

8 March 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, 17TH MARCH, 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 24 February 2022.     | <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/21/2627 - Land at and adjacent to Former Sewage Treatment Works, Fairbridge Way, Burgess Hill, RH15 8GL. | <b>9 - 46</b>   |
| 6.                               | DM/21/2628 - Land to Rear of Friars Oak, London Road, Hassocks, BN6 9NA.                                    | <b>47 - 102</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, 24th February, 2022  
from 2.06 pm - 3.35 pm**

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

R Bates  
P Coote  
A Eves

R Jackson  
C Laband  
C Trumble

R Webb  
R Whittaker

**Absent:** Councillors S Hatton and A Peacock

**Also Present:** Councillor R Salisbury

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

Apologies were received from Councillors Hatton and Peacock.

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

Councillor Bruce Forbes declared a non-pre-determined interest in Item 6 DM/21/4235 as he is a Member of West Sussex County Council.

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

The Minutes of the Committee meeting held on 16 December 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/20/0886 - LAND EAST OF KINGSWAY, BURGESS HILL, RH15 0SD.**

Susan Dubberley, Senior Planning Officer introduced the full planning application for 237 dwellings, 30% affordable with associated informal open space, SUDS attenuation features and a locally equipped area of play. She noted that the application site is part of a wider development where consent was granted in 2012 for 480 units; phases 1, 2 and 3a are occupied, phase 3b is at advanced stage of construction and some are occupied. A full application was required as the previous outline planning permission had time lapsed. The application provides for the remaining balance of the previous consent, with the addition of a further extra 33 units.

She drew Members' attention to the Agenda Update Sheet and highlighted the additional conditions concerning photovoltaic panels and the play area. The development has a perimeter block arrangement retaining some trees and the hedgerows. There are 470 allocated spaces and 73 visitor spaces, mixed housing types split across two-character areas, urban and rural. She highlighted the concerns raised by Sussex Police regarding natural surveillance and the remedial works to mitigate their concerns.

The Chairman read a submission from Mr Glyn Wells, local resident who opposed the application.

Ms Jackson, agent for the applicant spoke in favour of the application.

The Chairmen reminded the committee that the principle of development had already been established, the original application was time lapsed and the additional 33 units would increase the total number above the previously consented 480.

Members discussed the design of the buildings and noted that highways had no objections. They expressed concern over the lack of grey water storage, sustainable heating, disruption of ground water levels and that the road would not be adopted and how the upkeep of the roads would be managed.

The Senior Planning Officer noted the additional condition in the update sheet would enable the addition of photovoltaics to aid compliance with future Building Regulations, the developer is using a fabric first approach, the Design Review Panel and Urban Designer were content, and remediation works on drainage had been completed. She advised that Highways have no control over the adoption of the roads, the decision was for the developer and the earlier phases not been adopted.

The Chairman confirmed that the adoption of the roads was not a matter for the Committee to consider.

Members discussed the process of approving the Section 106 agreement, parking provision, the impact of noise from the railway, suggested future proofing the site for installation of EVCs and noted the lack of sports facilities on the eastern side of Burgess Hill.

The Senior Planning Officer confirmed the details of the Section 106 agreement were on page 26 and included the delivery of affordable housing and contributions to other services including sports provision. She confirmed the application met Highway standards for parking provision and page 55 detailed the process to approve a soundproofing scheme prior to construction.

As there were no further questions the Chairman took Members to vote on the recommendations outlined in the report and the amendments as detailed on the Agenda Update Sheet. This was proposed by Cllr Trumble and seconded by Cllr Coote 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          |                |                |
| Jackson, R.       | X          |                |                |

|              |   |  |  |
|--------------|---|--|--|
| Laband, C    | X |  |  |
| Sweatman, D  | X |  |  |
| Trumble, C   | X |  |  |
| Webb, R.     | X |  |  |
| Whittaker, R | X |  |  |

## RESOLVED

### 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.'

## 6. **DM/21/4235 - LAND ADJ. BALCOMBE HOUSE, LONDON ROAD, BALCOMBE, RH17 6PB.**

Joanne Fisher, Senior Planning Officer introduced the application for a 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.

She confirmed that the land was within the High Weald AONB and has been allocated under the Balcombe Neighbourhood Plan. She noted that the Committee refused an application in November 2021 for 17 dwellings which included a 4-bed house. The application was refused as the housing mix with a 4-bed property was contrary to Policy 2 (i) of the Balcombe Neighbourhood Plan and also as the Section 106 agreement for infrastructure contributions and affordable housing had not been completed.

The Senior Planning Officer confirmed that new application still had 17 dwellings replacing the 4-bed house with a 3-bed house and a village car park. Officers consider that the layout is acceptable, the tree frontage was to be retained with a planting buffer and enhanced planting provided on the northern boundary of the site. The majority of trees to be removed are of low classification with many being non-native plantation trees. The heritage assets impacts had been considered and would result in less than substantial harm where the public benefits of the proposal would outweigh the harm. The site would deliver traditionally designed dwellings using a fabric first approach in a sustainable location.

She highlighted that the principle of development had been established as the site has been allocated in the Neighbourhood Plan and the housing mix meets the requirements of 2(i) of Balcombe Neighbourhood Plan. She noted that the Section 106 agreement is progressing.

Cllr Lloyd Thompsett, Balcombe Parish Council spoke in objection to the application.

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

Cllr Jenny Edwards, Ward Member for Balcombe spoke in support of the application. She welcomed the changes with the removal of the 4-bed dwelling, and noted that 2-bed dwellings would have been better so older people could downsize and stay in the area. She noted that balconies had not been included and would have provided private outdoor space for the residents of the flats.

Cllr Gary Marsh, Ward Member for Balcombe spoke in support of the application. He noted that the reasons to refuse the application had been removed, and the application was now policy compliant with Balcombe Neighbourhood Plan. The Section 106 agreement had not been signed and he would have liked money allocated for a skateboard park in the village.

The Senior Planning Officer advised that the Parish Council are not involved in the Section 106 agreement and the application before the committee had only one entrance to the car park. Another application would be required to request a second entrance.

The Chairman advised the Committee that as the application no longer included a 4-bed house, the reason for refusal of the original application had been addressed and it would be unreasonable to refuse the application.

Members discussed access to the site, the layout of the village car park, preventing overdevelopment of the site at a later date and the lack of solar panels.

The Senior Planning Officer confirmed Highways had no objections and a Road Safety Audit had been provided, condition 21 covers details to be provided in relation to the public car park including disabled parking spaces within the car park, and the application accords with the Balcombe Neighbourhood Plan.

The Chairman reiterated that a second entrance to the car park was not on the original application. 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 Whittaker and was approved with 7 in favour, 1 against and 2 abstentions.

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

## **RESOLVED**

### **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.'

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

None.

The meeting finished at 3.35 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

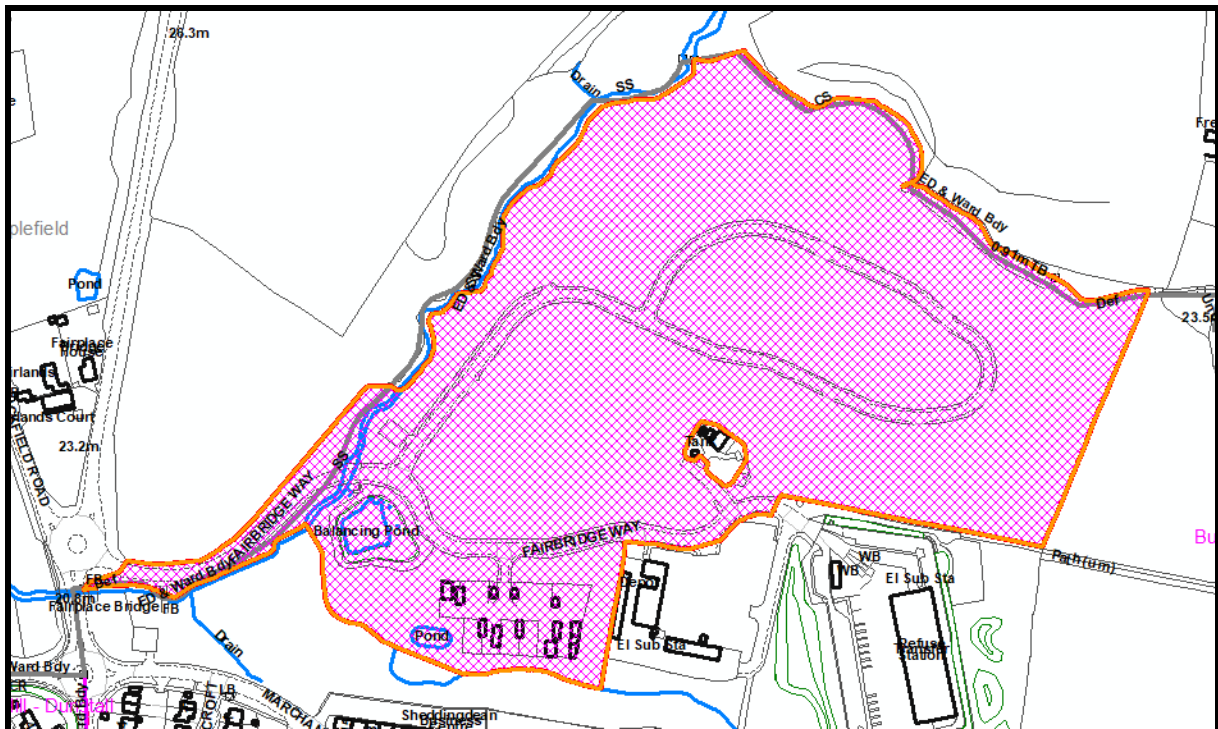
District Wide Committee

**17 MAR 2022**

RECOMMENDED FOR PERMISSION

**Burgess Hill**

**DM/21/2627**



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**LAND AT AND ADJACENT TO THE FORMER SEWAGE TREATMENT WORKS FAIRBRIDGE WAY BURGESS HILL WEST SUSSEX  
APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO THE OUTLINE PLANNING PERMISSION REFERENCE DM/19/1895 FOR THE APPROVAL OF THE ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE COMPRISING 307 (USE CLASS C3) RESIDENTIAL UNITS, CAR AND CYCLE PARKING, INTERNAL ROADS, A LEMP (400 SQ.M) AND ASSOCIATED BOUNDARY TREATMENTS. (AMENDED INFORMATION RECEIVED 20TH JANUARY 2022 SHOWING LAYOUT AMENDMENTS TO THE SCHEME)  
MS LEAH NEEDHAM**

POLICY: Area of Special Control of Adverts / Brownfield Land / Built Up Areas / Classified Roads - 20m buffer / Flood Map - Zones 2 and 3 / Methane Gas Safeguarding / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey / Tree Preservation Order / Highways Agreement (WSCC) / Minerals Local Plan Safeguarding (WSCC) / Waste Local Plan Site (WSCC) /

ODPM CODE: Smallscale Major Other

8 WEEK DATE: 18th March 2022

WARD MEMBERS: Cllr Simon Hicks / Cllr Anne Eves /

CASE OFFICER: Stephen Ashdown

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

Reserved matters consent is sought for the layout, scale, appearance and landscaping of 307 dwellings pursuant to outline planning permission DM/19/1895 on the former sewage works, Fairbridge Way, Burgess Hill. The outline planning permission, issued under a notice dated 29th June 2021, granted consent for up to 325 dwellings on the site and as part of that application, details relating to the access were also considered and approved.

The site is subject to a long and complex planning history and a brief summary, along with a list of the relevant events/applications, can be found in the relevant section of this report. In determining this application, it is important to understand this history and how it has presented challenges and constraints to the scheme being considered by this committee.

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

The details of the reserved matters of the layout, scale, appearance and landscaping of the site need to be assessed against the relevant policies in the development plan. In making an assessment as to whether the proposal complies with the Development Plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case

that a proposal must accord with each and every policy within the Development Plan.

The proposed landscaping is acceptable and will soften the appearance of the development, with appropriate native species proposed, and suitable enhanced landscaping to the sites northern, southern and western boundaries. In accordance with the outline planning permission a play space is to be provided in the southern part of the site, which will be located with an enlarged open space that fronts onto the Fairbridge Way.

No objections are raised to the proposal by the Local Highway Authority (LHA) in respect of any safety matters or the proposed level of parking, which is compliant with standards. Following amendments, the LHA are content with the proposed cycle parking arrangements. A condition is recommended to secure the details of the proposed EV charging points, where 20% of the proposed parking spaces within the development will have active provision. The remaining spaces will be future proofed, and the passive provision will allow further chargers to be installed at a later date. The application complies with policy DP21 of the Mid Sussex District Plan and Policy S4 of the Burgess Hill Neighbourhood Plan.

The site is being delivered by the applicant as 100% affordable housing. The MSDC 'core', which is the 30% policy compliant element secured in the s106 Agreement, equates to 93 units and the proposed mix and location of these units is acceptable. The remaining mix of the units is also considered acceptable. Under the s106 Agreement the Council's nomination rights are capped at 75% of the overall number of affordable rented units on the site. The application complies with policies DP30 and DP31 of the Mid Sussex District Plan.

It is considered that the development will provide for an acceptable living environment for future residents and will not result in any significant harm to the existing amenities of the residents located in the gypsy and traveller site on the southern side of Fairbridge Way. It is considered that the application complies with policies DP27, DP28 and DP 29 of the Mid Sussex District Plan.

It should be noted that the applicant utilises Modern Methods of Construction (MMC), with the dwellings constructed off site (in the applicant's factory) and transferred to site in modular form, for final installation. This scheme represents the first such use of the building technique in the district on such a large scale, on a single site.

The off-site modular build process employed by the applicant enables them to control the construction process both in terms of technical quality and material waste, both of which enhance the sustainable credentials of the development. The proposal is supported by a sustainability statement which demonstrates that the proposed units will have a significant improvement over existing Building Regulations in respect of carbon emissions and deliver reductions in primary energy consumption, over existing standards. The application complies with Policy DP39 of the Mid Sussex District Plan.

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

It recognised that your Urban Designer and the Mid Sussex Design Review Panel have raised objections to the layout and appearance of the scheme. The dominance of the proposed parking arrangements within the layout will not be softened by the proposed landscaping and would result in a hard-edged scheme. The lack of a central focus within the development has also been raised as a concern in respect of the proposed layout. Furthermore, the over-reliance on render as a finishing material on the majority of units within the development is considered detrimental to the overall architectural quality of the scheme. As such, it is considered that the layout and appearance of the scheme is not of the high quality expected by the Development Plan and therefore it does not comply with policy DP26 of the Mid Sussex District Plan, or the guidance contained within the Mid Sussex Design Guide.

Given the schemes conflict with the Development Plan, consideration needs to be given to any other material considerations which would indicate that a decision should be made contrary to that conflict. In this instance, the following matters are considered to be material in the determination of the application and balanced against the concerns raised in relation to the layout and appearance of the proposed development. These matters are:

- The development is on a previously developed site where there have been known delivery issues that date back to the 2014 outline planning permission.
- The layout of the site is constrained by a number of above and below ground infrastructure apparatus (including rising mains and drainage system) and the access loop road that has already been constructed pursuant to the 2014 outline planning permission (constructed to provide for serviced development plots to aid disposal of the site to one or more developers. The fact that a single developer has taken on the site is a significant positive).
- The scheme will be delivered by the applicants as 100% affordable housing, of which the Council will have some additional nomination rights over and above the 'core' 30% secured in the s106 Agreement.
- The modular nature of the applicant's build process does come with limitations that mean that certain bespoke solutions to layout/appearance issues are not feasible (when they would be for a traditional build). However, the modular build process does provide significant sustainable efficiencies over traditional build developments.

Having regard to the above matters, it is clear that there are some very site-specific constraints that impact development on this site, that mean the delivery of any development on this site will be challenging as the planning history shows. Furthermore, there are specific elements of the proposed development, particularly its modular form and proposed level of the affordable housing (on a site of this scale), that provide a different type of scheme not seen within the district previously. It is considered that these matters should be given significant positive weight in the determination of the application, even though the overall quality of the layout and appearance of the site is not what would normally be expected.

