated and fenestrated corner flanks that are consistently articulated with the main elevation and this mostly includes rear elevations too. Nevertheless, diversity is undermined as the same basic standard house types

(Lockwood) are employed on nearly all the key corner locations (albeit with different finishes that vary in terms of the traditional and contemporary versions and varying façade treatment).

- In addition to the corner houses, most of the houses that employ a secondary facing material now incorporate them on all four sides of the building. Furthermore, a larger proportion of the buildings now have secondary facing materials. The former helps ensure the rear elevations of the contemporary and traditional houses look different, while the latter contributes to better and more interestingly articulated facades especially on the contemporary houses.
- Fake GRP chimneys stuck-on top of ridge lines have been omitted. While chimneys without a function still feature on the Lockwood and the HT.4B6P house types, they are constructed as brick-faced side projections that articulate the return flanks and benefit from a more robust appearance.
- There is more consistency of building types and/or facing materials applied to individual streets; this along with the grouping of the traditional and contemporary styles gives some contrasting characteristics across the development that provides more legibility and diversity.

Further changes have been made which improve the articulation of the facades. This includes:

- Introducing central gables on the Ashworth and the HT.3B5P semi-detached houses (option 1) in place of a straightforward double pitch roof;
- Steepening the central gable on the HT.3B5P
- Replacing the incongruous-looking asymmetric Barton semi with a symmetrical configuration on plot 70-71;
- Reorganising terraced houses as either a run of replicated frontages that generate underlying rhythm, or ordering them symmetrically by bookending them with gabled frontages (this includes plots 223-7 that combine what was previously a bland double-pitched semi and terraced house configuration; plots 206-208 now benefit from a ridge line that is the same height as the gables);
- Introducing better proportioned and/or positioned dormer windows on the Foxcote semi's and the HT.SAUe B2;
- The rainwater downpipes are mostly employed so they contribute positively to the articulation / subdivision of facades - to achieve a consistent order in the terraced houses, it is normally necessary for the front elevation to be organised with the rainwater downpipes subdividing/defining the frontage of each house and for this reason a condition is recommended.

## **WSSC Minerals & Waste**

West Sussex Joint Minerals Local Plan (July 2018) The site is within the area identified as a Brick Clay mineral safeguarding area (Policy M9). However, the application relates to a site for which outline planning permission for housing has already been granted (MSDC ref: 12/01532/OUT), and for which no mineral related issues have been raised at the outline stage. As such the proposed development meets the relevant Exceptions Criteria set out in the Guidance available at this link. The MWPA raise no objection to the proposals on minerals sterilisation grounds. West Sussex Waste Local Plan (April 2014) The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23).

## West Sussex County Council Highways

### Comments dated 19 January 2022

The Local Highways Authority (LHA) has previously commented on this proposal in April 2020 and December 2020. On each occasion further information was requested by the LHA on parking, turning and potential highway adoption. Following the submission of further information to address the points raised above the LHA would offer the following comments:

- o Parking Strategy-a calculator print out has been provided. The LHA would seek clarification from the applicant that these are the exact number of parking spaces provided.

- Swept Path Diagrams-These have been provided on drawing number 11036 - PH4 / SPA-04 C for a fire tender and 11036 - PH4 / SPA-02 C for a refuse collection vehicle. The LHA have reviewed the two drawings and we are satisfied this demonstrates that a refuse collection vehicle and fire tender can safely manoeuvre within the site layout.
- Visibility Splays- Splays of 25 metres and 33 metres have been demonstrated on the internal access drawings under drawing 11036 - PH4 / 145. The splays of 25 metres and 33 metres have been based on the parameters of Manual for Streets which is accepted in this site's context.
- Road Adoption-we understand from the Planning Officer that the internal roads will remain private and not adopted under a Section 38 Agreement. The LHA would seek confirmation on this point.

In principle the points raised on Swept Path Diagrams and internal access dimensions have been addressed. We would as outlined above request some further clarity on road adoption and parking matters.

### Comments dated 4 December 2020:

The Local Highway Authority (LHA) previously commented on this application in April 2020 where additional information was requested from the applicant. From inspection of the planning portal it does not appear that the comments made by the LHA have been addressed at this stage. We would request that this is confirmed by the applicant and the 4 points raised addressed.

The original S106 secured various improvements and some of them could use additional S106 and therefore the new TAD contribution of £62,626 could be added to these schemes.

### Comments dated 22 April 2020:

The highway authority requires the following additional information before being able to comment in detail on the application:

- Results of the parking requirement analysis using the County Council's residential parking demand calculator, available at: <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/pre-application-advice-for-roads-and-transport/#additional-information>
- Comparison of the proposed parking provision with the results of that analysis, and a short report providing written justification of the overall parking strategy and of any significant anomalies.
- An overall basic site plan showing the parking strategy and based on the categories used in the calculator.
- One (or two if absolutely needed) vehicle tracking drawings per vehicle category (refuse, fire tender and private), as appropriate the level of detail for each category and one

drawing each category for the whole site if possible. This is to enable rational examination of the tracking analysis without downloading very large files. The drawings should be provided on a simplified site layout.

- Confirmation of whether the site's internal road network is to be adopted as highway.
- One or two simplified overall site layout plan(s) enabling the authority to review the highway layout of the site and provide planning-appropriate feedback on the layout to the council.

We look forward to receiving this information and to providing a final response on the application to the council.

### **Street Naming and Numbering Officer**

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

Informative (Info29)

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

Planning applications requiring SNN informative:

DM/20/0886  
DM/20/1257  
DM/20/1078  
DM/20/1271  
DM/20/1068  
DM/20/1234

### **Arboriculturist**

The development is generally sympathetic to its setting and retains a large amount of trees, hedgerows and small copses. The tree survey is detailed.

I am generally content with additional planting although I do not wish to see sycamores planted in this area. Whilst I note some non natives, the sycamores should be replaced with field maples, hornbeams or oaks (native). This would accord with Policy DP37. I would concur with some of Sorin's comments regarding bulb plantings and ivy.

I note Will's comments regarding crown lifting, again, this should be detailed in a method statement/schedule of tree works.

Subject to the changes and additional information specified, I would not object to the application.



## **WEST SUSSEX COUNTY COUNCIL- Flood risk**

RECOMMENDATION: No Objection

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

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

Kevin Brook  
Flood Risk Management Team

### **Sussex Police**

Thank you for your correspondence of 15th April 2020, advising me of a full planning application for 237 dwellings (30% affordable) with associated informal open space, SUDS attenuation features and a Locally Equipped Area of Play (Amended plans received 07.12.2021 which include additional visitor parking, additional footpaths, a new footpath link and minor changes to the layout)

I have had the opportunity to examine the detail within the amended application for 237 dwellings, additional footpaths, a new footpath link and minor changes to the layout. In an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at [www.securedbydesign.com](http://www.securedbydesign.com) I look forward to providing more in-depth advice at reserved matters.

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Mid Sussex district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

In the main the layout proposes outward facing dwellings that overlook the street, this creates good active frontage. There is a high percentage of back to back gardens which has all but eliminated vulnerable rear garden pathways. Parking is being provided with on-curtilage, garage, overlooked, small rear parking courts and a number of on-street visitor bays/

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. I note that changes to the dwellings include some gable ended windows being introduced into the design and layout which can assist in providing observation over an otherwise unobserved parking area.

Vulnerable areas, such as exposed side and rear gardens, need robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow for greater surveillance such as rear access pathways to gardens. In this instance, the garden rear boundary that is looking onto the pathway would

benefit from being constructed of 1.5 metre close board fencing topped with trellis (300mm). This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres.

Gates that lead to rear gardens or rear garden pathways, must be the same height as the adjoining fence so as not to reduce the overall security of the dwellings boundary and where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. They must be capable of being locked (operable by key from both sides of the gate) and not be easy to climb or remove from their hinges.

The proposed Public Open Space (POS) in the centre of the development have good observation over it from surrounding dwellings. However, in order to maintain as much natural surveillance as possible across the POS as well as other areas across the development where planting and trees are being proposed, 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.

From a crime prevention perspective with respects to the blocks of multiple dwellings, it will be imperative that access control and a door entry system is implemented into the design and layout, this will ensure control of entry is for authorised persons only. I direct the applicant to SBD Homes 2019 V2 Chapter 27.6 -27.9 for further advice on access control and door entry systems requirements.

Where there is a requirement for a door-set to be both fire and security rated, e.g. flat or apartment entrance door-sets, interconnecting garage door-sets and some door-sets aiding security compartmentation, the manufacturer or fabricator supplying the finished product to site is required to present independent third party dual certification from a single UKAS accredited certification body for both elements. This is in order to minimise the likelihood of a door-set being presented in two differing configurations for separate fire and security tests and then later being misrepresented as one product meeting both requirements. All door styles and components will need to be adequately described within the scope of certification and accompanying Technical Schedule. This will apply to windows as well.

Regarding the mail delivery for the blocks of multiple dwellings, I recommend the postal arrangements for the flats is through the wall, or external secure post boxes. I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block. 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 recommend. Facilities should be provided that enable mail to be delivered to safe and secure areas.

Where cycle security is being provided for within garages and cycle sheds within the gardens. I would like to direct the applicant to SBD Homes 2019 V2 document chapter 56 for advice on cycle security and chapter 21.9 & 54 for increasing security of the garage vehicle door-set as well as the pedestrian door-sets where applicable. Carports would benefit from having vandal resistant, low energy dusk till dawn operated lighting within them to increase the safety and security of the vehicle and its users.

Given that the south west elevation boundary impacts upon the adjacent railway line I recommend contact is made with network rail to negotiate a suitable and fit for purpose boundary treatment along this elevation.

Where lighting is implemented throughout the development 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.

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

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

### **Surrey County Council Archaeologist**

The application site has previously been subject to archaeological investigation in the form of Geophysical Survey (Wessex Archaeology, 2012) and a targeted Trial Trench exercise comprising 94 trenches across the entirety of the site to test the results of the survey (Archaeology South East, 2013). Only a small number of linear features were identified which were post medieval in date, with no significant earlier finds. It was concluded that before the late medieval/post-medieval enclosure period the site seems to have been woodland lacking any substantial human activity. As such I have no further archaeological concerns regarding the detailed phase 4 proposals detailed.

Please do not hesitate to contact the Surrey County Council Historic Environment Planning Team should you require further information.

This response relates solely to below-ground archaeological issues.

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MID SUSSEX DISTRICT COUNCIL

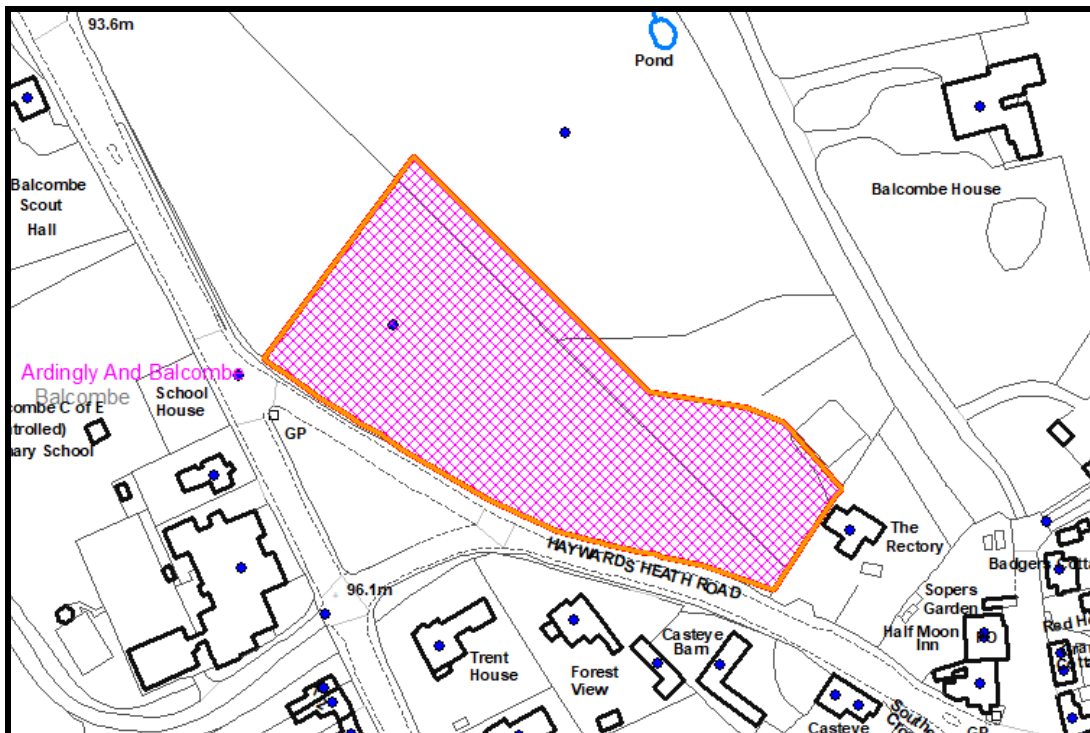
District Wide Committee

**24 FEB 2022**

RECOMMENDED FOR PERMISSION

**Balcombe**

**DM/21/4235**



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**LAND ADJ. TO BALCOMBE HOUSE LONDON ROAD BALCOMBE WEST SUSSEX**

**RESIDENTIAL DEVELOPMENT TO PROVIDE 17 DWELLINGS MADE UP OF 1 AND 2 BEDROOM FLATS AND 3 BEDROOM, DETACHED AND SEMI-DETACHED, HOUSES. ASSOCIATED LANDSCAPING, PARKING, VEHICULAR ACCESS AND A VILLAGE CAR PARK  
MR MARK HENDY**

POLICY: Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Built Up Areas / Conservation Area / Countryside Area of Dev. Restraint / Post 1974 Conservation Area Boundary / Classified Roads - 20m buffer / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE:            Smallscale Major Dwellings  
13 WEEK DATE:        14th March 2022  
WARD MEMBERS:        Cllr Gary Marsh / Cllr Jenny Edwards /  
CASE OFFICER:         Joanne Fisher

## **PURPOSE OF REPORT**

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

## **EXECUTIVE SUMMARY**

This application has been referred to the District Planning Committee with the agreement of the Chairmen of both planning committees.

Planning permission is sought for 17 dwellings made up of 1- and 2-bedroom flats and 3 bedroom detached and semi-detached houses with associated landscaping, parking, vehicular access and a village car park at land adjacent to Balcombe House, Haywards Heath Road, Balcombe.

This application follows a scheme which was recently refused by Members at Planning Committee in November 2021 where an application was submitted for 17 dwellings made up of 1 and 2 bedroom flats and 3 and 4 bedroom, detached and semi-detached, houses. Associated landscaping, parking, vehicular access and a village car park (reference DM/20/4712). Members refused the application for the following reasons:

1. *'The proposed housing mix with the inclusion of a 4-bed dwelling is considered to be contrary to Policy 2i of the Balcombe Neighbourhood Plan.'*
2. *The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing required to serve the development.'*

This current application seeks to address this reason for refusal through the removal of the 4-bed dwelling and its substitution with a 3-bed dwelling.

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

National planning policy states that planning should be genuinely plan led. The Council has an up to date District Plan and is able to demonstrate that it has a five

year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The Balcombe Neighbourhood Plan was 'made' in September 2016 and thus forms part of the Development Plan.

The application site is within the built confines of a Category 3 settlement and allocated under Policy 2i of the Balcombe Neighbourhood Plan, identified for approximately 14 dwellings and a public car park for the village. Policy DP6 of the District Plan permits development within built up area boundaries subject to caveats. The principle of a residential development on this site is thus established and accords with the Development Plan.

The proposed design, layout and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area. The proposal would preserve the High Weald Area of Outstanding Natural Beauty. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of outlook and the scheme would not cause harm in terms of parking or highway safety.

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

It is acknowledged that the proposal would result in less than substantial harm to the setting of the Balcombe Conservation Area and a number of listed buildings. However, as set out in para 202 of the NPPF, *'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'*.

The site would also lead to a loss of a number of trees and an ecological impact on the site including loss of part of the front boundary hedge. However, the proposal is to provide mitigation and enhancement planting. Notwithstanding this, the harm to biodiversity must be weighed against the public benefits of the proposal as set out under para 180 of the NPPF.

It is considered in this instance that the public benefits in the creation of 17 dwellings, including 5 affordable dwellings on a site allocated for development in the Neighbourhood Plan, in a sustainable location, reflects one of the key objectives of the NPPF. The proposal would result in a number of infrastructure contributions which would be secured through a legal agreement as well as the formation of a public car park for the village which would be secured through the S106 legal agreement. In addition, in the short term the proposal would also deliver a number of construction jobs and as a result of additional spending within the economy once occupied. As such it is considered that the proposal would result in significant public benefits which would outweigh the identified less than substantial harm to the setting of the Conservation Area and on the nearby listed buildings and the ecology on the site.