In light of all the above it is considered that there are other material planning

considerations that justify a decision that is not in full conformity with all of the policies in the development plan. In light of the above it is considered that the balance of advantage in this case means that the application should be approved.

### **RECOMMENDATION**

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

### **SUMMARY OF REPRESENTATIONS**

None received.

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

#### **MSDC Urban Designer**

The revised drawings have improved the scheme in several respects. Unfortunately, the dominance of the parking and the overreliance on rendered façade treatment and unconvincing application of facing materials significantly undermine the proposal; it is also disappointing that a more meaningful central space could not be provided. I therefore object to this planning application as it does not accord with design principles DG18, DG19, DG20 and DG38 of the Council's Design Guide and policy DP26 of the District Plan.

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

The Panel objects to this scheme.

#### **MSDC Housing Officer**

No objection. A condition is required to ensure the detailed design of the wheelchair units are acceptable.

#### **MSDC Drainage Officer**

No objection. Detailed drainage design can be addressed via the existing outstanding drainage condition.

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

No objection.

#### **MSDC Environmental Protection Officer**

To be reported.

## **WSSC Highways**

No objection.

## **WSSC Fire and Rescue**

A fire hydrant condition advised.

## **Southern Water**

No objection.

## **BURGESS HILL TOWN COUNCIL**

The Committee raised concerns over the ongoing absence of full information regarding the layout and finishing detail on design.

The Committee would wish to see a commitment for all of the dwellings to use renewable energy schemes. They felt it was short sighted to phase the implementation of these.

The Committee raised concerns over the acoustic boundary for the tip.

The Committee raised concerns over the pedestrian access from Fairbridge Way for the main access to the site. They were concerned over the implementation of the proposed footpath to the Northeast, the Committee wished to see a full commitment for this to be completed.

The Committee raised concerns over the insufficient and inadequacy cycle storage which was not clear from the details.

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## **INTRODUCTION**

Reserved matters consent is sought for the layout, scale, appearance and landscaping of 307 dwellings pursuant to outline planning permission DM/19/1895 (2021 outline planning permission) on the former sewage works, Fairbridge Way, Burgess Hill. The outline planning permission, issued under a notice dated 29th June 2021, granted consent for up to 325 dwellings on the site and as part of that application, details relating to the access were also considered and approved.

The site is subject to a long and complex planning history and a brief summary, along with a list of the relevant events/applications, can be found in the following section of this report. In determining this application, it is important to understand this history and how it has presented challenges and constraints to the scheme being considered by this committee.

It should be noted that the applicant utilises Modern Methods of Construction (MMC), with the dwellings constructed off site (in the applicants' factory) and transferred to

site in modular form, for final installation. This scheme represents the first such use of the building technique in the district on such a large scale, on a single site.

## **BACKGROUND AND RELEVANT PLANNING HISTORY**

The site was subject to an outline planning permission for development for up to 325 residential dwellings under granted under a notice date June 2014 (2014 outline planning permission) (08/01664/OUT listed below refers). Under this permission the then landowner dealt with a number of important infrastructure issues associated with the site, both through detailed reserved matters submissions (as listed below) and the discharge of planning conditions. These included the re-provision of the gypsy and traveller site, de-contamination of the site, highway works associated with the realignment of Fairbridge Way and the formation of development platform including inner loop road and associated infrastructure. The result of the works undertaken pursuant to the original permission was the creation of a fully serviced development site. The outline planning permission time lapsed in June 2019 before the then landowner could secure a developer for the site to submit reserved matters details associated with the proposed residential elements.

Following the grant of the 2015 outline planning permission it was clear that the site presented development challenges, and this was highlighted when the then landowners made a request to vary the s106 Agreement to enable the site to sold/delivered as three separate development parcels and to amend the affordable tenure split from the normal 75/25 (affordable rent/shared ownership) to a 50/50 split. In making the request, the then landowner indicated that they had received a £14million loan from Homes England to deliver all the infrastructure work, including site remediation and provision of estate roads, to help unlock the scheme. The main challenges facing the delivery and attractiveness of the site were highlighted as;

- Remediating the land owing to its former use as sewerage treatment works, landfill and the identified presence of contamination to make it suitable for residential development;
- Competing residential developments within Burgess Hill and Mid Sussex in general; and
- Proximity to a waste transfer facility.

The request to vary the s106 Agreement was agreed by the District Planning Committee on the 15th June 2017. It should be noted that the 50/50 tenure split on the affordable housing was agreed and contained in the s106 Agreement associated with the current extant outline permission, DM/19/1895, to which this reserved matters application has been submitted pursuant to.

This reserved matters submission represents the first detailed submission for the entire residential element of the site, as a single development since the original outline permission was issued in June 2014.

The relevant planning applications are listed below for reference purposes;

08/01644/OUT - Development comprising the redevelopment of the former sewage treatment works to provide up to 325 residential dwellings (Class C3), the relocation

of the existing residential gypsy site, a community hall with associated access and landscaping at Fairbridge Way, Burgess Hill. Such development to include the remediation of the Tip, demolition and excavation of (derelict) existing buildings and infrastructure associated with previous use as a sewage treatment works, and the remodelling and remediation of the remainder of the site to provide for revised ground contours and development platforms; strategic landscape, realigning of existing of service infrastructure (to include the laying out of foul and surface drainage infrastructure and water attenuation), and new vehicular, cycle and pedestrian access routes, ancillary engineering and other operations. Approved 24th June 2014.

14/03959/REM - Reserved Matters application seeks the approval of details reserved by Condition 1 (Partial Discharge) and details pursuant to Condition 38 of planning permission 08/01644/OUT with regard to the relocation and provision of a gypsy site to accommodate 10 pitches. Approved 19th December 2014.

DM/18/1169 - Application for Reserved Matters for the layout and detailed design of the inner loop road, associated landscape and foul and surface water drainage to allow for serviced residential parcels to be created. Plus, discharge of Planning Conditions 6, 12, 13, 15, 16, 23, 24 and 28 in respect of outline planning approval 08/01644/OUT. Approved 11th October 2018.

DM/19/1895 - Outline application for the development of the former sewage treatment works to provide up to 325 dwellings (use Class C3) with associated access, landscaping and associated infrastructure. Approved 29th June 2021.

## **SITE AND SURROUNDINGS**

The application site is located to the northern edge of Burgess Hill and covers approximately 10.34 ha and is made up of the previously derelict wastewater treatment works. The site has been cleared of the redundant ancillary plant, including sludge holding tanks, settlement tanks, storm tanks and administration buildings. An internal loop road has been constructed on site pursuant to the previous outline planning permission on the site.

The site is accessed from the roundabout located at the junction of Issacs Lane (A273) with Cuckfield Road (B2036) and London Road (A273), which forms a major arterial route into and out of Burgess Hill. The access road to the site, Fairbridge Way, also serves the WSCC household recycling/waste transfer site and a 24hr recovery service. This road has been subject to realignment works pursuant to the previous outline planning permission on the site.

To the north and east of the site are current open areas of agricultural land, with the River Adur demarcating the site's western boundary, beyond which, lies further agricultural land and Issacs Lane (A273). It should be noted that this area to north, east and west forms part of the strategic allocation within the District Plan known as the Northern Arc.

To the south of the application site is a small area of woodland, beyond which is the Sheddingdean Business Centre.



## **APPLICATION DETAILS**

This reserved matters submission seeks consent for the layout, appearance, scale and landscaping of a scheme contained 307 dwellings, pursuant to outline planning permission DM/19/1895, 30% of which will be affordable units (93 units in total) secured by the Council under the associated s106 Agreement for the site. The applicant is bringing the site forward with a development partner, Places for People (who are a registered housing provider), to deliver the remaining balance of the dwellings on the site (214 units) for affordable housing (in accordance with the government definition). In this sense, the scheme is being promoted as 100% affordable.

The scheme consists of one, two, three and four bed units, with the submitted details showing that these will be provided within a small range of house types, consisting of flat, terraced, semi-detached and detached properties. The dwellings will be of modular construction, whereby they are constructed off site (in the applicant's factory) and then brought to site for final installation.

The submitted details show that the site will consist of two and three storey dwellings, with the latter mainly confined to the southwestern corner of the site and along the southern length of the constructed internal loop road. The proposed scheme has been divided into four separate character area, with the external finishing to the building in each area being slightly different. Given the nature of the modular build, the design approach is functional and contemporary.

The main open space, containing a LEAP play area is located on the southern boundary of the site with Fairbridge Way. The submitted details, also show that re-enforcement planting will undertaken along the western and norther boundaries of the site to provide a softer edge to the development.

The submitted details show that a total of 732 parking spaces are proposed across the site that will be made up of allocated and visitor spaces, to meet the needs of future occupiers. It is also proposed that a number of electric charging points will also be provided across the site, both on plot and within communal parking areas.

## **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 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.

## **LIST OF POLICIES**

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

DP21 - Transport  
DP26 - Character and Design  
DP27 - Dwelling Space Standards  
DP28 - Accessibility  
DP30 - Housing Mix  
DP31 - Affordable Housing  
DP37 - Trees, Woodland and Hedgerows  
DP39 - Sustainable Design and Construction  
DP41 - Flood Risk and Drainage

### **Burgess Hill Neighbourhood Plan**

S4 - Parking standards for new developments

## Other Material Considerations

### *Affordable Housing Supplementary Planning Document (SPD)*

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

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

### *National Design Guide*

### *Ministerial Statement and Design Guide*

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

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

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

## **ASSESSMENT**

As this is a Reserved Matters submission, the principle of development of the site has already been established. The outline application also considered detailed matters associated with the access and these works have largely been completed pursuant to the previous permission that existed on the site. The scope of this application is limited to the layout, appearance, scale and landscaping of the proposed 307 dwellings.

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

- Layout, Appearance and Scale
- Housing Mix and Affordable Housing
- Standard of Accommodation
- Accessibility
- Landscaping
- Residential Amenity
- Highways and Parking Matters
- Sustainability

- Other Matters
- Planning Balance and Conclusion

## **Layout, Appearance and Scale**

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

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

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

As part of the outline planning application two parameter plans were submitted - a Framework Plan and the Building Heights Plan - which set out the breakdown of land uses, as well the as the disposition of maximum build heights, across the site. Condition 2 of the 2021 outline planning permission requires the reserved matters submitted to be 'broadly in accordance' with these parameter plans.

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

### Layout

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

The proposed layout is constrained by a number of fixed infrastructure elements, some created as a result of the previous outline permission (namely the looped access road and surface/foul water drainage system) and others linked to the sites past uses (namely the active pumping station and fixed underground rising main apparatus).

In general terms, the proposed layout follows the parameters set out in the approved Framework Plan, although there are two main areas where the proposals deviate. The first area is located on the southern boundary of the site to Fairbridge Way, opposition the Southern Recovery site. This area was previously identified for residential development, but this now forms the main open space to site. Officers consider this a positive addition to the scheme. The second area is around the T-junction on the access loop road (flanked by apartment block's B02 and B03), which was previously highlighted as a public square. While some public space is provided in this area, it is limited, and it is difficult to describe it as a 'public square'. While this latter point is disappointing, officers are content that overall the layout is broadly in accordance with the Framework Plan, meaning the reserved matter submission meets the requirements of the condition 2 of the outline planning permission.

As noted earlier, the scheme has been amended though the application process as the applicant has attempted to address concerns raised. As a result, the layout of the scheme can be commended in respect of the following aspects;

- The positioning and form of the blocks of flats on the southern boundary to Fairbridge Way, which generous landscaped set back, but provide suitable amination to the main public façade of the development.
- The enlarged main open space (which is heavily constrained by underground fixed apparatus) provides a landscape buffer to the commercial use (Southern Recovery) to the south. It has also meant the amount of acoustic fencing required has been significantly reduced.
- The green edge along the northern and western boundaries provides a continuous link around the site.
- The street frontages have been improved to provide a more consistent arrangement, and better grouping of building types (and the removal of right-angle parking along the main looped road) provide greater street enclosure and more urban environment.

While these elements of the layout are positive, your Urban Designer has raised issues with the proposed parking arrangements, and states;

*Unfortunately, the layout of the scheme still suffers from being unacceptably dominated by parking in some areas. The introduction of a few additional trees does not do enough to the soften and break up the extent of the parking on road A, road P1, road B, road D and road E which results in a bleak/hard-edged environment. Some of the other rear court parking areas, notably road N and parking serving blocks B01/B02 and the accessed via road J1 are also too large and hard-edged; the latter also has inadequate natural surveillance'.*

As part of the policy DP26, developments are required to demonstrate that the layout *'incorporates well integrated parking that does not dominate the street environment, particularly where high density housing or proposed'* and the Council's Design Guidance, principles DG18-20, provides further advice on the integration of parking within a development and the organisation of street parking. In particular it seeks to avoid off-street parking in front of houses and the large rear court parking area. The guidance emphasises that the *'quality of the street environment should be a paramount consideration in designing parking spaces in the street'*. With this in mind and having regard to the layout and the comments of your Urban Designer, it is considered that the proposed parking arrangements are not well integrated and will dominate the street environment.

The comments of the DRP in relation to the schemes' lack of central focus are noted, and it is accepted that the space around the T-junction adjacent to flat blocks B02/B03 is not a convincing 'public square'. The scheme would be improved by a larger and better defined central public space. It is recognised, however, that the applicants are trying to balance a number of factors including the site's infrastructure constraints and the need to optimise the number of units, on what is a previously developed site, with an outline permission for up to 325 dwellings. This, along with the constraints imposed by modular method of construction, where there is a reliance on a limited range of house types (i.e. bespoke building solutions are not an option), means it has not been possible for the applicants to go as far as the DRP would like to address this concern, although it should be noted that the scheme before members is an improvement over that originally submitted.

### Appearance

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

The overall design approach is contemporary and simple in nature. It is proposed that a limited number of dwelling types will be used on the site, which are derived from the applicants dwelling range. It is proposed that four character areas will be formed (upper green edge, lower green edge, access & spine and crescent), with the finishing of dwellings, in terms the application of materials, varying between them. It is proposed that the upper green edge and lower green edge will contain fully rendered properties (grey and light green respectively), the access & spine character area will have a full brick frontage (white render to remaining elevations), while the crescent will have front elevation finished in half brick (ground floor) and half render (first floor).

While your Urban Designer and the DRP have not raised a concern with the actual design of the dwellings, they have both raised concerns over the applicants

proposed reliance on the use of render as a finishing material, which they consider diminishes the schemes architectural quality. The Urban Designer states;

*'The overreliance on rendered facades diminishes the schemes architectural quality, and I share the DRP's concerns about the weathering properties of through-colour render. It should be noted that paragraph 6.2.23 in the Mid Sussex Design Guide (MSDG) states that "render is not a typical material used in Mid Sussex and therefore should normally be avoided, at least as the principal facing material"; the guide also states that "render facades often do not age well unless they are well maintained". Render is unfortunately also applied at the side and rear of the brick fronted houses that give the impression of a superficially applied façade; this does not accord with paragraph 6.3.19 of the MSDG which states "facing materials (particularly secondary materials) should be fully integrated and consistently used on all sides of buildings and not limited to just the front elevation as this can undermine the building's integrity and appear to be a bolted-on façade". Furthermore, there is a disappointing lack of detail to support the elevations which is especially needed as prefabricated construction (at this scale) is new to Mid Sussex (except for the few examples that date from the immediate post-war period).'*

While condition 11 of the 2021 outline planning permission requires the submission of samples/a schedule of materials and finishes to be used on the external walls of roof and does give officers an opportunity to further assess the proposed materials and how they are applied to the proposed dwellings, it is clear that the applicants are content with the palette currently shown and it would be unreasonable for officers to attempt to significantly alter the balance of the materials palette through the condition discharge process. It is a concern that apart from the blocks of flats, there are very few fully bricked dwellings on the site and on a site of this size, this is particularly unusual in the district.

It is accepted that the method of construction here limits the options available and a bespoke solution, specific to and reflective of the general character of Mid Sussex, is not achievable. It is important to ensure, however, that the scheme, in these circumstances, retains the high quality expected within policy DP26 and the Mid Sussex Design Guide. It is agreed that the concerns expressed by the Urban Designer and the DRP in respect of significant use of render will have an impact on the overall architectural quality of the scheme.