There will be a neutral impact in respect of highway safety, drainage and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

The application is thereby considered to comply with policies DP4, DP6, DP16, DP20, DP21, DP26, DP27, DP28, DP30, DP31, DP34, DP35, DP37, DP38, DP39 and DP41 of the District Plan, policies 1, 2 and 3 of the Balcombe Neighbourhood Plan, and paragraphs 8, 110, 130, 152, 176, 180 and 202 of the NPPF.

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the proposed development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it.

Overall, the planning balance is considered to fall significantly in favour of approving the planning application.

## **RECOMMENDATION**

### **Recommendation A**

It is recommended that planning permission be approved subject to the completion of a satisfactory S106 Legal Agreement to secure infrastructure contributions and affordable housing and the conditions set in Appendix A.

### **Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 24th May 2022, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

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

## **SUMMARY OF REPRESENTATIONS**

1 letter of OBJECTION concerning the following points:

- Proposed plans violate one of the principles in the Neighbourhood Plan regarding the tree lined frontage on Haywards Heath Road - regardless the quality of the existing trees, the trees provide must be either retained or improved, not reduced because the housing developer decides that some of the trees are not of sufficiently high quality.



## **SUMMARY OF CONSULTATIONS**

### **WSCC Highways**

No objection subject to conditions.

### **WSCC County Planning Officer**

Summary of contributions:

Education Primary - £58,194

Education - Secondary - £62,633

Libraries - £6,376

TAD - £54,591

### **WSCC Flood Risk**

No objection.

### **WSCC Water and Access**

Advice

### **MSDC Urban Designer**

No objection subject to conditions.

### **MSDC Conservation**

The result of the proposed development on the site, with its suburbanising impact on its character, will be effectively to sever these two buildings from the remaining part of their rural setting- they will become completely surrounded by the built form of Balcombe village. The impact of the proposal will be exacerbated in this instance by the location of the vehicle access, which will give clear views into the development on the site, at the eastern end of the road frontage closer to these listed buildings.

For these reasons the proposal will detract from the positive contribution which the site currently makes to the setting of the listed buildings, their special interest, and the manner in which this is appreciated. This will be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF, the harm caused will be less than substantial, at the mid-high point of that scale, so that paragraph 202 will apply.

### **MSDC Drainage Engineer**

No objection subject to condition.

### **MSDC Tree Officer**

No objection.

## **Ecologist**

Comments. Condition.

## **Archaeologist**

Recommend condition.

## **MSDC Leisure**

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities:

Play - £ 16,064

Kickabout - £ 13,494

Formal Sport - £ 18,398

Community Buildings - £ 11,095

## **MSDC Housing**

No objection - to provide 5 on-site affordable units for rent and a commuted sum of £63,000 is to be provided towards off site affordable housing provision in lieu of the sixth unit.

## **MSDC Environmental Health**

No objection - suggested conditions.

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

No objection - suggested condition.

## **MSDC Street Name and Numbering Officer**

Informative.

## **Historic England**

No comments.

## **Southern Water**

No objection. Informative.

## **Sussex Police**

No objection to the proposed residential element of the development as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations being satisfactorily addressed. However, I would like to raise my concerns regarding the proposed village car park.

## High Weald AONB Unit

Comments and recommended conditions.

## Balcombe Parish Council

Summary of comments - full comments can be viewed in Appendix B

The Parish council's response from January 2021 and November 2021 remains with only a minor change on housing mix having been made to the proposal.

The application was refused in November 2021 on grounds of housing mix being contrary to the Neighbourhood Plan policy which allocated this site to the provision of 3, 2 and 1 bedroom units. The applicants have removed the single 4 bedroom property and substituted it for two 3 bedroom semi-detached houses and re arranged the adjoining 4 houses to provide 3 detached units rather than the link detached row in the previous application.

Despite lengthy debate and strong advice from the planning committee this amended application does not provide a separate entrance to the village car park.

The main areas of concern remain as previously:

- The access road location and village car park
- Parking in the development
- Overdevelopment of a site originally allocated for approx. 14 units, for 1, 2 and 3 bed roomed properties.
- Housing mix including commuted sum for 6th affordable unit.

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## INTRODUCTION

This application seeks planning permission for 17 dwellings made up of 1 and 2 bedroom flats and 3 bedroom, detached and semi-detached houses with associated landscaping, parking, vehicular access and a village car park at land adjacent to Balcombe House, Haywards Heath Road, Balcombe.

This application follows a scheme which was recently refused by Members at Planning Committee in November 2021 where an application was submitted for 17 dwellings made up of 1 and 2 bedroom flats and 3 and 4 bedroom, detached and semi-detached, houses. Associated landscaping, parking, vehicular access and a village car park. Members refused the application for the following reasons:

1. *'The proposed housing mix with the inclusion of a 4-bed dwelling is considered to be contrary to Policy 2i of the Balcombe Neighbourhood Plan.'*
2. *'The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing required to serve the development.'*

This current application seeks to address this reason for refusal through the removal of the 4-bed dwelling and its substitution with a 3-bed dwelling.

## **RELEVANT PLANNING HISTORY**

DM/18/2586 - Proposed 17 residential units with associated car parking and landscaping, and the provision of a village car park. WITHDRAWN.

DM/20/4712 - Proposed 17 dwellings made up of 1 and 2 bedroom flats and 3 and 4 bedroom, detached and semi-detached houses with associated landscaping, parking, vehicular access and a village car park. Refused.

## **SITE AND SURROUNDINGS**

The site is of irregular shape with plantation woodland with trees and vegetation within and on the boundaries of the site. There are residential properties to the south-east and south of the site set back from the road with trees and vegetation screening on the boundaries. To the north is the parkland setting of Balcombe House a Grade II Listed Building. This is screened by trees on the boundaries of the site.

The proposed development site is almost surrounded by the Balcombe Conservation Area, which is to the east, south, west and to the north-west of the site. There are a number of listed buildings in close proximity to the site including Casteye Cottage and Casteye Barn to the south on the opposite side of the highway, and Balcombe House to the north. To the north-west of the site outside of the red line is land which is further wooded.

Haywards Heath Road lies to the south and has a pavement on either side of the highway leading to the village centre to the east as well as the Primary School to the west.

The site is located within the built up area of Balcombe as well as within the High Weald Area of Outstanding Natural Beauty (AONB) as defined in the Mid Sussex District Plan and the Balcombe Neighbourhood Plan.

## **APPLICATION DETAILS**

The proposal is for residential development to provide 17 dwellings made up of 1 and 2 bedroom flats and 3 bedroom, detached and semi-detached houses; associated landscaping, parking, vehicular access and a village car park.

The proposal is to comprise of 12 market houses and 5 affordable dwellings consisting of 2 no. 1-bed flats, 3 no. 2-bed flats, 12no 3-bed dwellings. The development would provide 30% affordable housing with a commuted sum proposed in lieu of an additional affordable dwelling.

This scheme has been amended from that refused under DM/20/4712 through the removal of the 4-bed dwelling and its substitution of a smaller 3-bed house. As a result of this, plots 14-17 have been able to be more widely spaced than before with

plots 15-17 now being detached dwellings. The rest of the layout remains as previously considered.

The proposal is to provide a mixture in the style of dwellings comprising of a block of flats with accommodation in the roofspace with a communal front entrance, semi-detached dwellings with attached single garages, semi-detached dwellings, detached dwellings and link detached dwellings with single garages.

Plans show that the dwellings would be constructed in brick, with some dwellings having first floor tile hanging or timber detailing to the front roof pitches and clay tiled roofs. The properties would have decorative chimneys.

Each property would benefit from off road parking with a number of the dwellings (Plots 8 - 17) benefitting from garaging. Parking would be to the side of the dwellings, with the parking for the flats opposite the building. There would also be 6no. visitor parking spaces serving the residential element of the site.

As part of the proposal the site would provide a village car park of 10 car parking spaces. The site would have one vehicular access off the Haywards Heath Road serving both the housing and village car park.

The boundary trees and vegetation are to be retained with a planting buffer and enhanced planting provided on the northern boundary of the site.

The application has been accompanied by a number of supporting statements for consideration consisting of:

- A Planning, Design and Access Statement including an Affordable Housing Statement;
- A Sustainability and Energy Statement;
- A Transport Statement;
- A Drainage Statement;
- A Preliminary Ecological Appraisal;
- A Phase 2 Ecology Survey
- Biodiversity Net Gain Survey;
- An Archaeological Desk Based Assessment including a Heritage Statement;
- A Tree Survey and Impact Assessment; and
- A Statement of Community Involvement.

## **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 Balcombe Neighbourhood Plan.

The District Plan is up to date, and the Council can demonstrate a 5 year supply of deliverable housing land.

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.

### **Mid Sussex District Plan**

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

Relevant policies include:

- DP4 - Housing
- DP6 - Settlement Hierarchy
- DP16 - High Weald Area of Outstanding Natural Beauty
- DP20 - Securing Infrastructure
- DP21 -Transport
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP28 - Accessibility

DP29 - Noise, Air and Light Pollution  
DP30 - Housing Mix  
DP31 - Affordable Housing  
DP34 - Listed Buildings and Other Heritage Assets  
DP35 - Conservation Areas  
DP37 - Trees, Woodland and Hedgerows  
DP38 - Biodiversity  
DP39 - Sustainable Design and Construction  
DP41 - Flood Risk and Drainage

### **Balcombe Neighbourhood Plan**

The Neighbourhood Plan was made in September 2016. It forms part of the Development Plan for the District and can be given full weight.

The following policies are considered to be relevant:

Policy 1 - Built Up Area Boundary  
Policy 2 - Housing  
Policy 3 - Design

*Balcombe Parish Neighbourhood Plan Design Guide*

*Development Infrastructure and Contributions Supplementary Planning Document (SPD)*

*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.

*West Sussex County Council Guidance on Parking at New Development, September 2020*

*The High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024*

The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

## National Planning Policy Framework (NPPF)

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

Paragraph 12 of the NPPF states:

*'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

Paragraph 38 of the NPPF states:

*'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

### *National Planning Policy Guidance*

### *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

### Assessment

The main issues for consideration are:

- Principle of development
- Design;
- Impact on the High Weald AONB
- Heritage;
- Access, parking and highway safety;
- Residential Amenity;
- Dwelling Space Standards;
- Sustainability;
- Drainage
- Ecology
- Trees;
- Infrastructure;
- Affordable Housing and Housing Mix;
- Ashdown Forest; and
- Planning Balance and Conclusion.

### Principle of development

The District Plan is up to date and the Council can demonstrate a 5 year supply of deliverable housing land.

As the proposed development is within the built up area of Balcombe, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

*'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'*

In addition to the above, Balcombe is classed as category 3 settlement in the settlement hierarchy listed under MSDP policy DP6. This is defined as a medium sized village providing essential services for the needs of their own residents and immediate surrounding communities. As such, the application site can be considered to be a sustainable location for residential development.

The site is allocated within the Balcombe Neighbourhood Plan under Policy 2i. This states the site is allocated for housing subject to the following development principles:

*'Approximately 14 dwellings on land at Balcombe House Gardens and Rectory Gardens on Haywards Heath Road adjoining the village centre, comprising a mix of 1, 2 and 3 bedroom dwellings, provided the scheme comprises proposals for:*

- a. *the provision of a public car park of 10 spaces;*
- b. *the retention and improvement of the existing tree-lined frontage to Haywards Heath Road;*
- c. *it can be demonstrated that they will sustain or enhance the significance of the setting to both the Grade II listed Balcombe House and the Balcombe Conservation Area heritage assets by using the existing woodland setting'*

The principle of development on this site is therefore acceptable. It is however also necessary to consider other planning issues to determine the overall planning balance.

## **Design**

Policy DP26 of the District Plan deals with design matters and states the following;

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

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

Policy 3 of the Neighbourhood Plan in part states:

*'The scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings and to avoid any significant detrimental effect on the landscape and natural beauty of the High Weald AONB and the significance and character or appearance of the Balcombe Conservation Area, where a building will command a view.'*

Para 130 of the NPPF relates to design and states:

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

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

On the 1st October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1st October 2019 stating that *'the National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed.'*

The Council's adopted Design Guide is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support for

innovative and inventive designs that responds to the sustainability agenda within DG37. There is support for architectural integrity and a sense of place within DG38 where the facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. Design principle DG39 requires the scale of new buildings to relate to their context. In addition DG40 requires buildings to be designed so that streets and public spaces have good levels of natural surveillance and are overlooked by ground floor habitable rooms and upper floor windows.

The site currently comprises of plantation trees with trees and vegetation on the boundaries of the site. It forms part of the verdant character of Haywards Heath Road. However, as set out in this report, the site has been allocated within the Neighbourhood Plan for residential development. Within para 5.15 of the Neighbourhood Plan in relation to the site's allocation it states that a *'successful scheme will likely comprise a mix of dwellings in distinct groups fronting on to Haywards Heath Road and placed within a woodland setting to enable them to appear subservient to the larger, listed buildings to the north and east. The scheme should have a direct access on to the road'*

The Council's Urban Design Officer has considered the scheme and has raised no objections. His full comments are set out in Appendix B including that of his previous comments in respect of the previously refused scheme. In the consideration of the previous scheme, in part he considers that:

*'The site is characterised by the woodland that covers it, and which provides an attractive backdrop to the village and the conservation area that wraps around most of its boundary. On the south west side, the woodland provides an attractive setting for the village green and Haywards Heath Road and London Road on either side of it. On the north-east side the woodland helps preserve the rural setting of the listed Balcombe House.'*

In relation to the current scheme to address the previous refusal, the Urban Designer acknowledges that the change appears to be limited to the houses on plots 13-16 which are laid out slightly differently and incorporate a 3 bed house in place of a 4 bed house. He considers that the revised layout is unfortunately inferior to the previous scheme due to the relationship of Plot 13 with the road frontage / front boundary, plot 13 having a smaller garden than before and also having a narrower frontage. Notwithstanding this he acknowledges that whilst the layout changes are regrettable that they would not justify an objection on design grounds.

The proposed design of the dwellings provides articulation with gabled frontages providing some underlying order and rhythm as well as elevational interest. The houses also benefit from being consistently detailed on the front, side and rear; this is especially important on plots 10-12 where the formally organised rear elevations will provide a presentable elevation facing Haywards Heath Road particularly during the winter months when the tree screen/planted buffer will have less impact.

The proposed housing offers a range of housing sizes, including affordable housing for the local community. It has been designed to offer a character that, whilst

different to those dwellings close to the site, nevertheless reflects materials and building styles that are found in other housing in the village and are of a relatively modest scale. The variations in the design of the properties would add to the visual interest of the proposed cul-de-sac. It is considered that the proposed layout is deemed to provide spacious plots for each dwelling, with properties well-spaced between each other. The long gardens reflect the character of the area.

Due to the dwellings being set within the site, with boundary screening along Haywards Heath Road, it is considered that the development would sit comfortably within the site and reflect the general character of the street scene along Haywards Heath Road. In addition, the car parking is to be set within the site with vegetation screening to soften the area of hardsurfacing and would be seen in context with the adjacent housing proposed as part of the development. The proposal thereby presents a positive relationship with the street and would not adversely affect the character of the area.

The Parish Council considers that the proposal forms an over-development of the site. It is noted that Policy 2 of the Neighbourhood Plan sets out that the site should provide *'Approximately 14 dwellings'*, whereas the proposal subject of this application is to form 17 dwellings. However, the District Plan and the NPPF seeks developments to optimise the potential of a site to accommodate development. It is considered that the proposal would not form an overdevelopment of the site as the layout shows the dwellings to be well spaced with gardens commensurate with the size of the properties and suitable off road parking serving each dwelling, as well as visitor parking. The trees and vegetation on the boundaries of the site are retained, where possible, to provide softening of the development and the retention of the verdant character of the area.

Sussex Police have raised concerns in relation to natural surveillance of the public car park which is to be provided as part of the scheme. Whilst these concerns are noted, plans show that the layout is to provide a shared access from Haywards Heath Road with the vehicular access and pedestrian path for the car park leading past the front of Plots 1-5 and their parking area opposite. On the side elevation of this block of flats would be a bin store and windows serving the open plan living area at first floor, bathrooms at ground and first floor and a rooflight serving the living accommodation for the flat in the roofspace. It is considered that the layout and side windows would provide some surveillance of this public car park. A condition concerning landscaping on the boundary treatments and the planting to soften this could be placed on such a permission to ensure that there are suitable treatments to allow for further surveillance of this area.

In light of the above it is considered that the application would comply with Policy DP26 of the District Plan, Policy 3 of the Neighbourhood Plan, the design principles of the adopted Mid Sussex Design Guide SPD and the provisions of the NPPF.

The previous application was not refused in relation to design matters and it is not considered that there are any robust grounds to come to a different view in this revised scheme.

## **Impact on the character of the High Weald AONB**

The site lies within the High Weald Area of Outstanding Natural Beauty. The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*.

Policy DP16 of the District Plan relates to the High Weald AONB and requires proposals to *'conserve or enhance natural beauty'*.

Policy 3 of the Neighbourhood Plan seeks *'to avoid any significant detrimental effect on the landscape and natural beauty of the High Weald AONB.'*

Paragraph 176 of the NPPF is also relevant. This states:

*'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.'*

It is considered that the proposed layout and design of the dwellings as well as the retention and proposed enhancement planting is sensitive to the character of the area providing traditional character properties and a development within a landscaped site which provides screening and softening of the development. Due to the site's location within the built up area of Balcombe, with properties to the south and east, it is considered that the development would be seen in the context of the village and would not be detrimental to wider views of the AONB.

The proposal is thereby considered to comply with Policy DP16 of the District Plan, Policy 3 of the Neighbourhood Plan, para 176 of the NPPF and the provisions of the High Weald AONB Management Plan.

The previous application was not refused in relation to any impacts on the High Weald AONB and it is not considered that there are any robust grounds to come to a different view in this revised scheme.

## **Heritage Assets**

The site is within the setting of a number of heritage assets, including:

- Balcombe Conservation Area
- St Mary's Church (Grade I listed)
- Balcombe House (Grade II listed)
- Haylors Cottage (Grade II listed)
- Casteye Cottage and Casteye Barn (both Grade II listed)

S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*'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.'*

Policy DP34 of the District Plan refers to listed buildings and other heritage assets. It states:

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

### *Other Heritage Assets*

*Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.*

*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.'*

S.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*

Policy DP35 of the District Plan relates to Conservation Areas. It requires developments to *'protect the setting of the conservation area and in particular views into and out of the area.'*

The NPPF states that 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.

Paras 199 - 202 of the NPPF states:

*'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.'*

The Council's Conservation Officer has provided detailed comments on the scheme in relation to each of the designated heritage assets outlined above. Her full comments are set out in Appendix B. Overall she considers that the proposal would be contrary to the requirements of Policies DP34 and DP35 of the District Plan and would result in less than substantial harm to all of the designated heritage assets identified above.

Consideration is required to be undertaken in respect of each heritage asset and the harm to these which would be caused through the proposed development. This is set out in turn below:

#### Impact of the scheme on the setting of the Conservation Area

Balcombe Conservation Area includes the historic centre of the village at the crossroads, the green and St Mary's Church to the north, and extends south to a second grouping of historic buildings around the junction of Haywards Heath Road and Mill Lane, as well as more modern development to the west around Stockcroft Road and neighbouring streets. Although a full character appraisal has not been prepared, the Council's document Conservation Areas in Mid Sussex provides a brief assessment of the Area and of its key features, which include attractive countryside views. The Conservation Officer considers that the special character of the Conservation Area depends in part on its nature as the core of a historic Sussex village which has grown up over many centuries in close connection with the surrounding landscape.

The proposed development site is almost surrounded by the Conservation Area, and in its current state it forms a verdant, wooded space. The Conservation Officer considers that the site *'makes a strong positive contribution to its setting, including the countryside views mentioned above, and the manner in which the relationship of the settlement to the surrounding rural landscape is appreciated. It also has a strong positive impact on the character of the approach to the historic core of the village along Haywards Heath Road'*

She considers that the proposal will have a *'fundamental impact on the character of the site, which will become suburbanised. A substantial number of trees will be lost from within the site. Although the proposal includes retention and strengthening of boundary vegetation to the eastern side the submitted street elevation to Haywards Heath Road indicates that the development will be visually prominent from this road and in views looking from and across the green to the west. Although some of the vegetation to this boundary is to be retained a number of trees appear to be lost, and new openings are created for pedestrian and vehicular access, which will allow clear views into the site.'*

She considers that *'the development will have a notable impact on that character, and in particular on how this is appreciated in views from Haywards Heath Road, the green and London Road beyond. This will detract from the positive contribution that the site currently makes to the setting of Balcombe Conservation Area, including the*

*approach to the village centre along Haywards Heath Road.'* As such she considers that the harm caused to the heritage asset of the Conservation Area would be less than substantial, at the mid-point on that scale.

Whilst it is acknowledged that the trees within the site would be removed as part of the development, the principle of this has been accepted through the allocation of the site in the Neighbourhood Plan. The tree and vegetation lined boundary with the highway is to remain in part with some trees and vegetation removed for the formation of the access into the site. In addition, the vegetation on the boundaries are to be retained and enhanced. A street scene has been provided showing how the development would sit within Haywards Heath Road. It is your Officers view that this shows that the boundary planting would in part screen and soften the development and retain the verdant boundary of the site which would meet the requirements of Policy 2i of the Neighbourhood Plan.

However, it is considered by your planning officers that the proposal would result in less than substantial harm to the setting of the Conservation Area where para 202 of the NPPF applies, which is considered further below.

#### Impact of the scheme on the setting of St Mary's Church

St Mary's Church is a Grade I listed building dating originally from 13th century, with a 15th century tower and later additions and alterations. The Conservation Officer considers that *'the building is likely to be considered to possess historic evidential and illustrative value, as an exceptional example of a church of this period, altered over many centuries to reflect changes in religious practice and other socio-economic factors. The positioning of the church at a short distance outside of the village to the north lends a sense of semi-rural isolation and detachment.'*

The Conservation Officer considers that at *'present the site makes a positive contribution to the rural setting of the church, and in particular the approaches to it along Haywards Heath Road and London Road, and the sense of detachment which it enjoys from the village itself.'* In addition, she considers that the *'suburbanisation of the site will detract from the rural nature of the setting of and southern approaches to St Mary's, and from the sense of detachment from the village which the Church currently enjoys. This will be harmful to special interest of the listed building and how this is appreciated, and in particular those parts of this special interest which are drawn from the church's historical illustrative and aesthetic values.'*

Whilst these concerns are noted, this Grade I church is some 120 metres from the boundary of the application site. In between the application site and the church is a wooded area of a mixed plantation which provides tree screening which is to be retained.

It is your planning officers view that that the retention of the woodland to the north-west of the application site would still retain the sense of detachment from the village which the Church currently enjoys. In addition, it is considered that due to the distance of the proposed development from this listed building and the dense vegetative boundary screening that the visual quality of the setting as a whole will

continue to be predominantly rural and the way in which the designated heritage asset is experienced will not be markedly altered.

However, it is considered that the proposal would result in less than substantial harm to the setting of the St Marys Church where para 202 of the NPPF applies.

#### Impact of the scheme on the setting of Balcombe House

Balcombe House is a Grade II listed 18th century mansion located in substantial grounds on the northern edge of Balcombe village, within the Conservation Area. At present the building is appreciated in the context of its grounds and of the wider rural setting, including the site, in to which little development intrudes. The principle entrance elevation of the building faces to the west across the immediate grounds of the building, with views across a paddock to the site, the trees within which provide a natural backdrop to this verdant outlook. A public right of way runs along the eastern side of the grounds to the house.

The Conservation Officer considers that *'the verdant and rural setting of the house, with its immediate formal grounds and the wider rural landscape beyond, make a strong positive contribution to the special interest of the building and the manner in which this is appreciated, and in particular those parts of its special interest which are drawn from historical illustrative and aesthetic values. The application site makes a strong positive contribution to this setting, and provides a verdant backdrop to views looking westwards from the principle elevation of the house.'*

She considers that the *'proposal will have a fundamental impact on the character of the site, in that it will become suburbanised.'* Whilst she acknowledges that there is boundary screening on the site, she considers that the *'effectiveness of natural screening is also subject to seasonal variation, and may be ephemeral.'*

She considers that *'the extent that the proposed development within the site is visible within the setting of and views from Balcombe House this will be harmful to the setting of the building and the manner in which this contributes to the special interest of the house and how this is appreciated.'*

On the boundary to the north-east with the setting of Balcombe House is to be a planted buffer, which is to be retained and enhanced to mitigate the impact of the development on the wider parkland setting of Balcombe House. It is your planning officers view that whilst the roofs of some of the dwellings would be visible, due to the intervening trees and distance between the development and the listed building that the visual impact of the development would be reduced.

However, it is considered that the proposal would result in less than substantial harm to the setting of Balcombe House where para 202 of the NPPF applies.

#### Impact of the scheme on the setting of Haylors

Haylors Cottage (formerly known as Hayter's Cottage) is a Grade II listed 17th century or earlier timber framed building, in a rural setting to the north of the site. The Councils Conservation Officer considers that the *'existing rural setting of the cottage*

*makes a strong positive contribution to its special interest and the manner in which this is appreciated'.*

The Councils Conservation Officer considers that due to the *'open nature of the rural/parkland setting to the west and north of Balcombe House there will be potential intervisibility between the site and the cottage, as well as potential impact on the character of the broader setting within which the cottage is appreciated.'* In addition she considers that *'on the basis of the information currently in front of us (also discussed above) it appears that the proposed screening to the eastern boundary may not be complete or particularly successful. On this basis, it seems likely that there will be an impact on views of the site from the east, which will in turn detract from the currently positive contribution that the site makes to the setting of Haylors, its special interest and the manner in which this is appreciated.'*

Whilst these concerns are noted, your Officers note that Haylors is set to the north beyond the listed church and wider parkland setting of Balcombe House. This property is set approximately 200 metres from the site at a lower level. There is intervening screening and fields between the application site and this dwelling. At present this listed building cannot be seen from the application site.

Whilst the Councils Conservation Officer considers that the development would result in less than substantial harm at the lower end of the scale, it is your planning officers opinion that the proposal would result in a neutral impact to the setting of Haylors due to the distance of the building from the site where the intervisibility between the building and the site is not a current concern due to the boundary screening and intervening parkland.

#### Impact of the scheme on the setting of Casteys Cottage and Barn

The buildings are both Grade II listed and formed part of the same farmstead historically located on the northern edge of Balcombe village.

These properties are to the south-eastern corner of the site on the opposite side of the Highway. The existing Rectory dwelling as well as other properties are in closer proximity and within the setting of these two listed buildings. Vegetation screening is to be retained on the south-eastern corner of this site with development some 17 metres from the front boundary as on the eastern end of the site the village car park is proposed.

The Councils Conservation Officer considers that the development would result in a suburbanising impact on its character and effectively sever these two buildings from the remaining part of their rural setting as they will become completely surrounded by the built form of Balcombe village.

Whilst this concern is appreciated, your planning officer acknowledges that these buildings are close to the centre of the village and whilst the application site forms a verdant character within the village, it has been allocated for housing within the Neighbourhood Plan accepting that it is appropriate for development. The vegetation screening on the boundary with Haywards Heath Road would be retained to provide softening of the development.

Notwithstanding this, it is considered that the proposal would result in less than substantial harm to the setting of the Casteys Cottage and Barn where para 202 of the NPPF applies.

Para 202 of the NPPF sets out that *'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'*.

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

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

It is considered in this instance that the public benefits in the creation of 17 dwellings including 5 affordable dwellings and a commuted sum, in a sustainable location within the village reflects one of the key objectives of the NPPF. The proposal would result in a number of infrastructure contributions detailed further in this report which would be secured through a legal agreement.

In addition, the proposal would result in the provision of a public car park for the village as required in the policy of the Neighbourhood Plan. This would be transferred to the Parish Council for ongoing management and operation.

In the short term the proposal would also deliver a number of construction jobs and as a result of additional spending within the economy once occupied. As such it is considered that the proposal would result in significant public benefits which would outweigh the identified less than substantial harm to the setting of the Conservation Area and the nearby heritage assets.

The Council would also receive a new homes bonus.

Notwithstanding the above, the site is allocated in the made Balcombe Neighbourhood Plan under Policy 2i. Part c of this policy requires any proposal for housing development on this land to demonstrate that the development will *'sustain or enhance the significance of the setting to both the Grade II listed Balcombe House and the Balcombe Conservation Area heritage assets by using the existing woodland setting'*.

It is acknowledged that any redevelopment of the site would have some harm to the setting of the surrounding designated heritage assets. The Inspector in the independent examination of the Neighbourhood Plan carried out an unaccompanied site visit in 2016 where he looked at the proposed housing site at Balcombe House Gardens and Rectory Gardens. During this visit he noted that he saw the various trees and vegetation and its relationship to the village centre. In respect of the housing allocations policy for this site the Inspector for the Neighbourhood Plan examination was satisfied that the allocation was appropriate.

In view of the above it is therefore considered that the proposal would comply with Policies DP34 and DP35 of the District Plan, Policy 2i.c of the Neighbourhood Plan and the relevant paragraphs of the NPPF.

The previous application was not refused in relation to any impacts on designated heritage assets and there are no robust grounds to come to a different view in this revised scheme.

### **Access, parking and highway safety**

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking. It states:

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport,*

*including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*

- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

Paragraph 110 of the NPPF is relevant in respect of transport matters and states that:

*'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition, para 111 states:

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

The site lies close to the centre of Balcombe village as well as the primary school, bus stops and the train station. Continuous walking routes are available from outside the site to access these services.

The proposal is to provide one vehicle access point onto Haywards Heath Road to serve the development. The proposal is to comprise of a village car park of 10 spaces and 37 parking spaces for the residential development (including garage and visitor parking). There are to be pedestrian footways within the site linking to Haywards Heath Road.

The access road will be 5.5m wide along with a new 2m footway on either side, dropped kerbs and tactile paving.

The proposal meets the parking standards as set out in the West Sussex County Council Guidance on Parking at New Developments (September 2020). This guidance identifies this location within parking behaviour zone 1. As such there is a requirement for some 35 car parking spaces which the proposal meets.

The Highways Authority has considered the proposal. They note that the application has been amended to address the earlier reasons for refusal which was related to housing mix and infrastructure contributions not being secured. They advise that there has been no formal changes to the access or layout which would alter the previous comments submitted in relation to the refused scheme DM/20/4712, and note that these previous comments still stand. In the previous comments they advised that they reviewed the submitted Transport Statement and Stage1 Road Safety Audit and raise no objection subject to conditions. They consider that the proposal is acceptable in terms of highway safety.

The Parish Council considers that the access from Haywards Heath Road needs to be moved to allow the car park to be separated from the residential development and to allow the car park to be managed and discourage overflow car parking from the houses and to reduce disturbance to occupants of the houses and flats of plots 1-9. Whilst this is noted, the plans as submitted are considered acceptable as the layout allows for surveillance of the car park from the housing and forms a cohesive development. There is sufficient parking within the residential development element to discourage parking in the village car park and different hardsurfacing as well as signage could be used to demarcate village car parking area. Due to the low speeds of vehicles accessing the site, and the public car park only providing 10 spaces, it is considered that there would not be significant detriment to occupiers of the dwellings through vehicles accessing the site.

The Parish Council in their comments have referred to entering into discussions with West Sussex County Council in relation to purchasing a ransom strip of land along the verge in order to facilitate direct access from the highway to the public car park. They advise that heads of terms have been agreed. Whilst this is noted, the plans submitted as part of this application relates to a single access serving the whole of the development which as set out above is considered acceptable. Any additional access would require a separate application and consideration in relation to the acceptability of two access points in terms of highway safety and visibility as well as the impact on trees and vegetation as any additional access would result in the removal of additional trees and vegetation along the site frontage.

In light of the above it is considered that from a highway safety perspective the application complies with Policy DP21 of the District Plan and para 110 of the NPPF.



The previous application was not refused relation to access, parking and highway safety. As such it is considered that there are no robust grounds to come to a different view in this revised scheme.

### **Residential Amenity**

Policy DP26 of the District Plan requires developments to demonstrate that it does not cause significant harm to amenities of existing nearby residents (or future occupiers), taking into account matters such as impact on light, privacy and outlook.

The submitted site plan shows that the proposed houses are set within the site away from the southern boundary with the highway. Along this southern boundary are mature trees and hedging which are to be retained and reinforced. Plot 8 at the entrance of the site would be set some 27 metres to the nearest residential dwelling on the opposite side of Haywards Heath Road. Due to the boundary screening and the distances between the proposed and existing dwellings, it is considered that the development would not result in significant harm through overlooking, loss of amenity or an overbearing impact.

In addition, the relationship between each dwelling is considered to be acceptable and would not result in a detrimental impact through an overbearing nature or a loss of privacy.

The northerly orientation of the gardens serving plots 1-7 and north-westerly orientation of plots 13-17 will result in less overshadowing from the boundary trees and, as elsewhere, the buildings have been pulled forward within their plot to maximise the separation distance. The rear gardens are to measure between some 12.7 - 15 metres in depth. Due to the distances, it is considered that the dwellings will not be significantly affected through overshadowing of these trees.