### Scale

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

As set out earlier in this section, condition 2 of the outline planning permission requires the reserved matters to be broadly in accordance with the parameters plans submitted at that stage, one of which related to building heights. The Building Heights Plan shows that the majority of the site would be two storey (not defined by

a ridge height), with three storey located in the central part of the site and also on the southern boundary (opposite Southern Recovery).

The scheme as submitted shows three storey buildings along the southern boundary to Fairbridge Way, along the southwestern part of the main access into the site and through into the central part of the site (either side of the main spine road). Some limited two and half storey buildings are shown at the eastern end of the site (which are of similar height to the surrounding two units).

The submitted scheme does include more three buildings than envisaged at the outline stage and to support the submission the applicant has included a Landscape and Visual Statement to assess whether there would be any additional harm resulting from the additional scale. The submitted statement concludes;

*'5.5 The greatest effects on visual amenity would generally be contained within the site and the area previously occupied by the WWTW and specifically from Fairbridge Way along the southern part of the site.*

*5.6 Visual containment of the site is provided by trees flanking Freek's Lane to the east and by the belts of trees on the northern and western boundaries of the site. Consequently, there would be very little or no visibility of the proposed development, including the 2.5 and 3 storey units, from the wider landscape beyond these areas.'*

On the basis of the above, the increase in building height would not have any significant landscape harm beyond the boundaries of the site and there is no evidence to the contrary in front of officers. The introduction of some additional three storey buildings has been in the interest of good urban design and place making and it is considered that this has been beneficial to the overall scheme, particularly along the southern boundary to Fairbridge Way.

Having regard to the wording of condition of the 2021 outline planning permission, it is considered that the proposed scheme is broadly in accordance with the Building Heights parameter plan and the scale of the development as proposed is acceptable.

In conclusion on these matters, the scheme does contain some good elements to both its layout and appearance, for which it should be commended, however, as demonstrated by the objections raised by your Urban Designer and DRP, there are elements, specifically in relation to the dominance of the parking and the over reliance on the use of render, that undermine the overall quality of the scheme. In respect of these elements, then there is conflict with policy DP26 of the District Plan and the Mid Sussex Design Guide and this conflict will need to be considered as part of the overall planning balance.

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

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



It should be noted the s106 Legal Agreement associated with the outline planning permission secures the provision of affordable housing on the site and the subsequent reserved matters applications need to ensure that they include the appropriate provision to meet the requirements of the outline planning permission.

The proposal involves the erection of 307 dwellings of which 93 would be MSDC 'core' affordable units, which represents 30% of the total number contained within this application.

The proposed core affordable dwelling mix is as follows:

23 x one bed units (includes 1 wheelchair accessible unit)  
56 x two bed units (included 2 wheelchair accessible units)  
9 x three bed units  
5 x four bed units (included 1 wheelchair accessible unit)

While the overall number of units (93) within the MSDC 'core' is in accordance with the s106 Agreement requirements, officers have undertaken negotiations during the course of the application to secure a better tenure split than that originally submitted by the applicant, especially in relation to the one bed units. As a result, 61% (57 units) are now affordable rent and 39% (36 units) for shared ownership. In respect of the MSDC 'core' this represents a significant improvement over the 50/50 split that is included with the s106 Agreement associated with the outline planning permission.

The remaining 70% of the site (214 units) is all being provided as affordable housing by the applicant on a 50/50 tenure split and are separate from the Council's 'core' 30% for s106 purposes. While the Council will have control over nominations, this is capped at 75% of the overall total number of affordable rented units on the whole site (which equates to a total of 124 units). The mix of the remaining units is as follows;

6 x one units  
72 x two bed units  
45 x three bed units  
87 x three bed units  
39 x four bed units

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

While the Council's supplementary planning document on 'affordable housing' usually requires the proposed affordable units to be dispersed across a site in suitable clusters, this is not achievable on developments that are 100% affordable, such as this. However, the submitted tenure plan shows that the rented and shared ownership units are integrated across the site.

It is considered that the proposed mix, both in respect of the MSDC 'core' and the additional affordable units, is in accordance with the s106 Agreement associated with the 2021 outline planning permission and therefore the application complies with Policies DP30 and DP31 of the Mid Sussex District Plan.

## **Standard of Accommodation**

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

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

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

## **Accessibility**

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

Condition 19 on the 2021 outline permission secured the requirement for the provision of the 20% of dwellings to comply to the additional M4(2) standards and in line with this condition, the submissions identify the 62 plots that will be constructed to meet these requirements. Prior to occupation of these units, the applicant will need submit a verification report confirming compliance.

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

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

## **Landscaping**

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

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

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

The submitted scheme shows the following proposed landscape features;

- The provision of enhanced landscaping to the western, northern and southern boundaries of the site
- Additional tree planting along the main entrance road of the site
- Enlarged landscaped open space area, containing a LEAP, to the southeast corner of the site
- Enhanced landscaping around attenuation ponds
- Tree planting to break up parking areas

In respect of the soft landscaping proposals, the Council's Tree and Landscape Officer has reviewed the submissions and her detailed comments can be found in full in appendix B. The planting scheme has evolved through the course of the application, with the applicant introducing a greater number of native species within the proposed planting schedules. No objection has been raised to the landscaping proposals. Having regard to your Tree and Landscape Officers comments, it is considered that the proposed landscaping scheme is acceptable and will provide a suitable softening to the built elements of the development.

In terms of the proposed play area, then the required LEAP will be positioned in the southern corner of the site, fronting Fairbridge Way, in an enlarged area of open space. It was agreed at the outline stage (as per the Framework Plan) that this would be a suitable location for the play facility due to the underground infrastructure, which limits the scope for any building. While peripheral to site, it is well overlooked by the block of flats to the west. The submitted details show a well laid out and equipped area of play that will be separate from traffic on Fairbridge Way by fence and landscape buffer. The details have been submitted to the Council under a separate condition discharge application pursuant to condition 3 of the 2021 outline planning permission and officers will formally deal with this element of the scheme under that submission, following the determination of this reserved matters application.

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

## **Residential Amenity**

Policy D26 seeks to protect residential amenity and states that new development will not be permitted if significant harm to the amenities of existing nearby residents and future occupants of new dwellings, when considering matters such as overlooking, loss of privacy and noise/disturbance, amongst other potential issues.

Policy DP29 deals specifically with noise pollution, as well as air and light, and seeks to protect the quality of people's life from unacceptable levels of noise. It states that the residential development *'will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment, are incorporated within a development'*.

The nearest existing residents to the application site are located on the southern side of Fairbridge Way, within the gypsy and traveller site. There is a distance of approximately 31m between the proposed nearest apartment building and the gypsy and traveller site opposite, which itself is separated from the Fairbridge Way by a large verge area (which needs to be planted and covered by condition 9 of the 2021 outline planning permission) and a 2m acoustic fence. While the proposed apartment building will be 3 storeys high and have windows facing south, given the distances involved it is not considered that the proposal would give rise to any significant levels of overlooking or loss of privacy. In this regard, the schemes relationship with existing nearby residents is acceptable.

Having regard to the amenity of future residents, the layout of the proposed scheme provides for acceptable relationships between the dwellings, both in respect of back-to-back distances and back to flank distances, ensuring the future occupiers acceptable levels of privacy, light and outlook.

Given the proximity of the proposed development to the access road serving the waste transfer station, the waste transfer station itself and the operation of Southern Recovery (a 24 hour business operation) on the south side of Fairbridge Way, they are potential noise sources that could impact on the future amenities of the residential occupiers. This issue was considered, in part, at the outline application stage and conditions 16, 17 and 18 of that permission related to the noise mitigation measures in respect of noise insulation and acoustic grade fencing to particular areas of the site in close proximity of these noise sources.

The application has been supported by a noise assessment (and addendums) to address the matters required by the aforementioned planning conditions and this information has been carefully considered by your Environmental Health Officer.

Due to the proposed layout and the constraints provided by the underground infrastructure apparatus, the acoustic fencing requirements for the site have been considerably scaled back relative to that envisaged at the outline stage. There is no

longer a requirement for acoustic fencing along the Fairbridge Way boundary (due to the limited development proposed off-set of the blocks of flat), which is a positive from an urban design perspective. Additionally, the requirements along the boundary to the north of the waste transfer station have had to be revised, due to presence of underground infrastructure, meaning that acoustic barriers (in form of acoustic wall) will be provided around the affected residential gardens, instead of fencing along the entire length of the site boundary.

On the basis of the information submitted, your Environmental Health Officer is content that the proposed acoustic screening proposals in the southern part of the site and the noise insulation measures required are acceptable.

Your Environmental Health Officer has highlighted a potential issue that may arise as a result of the adjustments to the acoustic barrier location, namely that the properties with facades facing the waste transfer station may suffer noise disturbance in the early morning, when operations start. This concern specially relates to any bedrooms that may be affected. The applicants are aware of this concern and some additional work is being undertaken to establish whether it is a problem, and if so, what mitigation can be put in place to alleviate. Members will be updated on this issue at the meeting.

As such, it is considered that the application complies with policies DP26 and DP29 of the Mid Sussex District Plan.

### **Highways and Parking Matters**

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

Policy S4 of the Neighbourhood Plan deals with parking standards for new developments and states that all new housing developments must comply with the standards set out in the relevant appendix of the Plan.

Matters surrounding the design and form of the site access onto Fairbridge Way, as well as the impact on the local highway network, were considered and approved at the outline application stage and these matters are not for consideration as part of this application. As already noted, these access works have already been implemented pursuant to the previous outline permission, along with the provision of the internal loop road serving the development.

The Local Highway Authority (LHA) have considered the application and not raised any objection to the details relating to the technical design of the roads in relation to the proposed layout and landscaping.

As part of the scheme before members, the applicants are proposing to provide a pedestrian link to the sites northeastern boundary with the adjacent Freeks Farm

development, to allow connectivity between the two. While the proposed link is a positive addition and the applicants are committed to delivering the element that is within their control, the Freeks Farm development already has consent and is under construction and the link is not provided for within the approved plans. Officers are currently in discussions with the developers of the Freeks Farm site to try and ensure that the link can be provided on both sides of the boundary.

In terms of parking, a total of 723 spaces are proposed across the site split between allocated and unallocated (visitor spaces) in the following manner;

- 687 allocated spaces (on plot or within parking courtyard - 137 of these are allocated for M4 (2) dwellings and therefore wider than a normal space)
- 10 visitor spaces
- 8 disabled spaces
- 27 Informal visitor bays

It should be noted that no garages are proposed on the development.

In terms of the visitor spaces the submitted details show that these are proposed across the site on-site/carriageway. The LHA comments on these state;

*'the applicant should note that the provision of road markings delineating visitor spaces on roads intended for adoption (i.e. on carriageway) is not permissible and should be deleted from any approved plans.'*

It would appear from the information provided that it is the applicant's intention to put the majority of roads forward for adoption and given the above comments from the LHA, it would appear the delineated on-street visitor parking would not be achievable. However, it does not follow that visitors would not be able to park in these, or other on-street locations (this could only be prevented by a Road Traffic Order). As such the visitor parking would be available, whether it is delineated or not. In any event, the LHA have not raised an objection with regard this matter, or to the overall number of parking spaces proposed within the scheme.

It is considered that the proposed level of parking is adequate to meet the needs of the development and in this regard complies with policy DP21 of the District Plan and policy S4 of the Neighbourhood Plan.

The applicants have indicated that cycle parking provision will be provided for each dwelling house in the form of a bike shed, which will be located in the rear garden and be able to accommodate 2 bikes. In respect of the apartment buildings, provision will be made in communal cycle stores. The level of provision is in excess of the recommended levels within the 'WSCC Guidance on Parking in New Developments (2020)'. Following initial concerns on the cycle parking arrangements, specifically in relation to the communal stores, the applicants have amended the design and the LHA have confirmed that they are now satisfied with this element of the scheme.

The LHA have not raised any objection to the proposed application from a highways or parking perspective and your officers accept this position, given that there is no

alternative evidence to the contrary. Officers are content that the application complies with policy DP21 of the District Plan.

## **Sustainability**

Policy DP39 of the District Plan states:

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

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

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.'*

Condition 20 of the 2021 outline planning permission states;

*'Any Reserved Matter application(s) shall be supported by a Sustainability Statement demonstrating how the proposal will comply with the requirements of Policy DP39 of*

*the Mid Sussex District Plan. The development will thereafter be constructed in accordance the submitted and approved details.*

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

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

As the applicant manufactures their units off site in a controlled factory environment, they are able to deliver significant advantages over traditional construction methods and the performance of their finished product is a consistent, known entity.

The supporting information sets out that their standard approach to reducing emissions is through a 'fabric first' approach, which provides net savings in both carbon and energy for the life of the dwelling, rather than the life of the technology. It is stated that specification of their dwellings is such that they will achieve an improvement over existing Building Regulations in respect of carbon emissions of 9.07% and a reduction in primary energy of 8.94%. Members will recall that a recent traditional build scheme considered by the committee was designed to achieve an improvement of 4.7% on current Building Regulations targets, in respect of carbon emission. As can be seen, the sustainable credentials of the proposed units are greatly enhanced over a traditional build unit.

In addition, the document sets out that water consumption will be limited to less than 110 litres per person per day.

Furthermore, a total of 112 Electric Vehicle (EV) charging points are to be provided across the site, which will include 9 communal chargers that will help meet demand from occupiers of the proposed apartment buildings. The provision represents 20% of the total number of parking spaces on the site and the remaining balance of spaces will be provided with 'passive' provision. The details of these charging points, and a programme for their provision, will be subject to a further condition.

The submitted Sustainability Statement meets the requirements of condition 20 of the 2021 outline planning permission and is acceptable officers.

The comments raised by the Town Council, and also highlighted by the Design Review Panel, regarding the lack of commitment towards the use of renewable energy systems for all the dwellings is noted.

As set out above, the fabric first approach adopted by the applicants delivers significant improvements in carbon emissions and energy consumption over a traditional build development of a similar size and scale. It should be remembered that while the wording of policy DP39 of the District Plan is supportive of improving the sustainability of developments, there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.



It is acknowledged that changes in Building Regulations are due to come into force in the coming years and this will have an impact on this development and likely to require the applicant to modify elements of their build to meet the changing requirements, however, these sit outside planning and are not a matter which is material to the determination on this application. This is acknowledged in the applicant's submissions, which states;

*'Any dwelling built on the site at Fairbridge Way, Burgess Hill after June 2023 will be built to approved Documents Part L 2021 (England) standards and will require either PV or Heat Pump technology and a detailed appraisal will be undertaken to determine the most appropriate technology or technologies, for compliance to the new approved Document which will be modelled using approved SAP version 10 software once it becomes available.*

*We would want to consider the technical viability and carry out a risk assessment of the potential real-life benefits and real-life negative affects certain technologies may have on the end user. We have installed various PV and Heat pump installations on other sites and are in the process of collating the data which will be completed before the change to the Building Regulations take place.*

*We already achieve a 10% reduction in carbon emissions through our standard "Fabric First" Approach and in addition to this there will be further reduction in both carbon and energy from renewable technologies once the site is complete although at present we cannot commit to a strategy until the Building Regulations are published in full and a planned transition to 2021 regulation compliance and 2025 Future Homes Standards has taken place'.*

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

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

## **Other Matters**

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

At the outline planning application stage, the proposal was subject to a Habitats Regulation Assessment (HRA) screening report that concluded that there be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development. As such no mitigation or a full HRA was required. As this is a reserved matters application, further consideration of this matter is not required.

## Drainage

Policy DP41 deals with flood risk and drainage matters and while the majority of the surface/foul water drainage has been designed and installed as part of the previous outline planning permission, there are still some outstanding matters that arise from the confirmation of the final layout. Condition 12 of the extant outline planning permission secures these details and the Council's Drainage Officer has not raised an objection to this application and will consider further details as part of future condition discharge application for the site. Having regard to this, the application complies with policy DP41 of the Mid Sussex District Plan.

## Ecology

Policy DP38 seeks to ensure that new developments protect and enhance existing biodiversity and create new green infrastructure and ecological networks to ensure a net gain in biodiversity. The site has been subject to an ecological mitigation scheme prior to the decontamination of the site pursuant to the previous outline planning permission, which included the translocation of the Great Crested Newt population in 2016 under a licence from Natural England. A common reptile translocation was also done at the same time.

The application is supported by an Ecological Statement which sets out that the intrinsic value of the site has been significantly reduced following the commencement of works pursuant to the 2014 outline planning permission. The statement sets out some mitigation, including habitat improvements and the provision of bat and bird boxes, and condition 10 of the 2021 outline planning permission requires the submission of a Landscape Management, which will include the provision and management of the ecological mitigation. The Landscape Management Plan will be considered under a separate condition discharge process.

Given that the ecology matters have been secured by the 2021 outline planning permission, this application complies with policy DP38 of the Mid Sussex District Plan.

## **PLANNING BALANCE AND CONCLUSION**

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

The details of the reserved matters of the layout, scale, appearance and landscaping of the site need to be assessed against the relevant policies in the development plan. In making an assessment as to whether the proposal complies with the Development Plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposed landscaping is acceptable and will soften the appearance of the development, with appropriate native species proposed, and suitable enhanced landscaping to the sites northern, southern and western boundaries. In accordance with the outline planning permission a play space is to be provided in the southern part of the site, which will be located with an enlarged open space that fronts onto the Fairbridge Way.

No objections are raised to the proposal by the LHA in respect of any safety matters or the proposed level of parking, which is compliant with standards. Following amendments, the LHA are content with the proposed cycle parking arrangements. A condition is recommended to secure the details of the proposed EV charging points, where 20% of the proposed parking spaces within the development will have active provision. The remaining spaces will be future proofed, and the passive provision will allow further chargers to be installed at a later date. The application complies with policy DP21 of the Mid Sussex District Plan and Policy S4 of the Burgess Hill Neighbourhood Plan.

The site is being delivered by the applicant as 100% affordable housing. The MSDC 'core', which is the 30% policy compliant element secured in the s106 Agreement, equates to 93 units and the proposed mix and location of these units is acceptable. The remaining mix of the units is also considered acceptable. Under the s106 Agreement the Council's nomination rights are capped at 75% of the overall number of affordable rented units on the site. The application complies with policies DP30 and DP31 of the Mid Sussex District Plan.

It is considered that the development will provide for an acceptable living environment for future residents and will not result in any significant harm to the existing amenities of the residents located in the gypsy and traveller site on the southern side of Fairbridge Way. It is considered that the application complies with policies DP27, DP28 and DP29 of the Mid Sussex District Plan.

It should be noted that the applicant utilises Modern Methods of Construction (MMC), with the dwellings constructed off site (in the applicant's factory) and transferred to site in modular form, for final installation. This scheme represents the first such use of the building technique in the district on such a large scale, on a single site.

The off-site modular build process employed by the applicant enables them to control the construction process both in terms of technical quality and material waste, both of which enhance the sustainable credentials of the development. The proposal is supported by a sustainability statement which demonstrates that the proposed units will have a significant improvement over existing Building Regulations in respect of carbon emissions and deliver reductions in primary energy consumption, over existing standards. The application complies with Policy DP39 of the Mid Sussex District Plan.

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

It recognised that your Urban Designer and the Mid Sussex Design Review Panel have raised objections to the layout and appearance of the scheme. The dominance

of the proposed parking arrangements within the layout will not be softened by the proposed landscaping and would result in a hard-edged scheme. The lack of a central focus within the development has also been raised as a concern in respect of the proposed layout. Furthermore, the over-reliance on render as a finishing material on the majority of units within the development is considered detrimental to the overall architectural quality of the scheme. As such, it is considered that the layout and appearance of the scheme is not of the high quality expected by the Development Plan and therefore it does not comply with policy DP26 of the Mid Sussex District Plan, or the guidance contained within the Mid Sussex Design Guide.

Given the schemes conflict with the Development Plan, consideration needs to be given to any other material considerations which would indicate that a decision should be made contrary to that conflict. In this instance, the following matters are considered to be material in the determination of the application and balanced against the concerns raised in relation to the layout and appearance of the proposed development. These matters are;

- The development is on a previously developed site where there have been known delivery issues that date back to the 2014 outline planning permission.
- The layout of the site is constrained by a number of above and below ground infrastructure apparatus (including rising mains and drainage system) and the access loop road that has already been constructed pursuant to the 2014 outline planning permission (constructed to provide for serviced development plots to aid disposal of the site to one or more developers. The fact that a single developer has taken on the site is a significant positive).
- The scheme will be delivered by the applicants as 100% affordable housing, of which the Council will have some additional nomination rights over and above the 'core' 30% secured in the s106 Agreement.
- The modular nature of the applicants' build process does come with limitations that mean that certain bespoke solutions to layout/appearance issues are not feasible (when they would be for a traditional build). However, the modular build process does provide significant sustainable efficiencies over traditional build developments.

Having regard to the above matters, it is clear that there are some very site-specific constraints that impact development on this site, that mean the delivery of any development on this site will be challenging. Furthermore, there are specific elements of the proposed development, particularly its modular form and proposed level of affordable housing (on a site of this scale), that provide a different type of scheme not seen within the district previously. It is considered that these matters should be given significant positive weight in the determination of the application, even though the overall quality of the layout and appearance of the site is not what would normally be expected.

In light of all the above it is considered that there are other material planning considerations that justify a decision that is not in full conformity with all of the

policies in the development plan. In light of the above it is considered that the balance of advantage in this case means that the application should be approved.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

2. Prior to the commencement of construction of any dwelling or building above ground floor slab level a detailed specification of the proposed electric vehicle charging points, as shown on the approved drawing no. PL50 Rev G, shall be submitted to and approved in writing with the Local Planning Authority. No dwelling shall first be occupied until such time as the approved details, relative to that property(s), have been constructed and are operational.

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

3. No dwelling(s) shall be occupied until the car parking space(s) serving that particular dwelling(s) have been constructed and made available for use in accordance with the parking plan (drawing no. PL07 rev N). Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to accord with policy DP21 of the Mid Sussex District Plan 2014 - 2031 and policy S4 of the Burgess Hill Neighbourhood Plan.

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

Reason: In the interest of visual amenity and to accord with policy DP26 of the Mid Sussex District Plan.

5. The soft landscaping scheme shall be completed in accordance with the approved details prior to the occupation of the relevant dwelling, or adjacent dwellings in the case of communal areas. 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.

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

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

## INFORMATIVES

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

### Plans Referred to in Consideration of this Application

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

| Plan Type                          | Reference           | Version | Submitted Date |
|------------------------------------|---------------------|---------|----------------|
| Proposed Floor and Elevations Plan | 9841-PL21.1         | H       | 22.11.2021     |
| Parking Layout                     | 9841-PL53           | G       | 20.01.2022     |
| Proposed Floor and Elevations Plan | 9841-PL54           | D       | 22.11.2021     |
| Highways Plans                     | 9841-PL55           | C       | 20.01.2022     |
| Proposed Floor and Elevations Plan | 9841-PL57           | A       | 22.11.2021     |
| Planning Layout                    | 9841-PL11           | J       | 14.02.2022     |
| Landscaping Details                | 2943-5-8-DR-5700-S4 | P11     | 20.01.2022     |
| Landscaping Details                | 2943-5-DR-5000-S4   | P17     | 20.01.2022     |
| Landscaping Details                | 2943-5-DR-5001-S4   | P11     | 14.02.2022     |
| Landscaping Details                | 2943-5-DR-5002-S4   | P9      | 20.01.2022     |
| Landscaping Details                | 2943-5-DR-5003-S4   | P9      | 20.01.2022     |
| Landscaping Details                | 2943-5-DR-5004-S4   | P10     | 20.01.2022     |
| Landscaping Details                | 2943-5-DR-5005-S4   | P9      | 14.02.2022     |
| Landscaping Details                | 2943-5-DR-5006-S4   | P8      | 14.02.2022     |
| Landscaping Details                | 2943-5-DR-5007-S4   | P8      | 14.02.2022     |
| Landscaping Details                | 2943-5-DR-5008-S4   | P8      | 20.01.2022     |
| Landscaping Details                | 2943-5-DR-5009-S4   | P11     | 20.01.2022     |
| Landscaping Details                | 2943-5-DR-5010-S4   | P10     | 14.02.2022     |
| Landscaping Details                | 2943-5-DR-5011-S4   | P8      | 14.02.2022     |
| Landscaping Details                | 2943-5-DR-5012-S4   | P7      | 20.01.2022     |
| Landscaping Details                | 2943-5-DR-5500-S4   | P1      | 14.07.2021     |
| Landscaping Details                | 2943-5-DR-5600-S4   | P1      | 14.07.2021     |
| Landscaping Details                | 2943-5-DR-5601-S4   | P1      | 14.07.2021     |
| Location Plan                      | 9841-PL01           | A       | 14.07.2021     |
| Existing Site Plan                 | 9841-PL02           | A       | 14.07.2021     |
| Proposed Site Plan                 | 9841-PL03           | U       | 20.01.2022     |
| Means of Enclosure                 | 9841-PL04           | N       | 20.01.2022     |
| Proposed Site Plan                 | 9841-PL05           | L       | 20.01.2022     |

|                                    |                   |     |            |
|------------------------------------|-------------------|-----|------------|
| Proposed Site Plan                 | 9841-PL06         | I   | 20.01.2022 |
| Parking Layout                     | 9841-PL07         | N   | 20.01.2022 |
| Proposed Site Plan                 | 9841-PL08         | G   | 20.01.2022 |
| Proposed Roof Plan                 | 9841-PL09         | I   | 20.01.2022 |
| Proposed Site Plan                 | 9841-PL10         | H   | 20.01.2022 |
| Street Scene                       | 9841-PL12         | K   | 22.11.2021 |
| Proposed Sections                  | 9841-PL15         | E   | 22.11.2021 |
| Proposed Floor and Elevations Plan | 9841-PL20         | H   | 22.11.2021 |
| Proposed Floor and Elevations Plan | 9841-PL21         | H   | 22.11.2021 |
| Proposed Floor and Elevations Plan | 9841-PL22         | I   | 22.11.2021 |
| Proposed Floor and Elevations Plan | 9841-PL23         | H   | 22.11.2021 |
| Proposed Floor and Elevations Plan | 9841-PL24         | H   | 22.11.2021 |
| Proposed Floor and Elevations Plan | 9841-PL25         | I   | 22.11.2021 |
| Proposed Floor and Elevations Plan | 9841-PL26         | I   | 22.11.2021 |
| Proposed Floor and Elevations Plan | 9841-PL29         | L   | 22.11.2021 |
| Proposed Floor Plans               | 9841-PL31         | G   | 25.02.2022 |
| Proposed Floor and Elevations Plan | 9841-PL32         | J   | 22.11.2021 |
| Proposed Floor and Elevations Plan | 9841-PL40         | F   | 25.02.2022 |
| Proposed Floor Plans               | 9841-PL41         | G   | 25.02.2021 |
| Proposed Elevations                | 9841-PL42         | K   | 22.11.2021 |
| Planning Layout                    | 9841-PL50         | H   | 25.02.2022 |
| Illustration                       | 9841-PL71         | D   | 22.11.2021 |
| Illustration                       | 9841-PL72         | D   | 22.11.2021 |
| Illustration                       | 9841-PL73         | D   | 22.11.2021 |
| Means of Enclosure                 | 100554_01_0100_02 | P10 | 20.01.2021 |
| Drainage Details                   | 100554_01_0500_01 | P02 | 14.07.2021 |

## APPENDIX B – CONSULTATIONS

### Parish Consultation

OBSERVATIONS: The Committee welcomed the amendments to the designs. They regretted the fact that the 'Square' was still a T-junction rather than a square, and the fact that the play area wasn't in the middle of the development.

### Parish Consultation

OBSERVATIONS: The Committee raised concerns over the ongoing absence of full information regarding the layout and finishing detail on design.

The Committee would wish to see a commitment for all of the dwellings to use renewable energy schemes. They felt it was short sighted to phase the implementation of these. The Committee raised concerns over the acoustic boundary for the tip.

The Committee raised concerns over the pedestrian access from Fairbridge Way for the main access to the site. They were concerned over the implementation of the proposed footpath to the North East, the Committee wished to see a full commitment for this to be completed.

The Committee raised concerns over the insufficient and inadequacy cycle storage which was not clear from the details.

## MSDC Urban Designer

The layout and design approach can be commended in the following respects:

- The blocks of flats on the southern boundary have an appropriate scale and open aspect and suitably animate and address Fairbridge Way. They are also generously set-back to accommodate green space with shrubs and trees, which as well as softening Fairbridge Way, will also provide the residents an acceptable outlook that will mitigate vehicle noise and pollution on this sometimes heavily trafficked road.
- While the main open space is marginally positioned within the layout, it nevertheless provides an important landscaped buffer near to the commercial uses and the queuing traffic outside the household waste site. This and the play area are also well overlooked by the adjacent block despite the lack of building frontages on the other sides of the space.
- The green edge along the north and west boundaries benefits from a continuous pedestrian link along the site boundary (that extends also to the east and south) and is overlooked by building frontages that face it and the attractive tree belt that characterises this edge.

The revised drawings feature the following improvements:

- The street frontages benefit from a more consistent arrangement as a result of grouping building types/heights and facing materials that provide underlying rhythm and order and these groupings also help distinguish the different streets/character areas across the scheme. The loss of the right-angle parking along the looped spine road has enabled a consistent building line and strong level of street enclosure that gives this street a more urban environment that appropriately distinguishes it from the other parts of the scheme. While the forward building line does not allow much space for tree planting, this is mitigated by the soft landscaping in the two pocket spaces (around the attenuation pond and at the main junction of the spine road).
- The blocks of flats benefit from better proportioned/ steeper gabled roofs. Blocks B01, B02, B03 adjacent to the main junction of the spine road (which features the pocket space) are now bookended with gables that appropriately gives this frontage more formality and verticality that ties it in with the gable fronted 3 storey houses that predominate along the southern leg of the spine road. Block B04 facing Fairbridge Way also benefits from this treatment which echoes blocks A01 and A02.
- An additional link is shown to the Freeks farm site on the north east corner that, providing it can be agreed with the developers of the Freeks Farm site (Countryside), should allow pedestrian and cycle movement to be better integrated with the eastern part of the Northern Arc including its schools, open spaces and neighbourhood centre.
- The set-back building frontage on the north west corner also no longer disrupts the continuity of the green link around the boundary.
- The private garden boundaries that face the streets and parking areas have been improved and now avoid close-boarded fencing in favour of walls and fencing framed by walls and brick posts.
- The return elevations are now sufficiently articulated.



Unfortunately, the layout of the scheme still suffers from being unacceptably dominated by parking in some areas. The introduction of a few additional trees does not do enough to soften and break up the extent of the parking on road A, road P1, road B, road D, road E which result in a bleak/hard-edged environment. Some of the other rear court parking areas notably road N and the parking serving blocks B01/B02 and accessed via road J1 are also too large and hard-edged; the latter also has inadequate natural surveillance.

In addition to this, I agree with the DRP's criticisms of the scheme:

- The overreliance on rendered facades diminishes the schemes architectural quality, and I share the DRP's concerns about the weathering properties of through-colour render. It should be noted that paragraph 6.2.23 in the Mid Sussex Design Guide (MSDG) states that "render is not a typical material used in Mid Sussex and therefore should normally be avoided, at least as the principal facing material"; the guide also states that "render facades often do not age well unless they are well maintained". Render is unfortunately also applied at the side and rear of the brick fronted houses that give the impression of a superficially applied façade; this does not accord with paragraph 6.3.19 of the MSDG which states "facing materials (particularly secondary materials) should be fully integrated and consistently used on all sides of buildings and not limited to just the front elevation as this can undermine the building's integrity and appear to be a bolted-on façade". Furthermore, there is a disappointing lack of detail to support the elevations which is especially needed as prefabricated construction (at this scale) is new to Mid Sussex (except for the few examples that date from the immediate post-war period).
- The scheme lacks a central focus. While the main junction of the spine road is the natural focus of the scheme, it is deserving of a more meaningful space to define it (as illustrated in the layout of the outline application) which is not provided by a modest set-back of the building line.
- It is disappointing that the scheme has no commitment to renewable energy, however, this is to some extent balanced by the sustainability advantages of pre-fabrication.