Concerns have been raised from the Parish Council in respect of the impact on the amenities of Plots 1 - 9 from pedestrian and vehicle traffic using the proposed public car park. The dwellings are to be set off the highway and path by some 3 metres for Plots 1-7 and some 5 metres for Plot 8 with a front garden area. The path for the car park is on the opposite side of the access and not outside of Plots 1-7 as such it is considered that there would be no significant detriment in overlooking or a loss of privacy to future occupiers through users of the car park.

In light of the above, it is considered that the proposal is acceptable in neighbouring amenity terms and complies with policy DP26 of the District Plan

The previous application was not refused in relation to residential amenity and there are no robust grounds to come to a different view in this revised scheme.

### **Dwelling Space Standards and Accessibility**

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for

bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

In addition, Policy DP28 of the District Plan relates to accessibility and requires all development to meet and maintain high standards of accessibility so all users can use them safely and easily. In respect of larger developments there is a requirement for 20% of dwellings to meet Category 2 -accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2).

The submitted plans show that the proposed homes would meet and, in some cases, exceed the National Dwelling Space Standards.

A condition in relation to 20% of the units to be part M4(2) (Adaptable and Accessible) compliant is proposed in Appendix A.

The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the units proposed and thereby comply with Policies DP27 and DP28 of the District Plan.

The previous application was not refused on such matters in relation to dwelling space standards and accessibility and there are no robust grounds to come to a different view in this revised scheme.

## **Sustainability**

Policy DP21 of the District Plan relates to transport. The full policy is set out above. In part it requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition, it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

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

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation;*

- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

Paragraph 152 of the NPPF states:

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

Paragraph 158 states:

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

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

The application has been accompanied with a Sustainability and Energy Statement. The statement sets out that *'Sustainable design is not just about incorporating low-carbon or renewable technologies; buildings should be designed at the outset to provide suitable environmental conditions for the occupants whilst also consuming as little energy as practical'*. It details that the proposed scheme by a combination of passive design measures and active design measures, a strategy often referred to as a 'fabric first approach' will result in exceeding existing minimum Building Regulations requirements. This approach considers the following in the design and construction of each dwelling;

#### Passive Design Measures

- Passive solar gain
- Natural daylighting

#### Efficient Building Fabric

- Building envelope
- Air leakage
- Thermal bridging
- Ventilation

## Active Design Measures

- Efficient lighting and controls
- Space heating and hot water

The statement also sets out total emissions from the site due to the energy efficiency measures being incorporated into the development will result in a reduction in carbon dioxide emissions from the site of 6.97% per year, based upon the maximum permissible by Building Regulations.

*In addition, various 'technologies have been considered and wind turbines, combined heat and power, ground source heat pumps or air source heat pumps are not considered appropriate...' Furthermore, it is set out that that the 'water efficiency measures incorporated within the apartments will ensure the water use is less than 110 litres per person per day and achieves the enhanced standard required by the Building Regulations.'*

In addition, the accessibility of the site, or the sustainable location of it, is a key consideration.

The development is situated in a highly sustainable location within a category 3 settlement close to the village centre, the village primary school as well as a bus stop and the railway station.

Therefore, it is considered that the proposal complies with the relevant criteria of policies DP21 and DP39 of the District Plan as well as the provisions of the NPPF. The proposal is considered to be acceptable in sustainability terms.

The previous application was not refused in relation to sustainability and there are no robust grounds to come to a different view in this revised scheme.

## **Drainage**

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

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

Surface water drainage shall be managed via attenuation and discharge to an adjacent watercourse via ponds located to the north-east of the site. In respect of foul drainage, it is proposed that the development will utilise existing public foul sewer located beneath Haywards Heath Road via a private pumping station.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to a condition. In addition the WSCC Lead Local Flood Authority has considered the application and raised no objection.

The proposal is thereby considered to comply with policy DP41 of the District Plan.

The previous application was not refused on such matters in relation to drainage and there are no robust grounds to come to a different view in this revised scheme.

## **Ecology**

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the District Plan relates to Biodiversity and seeks proposals to protect and enhance biodiversity.

Para's 179 - 182 of the NPPF relate to habitats and biodiversity. Para 180 states *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'*. In addition, it considers that *'development whose primary objective is to conserve or enhance biodiversity should be supported'*.

A Preliminary Ecological Appraisal has been submitted with the application which recommended further ecological surveys and impact assessment are required in respect of great crested newt, breeding birds, badger, bats, hazel dormouse, invasive non-native plant species and reptiles.

A Protected Species Report and Biodiversity Net Gain Assessment has been submitted following further survey works. The Protected Species Report identified that surveys were undertaken for hedgerow vegetation, great crested newt, breeding birds, foraging and commuting bats, and hazel dormouse at the site. It identified that the hedgerow (H1 - adjacent to Haywards Heath Road) is likely to be considered 'important', however it has lost much of its identity and structure and is in a relatively poor condition. Surveys concluded that great crested newts are likely to be absent from the site. The site was identified as being of Local Importance for its breeding bird species, but the majority of the birds are common and widespread and unlikely to be significantly affected. In addition, it identified that the impact of light on foraging and commuting bats is classified as low. Finally, it identified that hazel dormouse are likely to be present on site. As such a European Protected Species Mitigation Licence for hazel dormouse would need to be obtained following the granting of planning consent. A number of recommendations were identified for the site including that the retained hedgerow be brought under management, the retained woodland and hedgerow within the site and to the north-west be positively managed for breeding birds, the installation of artificial nest boxes on buildings and retained trees, as well as a lighting strategy to avoid light spill.

The submitted Biodiversity Net Gain Assessment concludes that the site would result in the net loss of area habitats within the site through the removal of the trees and vegetation within the site. However it notes that the retention of the woodland and scrub along the south-eastern and northern boundaries of the site would form part of the linear habitat creation. Additional biodiversity enhancements are recommended within the Preliminary Ecological Appraisal (UEEC, 2020) including the provision of bat boxes, bird boxes, and habitat piles for amphibians and invertebrates.

The Councils Ecology Consultant in his previous comments to the refused scheme noted that the proposal involves a new access being created which will remove a 23m section of species-rich hedgerow. He considered that the hedgerow on the boundary with Haywards Heath Road should be considered an irreplaceable habitat type as it contains ancient woodland indicator species that would not readily colonise newly planted hedgerow and may well support other species that could not simply recolonise a new hedgerow planted as a replacement. In respect of the Biodiversity Net Gain Assessment, the Councils Ecology Consultant advises that the proposed layout, would result in an overall net loss in habitats rather than providing a net gain. However, in his previous comments he advised that as *'the types of habitat enhancement outlined in the report are reasonable and achievable.'* He recommends that if the application were to be approved that a condition be placed regarding further details to be submitted to prevent loss of, and contribute to a net gain in, biodiversity including a protection plan and details of habitat enhancements.

Para 180 of the NPPF indicates that were development would result in the loss or deterioration of irreplaceable habitats then permission should be refused unless there are wholly exceptional reasons where the public benefit would clearly outweigh the loss or deterioration of the habitat.

As previously set out in this report, the site is allocated for residential development and a village car park within Policy 2i of the Balcombe Neighbourhood Plan where the loss of the trees and vegetation within the site has been accepted. In addition, the site will provide 17 dwellings (5 of these to be affordable and an additional commuted sum towards additional off-site affordable housing provision), as well as a village car park for the community and infrastructure contributions. These public benefits are considered to outweigh the loss of the habitat on the site.

Notwithstanding this, as part of the scheme mitigation and enhancement planting is proposed as set out in the Protected Species Report in providing new native species rich hedgerow planting with the retained hedgerow brought under positive management; and retain tree cover and hedgerow at the site boundaries and enhance through additional planting, particularly along the northern boundary which is adjacent to an area of wood-pasture and parkland, and along the southern boundary to strengthen the existing hedgerow.

Overall it is considered that the scheme would not adversely affect any protected species and that conditions could be used to ensure wildlife mitigation and enhancements. The proposal is thereby considered to comply with Policy DP38 of the District Plan and para 180 of the NPPF.

The previous application was not refused in relation to ecology and there are no robust grounds to come to a different view in this revised scheme.

## Trees

Policy DP37 of the Mid Sussex District Plan states that the *'District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'*

As part of Policy 2 of the Neighbourhood Plan there is a requirement that the existing tree-lined frontage to Haywards Heath Road is retained and improved.

A Tree Survey and Impact Assessment has been submitted as part of the application. This states that the *'site appears to have been planted with trees at some point in the past. These trees were predominantly conifers which have led to poor quality tree cover. Occasional trees are of some merit.'* It submits that the *'layout of application proposals has been carefully conceived to only result in impact on those, predominantly low quality, trees within the plantation core of the site.'* In addition it states that the significant trees on the Haywards Heath Road are to be retained to ensure that the tree lined character of the road is maintained.

The submitted tree plan indicates the location of trees to be removed including single and groups of trees.

It is acknowledged that the wooded nature of the site forms part of the character of Haywards Heath Road and that a large number of trees within the centre of the site and by the site access are to be removed to accommodate the development. These trees are not protected as they fall outside of the Conservation Area and are not subject to Tree Preservation Orders (TPO's).

Whilst the loss of some of the trees is regrettable, the site is allocated for development within Policy 2 of the Neighbourhood Plan following examination by the Inspector. In order to develop the site in any way a significant number of trees will inevitably be lost. The vast majority of the trees being removed are of low classification with many of these being non-native plantation trees. As part of the proposal the boundary trees are to be retained as far as possible and enhanced with replacement trees.

The Council's Tree Officer has considered the proposal and raised no objection on arboricultural grounds.

It is considered that the proposal would thereby comply with Policy DP37 of the District Plan.

The previous application was not refused on such matters in relation to trees and there are no grounds to come to a different view in light of this revised scheme.

## Infrastructure contributions

Policy DP20 of the District Plan relates to infrastructure. It states:

*'The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:*

- *appropriate on-site mitigation and infrastructure provision;*
- *the use of planning obligations (s106 legal agreements and unilateral undertakings);*
- *the Community Infrastructure Levy, when it is in place.*

*A planning obligation can be used where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal.*

*Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).*

*The Community Infrastructure Levy Charging Schedule will set out how development will fund the infrastructure needed to support it. The Levy will normally be spent on infrastructure needs in the locality of the scheme.*

*Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.*

*Affordable housing is dealt with separately, under Policy DP31: Affordable Housing.'*

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

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

Due to the number of units provided, the proposal requires affordable housing contributions as set out in Policy DP31 of the District Plan.



The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 55 and 57 which state:

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

and:

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

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

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

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework the infrastructure set out below is to be secured via a planning obligation.

#### *County Council Contributions*

- Education - Primary: £58,194 - to be spent on additional facilities at Balcombe Primary School
- Education - Secondary: £62,633 - to spent on additional facilities at Warden Park Secondary Academy
- Libraries: £6,376 - to be spent on providing additional facilities at Haywards Heath Library.
- TAD: £54,591 - to be spent on traffic calming measures and a safer routes to school scheme at Balcombe Primary School.

#### *District Council Contributions*

- Children's Playing Equipment: £16,064 - to be spent on improvement to play equipment at Balcombe Recreation Ground
- Kickabout: £13,494 - to spent on improved facilities at Balcombe Recreation Ground
- Formal Sport: £18,398 - to spent towards a skateboard park and or sports training facilities and or pitch drainage improvements at Balcombe Recreation Ground
- Community Buildings: £11,095 - to be spent on improvements to the Victory Hall and or the Parish rooms, Balcombe
- Local Community Infrastructure: £12,578 - to be spent on traffic calming and / or cemetery provision and / or upgrade footpath 8 (path to access Ardingly Reservoir).

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

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

The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan.

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

Policy DP30 of the District Plan states that to support sustainable communities, housing development will provide a mix of dwelling types and sizes from new development that reflects current and future housing needs.

Policy DP31 of the District Plan relates to Affordable Housing and states:

*'The Council will seek:*

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace<sup>14</sup> of more than 1,000m<sup>2</sup>;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 - 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and*
- 5. free serviced land for the affordable housing.*

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

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

*alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.*

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

The application plans show that the development is to comprise of 12 market dwellings comprising of 12 no 3-bed dwellings as well as 5 affordable units comprising of 2no 1-bed flats and 3no 2-bed flats. The affordable housing provision would be secured through the S106 legal agreement.

The previous application (reference DM/20/4712) was refused at planning committee as the proposed housing mix with the inclusion of a 4-bed dwelling was considered to be contrary to Policy 2i of the Balcombe Neighbourhood Plan. This current application has removed the 4-bed dwelling from consideration and replaced it with a 3 bed dwelling. Policy 2i of the Neighbourhood Plan requires the development to comprise of a mix of 1, 2 and 3 bedroom dwellings. The proposal meets this requirement, and it is considered that the scheme now overcomes the previous reason for refusal.

The Councils Housing Officer has raised no objection to the proposal and has accepted a commuted sum in lieu of one of the required onsite affordable units (5 on-site affordable dwellings provided rather than 6). It is considered that the proposed mix indicated would meet a broad range of housing needs.

The provision of affordable housing should attract significant positive weight in the determination of the application as there is a clear need for such accommodation.

The scheme provides a policy compliant level of affordable housing and provides a good mix of dwelling sin their sizes. The proposal thereby meets the requirements of Policies DP30 and DP31 of the District Plan.

### **Ashdown Forest**

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

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

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

### Recreational disturbance

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

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in 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 was modelled in the Mid Sussex Transport Study as a **windfall development** such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

### Conclusion of the Habitats Regulations Assessment screening report

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

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

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

## Planning Balance and Conclusion

Planning permission is sought for 17 dwellings made up of 1 and 2 bedroom flats and 3 bedroom, detached and semi-detached houses with associated landscaping, parking, vehicular access and a village car park at land adjacent to Balcombe House, Haywards Heath Road, Balcombe.

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

National planning policy states that planning should be genuinely plan led. The Council has an up to date District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The Balcombe Neighbourhood Plan was 'made' in September 2016 and thus forms part of the Development Plan.

The application site is within the built confines of a Category 3 settlement and allocated under Policy 2i of the Balcombe Neighbourhood Plan, identified for approximately 14 dwellings and a public car park for the village. Policy DP6 of the District Plan permits development within built up area boundaries subject to caveats. The principle of a residential development on this site is thus established and accords with the Development Plan.

The proposed design, layout and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area. The proposal would preserve the High Weald Area of Outstanding Natural Beauty. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of outlook and the scheme would not cause harm in terms of parking or highway safety.

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

It is acknowledged that the proposal would result in less than substantial harm to the setting of the Balcombe Conservation Area and a number of listed buildings. However, as set out in para 202 of the NPPF, *'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'*.

The site would also lead to a loss of a number of trees and an impact to ecology on the site including loss of part of the front boundary hedge. However, the proposal is to provide mitigation and enhancement planting. Notwithstanding this the harm to

biodiversity must be weighed against the public benefits of the proposal as set out under para 180 of the NPPF.

It is considered in this instance that the public benefits in the creation of 17 dwellings, including 5 affordable dwellings in a sustainable location, reflects one of the key objectives of the NPPF. The proposal would result in a number of infrastructure contributions which would be secured through a legal agreement as well as the formation of a public car park for the village which would be secured through the S106 legal agreement. In addition, in the short term the proposal would also deliver a number of construction jobs and as a result of additional spending within the economy once occupied. As such it is considered that the proposal would result in significant public benefits which would outweigh the identified less than substantial harm to the setting of the Conservation Area and on the nearby listed buildings and the ecology on the site.

There will be a neutral impact in respect of highway safety, drainage and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

The application is thereby considered to comply with policies DP4, DP6, DP16, DP20, DP21, DP26, DP27, DP28, DP30, DP31, DP34, DP35, DP37, DP38, DP39 and DP41 of the District Plan, policies 1, 2 and 3 of the Balcombe Neighbourhood Plan, and paragraphs 8, 110, 130, 152, 176, 180 and 202 of the NPPF.

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the proposed development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it.

Overall, the planning balance is considered to fall significantly in favour of approving the planning application.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

### **Approved plans**

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

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

### **Pre-commencement conditions**

3. No development above ground slab level shall be carried out unless and until a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed dwellings and garaging have been submitted to and approved by

the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 3 of the Neighbourhood Plan.

4. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The details shall include section drawings of plot 13 and 14's garage and a street elevation of plots 8 and 9 and the relationship with the access road approach. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality / amenities of adjacent residents and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy 3 of the Neighbourhood Plan.

5. No development shall commence until the following details have been submitted to, and approved by, the Local Planning Authority:

A protection plan and method statement setting out practical measures to be put in place to prevent unnecessary harm to biodiversity during site clearance and construction;

Details of habitat enhancements, which may be integrated with landscape planting details and a long-term habitat management plan; and

A wildlife-sensitive lighting scheme (if any external lighting is proposed).

The approved details shall be implemented in full unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

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

- a timetable for the commencement, construction, occupation and completion of the development
- the anticipated number, frequency and types of vehicles used during construction
- the method of access and routing of vehicles during construction and directional signage for the purposes of such

- the siting and layout of site compounds and welfare facilities for construction workers
- the provision of parking of vehicles by site operatives and visitors
- the provision for the loading and unloading of plant, materials and removal of waste
- the provision for the storage of plant and materials used in construction of the development
- the design, erection and maintenance of security hoardings and other measures related to site health and safety
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders
- hours of construction working
- a scheme to protect existing neighbouring properties from dust and noise emissions
- a noise management plan, to include consideration of vibration from construction work including the compacting of ground
- measures to deal with surface water run-off from the site during construction
- pollution incident control
- a scheme for community liaison and public engagement during construction, including the provision of information to occupiers moving onto the site before the development is complete
- contact details of site operations manager, contracts manager, and any other relevant personnel.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To allow the LPA to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

7. No development shall take place until the applicant, or their agent or successor's in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is potentially of archaeological interest and to accord with Policy DP35 of the Mid Sussex District Plan 2014 - 2031

8. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority in consultation with Southern Water. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.



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

9. No development pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority before development commences or within such extended period as may be agreed with the Local Planning Authority:
- a) A desk study report documenting all the previous and existing land uses of the site and adjacent land in accordance with best practice including BS10175:2011+A1:2013 Investigation of potentially contaminated sites - code of practice. The report shall contain a conceptual model showing the potential pathways for exposure to contaminants that may occur both during and after development;
- and unless otherwise agreed in writing by the LPA,
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study created in accordance with BS10175:2011+A1:2013 and BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs); the laboratory analysis should be accredited by the Environment Agency's Monitoring Certification Scheme (MCERTS) where possible; the report shall refine the conceptual model of the site and state either that the site is currently suitable for the proposed end-use or that it will be made so by remediation;
- and, unless otherwise agreed in writing by the LPA,
- c) A remediation method statement detailing the remedial works and measures to be undertaken to avoid risks from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. For risks related to bulk gases, this will require the production of a design report and an installation report for the gas as detailed in BS 8485:2015 - Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings. The scheme shall consider the sustainability of the proposed remedial approach. It shall include nomination of a competent person to oversee the implementation and completion of the works.

Reason: In the interests of health of future occupiers and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

10. Prior to the commencement of construction of any dwelling / building or the public car park subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These and these works shall be carried out as approved. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size

and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 3 of the Neighbourhood Plan.

11. No development shall take place, until replanting details including a landscape plan (including details of size of trees to be replanted) and facilitative pruning specification has been submitted to and approved in writing by the Local Planning Authority in respect of the retained trees along the boundaries of the site. Details shall include the maintenance and aftercare of all replacement trees to ensure that the trees establish well and grow to maturity showing the position, size, planting, feeding, support and aftercare of these trees.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 2i of the Neighbourhood Plan.

### **Construction Phase**

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

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

Reason: To protect the amenity of local residents and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

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

Reason: In the interests of health of future occupiers and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

14. No development above ground slab level shall be carried out unless and until a front elevation (at an appropriate scale) of Plots 1-7 showing the position of the rainwater downpipes have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 3 of the Neighbourhood Plan

15. No development above slab level shall be carried out unless and until details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

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

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

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

17. No part of the development shall be first occupied until details of the electric charging vehicle points including the location of these spaces has been provided and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for its designated use.

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.

18. Prior to the occupation of each plot covered and secure cycle parking spaces shall be provided in accordance with the approved plan.

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.

19. Prior to the occupation of any dwelling subject of this permission, details of proposed screen walls/fences and/or hedges shall be submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences or hedges associated with them have been erected or planted.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 3 of the Neighbourhood Plan.

20. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority verification by the competent person approved under the provisions of condition (1)c that any remediation scheme required and approved under the provisions of conditions (1)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation).

Unless otherwise agreed in writing by the LPA such verification shall comprise a stand-alone report including (but not be limited to):

- a) Description of remedial scheme
- b) as built drawings of the implemented scheme
- c) photographs of the remediation works in progress
- d) certificates demonstrating that imported and/or material left in-situ is free of contamination, and records of amounts involved.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 9c.

Reason: In the interests of health of future occupiers and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

21. No dwelling shall be occupied until the public car park as shown in drwg 1379/Pln/213 (received 10th December 2021) has been constructed in accordance with plans submitted to and approved in writing to the Local Planning Authority showing the layout and position of parking spaces including disable parking spaces. No part of the development shall be occupied until works have been carried out in the construction of the car park and it is ready for use.

Reason: To ensure that suitable provision is available for the village car park in accordance with the requirements of Policy 2ia of the Neighbourhood Plan.

22. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To safeguard the visual appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

23. Prior to the first occupation of any building forming part of the proposed development the developer will at their own expense install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and to accord with policy DP20 in the Mid Sussex Local Plan 2014-2031 and in accordance with The Fire & Rescue Service Act 2004.

#### **Post construction**

24. A minimum of 20% of the units hereby permitted shall be part M4(2) (Adaptable and Accessible) compliant, and shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority.

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

## INFORMATIVES

1. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- No burning of materials shall take place on site at any time.

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

3. In respect of Condition 5 the protection plan and method statement should be practical document aimed at site managers and construction personnel clearly setting out what measures are required (e.g. protective fencing, pre-felling wildlife checks), when they are required, how they are to be implemented, who is responsible for making them happen and why they are required. The document should be as succinct as possible, make good use of annotated drawings and schedules and avoid excessive background material.
4. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
5. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit: [www.southernwater.co.uk/developing](http://www.southernwater.co.uk/developing) and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: [www.southernwater.co.uk/connection-charging-arrangements](http://www.southernwater.co.uk/connection-charging-arrangements).

6. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

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

### Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Sections	1379/Pln/214		10.12.2021
Planning Layout	1379/Pln/201		10.12.2021
Tree Survey	1526-KC-XX- YTREE-TPP01	0	10.12.2021
Street Scene	1379/Pln/212		01.02.2022
Location Plan	1379/Pln/200		10.12.2021
Block Plan	1379/Pln/213		10.12.2021
General	1379/Pln/215		10.12.2021
Street Scene	1379/Pln/211		10.12.2021
Proposed Floor and Elevations Plan	1379/Pln/202		10.12.2021
Proposed Floor and Elevations Plan	1379/Pln/203		10.12.2021
Proposed Floor and Elevations Plan	1379/Pln/204		10.12.2021
Proposed Floor and Elevations Plan	1379/Pln/205		10.12.2021
Proposed Floor and Elevations Plan	1379/Pln/206		10.12.2021
Proposed Floor and Elevations Plan	1379/Pln/207		10.12.2021
Proposed Floor and Elevations Plan	1379/Pln/208	A	13.12.2021
Proposed Floor and Elevations Plan	1379/Pln/209	A	13.12.2021
Proposed Floor and Elevations Plan	1379/Pln/210	A	13.12.2021

## APPENDIX B – CONSULTATIONS

### WSCC Highways Authority

WSCC in its role of Local Highway Authority (LHA) has been consulted on the above proposals for highway safety, access and capacity.

This application has some minor amendments to address some of the earlier reasons for refusal which were centred around housing mix. From the LHA's perspective it has been confirmed in the supporting information that there are to be no formal changes to the access or layout therefore the previous comments submitted by the LHA would still stand for this application.

*Comments to refused scheme DM/20/4712:*

#### Background

The proposed development comprises residential dwellings, ancillary garages and associated vehicle parking, as well as a local community car park. From a highways perspective the proposals are supported by way of a Transport Statement (TS) which includes a Stage Road Safety (RSA).

## Comments

The Local Highway Authority (LHA) has reviewed the submitted TS including the Stage 1 RSA. The principle of the application is accepted. We are satisfied with the Trip Rates provided and the internal arrangements proposed. Having reviewed the RSA there are two (2.3.2 and 2.4.2) problems identified in the RSA which the Designer has not agreed with. Given the Designer's Response and additional comments in Section 4 of the TS, the LHA considers the Designer has proposed two reasonable solutions to each problem. The two points were considered by the LHA's Exception Report (ER) process.

Our Road Safety Team have signed the ER on the outstanding matters within the RSA.

On that basis we would now be in a position to support the proposals from the highways perspective.

## Conclusion

The LHA would be satisfied that the proposals are sufficient in regards of Highway Safety. The LHA would advise the following conditions be attached to any planning consent:

### *Access (Access to be provided prior to first occupation)*

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

Reason: In the interests of road safety.

### *Construction Management Plan*

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

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

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

## INFORMATIVE

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

## WSCC County Planning Officer

### Summary of Contributions

<b>Education</b>			
School Planning Area	Haywards Heath/Cuckfield		
Population Adjustment	38.3		
	Primary	Secondary	6th Form
Child Product	0.4391	0.4391	0.0000
Total Places Required	3.0737	2.1955	0.0000
<b>Library</b>			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£6,376		
Population Adjustment	38.3		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	17		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	38.3		
Net Parking Spaces	37		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

### **Summary of Contributions**

<b>S106 type</b>	<b>Monies Due</b>
<b>Education - Primary</b>	£58,194
<b>Education - Secondary</b>	£62,633
<b>Education - 6<sup>th</sup> Form</b>	No contribution
<b>Libraries</b>	£6,376
<b>Waste</b>	No contribution
<b>Fire &amp; Rescue</b>	No contribution
<b>No. of Hydrants</b>	secured under Condition
<b>TAD</b>	£54,591
<b>Total Contribution</b>	<b>£181,793</b>

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

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

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.



The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

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

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

The calculations have been derived on the basis of an increase in 17 net dwellings, and an additional 37 car parking spaces.

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

#### 5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2022. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.**
- e) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.**

The contributions generated by this proposal shall be spent additional facilities at Balcombe Church of England Primary School.

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

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

The contributions generated by this proposal shall be spent on traffic calming measures and a safer routes to school scheme at Balcombe CE Primary School.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

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

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

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

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

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

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

#### **1. School Infrastructure Contributions**

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

TPR = (No of year groups) x (child product)

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

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

#### b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2021/2022, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools: £18,933 per child
- Secondary Schools: £28,528 per child
- Sixth Form Schools: £30,939 per child

## 2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

#### a) Square Metre Demand

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

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

#### b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,549 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2021/2022 period.

### 3. TAD- Total Access Demand

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

TAD = Infrastructure contribution + Sustainable Transport contribution

#### a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2021/2022 is £1,450 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

#### b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£724).

Sustainable transport contribution = (net car parking - occupancy) x 724

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

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

Advice - No objection

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

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

#### Flood Risk Summary

Current surface water flood risk based on 30year and 100year events - Low risk

Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.

Reason: NPPF paragraph 163 states - 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

Modelled groundwater flood hazard classification - Low risk

Comments: The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Ground water contamination and Source Protection Zones.

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

Watercourses nearby? Yes

Comments: Current Ordnance Survey mapping shows a watercourse (and associated ponds) approximately 75m from the development site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.

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

Records of any surface water flooding within the site? No

Comments: We do not have any records of surface water flooding within the confines of the proposed site. This should not be taken that the site itself has never suffered from flooding, only that it has never been reported to the LLFA.

#### Future development - Sustainable Drainage Systems (SuDS)

The Flood Risk and Drainage Statement included with this application proposes that an attenuation pond, with a restricted discharge to the watercourse, would be used to control the surface water runoff from the site.

In the spirit of SuDS implementation, and in line with many of the policies within the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. This could include retention at source through rain gardens, permeable paving, swales or bioretention systems prior to disposal to reduce peak flows. SuDS landscaping significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

This application may want to be reviewed by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning

Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

### **WSCC Water and Access**

This application has been dealt with in accordance with the statutory obligation placed upon Fire and Rescue Service by the following act;

*Fire and Rescue Services Act 2004 Part 5, 38: Duty to secure water supply etc.*

*1) A fire and rescue authority must take all reasonable measures for securing that an adequate supply of water will be available for the authority's use in the event of fire.*

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

I refer to your consultation in respect of the above planning application and would provide the following comments:

- 1) Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
- 2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 - 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004

## MSDC Urban Designer

This application appears to be similar to the previous refused scheme DM/20/4712 so my comments dated 26/121 on most of the site are unaffected. The change appear to be limited to the houses on plots 13-16 which are laid out slightly differently and incorporate a 3 bed house in place of a 4 bed house.

Unfortunately, this arrangement is inferior to the previous refusal for the following reasons:

- The return elevation of plot 13 does not so satisfactorily address the road frontage/front boundary.
- Plot 13 now has a smaller garden than before and a larger proportion of it will be overshadowed by existing adjacent trees that will place them under future pressure of removal/reduction that may impact adversely on maintaining the appearance of a woodland from the roadside, which I judged in my previous obs to be a significant consideration. This is also affected by the reduction in the separation distance between the house on plot 13 and the road.
- Because of its narrower frontage, plot 13's front window is now more adversely affected by a constrained outlook because of the proximity/position of the adjacent garages (Please note, I mentioned this issue in my obs on DM/20/4712 and also recommended a condition requiring a section drawings of plot 13's garage that accurately show the topography/site levels).

While these changes are regrettable, unless Sarah/Irene have raised an objection in terms of the impact upon the trees, they are on balance not sufficient on their own to justify an objection on design grounds.

*Comments to refused scheme DM/20/4712:*

### Summary and Overall Assessment

This is an awkward linear-shaped site with significant planning constraints that presents a challenge to develop in a manner that is sensitive to the surrounding conservation area and nearby listed building. However, the scheme has achieved this by maintaining attractive tree-lined boundaries that should continue to form a backdrop to the village (on the south side) and to the Balcombe House estate (on the north side); this is also important because the site sits on high ground and needs to address longer views from the wider Area of Outstanding Natural Beauty. As well as establishing planted buffer zones around the boundaries, the layout enables a suitable separation gap between rear elevations and the planted buffers. While it is unfortunate that three of the houses (plots 10-12) back on to Haywards Heath Road, the limitations of the site necessitate this, and it will be mitigated by the planted/tree-lined screen along the boundary and by formally organised rear elevations; it conversely enables these houses to present a positive development edge towards the northern boundary. It should also be acknowledged that plots 1-7 are organised with their frontages appropriately facing Haywards Heath Road.

As the elevations as well as the layout are generally well organised, the scheme overall meets the provisions of policy DP26 of the District Plan and the design principles set out in the Mid Sussex Design Guide. I therefore raise no objections to this application but would recommend conditions are included that require the approval of the following further drawings and information:

- Detailed soft and hard landscaping plan including boundary treatment;
- Details of the facing materials including windows;

- A revised east elevation of the apartment block on plots 1-5 showing additional fenestration to improve the natural surveillance over the adjacent village car park;
- Section drawings of plot 13's garage that accurately show the topography/site levels;
- A street elevation of plots 8 and 9 that accurately shows the topography/site levels and the relationship with the access road approach; and
- Front elevations of plots 1-7 showing the position of the rainwater downpipes.

### Layout

The site is characterised by the woodland that covers it, and which provides an attractive backdrop to the village and the conservation area that wraps around most of its boundary. On the south west side, the woodland provides an attractive setting for the village green and Haywards Heath Road and London Road on either side of it. On the north-east side the woodland helps preserve the rural setting of the listed Balcombe House. It is therefore critical that the appearance of the woodland is maintained as much as possible. With the loss of trees in the middle of the site to facilitate the development; this is achieved by retaining the existing boundary trees and shrubs on all sides of the site except where vehicular access is required or where the condition of a tree presents a hazard (new trees and shrubs will be expected to replace any loss).

The current proposal has been evolved to address these considerations with the buildings positioned away from the boundaries in the middle of the site to reduce the separation distance from the boundary trees and thereby allow as much natural light into the rear gardens as is possible in this constrained site. This has been achieved along the north east boundary with a generous verge, and along the south boundary with a planted buffer zone. The northerly orientation of the gardens serving plots 1-7 and 13-17 will result in less overshadowing from the boundary trees and, as elsewhere, the buildings have been pulled forward within their plot to maximise the separation distance.

If this site is to be developed, it is accepted that the houses on plots 10-12 will unfortunately need to back on to the Haywards Heath Road boundary because the long narrow shape of the site (45m approx. at its narrowest) is only wide enough to accommodate a single run of houses across most of the site. To accommodate the access road and navigate the awkward slope, it is preferable the spine road is located parallel and adjacent to the NW boundary which results in this arrangement. The forward position of these houses within their plots nevertheless ensures they are centrally positioned between the north and south boundaries to maximise their separation from the trees. The modest front thresholds also helpfully ensure the private parking does not dominate the street realm as it is provided at the side (rather than the front) of houses.