### Overall Assessment

The revised drawings have improved the scheme in several respects. Unfortunately, the dominance of the parking and the overreliance on rendered façade treatment and unconvincing application of facing materials significantly undermine the proposal; it is also disappointing that a more meaningful central space could not be provided. I therefore object to this planning application as it does not accord with design principles DG18, DG19, DG20, DG38 of the Council's Design Guide and policy DP26 of the District Plan.

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

The panel agreed that improvements have been made. The more consistent arrangement of the elevations and facing materials resulted in a better juxtaposition of the frontages and allows the different character areas to be more clearly distinguished. The additional link to the Freeks Farm site was welcomed, as was the removal of the 12-degree roofs on the Dallington houses. The set-back building frontage on the north west corner also no longer disrupts the continuity of the green link around the boundary.

Unfortunately, the scheme still lacks a proper central focus. The central space / pocket park remains an unconvincing space that is little more than a T-junction. The existing position of the looped access road presents an unfortunate constraint, however, given the scale of the scheme, consideration could have been given to reconfiguring some of it to achieve a better

central space (and overall arrangement). If this was still not possible, the carriageway could at least be raised at the spine road junction to achieve an "at grade" arrangement (employing a change of road surface to better suit a shared-type use) that would help make all sides of the junction feel as if they could be part of the same space. Alternatively, it was suggested that consideration might be given to dedicating one of the central development parcels to provide the central space.

The panel were disappointed about the continued overreliance on render finishes which overall diminishes the schemes architectural quality. There was concern that through-colour render would look drab as the proximity of trees is likely to result in algae staining over time. There were also doubts about the grey finish as it risked looking like cement.

Render is also unfortunately prominent on most of the brick fronted houses too as it is employed at the side and rear that reveals just a thin line of brick at the side that gives the impression of a superficially applied façade. Overall, the scheme would significantly benefit if most of the render was omitted and with the consistent application of materials at the front, side and rear of houses.

The CGI views suggest very flat elevations without great depth or articulation to the facades. As this may be a result of the prefabrication requirements, it is important that details of the construction are provided to confirm the quality. This also applies to the application of brick slips and movement joints as they will need to be carefully applied to ensure the facades look convincing.

While the principle of pre-fabrication was applauded in terms of its sustainability benefits, the panel were again disappointed by the short-sighted approach to renewable energy and the lack of future-proofing. As phase 3 will have to incorporate renewables to comply with the Building Regulation changes, and because there may be a future requirement to retrofit on phases 1 and 2, the scheme ought to be indicating where and how air source heat pumps and solar PV's can be accommodated. As drawn there seems to be limited scope both because of the lack of space within the plots and the limited number of roofs with a southerly orientation.

In conclusion, the panel felt that as this scheme will be the first large scale prefabricated development in the District in recent times it should be an exemplar. Unfortunately, it not only falls short of this mark, but the scheme's deficiencies risked making this development a soulless place to live.

### Overall Assessment

The panel object to this scheme.

### **MSDC Housing Officer**

I am writing to confirm that the proposal to swop the 4 bed wheelchair accessible unit from shared ownership to rented and to provide 17 of the 23 "core" 1 bed units as rented rather than shared ownership units is acceptable. I note that the size mix of the 93 "core" policy compliant affordable housing units to be provided will comply with the size mix in the section 106 agreement, but will now result in 57 "core" units (61%) being provided for affordable / social rent and 36 "core" units (39%) being provided for shared ownership. The split across the remaining units will comprise 50% affordable / social rented units and 50% shared ownership units. This will result in 54% of the units across the whole scheme being for affordable / social rent and 46% for shared ownership.

I would also wish to advise that final 1:50 plans for the 4 wheelchair accessible units (which take on board the comments previously provided and provide the confirmations previously advised as necessary) are still required and will need to be approved by our OT once the technical design stage has been completed. A condition to this effect will therefore need to be attached to the planning consent. This condition should also state that the 1B/2P wheelchair user flat must also have its own private outdoor space.

### **MSDC Drainage Officer**

I understand the flood risk and drainage information submitted for this application have been update following alterations to the development layout. I can confirm that our comments set out in our email dated 2021-08-16 remain valid and detailed drainage design can be addressed via the existing outstanding drainage condition.

#### Comments dated 16th August 2021

The proposed drainage system shall connect to the existing surface water drainage system constructed on the site. The existing drainage system appears to have been designed and built to facilitate the storage requirements of the entire site and therefore this connection is considered acceptable in principle.

The outline planning application (DM/19/1895) makes reference to the drainage system having been installed on site prior to the outline application.

The existing (and therefore proposed) drainage system utilises a variable discharge rate and has been designed to cater for the 1 in 100-year storm with 30% allowance for climate change. I understand from reviewing the planning history of the site that the existing drainage system's design was approved under application DM/18/1169.

We would usually require a fixed discharge rate set to the Greenfield QBar rate for the drained area only and for the system to cater for the 1 in 100-year event with a 40% allowance for climate change. However, given the prior approval for the drainage approach and that part of the drainage system has been constructed the proposed drainage approach is considered acceptable in this instance.

We would advise the applicant that the consultation response associated with DM/18/1169 recommends that the future development of the houses on the site review the potential to reduce the discharge rates from the site.

As part of the detailed drainage design to be submitted at a later date to address the drainage condition we will require the following;

- Evidence that consideration has been given to providing additional attenuation to allow the discharge rates from the site to be lowered.
- Standard detailed drainage design requirements (e.g. drawings, calculations, construction details).
- Evidence that the existing drainage system has enough capacity to cater for the proposed surface water drainage connections with no negative impacts to discharge rates. This should include comparisons of the discharge rates and volumes allowed for within the original drainage design and the proposed discharge rates and volumes.

It is the Flood Risk and Drainage Team's opinion that drainage can be achieved on the site. The impact of any alterations to the drainage system required at detailed design stage is likely to be minimal.

## **MSDC Environmental Protection Officer**

To be reported

## **MSDC Tree and Landscape Officer**

I can confirm the amended landscape plans have addressed my previous concerns and are now satisfactory.

### Summary of previous comments

The AIA and AMS which includes the Tree Retention/Removal and Protection Plan (TRRP) are detailed and prescriptive and should be fully adhered to throughout the development.

Recommend revisions to a number of elements of the propose planting schedule to include more native species.

## **WSCC Highways**

I can confirm that the revised cycle parking is now acceptable. The position of the stands closest to the walls are very close to the walls of the enclosure (just short of 60mm would be available between the stand and the wall) but having looked at lock thicknesses etc., most types should fit through the gaps to permit bikes to be locked.

The reduction in cycle spaces is noted.

As for EV parking and the modification I referred to in my previous response, this too appears to have been done and is now acceptable.

### Summary of Previous Comments (available to view in full on planning file)

There is a series of responses from the LHA as the applicant provided additional information to address the points raised, which are available to view of the planning file. The above comments the final response received from the LHA on the final outstanding matters.

Initial comments identified the need for additional information relating to site access visibility splays, visitor parking arrangements, EV charging, cycle parking provision and internal road transitions between traditional carriageways and shared-surfaces.

## **WSCC Fire and Rescue**

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.
- 3) 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.

### **Southern Water**

The submitted landscape master plan (drawing no.2943-5 DR-5000 S4-P17) indicates easements to the public foul rising mains and foul sewers which be satisfactory to Southern Water.

Should the applicant wish to offer the sewers for adoption under section 104 of the Water Industry Act, the drainage design should comply with the Sewerage Sector Guidance standards and Southern Water's requirements. Please note that non-compliance with the Sewerage Sector Guidance standards will preclude future adoption of the foul and surface water sewage network on site. The design of the drainage should ensure that no groundwater or land drainage is to enter public sewers. Application for adoption of sewers by Southern Water can be made via the online service, get Connected.

Please note: Southern Water requires existing access arrangements to the wastewater pumping station to be maintained with regards to unhindered 24 hour / 7 days a week access.

Under current legislation, Southern Water can consider the adoption of SuDS if they are to be designed and constructed in line with the Design and Construction Guidance. No new soakaways, swales, ponds, watercourse, associated attenuation tanks or any other surface water retaining or conveying features should be located within 5 minutes of a public or adoptable gravity sewer, rising main or water main.

The Council's technical staff and the relevant authority for land drainage consent should be consulted regarding for surface water disposal.

MID SUSSEX DISTRICT COUNCIL

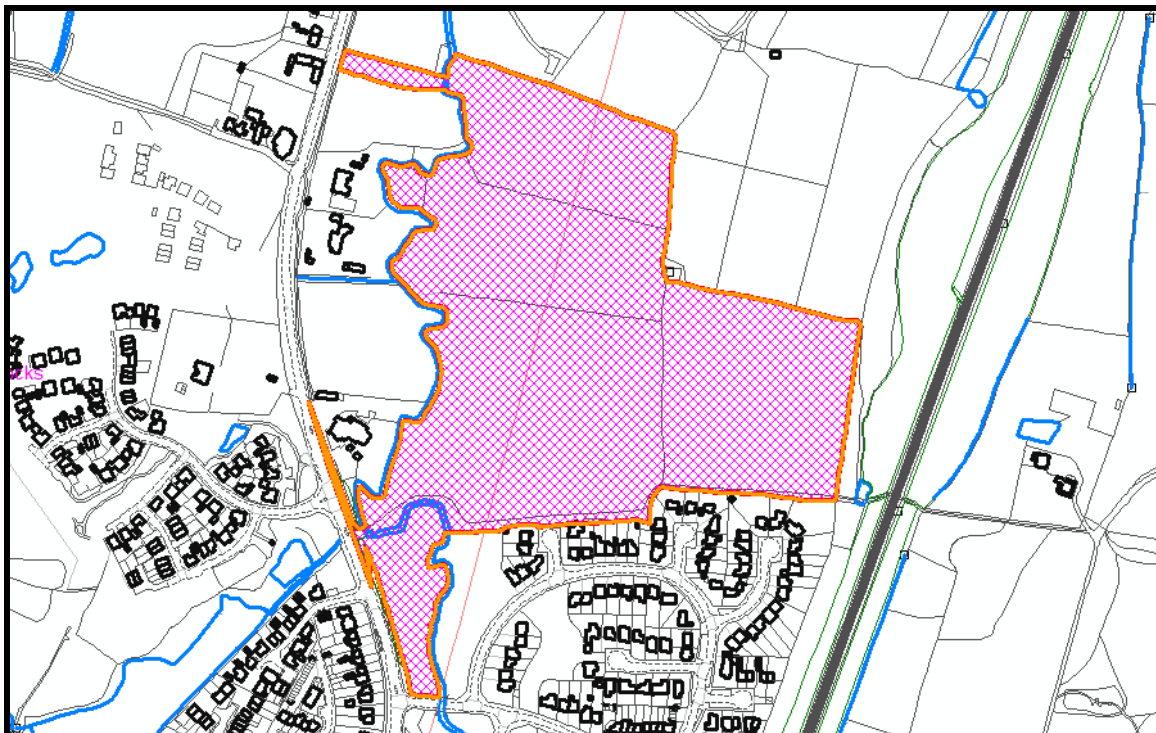
District Wide Committee

**17 MAR 2022**

RECOMMENDED FOR PERMISSION

**Hassocks**

**DM/21/2628**



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**LAND TO THE REAR OF FRIARS OAK LONDON ROAD HASSOCKS WEST SUSSEX**

**RESERVED MATTERS APPLICATION FOR THE APPROVAL OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE AT LAND R/O FRIARS OAK PURSUANT TO OUTLINE PLANNING PERMISSION DM/19/1897, COMPRISING OF A RESIDENTIAL DEVELOPMENT OF 130 DWELLINGS AND ASSOCIATED ACCESS TOGETHER WITH CHANGE OF USE OF PART OF THE LAND TO COUNTRY OPEN SPACE, FOLLOWING THE PROVISION OF A NEW PEDESTRIAN TUNNEL UNDER THE RAILWAY. (ADDITIONAL BIODIVERSITY REPORT AND ENERGY STRATEGY REPORT RECEIVED 31 JANUARY AND 1 FEBRUARY.)**

**RYDON HOMES LTD**

POLICY: Area of Special Control of Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Flood Map - Zones 2 and 3 / Planning Agreement / Planning Obligation / Public Right Of Way / Road Improvement Act Agreement / Aerodrome Safeguarding (CAA) / Sewer Line (Southern Water) / SWT Bat Survey / Tree Preservation Order Points / Archaeological Notification Area (WSCC) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 21st January 2022

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

CASE OFFICER: Steven King

#### **PURPOSE OF REPORT**

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

#### **EXECUTIVE SUMMARY**

This application seeks reserved matters consent for the approval of appearance, landscaping, layout and scale at Land Rear of Friars Oak pursuant to Outline Planning Permission DM/19/1897, comprising of a residential development of 130 dwellings and associated access together with change of use of part of the land to country open space.

The site benefits from an outline planning permission, granted under reference DM/19/1897, and the details contained within this application are submitted pursuant to this outline permission. This application needs to be determined within the context and parameters established within the outline permission, having regard to the policies within the Development Plan (Mid Sussex District Plan (DP) and Hassocks Neighbourhood Plan (HNP)). The outline application considered detailed matters associated with the access (onto London Road), impact on the local highway network and impact on local infrastructure and this application does not present an opportunity to revisit those matters.

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 application to be assessed against the policies in the development plan (consisting of the DP and HNP) and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF).

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 for it to be in accordance with the Development Plan.

The proposal is considered acceptable in respect of the layout, appearance and scale, with no objections being raised by the Council's Urban Designer and with support from the Design Review Panel. The scheme follows a perimeter block layout that allows the houses on the edge of the site to face out onto the attractive countryside and internally allows for a traditional arrangement with the rear gardens of the houses backing on to one another. It is considered that the scheme is well ordered, and the houses are grouped into appropriate character areas. The proposed landscaping for the site is considered to be acceptable.

The proposal is supported by an Energy Strategy Report which demonstrates that the development will deliver carbon reduction over Building Regulations requirements.

The 39 units of affordable housing are policy compliant and the mix and location accords with the Councils requirements.

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

The application is considered to comply with policies DP17, DP21, DP22, DP26, DP27, DP29, DP30, DP31, DP38, DP39 and DP41 of the Mid Sussex District Plan, policies 3, 4, 5, 8, 9 and 11 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD and the NPPF.

### **RECOMMENDATION**

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

## **SUMMARY OF REPRESENTATIONS**

### Original plans

17 letters of objection

- previous applications have been refused and this should also be refused
- there are inadequate school places for the proposed development
- play space should be provided closer to the housing
- no work should take place until the railway tunnel is complete
- development is weak on biodiversity and on sustainable design
- development looks tight and squeezed in
- concerned about this increasing flood risk and affecting house insurance
- will cause a loss of view

- is an over development of the area
- concerned that there are protected species in and around the site such as bats and birds of prey
- we frequently see a variety of frogs, toads, reptiles, slow worms, and newts in the field
- proposed houses are too close to 12, 13 and 14 The Spinney
- inadequate car parking
- veteran trees and hedgerows should be retained
- will cause air pollution
- who will ensure that the developer complies with the ecological and landscaping plans
- will result in urban sprawl
- contrary to Neighbourhood Plan
- design of housing looks uniform and unappealing
- footpath should be upgraded into a bridleway

### Amended plans

13 letters of objection:

- site has 31 species of butterfly
- will have an adverse impact on traffic and will add to air pollution
- the building is in an area that regularly floods
- there is a lack of local services within walking distance such as doctors, schools , shops
- if approved it should be to the highest green standards, e.g. no gas boilers and with EV charging points
- proposal doesn't comply with policy 5 in the Neighbourhood Plan
- development is too squeezed in
- there are newts in the ponds on the adjacent property
- Nightingale and other rare birds visit the site
- houses are not required because of the houses that are planned at Clayton Mills
- contrary to Hassocks Neighbourhood Plan
- development is not sustainable
- hedgerows on the south of the site must be retained as a screen and to retain habitat
- previous applications for residential development on the site have been refused
- there is a legal requirement for local plans in England to ensure that they include policies to mitigate and adapt to climate change in their local plans, and fully take into account the UK's net zero commitment under the Climate Change Act. MSDC Councillors therefore have the powers under the Planning and Energy Act 2008 and the guidance from the NPPF to ensure that new build developments (and alterations) are done in an energy efficient way to comprehensively mitigate climate change.
- every new build that does not fully mitigate climate change will have to be retrofitted in some way to do so. The anticipated costs of retrofit and climate mitigation should be taken into account by MSDC in determining this planning application.