The proposed village car park presents a large area of hard surfacing. However, it will be softened by the existing and proposed trees around it. I note that Sussex Police have raised concerns about the lack of natural surveillance in the north east corner. I believe the window serving the living area of the first floor flat provides some surveillance. There is also scope for more fenestration that should help address this problem: the first floor living room window could be enlarged from a double to a tripartite arrangement; secondly, it should be possible to accommodate an additional first floor bedroom window at the side with some internal rearrangement; and thirdly, the second-floor flat living room could have a dormer window in place of the rooflight.

The ground floor flats on plots 1-5 block of flats would benefit from a planted buffer strip to provide some defensible space from the communal garden.



The double garage serving plot 13 looks uncomfortably squeezed-in, both in relation to the planted buffer zone and the front elevation of the house; the sloping ground level also needs to be considered which may have impact on the height of the rear elevation.

### Elevations

The elevations are reliant on a standard-house design. However, care has been taken to ensure the facades are well articulated with gabled frontages that provide some underlying order and rhythm as well as elevational interest. The houses also benefit from being consistently detailed on the front, side and rear; this is especially important on plots 10-12 where the formally organised rear elevations will provide a presentable elevation facing Haywards Heath Road particularly during the winter months when the tree screen/planted buffer will have less impact.

The elevations on plots 8 and 9 suggest they are located on level ground which is not the case as there is a slope at the entrance approach.

Rainwater downpipes are not shown on all the building frontages. Conditions are therefore recommended to address this and the other areas of concern as stated above.

The rear elevation of the block of flats unfortunately does not vertically define the gable bays that could be achieved with a recess/projection. However, as this is the least visible part of the site, I am prepared to accept it.

### **MSDC Conservation**

The proposed development site is a wooded parcel of land situated to the north of Balcombe village and the east of Haywards Heath Road. The site is within the setting of a number of heritage assets, including:

- Balcombe Conservation Area
- St Mary's Church (Grade I listed)
- Balcombe House (Grade II)
- Haylor's Cottage (Grade II)
- Casteye Cottage and Casteye Barn (both Grade II)
- The Half Moon Inn (Grade II)

The current proposal is for a residential development of 17 dwellings with associated landscaping, parking, vehicular access and village car park. This application follows the refusal of a previous application for a similar proposal on grounds not related to built heritage (housing mix, infrastructure and affordable housing). The current, revised proposal attempts to address these issues.

The impact of the current proposal on the setting of the above mentioned heritage assets has, as with the previously refused, been assessed according to the staged approach set out in the relevant Historic England guidance Good Practice Advice in Planning Note 3 'The Setting of Heritage Assets'.

### Balcombe Conservation Area

Balcombe Conservation Area includes the historic centre of the village at the crossroads, the green and St Mary's Church to the north, and extends south to a second grouping of historic buildings around the junction of Haywards Heath Road and Mill Lane, as well as more modern development to the west around Stockcroft Road and neighbouring streets.

Although a full character appraisal has not been prepared, the Council's document Conservation Areas in Mid Sussex provides a brief assessment of the Area and of its key features, which include attractive countryside views. In my opinion, the special character of the Area depends in part on its nature as the core of a historic Sussex village which has grown up over many centuries in close connection with the surrounding landscape.

The proposed development site is almost surrounded by the Conservation Area, and in its current state as a verdant, wooded space, makes a strong positive contribution to its setting, including the countryside views mentioned above, and the manner in which the relationship of the settlement to the surrounding rural landscape is appreciated. It also has a strong positive impact on the character of the approach to the historic core of the village along Haywards Heath Road.

The current proposal will have a fundamental impact on the character of the site, which will become suburbanised. A substantial number of trees will be lost from within the site. Although the proposal includes retention and strengthening of boundary vegetation to the eastern side the submitted street elevation to Haywards Heath Road indicates that the development will be visually prominent from this road and in views looking from and across the green to the west. Although some of the vegetation to this boundary is to be retained a number of trees appear to be lost, and new openings are created for pedestrian and vehicular access, which will allow clear views into the site.

Although I note the attempts made in site layout and landscaping to mitigate the impact of the proposal on the character of the site in external views, the development will have a notable impact on that character, and in particular on how this is appreciated in views from Haywards Heath Road, the green and London Road beyond. This will detract from the positive contribution that the site currently makes to the setting of Balcombe Conservation Area, including the approach to the village centre along Haywards Heath Road.

This is contrary to the requirements of District Plan Policy DP35. In terms of the NPPF I would place the harm caused to the heritage asset as less than substantial, at the mid point on that scale, such that the criteria set out in paragraph 202 would apply.

#### St Mary's Church (Grade I listed)

St Mary's Church is a Grade I listed building dating originally from 13th century, with a 15th century tower and later additions and alterations. The building is likely to be considered to possess historic evidential and illustrative value, as an exceptional example of a church of this period, altered over many centuries to reflect changes in religious practice and other socio-economic factors. It will also possess communal value within the village context, and aesthetic value which will depend in part on the use of vernacular materials seen within the landscape from which they were drawn. The positioning of the church at a short distance outside of the village to the north lends a sense of semi-rural isolation and detachment- this separation of church and village can occasionally be seen in other early rural Sussex settlements and may reflect land holding patterns or other socio-economic factors. The placement of the building outside the settlement may therefore contribute to the historic illustrative value of the building- this is something which should be considered in detail by a Heritage Statement.

At present the site makes a positive contribution to the rural setting of the church, and in particular the approaches to it along Haywards Heath Road and London Road, and the sense of detachment which it enjoys from the village itself.

As above, the current proposal will have a fundamental impact on the character of the site and in particular in views from Haywards Heath Road, the green and London Road. The

suburbanisation of the site will detract from the rural nature of the setting of and southern approaches to St Mary's, and from the sense of detachment from the village which the Church currently enjoys. This will be harmful to special interest of the listed building and how this is appreciated, and in particular those parts of this special interest which are drawn from the church's historical illustrative and aesthetic values.

This will be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF, I would consider the harm caused to be less than substantial, at the low-mid point of that scale, such that paragraph 202 will apply.

#### Balcombe House (Grade II listed)

Balcombe House is a Grade II listed 18th century mansion located in substantial grounds on the northern edge of Balcombe village, within the Conservation Area. I would consider it likely that the building would possess historical evidential and illustrative value as a good example of a country house of that period, altered and extended over the years in response to changing socio-economic conditions and the needs and aspirations of its owners, as well as aesthetic value. At present the building is appreciated in the context of its grounds and of the wider rural setting, including the site, in to which little development intrudes. The principle entrance elevation of the building faces to the west across the immediate grounds of the building, with views across a paddock to the site, the trees within which provide a natural backdrop to this verdant outlook. A public right of way runs along the eastern side of the grounds to the house.

I would consider that the verdant and rural setting of the house, with its immediate formal grounds and the wider rural landscape beyond, make a strong positive contribution to the special interest of the building and the manner in which this is appreciated, and in particular those parts of its special interest which are drawn from historical illustrative and aesthetic values. The application site makes a strong positive contribution to this setting, and provides a verdant backdrop to views looking westwards from the principle elevation of the house.

As above, the application proposal will have a fundamental impact on the character of the site, in that it will become suburbanised. It is noted that a band of vegetation is proposed to be retained to the eastern boundary of the site - this is marked on the site plan as 'Planting buffer to be retained and enhanced as necessary.' However, the application documents do not include a proposed elevation of this boundary of the site in external view, even though this was highlighted in respect of the previously refused scheme. Although I note the submitted CGI image taken in full summer leaf) it is therefore difficult to assess the extent or effectiveness of the screening to this boundary of the site, which will be key in assessing the impact of the proposal on the setting of Balcombe House. The effectiveness of natural screening is also subject to seasonal variation, and may be ephemeral.

I would therefore recommend that an elevation of the eastern site boundary should be provided, to allow a better informed assessment of the impact of the proposal on the setting of Balcombe House. On the basis of the submitted information, it appears that the proposed boundary screening is likely to be only at best partially successful in mitigating the impact of the proposal on the setting of Balcombe House and on views from it towards the west. To the extent that the proposed development within the site is visible within the setting of and views from Balcombe House this will be harmful to the setting of the building and the manner in which this contributes to the special interest of the house and how this is appreciated. This would be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would regard the harm caused to be less than substantial, such that paragraph 202 would apply. It is difficult to be more precise within that range in the absence of the above mentioned elevation, but on the basis of the submitted site section I would place the harm as at the mid point on that scale.

### Haylors (Grade II listed)

Haylors Cottage (formerly known as Hayter's Cottage) is a Grade II listed 17th century or earlier timber framed building, in a rural setting to the north of the site. The building would be likely to be considered to possess historical evidential and illustrative value, as a good example of a 17th century or earlier rural Sussex building altered and extended over the years in response to changing socio-economic conditions and the needs and aspirations of successive owners. It also possesses fortuitous aesthetic value based in part on the use of vernacular materials seen within the rural landscape from which they were drawn. The existing rural setting of the cottage makes a strong positive contribution to its special interest and the manner in which this is appreciated, in particular those parts of its special interest which is drawn from historical illustrative and aesthetic values.

Due to the open nature of the rural/parkland setting to the west and north of Balcombe House there will be potential intervisibility between the site and the cottage, as well as potential impact on the character of the broader setting within which the cottage is appreciated. At present, as discussed above, the impact of the development on the character of the site as appreciated in external views from the east is not clear. However, on the basis of the information currently in front of us (also discussed above) it appears that the proposed screening to the eastern boundary may not be complete or particularly successful. On this basis, it seems likely that there will be an impact on views of the site from the east, which will in turn detract from the currently positive contribution that the site makes to the setting of Haylors, its special interest and the manner in which this is appreciated.

This would be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF, the level of harm is for the reasons discussed above in respect of Balcombe House difficult to establish, but I would consider it to be likely to be less than substantial at the lower end of the scale, such that paragraph 202 would again apply.

### Casteye Cottage and Barn (Grade II listed)

The buildings, both Grade II listed, formed part of the same farmstead historically located on the northern edge of Balcombe village. The Cottage (the former farmhouse) dates from the 17th century, the barn from the 18th century or earlier. I would consider that both buildings are likely to possess historical evidential and illustrative value as good examples of their building types, altered over time to reflect changing socio-economic conditions and the needs and aspirations of successive owners. They also possess aesthetic value based in part on the use of vernacular materials, and group value as constituent parts of a historic farmstead.

Although currently located on the northern edge of Balcombe village, the surviving rural setting of the buildings to the north of Haywards Heath Road (the application site) makes a strong positive contribution to the special interest of both buildings, and the manner in which this is appreciated, in particular those parts of the buildings' special interest which is drawn from their historical illustrative value and group value as former farm buildings forming part of a historic farmstead, and their aesthetic value.

The result of the proposed development on the site, with its suburbanising impact on its character, will be effectively to sever these two buildings from the remaining part of their rural setting- they will become completely surrounded by the built form of Balcombe village. The impact of the proposal will be exacerbated in this instance by the location of the vehicle access, which will give clear views into the development on the site, at the eastern end of the road frontage closer to these listed buildings.

For these reasons the proposal will detract from the positive contribution which the site currently makes to the setting of the listed buildings, their special interest, and the manner in which this is appreciated. This will be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF, the harm caused will be less than substantial, at the mid-high point of that scale, so that paragraph 202 will apply.

In making these comments I am mindful that this proposal has been through several iterations including a previously withdrawn application and pre-application discussions, as well as the refused application mentioned above. I do note that changes have been made to the proposal to attempt to address concerns previously raised in several respects, including the above mentioned impacts on nearby heritage assets. It is unfortunate that despite some improvements to the layout of the scheme there remain issues with the current proposal, which are exacerbated by the lack of relevant information including no elevation to the east of the site. In my opinion, greater attention could also be paid to improving the screening to the western boundary- more tree planting to increase high level screening, and more planting around the vehicle entrance, as visibility splays allow, would both be beneficial in reducing the level of harm caused. More tree planting within the site would also potentially help to retain more of its current character.

### **MSDC Drainage**

Recommendation - No objection subject to condition

### **FLOOD RISK**

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Most of the site is shown to be at very low surface water flood risk. However, there are areas of the site shown to have increased surface water flood risk.

There are no historic records of flooding occurring on this site or the immediate area surrounding the site. A lack of historic records of flooding does not mean that flooding has never occurred, instead, that flooding has just never been reported.

### **SEWERS ON SITE**

The Southern Water public sewer map does not show any public sewers located within the redline boundary of the site.

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site is likely to now be considered a public sewer. Advice in relation to this situation can be found on the relevant water authority's website.

### **SURFACE WATER DRAINAGE**

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site. To ensure the drainage hierarchy is followed this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

The application is supported by a Flood Risk and Drainage Strategy report. The report states that the Greenfield QBar runoff rate for the site is 1.7l/s.

The report states that surface water drainage shall be managed via attenuation and discharge to an adjacent watercourse via ponds located to the north-east of the site. The

system has been designed to cater for the 1 in 100-year storm plus 40% allowance for climate change. Discharge into the existing online ponds is proposed to be limited to 1l/s.

The proposed drainage strategy is considered acceptable in principle. Detailed drainage design will be required to address the recommended drainage condition. Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section.

### FOUL WATER DRAINAGE

It is proposed that the development will discharge foul water drainage into the existing public foul sewer located beneath Haywards Heath Road via a private pumping station. This approach is considered acceptable in principle.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section.

### CONDITION RECOMMENDATION

C18F - Multiple Dwellings/units

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

### General drainage requirement guidance

Mid Sussex District Council's flood risk and drainage requirements are based on relevant national and local policies and guidance.

### SURFACE WATER DRAINAGE

Finalised detailed surface water drainage design is required to be submitted and approved prior to construction starting on site. The design should be based on the Environment Agency's latest climate change allowances and follow the latest West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/flood-reports-projects-and-policies/>).

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

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable.

Table 1 overleaf sets out a list of information the detailed surface water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

### FOUL WATER DRAINAGE

Finalised detailed foul water drainage design is required to be submitted and approved prior to construction starting on site. The use of public foul sewer connection should always be prioritised over non-mains drainage options.

The use of non-mains foul drainage should consider the latest Environment Agency's General Binding Rules (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>).

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the latest Binding Rules will need to be replaced or upgraded.

Table 2 overleaf sets out a list of information the detailed foul water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Table 1: Detailed drainage design requirements - surface water

Requirement	Location of information within submitted design
<b><i>For all designs</i></b>	
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)	
On-site infiltration test results	
Plans / details of areas to be drained based on finalised development plans	
Calculations showing the system has been designed to cater for the 1 in 100-year storm event, plus appropriate allowance for climate change	
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system	
Maintenance and management plan <sup>1</sup>	
<b><i>For soakaways</i></b>	
Sizing calculations (to cater for 1 in 100-year plus	

<sup>1</sup> The scale of this document should reflect the scale of the development and the complexity of the drainage system.

climate change event)	
Half drain time (<24 hours)	
Construction details	
<b><i>For discharge to watercourse</i></b>	
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) <sup>2</sup>	
Outfall location and construction details	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	
<b><i>For discharge to sewer</i></b>	
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)	
Discharge location and manhole number	
Outline approval from sewerage provider in relation to connection, discharge rate and connection location <sup>3</sup>	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	

Table 2: Detailed drainage design requirements - foul water

<b>Requirement</b>	<b>Location of information within submitted design</b>
<b><i>For all designs</i></b>	
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location	
Foul flow calculations and confirmation proposed system is sized appropriately	
<b><i>For connection to main foul sewer</i></b>	

<sup>2</sup> If the 1 in 1 or QBar Greenfield runoff rate cannot be achieved, then evidence into why a higher discharge rate has been proposed should be provided. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

<sup>3</sup> Formal approval via S106 etc is not required.



Discharge location and manhole number	
Evidence of communication with Water Authority regarding connection <sup>4</sup>	
<b><i>For non-mains system with drainage field</i></b>	
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields	
Evidence that either: a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted	

### **MSDC Tree Officer**

I have reviewed the new scheme and despite a slight change of layout at the western end of the site and the change of a 4 bed house to a 3 bed house, I do not believe this will significantly change the impact on the surrounding trees.

Therefore my comments from 24/2/21 (shown below) still stand.

#### Comments 24/2/21

There are currently no trees subject to TPOs within the site and although the development is not within the conservation the local conservation area wraps around much of the site.

A large number of trees are to be removed to facilitate the development, which is a significant loss, although it is acknowledged that the site is an allocated site and in order to develop it in any way a significant number of trees will inevitably be lost. The vast majority of the trees being removed are of low classification with many of these being non-native plantation trees.

To maintain the rural setting and to mitigate the loss of the internal trees it has been made very clear throughout, that the boundary trees are of utmost importance and should be retained as far as possible and enhanced with replacement trees. The development appears to have successfully addressed this.

To avoid harm to the trees being retained the protection measures outlined within the above tree reports should be fully adhered to throughout. In addition to tree protection fencing, exclusion zones and ground protection measures, emphasis should be placed on the specialist measures outlined where any hard surfaces coincide with RPAs or where there is a need to locate any services within any RPAs. It is critical such measures are deployed as described where necessary to minimise the harm to the retained trees.

Furthermore, I would request that a detailed landscaping plan is conditioned to clearly show the specifications of the replacement trees, planting guidance and a five year maintenance plan.

I do not object to the development on arboricultural grounds.

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<sup>4</sup> Formal approval via S106 etc is not required.

## Ecologist

Having reviewed this application, the biodiversity issues, in my opinion, remain the same as those relating to DM/20/4712 and therefore my previous advice still applies.

Firstly, I am satisfied that the ecological information prepared by Urban Edge Environmental Consulting and re-submitted in support of this application continues to provide an adequate basis for protected species mitigation.

The proposal still involves an access through a high-value hedgerow, which in my view should be regarded as irreplaceable for the purposes of testing the application against Policy 180 of the NPPF, which states "c) development resulting in the loss or deterioration of irreplaceable habitats ... should be refused, unless there are wholly exceptional reasons...". The NPPF describes irreplaceable habitats as: ": Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity." Whilst the NPPF lists ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen as examples, there is nothing to indicate an intent to limit application to only these habitats, which represent only a selection of habitats capable of meeting the definition given.

Apart from the hedgerow issue, the proposed layout, would result in an overall net loss in habitats rather than providing a net gain and in the absence of any off-site offsetting proposal does not therefore meet policy objectives of DP38.

If, having considered the above issues, MSDC is minded to grant consent, I would recommend that the following conditions are applied:

No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

- A protection plan and method statement setting out practical measures to be put in place to prevent unnecessary harm to biodiversity during site clearance and construction;
- Details of habitat enhancements, which may be integrated with landscape planting details and a long-term habitat management plan; and
- A wildlife-sensitive lighting scheme (if any external lighting is proposed).

The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: To prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

Note: the protection plan and method statement should be practical document aimed at site managers and construction personnel clearly setting out what measures are required (e.g. protective fencing, pre-felling wildlife checks), when they are required, how they are to be implemented, who is responsible for making them happen and why they are required. The document should be as succinct as possible, make good use of annotated drawings and schedules and avoid excessive background material.

### *Comments to refused scheme DM/20/4712*

I have reviewed the additional information contained in the Protected Species report by Urban Edge Environmental Consulting, dated September 2021. This addresses my previous

comments regarding lack of protected species survey results and provides an adequate basis for protected species mitigation.

I note that the above report includes comments about the hedgerow on the southern boundary having suffered some neglect but find no compelling evidence or reasoning given persuade me that the hedgerow should not be regarded as irreplaceable. It clearly contains ancient woodland indicator species that would not readily colonise newly planted hedgerow and may well support other species that could not simply recolonise a new hedgerow planted as a replacement. The living heritage value of a centuries-old hedge would also obviously not be compensated for by new hedge planting. As such, my previous comments on the hedgerow and policy considerations when weighing the proposal against other material considerations such as housing need in this location, remain unchanged.

The submitted Biodiversity Net Gain Assessments shows (based on Natural England's proposed assessment method) that an overall net loss will result, which is not surprising given the aims of the development and size of the site. Unless a site is almost completely devoid of biodiversity to begin with, biodiversity net gain will be impossible to achieve without a significant proportion of a site being devoted to open space, unless offsetting is achieved on another site. Given the constraints here, I think the types of habitat enhancement outlined in the report are reasonable and achievable. I note that the report suggests there will be a net improvement in linear habitat but this is predicated on the southern hedgerow not being an irreplaceable habitat type. As previously stated, I do not agree with this assessment but otherwise consider the report to be a fair appraisal using the methodology which is expected to be the main tool for calculating biodiversity net gain when this becomes mandatory in the future. The policy implications of the site not achieving net gain (primarily DP38, as the NPPF merely encourages it) will obviously have to be weighed against other material considerations.

If MSDC are minded to grant consent, I would recommend that the following conditions are applied:

No development shall commence until the following details have been submitted to, and approved by, the local planning authority:

- A protection plan and method statement setting out practical measures to be put in place to prevent unnecessary harm to biodiversity during site clearance and construction;
- Details of habitat enhancements, which may be integrated with landscape planting details and a long-term habitat management plan; and
- A wildlife-sensitive lighting scheme (if any external lighting is proposed).

The approved details shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: To prevent loss of, and contribute to a net gain in, biodiversity, in accordance with policies DP38 of the Mid Sussex District Plan and 180 of the NPPF.

Note: The protection plan and method statement should be practical document aimed at site managers and construction personnel clearly setting out what measures are required (e.g. protective fencing, pre-felling wildlife checks), when they are required, how they are to be implemented, who is responsible for making them happen and why they are required. The document should be as succinct as possible, make good use of annotated drawings and schedules and avoid excessive background material.

## *Original*

The proposal involves a new access being created which will destroy a 23m section of species-rich hedgerow, which the supporting ecology report assesses as likely to be important under the Hedgerows Regulations 1997. Indeed, the average of 7 woody species recorded per sample section, is relatively high and, in the absence of evidence that this is due to deliberate planting, this would typically indicate that it is a feature of ancient countryside (pre-dating the enclosure acts where species poor hedges were planted as a rapid method of enclosing common land and which are generally not old enough to have become more species rich through natural colonisation). As such, the hedgerow, on a precautionary basis, should be considered an irreplaceable habitat type in my view and considered in accordance with Policy 175 NPPF, which states:

...development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Therefore, it is important that MSDC are satisfied that there is a wholly exceptional reason to permit this. I understand that this is a local plan allocation site, which I appreciate will be a factor in considering this matter.

The proposal also involves the loss of woodland (conifer with an element of broadleaf, which the supporting ecological appraisal assesses to be lowland mixed deciduous woodland (a priority habitat type. Historic OS mapping suggests this has only been in existence since between 1962 and 1972. As such, it is unlikely to have acquired the rich species assemblages associated with older woodlands and may not qualify as being considered irreplaceable, but still represent valuable habitat the loss of which, in accordance with the NPPF, should be avoided if possible, or as a last resort compensated for. Given the layout, compensation within the site would not be possible. Unless MSDC consider that this is outweighed by other material considerations, consideration should be given to offsetting this loss through offsite woodland establishment.

### Protected species

Dormice are assumed to be present having been found during surveys in 2018. However, it is unclear how the loss of habitat will be compensated for.

The supporting ecological appraisal recommends that a range of other surveys for protected species are required to properly understand the ecological implications. However, the application has been submitted without allowing time to complete these. ODPM Circular 06/2005 makes clear that all relevant ecological survey information should be available to an LPA before it determines a planning application and that further survey work should only be conditioned in exceptional circumstances. MSDC should at least have sufficient information to be satisfied that any significant impacts on protected species (assuming worst case) can be avoided, adequately mitigated or, as a last resort, compensated for in accordance with the requirements of Policy 175 of the NPPF.

### Habitat Enhancements

A number of recommendations are made in the supporting ecological appraisal under the heading Biodiversity Net Gain. Within the constraints of the proposed layout, the proposed enhancement of woodland appears to be inapplicable. Other recommendations would help ensure, as far as practicable, that the site supports some wildlife, but compared to the habitat lost, it is hard to see how these measures represent a net gain. Pending an expected statutory requirement (through the Environment Bill) for developments to contribute

to a net gain in biodiversity through compensation and enhancement, the main policy driver for this is set out in DP38 of the district plan which will therefore need to be weighed along with other material considerations. DP38 states:

Biodiversity will be protected and enhanced by ensuring development: contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments.

Policy 175 of the NPPF states that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity".

### **Archaeologist**

The Historic Environment Planning Team, Surrey County Council provides advice to Mid Sussex District Council in accordance with the Mid Sussex Local Plan and the National Planning Policy Framework. The district council is located within the County Council of West Sussex.

The National Planning Policy Framework (Revised 2018 - Section 16) places the conservation of archaeological interest as a material consideration in the planning process. Paragraph 189 of the NPPF says that: 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.' This information should be supplied to inform the planning decision.

An Archaeological Desk Based Assessment has been submitted in support of the planning application (Archaeology South East, November 2020). The assessment provides a useful archaeological background to the site and observes that there are relatively few recorded archaeological assets in the vicinity of the site, but this is in part due to the absence of archaeological investigation rather than necessarily reflecting a true absence of archaeological activity. It concludes that the site is within an area of generally low theoretical potential, but with enhanced potential for heritage assets with a medieval or early medieval date, due to the vicinity to the medieval church and settlement core.

I agree with the conclusions of the assessment, and acknowledge that the result of previous vegetation growth, as well as possible landscaping or ploughing, may have impacted on the survival of any archaeological horizons or deposits. However as the extent this remains currently undefined, and due to the enhanced likelihood for remains of archaeological significance to be present, in line with NPPF and policy B18 of the Mid Sussex Local Plan, I recommend that further archaeological work is required in relation to this proposed development.

In this instance I recommend that the work be secured by a condition requiring a scheme of archaeological work once, and if, planning permission is granted. To ensure the required archaeological work is secured satisfactorily, the following condition is appropriate:

"No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority."

Ideally in the first instance archaeological work should comprise a trial trench evaluation exercise comprising a representative sample of the site in order to further identify the presence (or absence) of any archaeological remains. However, the practical and logistical considerations largely as a result of the current tree cover may make a suitable sample unviable. The assessment suggests an initial phase of trial trenching in accessible areas, in the first instance, in order to formulate a mitigation strategy where necessary. I broadly agree with this approach but also recommend that this may need to be supplemented by smaller test pits (hand dug if necessary) as needed in order to provide an adequate coverage of the site and test possible features in order to base further decision making. This should take place prior to any removal or grubbing out of vegetation, but if any early works need to take place this should be carefully considered alongside the archaeological programme, and with provision for archaeological monitoring if needed.

The results of such an archaeological evaluation will subsequently enable decisions to be made regarding the need for, and scope of, further archaeological mitigation.

A Written Scheme of Investigation for the programme of archaeological works should be produced, submitted and approved in advance of any work commencing.

Please note that these comments relate to below ground archaeological concerns only, and the views of the relevant Conservation Officer should be sought on the impact to built heritage and setting.

### **MSDC Leisure**

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of over 5 units.

#### **CHILDRENS PLAYING SPACE**

Balcombe Recreation Ground, owned and managed by the Council, is the nearest locally equipped play area approximately 300m from the development site. This facility will face increased demand from the new development and a contribution of £29,558 is required to make improvements to play equipment (£16,064) and kickabout provision (£13,494) for older children. These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

#### **FORMAL SPORT**

In the case of this development, a financial contribution of £18,398 is required toward a skateboard park and / or sports training facilities and / or pitch drainage improvements at Balcombe Recreation Ground or other sites within the village.

#### **COMMUNITY BUILDINGS**

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £11,095 is required to make improvements to the Victory Hall and / or the Parish Rooms, Balcombe.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the number of units proposed and average occupancy (as laid out in the Council's Development Infrastructure and Contributions SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

## **MSDC Housing**

The applicant is proposing a development of 17 dwellings which gives rise to an onsite affordable housing requirement of 30%, which represents 6 units since the number of affordable units is rounded up to the next whole number. 5 units comprising 2 x 1 Bed flats and 3 x 2 Bed flats (plots 1-5) are to be provided for Affordable Rent and a commuted sum of £63,000 is to be provided towards off site affordable housing provision in lieu of the sixth unit. This sum is calculated in accordance with the West Sussex Commuted Sum Review of 1st January 2011 for a 2 bed flat in Band D. The units will need to meet our occupancy and floor area requirements of 50m<sup>2</sup> (excluding any staircases) for a 1B/2P flat and 70m<sup>2</sup> (excluding any staircases) for a 2B/4P flat and from the schedule in the Design and Access Statement it would appear that these requirements are being met. The ground floor flats will also be required to be built to category M4(2) of the Building Regulations 2010, so that they are able to be adapted to meet the needs of wheelchair users if required. Each flat must also have its own private garden, since this is an amenity which is often neglected in the development of affordable housing flats. All affordable units must also have their own car parking spaces, independent of those provided in the village car park and the provision of the spaces for the flats as shown would meet this requirement. Finally, since the site is allocated in the Balcombe Neighbourhood Plan and lies within the AONB, clause 40 of the Council's Allocations Scheme will apply and as well as 100% of the units being prioritised for allocation to those with a local connection to the village or parish on first let, 50% (3) of the affordable housing units (the one and two bed units on the ground floor and the one bed unit on the first floor) will be prioritised in perpetuity to applicants with a local connection to the village or parish.

## **MSDC Environmental Protection**

I have no objections to the application in principle. However, potentially significant environmental impacts must be controlled during the implementation phase to protect nearby residential premises and the school from noise and dust. This is possible during the clearance and construction phases, particularly if any of the following activities take place: piling, concrete breaking and vibrational rolling. I therefore recommend a construction management plan condition, along with construction conditions to ensure that good practice is followed to minimise disturbance.

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

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

Reason: To protect the amenity of local residents.

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

- Monday to Friday: 08:00 - 18:00 hrs
- Saturday: 09:00 - 13:00 hrs
- Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents

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

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

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

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

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

Having checked GIS mapping there are no immediate concerns at the site in relation to potentially contaminated land.

However, given the sensitivity and scale of the proposed development I would suggest that a discovery condition is put in place, so that in the event that olfactory or visual evidence of contamination is found during ground works, works stop until such time that the matter has been investigated, and remediation agreed as well as validated if necessary.

Recommendation: Approve with the following condition

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

### **MSDC Street Name and Numbering Officer**

Informative.

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



## Historic England

On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

## Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: [www.developerservices.southernwater.co.uk](http://www.developerservices.southernwater.co.uk) and please read our New Connections Charging

Arrangements documents which are available on our website via the following link: [www.southernwater.co.uk/developing-building/connection-charging-arrangements](http://www.southernwater.co.uk/developing-building/connection-charging-arrangements)

The supporting documents make 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:

[www.water.org.uk/sewerage-sector-guidance-approved-documents/](http://www.water.org.uk/sewerage-sector-guidance-approved-documents/)  
[www.ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](http://www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

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.

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

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and

constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

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

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

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

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: [www.southernwater.co.uk](http://www.southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

## **Sussex Police**

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

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - 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 application is a resubmission of a previously refused application for 17 dwellings. The description has been changed from a 4-bedroomed house to a 3-bedroomed house with the remainder being the same description. As a result, I see no material change in the design and layout that warrants further crime prevention advice. I reiterate my previous comments within PE/MID/21/01/A dated 22/01/2021 to application DM/20/4712.

The application consists of a small development with single vehicle access off Haywards Heath Road with no-through vehicle route and a proposed car park for public use on the eastern elevation. In general, I support the residential element of the application and do not have cause for great concern, however I do have concerns over the proposed public car park.

The development's design and layout has created outward facing dwellings with good active frontage with the street being overlooked. Provision for residential parking has been made with a combination of on curtilage parking, garages and on-street parking bays. This should leave the street free and unobstructed. Overlooked parking bays for plots 1-5 are provided opposite the block. Clear signage should be available, or consideration given to combining the signage with a managed parking scheme for these bays to ensure that these bays are solely for the residents use and not utilised by visitors.

From a crime prevention perspective, it will be imperative that access control along with a door entry system is implemented into the design and layout of plots 1-5 to ensure control of entry is for authorised persons only. See SBD Homes 2019 V2 para 27.7.

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, fencing and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence. 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. Differing ground levels should be considered. Where gates provide access to rear gardens they must be placed at the garden entrance, 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.

Where the dwellings have access to secure cycle storage. I direct the applicant to SBD Homes 2019 V2 para 56 for information on cycle security.

In order to maintain natural surveillance through and across the development, 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.

Lighting throughout the development will be an important consideration for the street, public and parking areas. 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.

Proposed Public car park.

I have concerns over the proposed public car park for a number of reasons.

- It is hidden from view with no natural surveillance from the adjacent road layout or the development. The Design and Access Statement (DAS) submitted in support of this

application states in para 2.4 the site is very well screened from public views from Haywards Heath Road by trees and vegetation on the road frontage. As a result of the car park having no natural surveillance over it from within the development or externally, any vehicle parked here will be vulnerable to unobserved attack.