- is not compliant with Hassocks Neighbourhood Plan Policy 5, which requires that the development proposal should maximise sustainable design features. Nor with policy DP39 that says renewable sources of energy should be used. Adverse local impacts have to be made acceptable.
- it is time that MSDC stood up for the rights of residents to have their council properly mitigate climate change, and used its power to apply the Planning and Energy Act Developers can and should be required to go much further in energy efficiency than the current low standard that the building regulations requires. I request that MSDC places a condition on these houses that they are all built to the same energy efficiency standard, and that none of them have gas boilers but use heat pumps instead. It is quite clear that Rydon Homes is ready and willing to do this.
- development will cause additional air pollution in an area that already has a problem with an air quality management area
- development is in a flood plain and will be at risk of flooding and cause flooding
- will lighting be switched off at night so the scheme doesn't add to light pollution and be visible from the South Downs National Park
- public right of way should be enhanced to a bridleway
- affordable housing should be better integrated across the development
- MSDC should bench mark and seek verification of the developer funded Biodiversity Net Gain report

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

### **Highway Authority**

No objection.

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

No objection.

### **Public Rights of Way Officer**

The proposed width of 3.5m across FP5K is acceptable. I'm happy to note that any existing stiles along FP5K will not be retained. With regards the upgrade from footpath to bridleway, all that is required to make the upgrade a reality is landowner permission either by permissive agreement or by formal arrangement and I would ask the applicant to consider providing this.

### **WSCC Water and Access Manager**

Request a condition regarding the provision of fire hydrants.

### **Southern Water**

Southern Water would have no objections to the reserved matters application for appearance, landscaping, layout and scale submitted by the applicant.

The Submitted drainage layout shows (C3582-DS001) proposed foul rising main directly connected to public gravity sewer which is not acceptable to Southern Water. Please note a manhole and short length of gravity pipe work will normally be required between the rising main and the public sewer.

### **Environment Agency**

No objection.

### **Sussex Police**

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

### **Ecological Consultant**

I have no particular comments to make in relation to the proposed layout and the submitted Outline Landscape and Ecological Management Plan (LEMP) appears to be along the right lines. Happy to comment further when the final LEMP and other information required by Condition 4 is submitted.

### **Environmental Protection Officer**

In relation to the electric vehicle charging infrastructure, the provision of charging points illustrated in Drawing No. 1027-RM-12 (dated November 2021) is acceptable.

### **MSDC Housing Officer**

The plans submitted show that the development is to be brought forward in three phases. Phase 1 plans to deliver 43 units of which 13 are Affordable Housing units, Phase 2 to deliver 45 units of which 14 are Affordable Housing Units and Phase 3 to deliver 42 units of which 12 are Affordable Housing units. This is acceptable.

Three out of the four clusters are policy compliant, with one looking to deliver 11 units. In this instance we are willing to accept the cluster of 11 units as previously advised.

### **MSDC Drainage Engineer**

No objection to the development subject to the existing planning conditions being addressed as part of a discharge of conditions application.

### **Tree Officer**

No objection subject to condition.

## Community Facilities Projects Officer

The play area would be best located in the central open space rather than tucked away in the northern open space.

## Urban Designer

I agree with the DRP's assessment of the scheme and the scheme now sufficiently accords with policy DP26 of the District Plan and the principles set out in the Council's Design Guide. I therefore raise no objections, but would recommend that the following conditions are included to secure the quality of the design:

- Hard and soft landscaping details including boundary treatments across the scheme and detailed section drawings of the attenuation ponds and flood compensation area.
- Details of the facing materials.
- 1: 20 scale elevations and section (shown in context) of the typical entrance canopies and windows in the central area.

In respect of sustainability, I understand that the applicant will be commissioning an Energy Statement and would recommend that an appropriately worded condition is included that secures the relevant commitments and/or key targets within the document.

## PARISH COUNCIL OBSERVATIONS

Comments: Hassocks Parish Council continues to RECOMMEND REFUSAL to this application on the same grounds as previously raised on 11 August 2021, with further additional information relating to item 4 Sustainable Design.

1. PROW 5K/Non-Car Route provision.
  - i. As part of Hassocks Parish Council's commitment to creating easy to use Non-Car Routes in Hassocks, it is important that:
    - The Footpath 5K which runs through this site is maintained at 3.5 metres wide and that the developer provides a heavy duty hard surface to allow use by both pedestrians and cycles throughout the year. This will allow safe direct Pedestrian and Cycle access for the new Rydon development (as well as the Bellway development west of the London Road) into Hassocks Centre and schools. Also, that the contractor accepts and facilitates an upgrade of PROW 5K to Bridleway status by WSCC.
    - The proposed footpath link at the NW corner of the site be upgraded to allow a more direct cycle route access from the Rydon development onto the Cycle Route to Burgess Hill.
    - A safe cycle route and crossing arrangement be provided at the A273 London Road junction to allow cyclists to cross safely to the Bellway development.
  - ii. Plots 74 and 75 and the apartment block containing plots 80 -83 are very close to the PROW and will create a narrow tunnel like walkway between the hedgerow and fencing. Furthermore, the apartment block is too close to the large tree to the

west. The position of these properties need to be adjusted accordingly and the footpath widened.

## 2. Electric Charging Points

In view of the Government's accelerated timescales for conversion to electric vehicles it would be appropriate to install a higher level of charging points. The Council would therefore like to see:

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

## 3. Allotments

The Parish Council has significant excess demand for Allotments and the Northern Open Space would offer an opportunity to meet that demand. It is therefore requested that consideration is given to one third of the northern field being allocated to the Parish Council for allotments. The eastern part of the field would meet this need and have minimal effect on the proposed layout of the site.

## 4. Sustainable Design.

According to page 9 of the Design & Access Statement published on 14 July 2021, this development is designed to "comply with extant building regulations", and will follow a "fabric first strategy "coupled with micro renewable energy" (i.e. insufficient) "or air source heat pumps where appropriate". This scant information is insufficient for members of the public and councillors to understand how sustainability will be delivered. If the buildings only meet 2010 Building Regulations extant in January 2022, then by definition they are not sustainable. The Council notes that none of the houses that are planned, will actually start to be built before 2023 - before that date only infrastructure works are proposed to be undertaken.

MSDC has a duty to ensure that the policies of the District Plan (especially DP39) and Neighbourhood Plan (especially NP5) are respected and adhered to. It is deeply regrettable that MSDC Councillors voted 8:4 against upholding these policies in the matter of the land North of Clayton Mills site following the advice from MSDC Planning Officers. Over 1,000 people voted for the Neighbourhood Plan policies, with only a handful against, so the wishes of the population of Hassocks have been completely ignored.

Two reasons were given in that case for refusal: (1) that if the developer has met or slightly exceeded the conditions of the Building Regulations for energy efficiency, then MSDC cannot ask for more; and (2) that the District had the 500 houses in its housing delivery plan and refusal of this application would put Mid Sussex behind in that delivery and risk the District Plan being declared "out of date". Both these reasons are invalid and cannot be used in this matter of DM/21/2628.

This is why:

(1) In its response to the consultation on the Future Homes Standard, the Government has announced that "To provide some certainty in the immediate term, the Government will not amend the Planning and Energy Act 2008, which means that local planning authorities will retain powers to set local energy efficiency standards for new homes". Thus, MSDC has the power to set its own standards, and has already done so through policies DP39 and NP5. Note that policy NP5 requires that energy efficiency should be maximised. Therefore, the reason given for not requiring the greater energy efficiency required by DP39/NP5, is invalid.

(2) MSDC now has a further 500 homes with approved planning, so the risk that refusing the 130 new homes at Friars Oak would make the housing delivery plan "out of date" must be considerably less. In any event the argument is specious because, if the 130 homes were refused on the grounds that they had not demonstrated a high enough standard of energy efficiency, it is a simple matter for the developer to make a fresh application within weeks, providing adequate energy efficiency details demonstrating (for example) how the LETI standards for new homes energy efficiency will be met and all other details remaining largely unchanged. There would be no objection on sustainability grounds to the fresh application.

What would not be acceptable to the voters who voted for the Neighbourhood Plan, is that a planning application should be granted now, in which the "old" 2010 Building Regulations be allowed to apply to these 130 new homes on the grounds that they are "started" before 15 June 2022, when the 2021 amendment to the 2010 Building regulations comes into effect. To prevent such shameful underhandedness, MSDC Councillors are requested to impose a condition that all the homes are built to the same standard, namely to meet and exceed those regulations that come into force on 15 June 2022.

To further ensure that these houses are built to the best possible standard and do not require expensive retrofit of additional renewable energy technology or further energy saving measures, MSDC Councillors are requested to impose an additional condition, that there is no gas supplied to the site and all heating is provided by ground- or air-source heat pumps. As there is a sizeable stream on site, the water table is very close to the surface and boreholes for closed-loop or open loop ground source heat should be easy to include in the infrastructure works if the developer chooses to do it that way.

Alternatively MSDC Councillors could require that the houses are built to the LETI Medium and Large Scale Housing design standard which is published and available at the following web address: LETI Medium and Large Scale Housing standard.

[https://b80d7a04-1c28-45e2-b904-e0715cface93.filesusr.com/ugd/252d09\\_dfa8ae10c10144d9828b0caf6e7b7aa1.pdf](https://b80d7a04-1c28-45e2-b904-e0715cface93.filesusr.com/ugd/252d09_dfa8ae10c10144d9828b0caf6e7b7aa1.pdf)

## 5. Character and Design

It is considered that the proposed housing designs are lacking in interest and variety and are of limited character. The application is therefore contrary to Policy DP26: Character and Design of the District Plan and Policy 9: Character and Design of the

Hassocks Neighbourhood Plan; and not in alignment with the Mid Sussex Design Guide. It is felt the designs could be improved upon to create a far more pleasing and interesting development for residents.

It is also considered that the development site provides insufficient public green space.

## 6. Layout

The affordable housing is located very close together rather than distributed evenly throughout the site which would be a more acceptable proposal.

## 7. Existing Hedgerow

Clarification is sought as to the proposals for the hedgerow which borders the southern edge of the development. It is unclear from the documentation whether the hedgerow falls within the boundary of the development or is under the ownership of the existing properties. It is also unclear whether this hedgerow is to be maintained in its entirety.

A robust hedge is necessary to protect the privacy and boundary of the existing housing and additional planting maybe required to ensure this.

## 8. Community Funding

It is requested that the Community Building Contribution from the development is prioritised for improvements to the hall at St Francis Church, Priory Road, Hassocks which is in close proximity to the proposed development and highly likely to be used by residents living there.

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## **INTRODUCTION**

This application seeks reserved matters consent for the approval of appearance, landscaping, layout and scale at land rear of Friars Oak pursuant to Outline Planning Permission reference DM/19/1897, comprising of a residential development of 130 dwellings and associated access together with change of use of part of the land to country open space.

## **RELEVANT PLANNING HISTORY**

A planning application (reference DM/15/0626) for the following development was reported to the District Planning Committee on 13th October 2016:

'Hybrid planning application comprising outline application for access only for residential development of 130 dwellings consisting of 12no. 1 bed apartments, 27no. 2 bed houses, 47no. 3 bed houses and 44no. 4 bed houses and associated access, together with change of use of part of land to form country open space.'



Members resolved to approve the application subject to the completion of a satisfactory legal agreement to secure the necessary affordable housing and infrastructure contributions. Prior to the decision being issued, the application was called in by the Secretary of State (SoS) for his own determination.

A Public Inquiry was held on 6th to 8th June 2017. The Planning Inspector appointed by the SoS recommended that the planning application be refused for the sole reason that in the absence of any measure to improve the safety of the unmanned railway crossing, permitting the proposed development in such close proximity to it would involve an unacceptable risk to the safety of future occupiers. The SoS accepted the recommendation of his Inspector and refused planning permission for the development on this basis on 1st March 2018.

Following this a planning application for the following development was submitted to the Local Planning Authority (LPA) under reference DM/18/2342:

'Hybrid application comprising of outline proposal for residential development of 130 dwellings consisting of 12no. 1 bedroom apartments, 27no. 2 bedroom houses, 47no. 3 bedroom houses and 44no. 4 bedroom houses and associated access, together with change of use of part of the land for country open space, following the provision of a new footbridge across the railway. All matters reserved apart from access.'

This application was recommended for approval at the District Planning Committee meeting on 29th November 2018 but was refused for the following reasons:

1. The site of the application lies in the countryside as defined in the District Plan. The Local Planning Authority can demonstrate a 5 year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been allocated for residential development in the District Plan. As such the proposal would conflict with policy DP6 of the District Plan as the proposed development does not meet any of the criteria listed in this policy. The proposal would not maintain or enhance the quality of the rural and landscape character of the District, as by definition built development will lead to the loss of open countryside, and does not meet either of the criteria in policy DP12 for development that will be permitted in the countryside. As such the proposal would conflict with policy DP12 of the District Plan. The proposal also conflicts with policy DP15 of the District Plan as it does not meet any of the criteria listed in this policy.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state the determination of a planning application must be carried out in accordance with the development plan unless material considerations indicate otherwise. As the Local Planning Authority can demonstrate a 5 year housing land supply the policies in the District Plan command full weight. The conflict with policies DP6, DP12 and DP15 means that the proposed development is in conflict with the development plan when read as a whole. There are no material considerations that would justify a decision otherwise than in accordance with the development plan.

2. The proposal fails to provide the required infrastructure contributions necessary to serve the development and the required affordable housing. The proposal therefore conflicts with policies DP20 and DP31 of the District Plan.

An appeal against this decision was allowed by the Planning Inspector on 1st November 2019.

A separate outline planning application (reference DM/19/1897) for the following development was reported to the District Planning Committee meeting on 25th July 2019 and the planning permission was subsequently approved on 16th October 2019:

'Hybrid application comprising of outline proposal for residential development of 130 dwellings consisting of 12no. 1 bedroom apartments, 27no. 2 bedroom houses, 47no. 3 bedroom houses and 44no. 4 bedroom houses and associated access, together with change of use of part of the land to country open space, following the provision of a new pedestrian tunnel under the railway. All matters reserved apart from access.'

## **SITE AND SURROUNDINGS**

The site of the application is a broadly L shaped area of land located to the east of the London Road, Hassocks. The site is to the east of the Friars Oak Public House. The site consists of fields that are laid to grass. The total site is some 10.51 hectares.

Within the southern part of the site there is a public right of way that runs from west to east. To the south of this is the built up area of Hassocks, which includes the residential properties on Shepherds Walk, The Bourne, Bankside and The Spinney. To the east there is a wooded embankment that leads up to the London to Brighton railway line. The public right of way crosses the railway line and then goes eastwards into Hassocks. A tunnel is currently being provided beneath the railway line. To the west of the site there is the Herring stream with the Friars Oak public house to the southwest. To the north there are trees and hedges along the field boundaries with open fields beyond this.

There is an existing access point to the southwest that crosses the stream and provides access into the site.

In terms of planning policy the site lies within the countryside as defined in the District Plan (DP).

## **APPLICATION DETAILS**

The application seeks reserved matters consent for the approval of appearance, landscaping, layout and scale at land rear of Friars Oak pursuant to Outline Planning Permission reference DM/19/1897, comprising of a residential development of 130 dwellings and associated access together with change of use of part of the land to country open space. The means of access into the site from the London Road has been approved at the outline stage.

The plans show the vehicular access from the London Road being some 160m in length before it reaches the proposed houses. To the southeast of this access road is a flood compensation area and to the northwest is one of three attenuation ponds. There are further attenuation ponds on the western side of the site and the north western part of the site.

The site would be arranged in a perimeter block layout, with the houses facing towards the roads within the site, with the majority of the houses having rear gardens that back on to one another. Within some of the blocks there are rear court car parking areas.

The layout uses the existing field layout with three parcels of development. There is a play area in the centre of the site, which measures some 61m by 23m.

The mix of houses will accord with what was approved at the outline stage. This is as follows:

#### Open Market Units

10 No. 2 Bedroom House  
37 No. 3 Bedroom House  
44 No. 4 Bedroom House

#### Affordable Units

12 No. 1 Bedroom Apartment  
17 No. 2 Bedroom House  
10 No. 3 Bedroom House

### **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 (DP) and Hassocks Neighbourhood Plan (HNP).

National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (PPG)) 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:

DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP20 Securing Infrastructure

DP21 Transport

DP22 Rights of Way and other Recreational Routes

DP26 Character and Design

DP27 Dwelling 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

### **Neighbourhood Plan**

The Hassocks Neighbourhood Plan was made on 24 June 2020 and forms part of the development plan for this part of Mid Sussex.

Policy 3: Green Infrastructure

Policy 4: Managing Surface Water

Policy 5: Enabling Zero Carbon

Policy 8: Air Quality Management

Policy 9: Character and Design

Policy 11: Outdoor Playing Space

*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.

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

### *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**

As this is a Reserved Matters submission, the principle of development of the site has already been established. The outline planning permission also approved the means of access into the site from the London Road. Therefore, the impact of the development on highway safety and capacity has already been considered at the outline stage and this application does not represent an opportunity to revisit those matters. The scope of this application is limited to the layout, appearance, scale and landscaping of the proposed 130 dwellings.

Application DM/19/1897 also approved the use of the northern most parcel as an area of open space, so this element of the scheme is also established. With this in the mind the main issues that need to be considered in the determination of this application are as follows.

- Layout, Appearance, Scale and Landscaping
- Sustainability
- Affordable Housing
- Neighbour amenity
- Access and Transport
- Drainage
- Ecology / Biodiversity
- Infrastructure
- Impact on Ashdown Forest
- Other matters (Air quality, Noise)
- Planning Balance and Conclusion

## **Layout, Appearance and Scale**

Policy DP26 in the DP states:

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

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

Policy 9 in the HNP has similar aims and states:

*'Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:*

1. *Is of high quality design and layout;*
2. *Contributes positively to the private and public realm to create a sense of place;*
3. *Respects the character and scale of the surrounding buildings and landscape;*
4. *Protects open spaces and gardens that contribute to the character of the area;*
5. *Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;*

6. *Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;*
7. *Creates safe, accessible and well connected environments;*
8. *Protects existing landscape features and contributes to the village's Green Infrastructure network;*
9. *Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and*
10. *Positively responds to the local vernacular character of the defined Local Townscape Character Area.'*

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

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

The scheme has been carefully considered by the Council's Urban Designer and the Mid Sussex Design Review Panel (DRP) and their comments can be found in full in Appendix B of this report.

### Layout

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

The layout of the scheme broadly follows the illustrative layout that was submitted with the outline planning application. In respect of the layout, the Urban Designer states:

*'The layout benefits from:*

- *A perimeter block arrangement which ensures that streets and boundaries are addressed/overlooked including the attractive open spaces and tree belts/hedgerows that bound the site; the exception to this is the open space on*



*the northern side as this space is largely screened by an existing hedge which I understand has to be retained for ecological reasons.*

- *Strong consistent building lines / good street enclosure which is aided by the forward position of car barns at the side of houses that provides for continuous building frontages in the central area.*
- *Well integrated parking that does not dominate the street environment; this has been achieved by incorporating most of the parking either at the side of houses or in small rear court parking areas.*
- *Different character areas that give the scheme some diversity/variety and positively contributes to its legibility. In particular, the perimeter of the development mostly incorporates lower density and informally organised detached housing especially where it abuts the rural edge, with higher density housing appropriately located into the central zone that feature continuous and more consistent frontages. The rural/northern edge areas also feature shared surfacing that, together with different soft landscaping, distinguish these areas from the central area that has a conventional arrangement of separate paths each side of the carriageway.'*

He further notes that following the initial Design Review Panel, revised drawings secured the following improvements:

- *'A new open space has been integrated in the heart of the scheme providing the layout with a central community focus (that it was previously lacking) which benefits from a well overlooked play area; this open space also successfully breaks-up the development parcels.*
- *The opportunity has been taken to introduce more street trees, particularly along the straightened and more formalised north-south axis which helps to draw the eye towards the large open space on the northern boundary and distinguishes this principal road from the more organic arrangement of the rest of the site.*
- *The parking arrangement has been further improved by employing more car barns positioned on the street frontage principally in the central area; this along with additional houses has especially improved the street enclosure along the north-south axis that, together with the other measures, helps to reinforce its principal role within the layout. The parking serving the blocks of flats 75-82 has also reduced its impact upon the street frontage by being rearranged into a formal rear court area.'*

Having regard to the above, and the detailed comments set out in appendix B both from your Urban Design and the Mid Sussex Design Review Panel, it is considered that the layout is satisfactory and provides for a legible and accessible development.

The Urban Designer has advised that because the flood compensation area and attenuation pond dominate the open space on the southern side and, as this is the main approach to the site, they will need to be carefully landscaped so they contribute positively and don't detract from the scheme. Your Planning Officer agrees with this and a condition is recommended regarding this matter.

The full comments of Sussex Police on the application are set out in appendix B. Sussex Police have commented that *'In the main the amended design and layout have created back to back gardens which have eliminated the need for vulnerable*

*rear gardens, but there does appear to be a small number present.* They refer to the parking court for plots 37 to 54, stating that this provides access to the rear of 18 properties. Rear court parking is a useful device for accommodating car parking so that it doesn't dominate the street scene and makes efficient use of land. In this case the parking court is modest in size (16 spaces) and is overlooked on all four sides by the houses that surround it. It is your Planning Officer's view that these elements of the scheme are acceptable and there are no grounds to resist the application related to crime prevention.

Sussex Police have also made specific comments about the rear car parking for plots 93 to 97. These are modest areas that are overlooked by the houses that adjoin them to the east and west. Again, it is your Planning Officers view that this element of the scheme is acceptable and there are no grounds to resist the application related to crime prevention.

It should be noted that notwithstanding the comments, no objection has been raised by Sussex Police from a crime prevention perspective.

### Appearance

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

The layout of the site is organised into 4 different areas: central zone, rural edge and river corridor and northern edge. There is also a central open space. The aim of this is to differentiate the different areas within the development to give them their own character.

The central area comprises predominately semi-detached and terrace houses with key buildings and apartments used to turn corners and terminate vistas. Materials would comprise red brick, plain red tiles and natural slate, grey framed windows and contemporary doors.

The rural edge and river corridor would be more informal and be predominately detached and semi-detached houses with apartments used at key location. Materials would comprise red brick, plain red tiles and natural slate, casement style windows and cottage style doors.

The northern edge would be detached houses only. Materials would comprise red brick, vertical tile hanging and weatherboarding, plain red tiles and natural slate, casement style windows and cottage style doors.

The Urban Designer has made the following comments on the appearance of the proposed buildings:

*'The revised drawings have significantly improved the elevations. In particular, the introduction of contemporary-styled buildings in the central area, not only provides a clean/crisp aesthetic but it also helps further distinguish this area from the more traditionally influenced building design in the rural and northern edges.*

*Additional attention has been given to the vista buildings which have now been designed to address and terminate the key axis.*

*The houses at the site entrance have been reorganised with their principal elevation facing towards the entrance approach and open space on the southern side.*

*The east-west roads in the central area are distinguished from the other roads as they now principally feature repeated gable-fronted houses that benefit from underlying rhythm.*

*The elevations throughout the scheme also mostly benefit from consistent use of hanging tiles and weatherboard type cladding on all sides of the buildings.*

*The applicant has responded to the DRP's detailed comments and agreed that the transoms and mullions can be subject to a condition which I would like extended to the window design. I would also like the entrance canopies/porches to be covered by condition.'*

Your Planning Officer agrees with the comments of the Urban Designer. In respect of appearance, it is considered that the application complies with policy DP26 of the DP, policy 9 of the HNP and the principles with the Mid Sussex Design Guide.

### Scale

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

With regards to heights, the vast majority of the development will consist of 2 storey and 2.5 storey houses with single storey garages. Two 1.5 storey elements are included at the northern edge to tie in with their rural environment. It is considered that the scale of the development is acceptable.

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

As such, it is considered that the proposal complies with policy DP26 of the DP, policy 9 of the HNP and relevant principles of the Council's Design Guide SPD.

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

The submitted details demonstrate that the proposed dwellings meet the required space standards based upon their size and intended occupancy levels and as such they will provide for an acceptable quality of accommodation for future occupiers. The application complies with policy DP27 of the Mid Sussex District Plan.

### Landscaping

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

Policy 3 of the HNP relates to green infrastructure and sets that support will be given to the proposals that, amongst other things, include off road access for walking, cycling and horse-riding and/or includes planting that contribute to wildlife linkages and/or include the planting of native species.

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

Landscaping is one of the four 'reserved matters' that the applicant is seeking consent for as part of this application. To support the submission soft and hard landscaping drawings have been provided.

The submitted scheme shows the proposed landscape features;

- Improved grasslands and meadow planting on the western boundary of the site to the Herring Stream and on the eastern boundary with the railway line
- Proposed vegetated swale/attenuation/SUDS features
- Centre of neighbourhood tree planting
- Edge of neighbourhood tree planting
- Provision of a central area of open space. The plans show this would be equipped with a play trail comprising of 6 play features, although the applicants

have said that the play area is illustrative and the detailed design of this is to be controlled by a planning condition.

- An avenue with street trees running through the spine of the site

The plans also indicate the removal of some trees to facilitate the development. At the entrance to the site from the London Road, 4 individual trees would be removed together with 3 groups. None of these trees are preserved and their removal is required to create the access, which has already been approved. These trees are classified as category U (dead/dying/dangerous) and C (of low quality and value). Within the site, an Oak to the north of 7 Bankside would be removed. This is classed as a category U tree with extensive canopy death.

The hedging along the southern boundary of the site would be retained. There would be four breaks within the hedging within the site to allow the creation of access roads and paths within the site.

The Councils Tree Officer has stated *'I can see the number of 'proposed open space trees' has been enhanced around the boundary open space areas with further additional open space trees now being incorporated within the larger internal open spaces on the site. This is certainly welcomed, but care should be given to species choice particularly perhaps around the children's play areas and where the trees are positioned close to properties or parking spaces. Furthermore the trees planted within or close to wetter areas, should be tolerant to these conditions.*

*The internal street trees have been repositioned to accommodate the revised layout which appears suitable. Again consideration should be given to the ultimate size and spread of the trees chosen, particularly those lining the roads, as well as any seasonal nuisances created from the trees particularly those positioned around parking spaces. Native trees are always recommended, however with the internal trees, sometimes a more upright or narrow cultivar of a native species may be appropriate.'*

The Tree Officer recommends a further landscaping plan be submitted showing detailed specifications of the new plantings. As landscaping is a reserved matter, the PPG advises that further conditions can be imposed where they relate directly to those reserved matters. It is therefore considered that a condition to require this would be appropriate.

With regards to hard landscaping, the plan show footpaths running around the southern, eastern and western boundaries of the site. There would also be a footpath running through the northern field parcel which would join with the London Road to the northwest.

It is considered that the hard and soft landscaping that has been shown on the submitted plans is acceptable. The uniform planting of trees on the central spine road running north/south through the site will give this road a distinct more formal character. This will differentiate it from the other parts of the site where roadside tree planting will be less formal. The provision of a large area of open space to the north of the site was approved at the outline stage. This will have a circular path inside the

field parcel that will allow it to be used for walking. It is not proposed that there would be play equipment in this area.

There is an area of open space within the centre of the site, which is proposed to have play equipment. This central open space will be well overlooked by the houses to the west and will provide an attractive area of open space that should be the focal point within the development.

The use of a perimeter block layout softens the edge of the development and allows the houses to face outwards towards the landscaping on the boundaries of the site. The network of paths around the edge of and through the site will provide attractive routes for pedestrians to walk through the site.

Having regard to the above, officers are content with the landscaping and play facilities proposed and that the application complies with policies DP26 and DP38 of the DP, policy 3 of the HNP and Mid Sussex Design Guide.

## **Sustainability**

Policy DP39 of the District Plan states:

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

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

Policy 5 of the HNP states:

*'Development proposals will be supported that maximise the opportunity to include sustainable design features, providing any adverse local impacts can be made acceptable.*

*Residential development proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation.*

*Proposals which make provision for charging electric vehicles at each dwelling (where feasible) and on-street; and making parking areas charging ready will be supported'*

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

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

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

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

The outline planning application was accompanied by a Sustainability Statement. This referred to a fabric first approach to reducing energy consumption, all market houses having EV charging points and water saving devices. On this basis it was considered that the outline application complied with policy DP39 in the DP.

The applicants have provided an Energy Strategy Statement with their application. This states that all buildings are proposed to be provided with enhanced levels of insulation, good air tightness, efficient building services, good artificial lighting and potential for photovoltaic cells and says the scheme can exceed current building regulations standards without the need for renewable energy input by utilising the above approach. The Energy Statement refers to a 5.5% improvement on emissions above the current part L Building Regulations. This would be achieved by the following:

- High efficiency mechanical ventilation with controlled background ventilation
- High efficiency lighting
- High efficiency gas fired boilers
- The submitted plans show that 91 plots, which represents 70% of the total, will be provided with EV Charging Points. All of the detached houses with a garage associated to them will be provided with electrical vehicle charging point.
- All dwellings should be assessed using the BRE water efficiency calculator to achieve a daily consumption per person of 110 litres. This will be achieved by way of flow restrictors and efficient sanitary ware.

It is important to recognise that in respect of policy DP39 of the District Plan and Policy 5 of HNP, whilst the wording of both policies are supportive of improving the sustainability of developments, there are no prescriptive standards for developments

to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

Currently Building Regulations set the energy efficiency standards to be applied across the country. It is acknowledged that changes in Building Regulations in the form of the Future Homes Standard will be implemented from June 2022 (with a transition period to 2023) with a further uplift in requirements set out in 2025. Essentially, for part L (Conservation of Fuel and Power) if a building notice or full plans have been submitted by June 2022, the proposed transitional arrangements mean that work will have to start by June 2023 for the development to be constructed to the 2013 Buildings Regulations.

Building Regulations sit outside planning and are not a matter which is material to the determination on this application. Nonetheless, as the issue of sustainability has been raised, your Planning Officer has asked the applicants about the future changes to the Building Regulations and how this will be dealt with on this development. The applicants have stated:

*'The current Part L 2013 Building Regulations apply at the time that the RM's application will be determined at committee, it is highly likely, that at the stage when the residential element of the development can be commenced, that the new Building Part L 2021 will need to be applied.'*

If plots on the development are not started by June 2023, they would transition to the 2021 Building Regulations. If this were the case then the carbon reductions would be greater than currently anticipated. It should be noted that compliance with Building Regulations is mandatory.

In conclusion on this issue, the applicants have stated that the scheme will provide a good level of sustainability that exceeds the standards set in the current Part L Building regulations. Whilst the desire of the Parish Council for the development to go further is understood, policy 5 in the HNP does not require a specified standard to be met. It states that *Development proposals will be supported that maximise the opportunity to include sustainable design features, providing any adverse local impacts can be made acceptable.'*

It is your Planning Officers view that the applicants have had regard to the requirements of policy DP39 and policy 5 in the HNP. Even if a different view is taken on this point, in particular in relation to policy 5 in the HNP, this would not mean that the scheme was unacceptable. As has been set out earlier in this report, the development plan must be read as a whole and it is not the case that an application must comply with each and every policy for the development to comply with the development plan when read as a whole.

The Parish Council have requested that a planning condition be imposed to require that all of the houses are built to meet the Building Regulations standards that come into force in June 2022. The Planning Practice Guidance (PPG) provides the Government's guidance on the planning system. In relation to planning conditions,



the PPG states that they should be kept to a minimum and should only be used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

The PPG also states that '*Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Use of informatives to remind the applicant to obtain further planning approvals and other consents may be more appropriate.*' It would not therefore be appropriate to impose a planning condition relating to the Building Regulations.