- The DAS 3.3 states; The public car park will be provided in the eastern part of the site where it is closest to the Village centre, so that it provides convenient access to the local shop and facilities. I feel the car park's location is unobserved and too far from the village environment for the visitors or village residents to use it confidently, for fear of unobserved attack.
- Additionally, I have concerns over the permeability this car park brings to the development from visitors. Whilst it is accepted that through routes will be included within the development layouts, the designer must ensure that the security of the development is not compromised by excessive permeability by allowing the criminal legitimate access to the rear or side boundaries of dwellings or by providing too many or unnecessary segregated footpaths or in this instance, access to an legitimate car park within but unconnected to the development.
- Previous experience has shown that where parking courts / car parks are hidden away behind trees, shrubbery or fences they can become targets for crime. This can result in the car park not being used through the fear of crime. My concerns are that the potential users, fearful of parking in this area seek safer parking amongst the residential development in order for their vehicles to be in full view of the houses and a 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). This 'safe parking' has the potential to result in illegal parking, the obstruction of emergency and refuse vehicles as well as neighbourly disharmony.
- There are very limited views from active rooms from the development overlooking this location. 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.
- Given that the local primary school is located nearby, I have concerns if this car park reaches capacity, then spill over parking from the twice daily school run will occur within the development itself. This has the potential to create illegal parking, blocking of emergency and refuse route and result in resident disharmony.
- There does not appear to be any lighting within this location. I feel this is essential for the security and safety of the vehicles and their users.

Sussex Police would have no objection to the proposed residential element of the development as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations being satisfactorily addressed. However, I would like to raise my concerns regarding the proposed village car park.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

## **High Weald AONB Unit**

It is understood that this is a re-submission of the previous proposal (DM/20/4712) which was refused by the Planning Committee on housing mix grounds due to a conflict with Policy 2i of the Neighbourhood Plan. This revised scheme removed the 4-bedroom dwelling and has changed it to a 3-bedroom with some slight adjustments to this dwelling and the row of properties to the north-western end of the site. These changes are unlikely to alter the impact of the proposal on the AONB.

### Legal and Policy Background

It is the responsibility of the Local Planning Authority to decide whether the application meets legislative and policy requirements in respect of AONBs. Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area.

The National Planning Policy Framework paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.

The High Weald AONB Management Plan has been adopted by all the relevant local authorities with land in the AONB as their policy for the management of the area and for the carrying out of their functions in relation to it, and is a material consideration for planning applications. The Management Plan includes a commitment from the Joint Advisory Committee partners (including the Local Planning Authorities) that they will use the Management Plan as a 'checklist' against which to assess the impact of policies and other activities on AONB purpose to fulfil the requirements of the Countryside and Rights of Way Act 2000, s85. A template to assist with this assessment is provided in the Legislation and Planning Advice Note.

### The High Weald AONB Management Plan

The attached plan shows the AONB Landscape Components represented on and around the application site. The following Management Plan key characteristics, objectives and proposed actions are considered relevant to this proposal.

### Settlement

#### Relevant Key Characteristics

Villages and towns of Medieval origin located at historic focal points or along ridge top roads...

High concentrations of historic buildings in all settlement types, many listed, whose form and appearance reflects historic and socio- cultural functions...

Villages and hamlets typically unlit contributing to intrinsically dark landscapes.

Relevant Objectives	<p>A limited palette of local materials: clay as tiles and brick, timber as weatherboard and framing, and some localised instances of stone.</p> <p>Green-ness of roads and streets with trees, hedges and verges dominant.</p> <p>S2 To protect the historic pattern and character of settlement.</p> <p>S3 To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.</p>
Relevant Proposed Actions	<p>Ensure there is reference to the AONB Management Plan in local plans and other public documents, and ensure its use as material consideration in planning decisions.</p> <p>Promote the High Weald Design Guide and apply to housing development in the AONB.</p> <p>Promote and utilise the High Weald Guidance on the Selection and Use of Colour in Development</p> <p>Protect the relationship between historic settlement and its associated green spaces and routeways.</p> <p>Seek to prioritise the delivery of new housing primarily through small-scale development and a mix of housing sizes that responds to local needs.</p>

**Routeways**

Relevant Key Characteristics	A dense radiating network with a variety of origins...
Relevant Objectives	<p>R1 To maintain the historic pattern and features of routeways.</p> <p>R2 To enhance the ecological function of routeways.</p>
Relevant Proposed Actions	<p>Ensure that routeways are recognised as non-designated heritage assets in the planning process.</p> <p>Support the enhancement of verges, especially</p>

verges in new developments, with local provenance grassland species.

Maintain routeway verges in their 'natural state' and refrain from planting non-native species along routeways

### **Woodland**

Relevant Key Characteristics

Highly interconnected and structurally varied mosaic of many small woods, larger forests and numerous linear gill woodlands, shaws, wooded routeways and outgrown hedges.

Relevant Objectives

W1 To maintain the existing extent of woodland and particularly ancient woodland.

Relevant Proposed Actions

Recognise the ecological value of old growth secondary woodland and ensure detailed ecological surveys are carried out if change is proposed.

### **Other Qualities**

Relevant Key Characteristics

Intrinsically dark landscapes with a sense of remoteness and tranquillity.

Relevant Objectives

OQ4 To protect and promote the perceptual qualities that people value. Rationale: To ensure that the special qualities people value, such as tranquillity, dark skies, sense of naturalness and clean air, are recognised and taken account of in AONB management.

Relevant Proposed Actions

Follow the Institute for Lighting Professionals guidance; promote information on dark sky-friendly lighting; install outside lighting only when needed and use dark sky-friendly lighting.

### **Recommended Conditions**

In the event that the Local Planning Authority considers that the development is acceptable in principle, it is recommended that the following detailed requirements are met:

- The High Weald Housing Design Guide should be used to ensure that the design of the development is locally distinctive and conserves and enhances the AONB (Management Plan objectives S2 and S3);
- The High Weald Colour Study should be used to select the colours of external materials of structures and hard surfacing so that they are appropriate to the setting of the High Weald AONB landscape (Management Plan objective S3);

- Drainage proposals should seek to restore the natural functioning of river catchments and avoid polluting or increasing flow to watercourses (Management Plan objective G1);
- Local habitats and species should be protected and enhanced as appropriate and conditions applied to prevent loss of existing habitats including hedgerows (Management Plan objectives G3, R2, W1, W2, FH2, and FH3);
- Native, locally sourced plants should be used for any additional landscaping to support local wildlife and avoid contamination by invasive non-native species or plant diseases (Management Plan objective FH3); and
- Controls over lighting should be imposed (Institute of Lighting Professionals recommended light control zone E1) to protect the intrinsically dark night skies of the High Weald (Management Plan objective OQ4).

The above comments are advisory and are the professional views of the AONB Unit's Planning Advisor on the potential impacts on the High Weald landscape. They are not necessarily the views of the High Weald AONB Joint Advisory Committee.

## **Balcombe Parish Council**

### **Section A : Updated comments**

#### **1.0 Background to 3rd response from BPC:**

This new application has been made following the refusal of DM/20/4712 at planning committee in November 2021. This application is entitled:

*Residential development to provide 17 dwellings made up of 1 and 2 bedroom flats and 3 bedroom, detached and semi-detached, houses. Associated landscaping, parking, vehicular access and a village car park | Land Adj. To Balcombe House London Road Balcombe West Sussex*

#### **1.1 Introduction:**

The Parish council's response from January 2021 and November 2021 remains with only a minor change on housing mix having been made to the proposal.

The application was refused in November 2021 on grounds of housing mix being contrary to the Neighbourhood Plan policy which allocated this site to the provision of 3,2 and 1 bedroom units. The applicants have removed the single 4 bedroom property and substituted it for two 3 bedroom semi-detached houses and re arranged the adjoining 4 houses to provide 3 detached units rather than the link detached row in the previous application.

Despite lengthy debate and strong advice from the planning committee this amended application does not provide a separate entrance to the village car park.

The main areas of concern remain as previously:

- The access road location and village car park (see sections 4.2)
- Parking in the development (see section 4.3)
- Overdevelopment of a site originally allocated for approx. 14 units, for 1, 2 and 3 bedroomed properties. (see section 4.1)
- Housing mix (see section 4.4), including commuted sum for 6th affordable unit.



## 2.0 Comments on amendments (17-01-2022):

### 2.1 Housing mix and commuted sum for affordable.

2.1.1 The removal of the 4 bedroom unit brings the development back within the policy for the site even if it remains regrettable that no 1 or 2 bedroomed units will be for sale. The development provides affordable units of 2 and 1 bedroom flats and all market housing is 3 bedroomed.

The Parish Council feels that the substitution of the 4 bedroom house with a semi-detached unit and the separation of the 3 adjoining homes is an improvement. The link detached arrangement of the previous application resulted in a bulky and overbearing street scene. The new arrangement also better allows for extension of the 3 bedroomed homes. This is in line with the Neighbourhood Plan which had envisaged providing some smaller homes that could be 'grown into'. However the parking remains an issue in tandem driveways and we note the District Council's Urban Designer's comments re outlook from unit 13 and the reduced garden impacting screen trees along Haywards Heath road. Should the proposal be allowed a buffer zone (in joint ownership) with conditions for protection of screen trees should be applied.

2.1.2 The real issue for the Parish Council was in MSDC agreeing a commuted sum for the fractional provision of the 6th affordable unit. We asked in our previous response how and where this would be provided. Again we would say that this should be in Balcombe, where the requirement arises. If not here then where? And how? This is a Parish entirely within the AONB and the requirement should be met in the AONB and in parish from which it arises. There is a danger in accepting this precedent that MSDC are allowing the trading of local affordable units out of the village.

2.1.3 BPC also notes the comments from MSDC's Housing Enabling Manager for the provision of the ground floor flats as M4(2) adaptable for wheelchair access which is very much welcomed. She reiterates (in bold this time) that **"Each flat must also have its own private garden, since this is an amenity which is often neglected in the development of affordable housing flats"**.

This is much better and in line with the requirements of the BPC Design Guide. However this requires a revised layout of the site.

BPC have previously commented that Disabled parking spaces which should be provided within the development. In light of the Housing Officer's recommendation to enable adaptation of the flats to M4(2) standard the requirement should also allow for adaptation of parking to accommodate wheelchair users.

### 2.2. Car Park and section 106

At the planning committee in November it was stated that the provision of the village car park would be added to the section 106 agreement. Much of the discussion at that meeting centred around concerns expressed by the police and councillors at the current layout, combined access and a lack of detail of the designated area, ownership, specification and subsequent management of the car park.

Despite requesting a meeting on the matter no further discussion has been had between BPC and MSDC or between Shanley and BPC to progress this.

Until agreement has been agreed BPC remains unwilling to take on the carpark with a combined entrance as it is unlikely that a satisfactory agreement can be achieved with the current layout.

### 2.3 Continued lack of engagement from MSDC.

Given comments from the committee meeting in November BPC had hoped for some dialogue with MSDC regarding this site. However, to date we have received no response to our requests to meet, despite a letter to Sally Blomfield 29 November and a reminder to Gary Marsh on 10 January.

## **Section B : Comments repeated from DM/20/4712 with amendments/ additions to sections on housing mix, car park and Section 106 agreement.**

### 3.0 Consultation:

Throughout the past year BPC have maintained an amicable and easy working relationship with the developers.

Regrettably MSDC have had little or no contact with the PC. The Parish Council's request for a meeting with MSDC in August for a status update and to run through issues on agreeing details of the car park was not answered and when prompted again in September was declined. We have been left to develop arrangements for the village car park in isolation from MSDC and the section 106 agreements.

In 2018, as a result of pre-planning advice given by MSDC on this site, MSDC undertook to provide a more connected approach to developments in Neighbourhood Plan sites by consulting and engaging with the PCs. This has yet again not happened.

### 4.0 Comments on application:

#### 4.1 Overdevelopment of the site

The proposed developed area of the site remains 80% the size of the allocated site in the Neighbourhood Plan and has increased from 14 units to 17. This leads to some of the issues over parking and provision of open space/ biodiversity provision within the site.

The High Weald AONB have commented that they think the site is too densely developed and noted the same issues.

#### 4.2 Car Park

##### 4.2.1 Location of Highways access and internal arrangement.

Comments made in January 2021 remain. The access for the carpark running past the houses and flats to the east of the single entrance is not acceptable. Several concerns have been raised by the police regarding the car park in terms of visibility, permeability and security, as well as councillors at the planning meeting. It will cause disturbance to residents and lead to misuse of the car park by residents due to inadequate parking arrangements at the flats. It also requires an ongoing maintenance contribution to the management company for the residential development, which is an ongoing financial liability the PC are unwilling to agree to.

In agreement with the developer BPC have negotiated with WSCC to purchase a 'ransom' strip of land along the verge from WSCC to BPC in order to facilitate direct access from HH

road to a public car park. HOTs have been agreed and the transfer is currently with the WSCC lands/ legal team for the drawing up of legal documents. BPC are currently bearing the cost of this transfer.

Having previously stated they would submit a second application with 2 entrances if BPC could secure the ransom strip, Shanley homes have now promised to present an amended application to MSDC upon receipt of planning permission for the proposal set out here. This however gives BPC no security that a second access can be achieved, so we have no alternative other than to object in the strongest terms to the current single access arrangement.

The Parish Council have little interest in taking on a maintenance and management liability for a carpark that does not meet our requirement for servicing the village centre shops and facilities with a visible, accessible car park that is easily managed.

It should also be noted that Shanley Homes 'could' have purchased the land from WSCC themselves but refused to pay a 'premium' for the land. This would have negated the removal of the hedge at the current proposed entrance location as there is no hedge nearer to the Rectory where the entrance could be. No hedge would be lost, a single access could be provided with the housing and car park splitting as per the previous withdrawn application of 2018. It is the developer's choice not to have done this.

We also note that a tracked vehicle sketch is now provided on the portal showing the refuse lorry turning in the village car park. This is both dangerous and unacceptable. Movements should be accommodated within the residential development.

**17-01-22 : At the Planning Committee in November members raised concerns over the access to the car park through the new development. Issues were its suitability to serve the village centre and safety due to being effectively screened from the road. The arrangement has not been altered.**

#### 4.2.2 Pedestrian access to the Car Park

We note that the RSA raised an issue with the proposed footway from car park to Haywards Heath Road not following a direct route. It recommends the provision of a direct path at the east end of the site. The applicants have proposed that rather than provide this they discourage this route by using planting. Again, this is at odds with the aim to make the car park visible to passers-by, secure and easy to use to access the village centre amenities and shops. It is contrary to the Police's recommendations on visibility and security.

#### 4.2.3 Agreement on provision of village carpark

**17-01-22 : As previously stated, the committee meeting in Nov 2021 confirmed that the car park would be part of the section 106 agreement. However no further dialogue has taken place on this issue. How can BPC be party to an agreement that we have not been invited to the table to discuss?**

#### 4.3 Parking for flats and houses

Previous comments in January 2021 stand. Tandem parking for the houses is problematic and will lead to on road parking.

Parking at the flats is inadequate and residents will have to cross the car park access road to reach the spaces. This is not a good arrangement.

This is caused by an overdeveloped site.

#### 4.4 Housing mix

A 6th affordable unit is to be provided as a commuted sum for a partial unit. Where is this to be accommodated? What will MSDC do to ensure that this is in Balcombe?

The land here is given over to development in order to provide affordable (small) homes within the village. That is the 'need' identified within the village. The market housing is largely in order to provide the affordable element. This is a village entirely in the AONB and affordable housing resulting from it must be provided within the AONB. We would argue that it should be provided within the same parish from which the requirement arises.

We strongly object to the provision of a proportion of the due affordable element by commuted sum whilst the site also profits from a larger unit out of policy. This is unacceptable.

It's worth mentioning that the closure of the housing association owned flats at Wynstay (this last weekend) with the housing provider intent on selling the building and using the funds in East Grinstead removes 6 or 7 affordable homes from the Parish, and there has been no resistance to this from MSDC.

#### 4.5 Amenity space at the flats

As we commented in Jan 2021 the shared amenity space at the flats is less than desirable. The previously withdrawn application had individual gardens where outside spaces were alongside the flat to which they belonged. Noise/disturbance from outside activities was localised and direct access to a private outside space provided from all flats. We helped develop this strategy with the then developer and were really pleased that the arrangement met the ideals of our NP. MSDC Housing enablement re-iterate the need to provide private gardens for each unit.

The current shared and overlooked arrangement is far from perfect and again is a function of the overdevelopment of the site. Side gardens and better parking could be achieved by removal of the 2 housing units next to the flats.

#### 4.6 Ecology / Environmental loss and gain

Since new reports are now provided we have a few comments on the ecology loss and gain proposals.

There is little or no attempt to provide mitigation for loss of central woodland on the site and yet an area approx. 20% of the allocated site sits unused by the current proposal in the far northern part of the site, beyond the car park. This could easily be used for mitigation or open space.

Placement of the current access removes 60m of hedgerow but could be avoided if the applicants acquired the verge strip from WSCC and placed the access where there is no existing hedge. This seems counterproductive on all parts. Replacement plans for new hedgerow as described are tenuous and provide no real new habitat.