### **Affordable Housing**

Policy DP31 seeks to provide 30% affordable housing on development so 11 dwellings or more, with 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.

The scheme would provide 39 affordable units, comprising 9 shared ownership and 30 for social/affordable rent. This complies with the requirement of policy DP31 to provide 30% affordable housing. The Councils Affordable Housing SPD refers to affordable housing being required to be '*designed to a high standard and fully integrated into the overall scheme layout, in clusters of no more than ten dwellings (unless in high density flatted schemes where clusters of more than 10 units may be allowed - see clause 2.49) rather than concentrated in one location.*'

The plans submitted show that the development is to be brought forward in three phases. Phase 1 plans to deliver 43 units of which 13 are Affordable Housing units, Phase 2 to deliver 45 units of which 14 are Affordable Housing Units and Phase 3 to deliver 42 units of which 12 are Affordable Housing units. This is acceptable

Three out of the four clusters are policy compliant, with one looking to deliver 11 units. The Housing Enabling & Development Officer has not raised an objection to this. Your Planning Officer agrees that there are no grounds to resist the application based on this. The scheme delivers a policy compliant level of affordable housing that is well integrated within the site and the reserved matters comply with policy DP31 of the DP.

### **Neighbour amenity**

Policy DP26 of the Mid Sussex District Plan states that proposals should not cause 'significant harm' adjoining neighbours amenity whereas Policy 9 of the Hassocks Neighbourhood Plan states that development should not cause 'unacceptable harm' to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and

security. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, Policy 9 is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.

The closest new properties to existing properties on Bankside and are the houses on plots 26, 68 and 89 and the flats at 75-78 and 79-82.

The house on plot 68 would be some 20m away from 6 and 7 Bankside at its closest point and plot 89 would be some 21m away from 5 Bankside at its closest point. The house on plot 89 would be some 34m away from 14 The Spinney at its closest point. The houses on plots 68 and 69 would have three first floor windows serving two bedrooms and a study in the south elevations facing towards Bankside and The Spinney. Whilst this would introduce some additional overlooking towards Bankside and The Spinney, these existing properties are within the built up area and there is already a degree of mutual overlooking, which is to be expected within a built up area. It is not felt that the new houses would cause unacceptable harm in relation overlooking.

The southern elevation of the flats on block 75 to 78 would be some 31.5m away from 13 The Spinney at its closest point. The blocks of flats are two storeys in height and are of domestic scale and as such, will not be dominant or overbearing to the existing houses at The Spinney. There is a first floor bedroom window in the south elevation of the flats facing towards The Spinney. Given the separation distance this will not cause unacceptable harm in terms of overlooking.

The parking area for the flats at 75 to 82 would be some 11m off the southern boundary. It is not considered that the activity that would be associated with the use of these parking areas would cause unacceptable harm to the amenities of the properties at The Spinney.

### **Access and Transport**

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

Matters regarding the design and form of the site access to London Road, as well as the impact on the local highway network, were considered and approved at the outline application stage and these matters are not for consideration as part of this application. Condition 6 of the outline planning permission requires the access into

the site onto the London Road to be built in accordance with the details of a drawing that was submitted with the outline application.

It is only necessary therefore to consider the access arrangements within the site itself. The Highway Authority are satisfied with the swept path diagrams that have been provided and the extent of the public highway adoption. The Highway Authority have no objection to the scheme.

In terms of car parking, the scheme provides 346 spaces in total. These comprise the following:

- Allocated parking spaces: 277.
- Allocated parking spaces in garages: 52. In accordance with West Sussex County Council guidance these have been counted as 0.5 each.
- Unallocated parking spaces: 43.

The reference to garage spaces being counted as 0.5 comes from West Sussex County Council, Guidance on Parking at New Developments (September 2020) which states *'Providing garages of sufficient size at new residential developments - If garages are provided they should be at least 6m x 3m internally. If garages meet this requirement, they will be regarded as an allocated parking space of 0.5 and calculations of parking demand will take this into account.'*

The Highway Authority are satisfied with the level of car parking provision within the site. Your Planning Officer has no reason to disagree with the assessment of the Highway Authority on this matter.

The applicants have indicated that cycle parking provision will be provided either with secure sheds in the gardens of the houses or with the ground floor of the apartment buildings. It is considered that this is acceptable.

The submitted plans show that 91 plots (70%) will be provided with Electric Vehicle (EV) Charging points and of these, all 100% of the detached houses with a garage associated to them will have EV charging points. It is considered that this would comply with policy DP21 which states in part:

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

It should be noted that this policy does not specify a minimum number of units that must be provided with EV charging point.

### Public right of way

Policy DP22 in the DP states:

*'Rights of way, Sustrans national cycle routes and recreational routes will be protected by ensuring development does not result in the loss of or does not adversely affect a right of way or other recreational routes unless a new route is*

*provided which is of at least an equivalent value and which does not sever important routes.*

*Access to the countryside will be encouraged by:*

- *Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes;*
- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible;*
- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).'*

A separate application (reference DM/19/4369) to divert the public right of way (PROW) within the site around the proposed drainage features at the southern end of the site has been approved by the Planning Inspectorate on 13th December 2021.

The PROW will remain on the same legal line on the eastern part of the site, from where plot 25 is located. The applicants have confirmed that the width of the PROW will be 3.5m and it will be used by pedestrians and cyclists only. Whilst the Parish Council and WSCC have requested that the PROW be upgraded from a public footpath to a bridleway, there is no policy requirement for this to take place and there is no requirement for this on the outline planning permission. This is not something that the LPA can require as part of this reserved matters application.

The reserved matters layout complies with policy DP22 of the DP because the proposal does not result in the loss of a PROW or any adverse impact on a public right of way. The realignment of the western section of the PROW has been approved by the Planning Inspectorate. The development also provides a new route to the northwest through the open space at the north of the site to join with the footpath and cycle way that runs alongside the London Road. This provides connectivity through the site and is in accordance with the aims of policy DP22.

Outside of the application site, the PROW crosses over the railway line on an unmanned crossing point. This part of the PROW is currently closed to public access. Network Rail have two separate prior approvals for replacing the unmanned crossing with a pedestrian tunnel. Network Rail have permitted development rights to carry out such works. Network Rail have started work on constructing the tunnel under the railway line, which will provide a permanent replacement for the current crossing point. These works are outside the scope of this reserved matters application.

## **Drainage**

### Surface Water

Policy DP41 in the DP states:

*'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding*

*elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.*

*Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.*

*Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.*

*For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.*

*SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.*

*The preferred hierarchy of managing surface water drainage from any development is:*

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

*Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'*

The outline planning permission secures via condition the detailed scheme associated with the surface water and the foul water drainage for the entire development. The Council's Drainage Engineer requested an update to the modelling for the application and the applicants have provided a further Technical Note. The applicants note states that all residential development, including garages, and attenuation basins are located outside of the modelled flood extents. The note also refers to detailed flood plain compensation calculations.

Whilst the drainage of the site was raised as a concern at the outline stage, planning permission has been granted for the residential development of this site and therefore by definition, it has been accepted that the site is capable of being satisfactorily drained.

The principles of the surface water drainage of the site remain as they were set out in the outline planning application. In summary, it is proposed that on-site attenuation

is utilised to restrict flows offsite to pre-development rates. The layout shows 3 attenuation ponds and a flood compensation area.

The Council's Drainage Officer has not raised an objection to this application and will consider further details as part of future condition discharge application for the site. The proposal therefore complies with policy DP41 of the DP and policy 4 of the HNP.

### Foul Drainage

With regards to foul drainage, the Technical Note from the applicants states that the drainage strategy drawing has been revised to indicate a section of gravity sewer prior to discharge into the existing sewerage network. This would address the comments of Southern Water. The final details of the foul drainage will be dealt with under condition 12 of the outline planning permission.

The proposal therefore complies with policy DP41 of the DP in respect of foul drainage.

### **Ecology / Biodiversity**

Policy DP38 in the DP states:

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

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

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

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

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

Paragraph 180 of the NPPF states:

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>63</sup> and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

The outline planning permission considered the site wide implications of the development in ecology/biodiversity and condition 4 requires a scheme of ecological mitigation to be submitted and approved by the LPA before development commences. The condition covers the construction phase, future lighting and habitat creation and enhancement.

The Councils Ecological Consultant has no objections to the Outline Landscape and Ecological Management Plan (OLEMP) and will comment further when the final OLEMP is submitted to discharge condition 4.

The applicants have submitted a Biodiversity Net Gain Assessment with this reserved matters application. Biodiversity net gain occurs in development when the project leaves the natural environment in a better state than it was prior to the project. To achieve biodiversity net gain, the developer is required to ensure that wildlife habitats are created or enhanced. It requires the development to result in a

demonstrable increase in habitat value to the baseline (how the site was prior to development).

In summary the applicants report states *'The proposed development will result in the loss of 7.06ha of grassland, scrub and tall ruderal. The remaining grassland and scrub will be retained and protected during construction and enhanced following completion of the development. In addition, all of the woodlands and the majority of tree lines on site will be retained and protected. Requirements for access will necessitate the removal of 45m of hedgerow. The remaining 825m will be retained and enhanced, with 650m of new native hedgerow being planted. The proposed enhancements and habitat creation will result in a 14.25% net gain in habitat units across the site and a 23.57% net gain in hedgerow units.'*

It is therefore considered that the reserved matters layout is acceptable and complies with policy DP38 in the DP.

Comments have been received raising concerns about the potential for protected species to be on and around the site. The outline application was accompanied by an Ecological Report, which considered matters relating to protected species. The Councils Ecological Consultant agreed with the findings of the Ecological Report and raised no objections to the outline application. As well as the OLEMP, condition 4 of the outline planning permission requires a Construction Environmental Management Plan (CEMP) to be submitted to the LPA setting out the practical steps to be taken to avoid impacts on wildlife during site preparation and construction. This should ensure that wildlife is protected during the construction phase.

## **Infrastructure**

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

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

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

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 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.'*



*'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).

There is a section 106 legal agreement attached to the outline planning permission that sets out what infrastructure contributions are to be paid and secures the affordable housing. The Parish Council have requested that consideration is given to one third of the northern field being allocated to the Parish Council for allotments and that the Community Building Contribution from the development is prioritised for improvements to the hall at St Francis Church, Priory Road, Hassocks. Whilst these requests are noted, they are outside of the scope of this reserved matters application.

#### Air Quality

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

#### Noise

Noise was considered at the outline planning application and subject to a condition in relation to a detailed scheme for protecting the residential units from noise generated by passing trains and traffic. It does not form part of the reserved matters that are being considered as part of this application.

### **CONCLUSION**

The site benefits from an outline planning permission, granted under application reference DM/19/1897, and the details contained within this application are submitted pursuant to this outline permission. This application needs to be determined within the context and parameters established within the outline permission, having regard to the policies within the Development Plan comprising the DP and HNP. The outline application considered detailed matters associated with the access (onto London Road), impact on the local highway network and impact on local infrastructure and this application does not present an opportunity to revisit them.

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

The details of the reserved matters of the layout, scale, appearance and landscaping of the site need to be assessed against the relevant policies in the development plan. In making an assessment as to whether the proposal complies with the Development Plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposal is considered acceptable in respect of the layout, appearance and scale, with no objections being raised by the Council's Urban Designer. The scheme follows a perimeter block layout that allows the houses on the edge of the site to face out onto the attractive countryside and internally allows for a traditional arrangement with the rear gardens of the houses backing on to one another. It is considered that the scheme is well ordered and the houses are grouped into appropriate character areas.

The proposal is supported by an Energy Strategy Report which demonstrates that the development will deliver carbon reduction over Building Regulations requirements.

The 39 units of affordable housing are policy compliant and the mix and location accords with the Council's requirements. The general mix of the affordable and private accommodation was approved at the outline stage.

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

The application is deemed to comply with policies DP17, DP21, DP22, DP26, DP27, DP29, DP30, DP30, DP38, DP39 and DP41 of the Mid Sussex District Plan, policies 3, 4, 5, 8, 9 and 11 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD and the NPPF.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

1. Prior to the commencement of construction of any dwelling or building, 1: 20 scale elevations and section (shown in context) of the typical entrance canopies and windows in the central area shall be submitted to and approved in writing with the Local Planning Authority.

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

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

2. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These and these works shall be carried out as approved. These works shall be carried out as approved. The

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

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 3 of the Neighbourhood Plan.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 9 of the Neighbourhood Plan.

4. No development to construct the attenuation ponds and flood compensation area shall be carried out unless and until section drawings of the attenuation ponds and flood compensation area have been submitted to and approved in writing with the Local Planning Authority.

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.

5. No dwellings shall be occupied unless and until details of boundary treatments across the scheme have been submitted to and approved in writing 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 development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 9 of the Neighbourhood Plan.

6. The first floor windows on the south elevation of plot 27 serving the master bedroom shall at all times be glazed with obscure glass.

Reason: To protect the amenities and privacy of the adjoining property and to accord with Policy DP26 of the District Plan 2014 - 2031 and Policy 9 of the Neighbourhood Plan.

7. The dwellings shall not be occupied until the EV charging points that have been shown on the approved plans are provided and are available for use.

Reason: In order to achieve a sustainable development and to accord with Policy DP21 of the District Plan 2014 - 2031 and Policy 5 of the Neighbourhood Plan.

8. The dwellings shall not be occupied until details of street lighting within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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 2014 - 2031 and Policy 9 of the Neighbourhood Plan.

9. No development of any dwellings above slab level shall take place 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. These approvals shall not be unreasonably withheld or delayed.

Prior to the first occupation of any dwelling forming part of the proposed development that the developer shall 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.

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.

10. 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

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

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

| <b>Plan Type</b>     | <b>Reference</b> | <b>Version</b> | <b>Submitted Date</b> |
|----------------------|------------------|----------------|-----------------------|
| Proposed Elevations  | 1027-RM-250      |                | 25.01.2022            |
| Proposed Floor Plans | 1027-RM-251      |                | 25.01.2022            |
| Proposed Elevations  | 1027-RM-252      |                | 25.01.2022            |
| Proposed Floor Plans | 1027-RM-253      |                | 25.01.2022            |
| Proposed Elevations  | 1027-RM-254      |                | 25.01.2022            |
| Proposed Floor Plans | 1027-RM-255      |                | 25.01.2022            |
| Proposed Elevations  | 1027-RM-256      |                | 25.01.2022            |
| Proposed Floor Plans | 1027-RM-257      |                | 25.01.2022            |
| Proposed Floor Plans | 1027-RM-258      |                | 25.01.2022            |
| Proposed Elevations  | 1027-RM-259      |                | 25.01.2022            |
| Proposed Elevations  | 1027-RM-260      |                | 25.01.2022            |
| Proposed Floor Plans | 1027-RM-261      |                | 25.01.2022            |
| Proposed Floor Plans | 1027-RM-262      |                | 25.01.2022            |
| Proposed Elevations  | 1027-RM-263      |                | 25.01.2022            |

|                      |                        |   |            |
|----------------------|------------------------|---|------------|
| Proposed Floor Plans | 1027-RM-264            |   | 25.01.2022 |
| Proposed Elevations  | 1027-RM-265            |   | 25.01.2022 |
| Proposed Floor Plans | 1027-RM-266            |   | 25.01.2022 |
| Proposed Elevations  | 1027-RM-267            |   | 25.01.2022 |
| Proposed Floor Plans | 1027-RM-268            |   | 25.01.2022 |
| Proposed Elevations  | 1027-RM-269            |   | 25.01.2022 |
| Proposed Floor Plans | 1027-RM-272            |   | 25.01.2022 |
| Proposed Elevations  | 1027-RM-273            |   | 25.01.2022 |
| Proposed Floor Plans | 1027-RM-270            |   | 25.01.2022 |
| Proposed Elevations  | 1027-RM-271            |   | 25.01.2022 |
| Proposed Floor Plans | 1027-RM-235            |   | 25.01.2022 |
| Proposed Elevations  | 1027-RM-236            |   | 25.01.2022 |
| Proposed Floor Plans | 1027-RM-237            |   | 25.01.2022 |
| Proposed Elevations  | 1027-RM-238            |   | 25.01.2022 |
| Proposed Floor Plans | 1027-RM-239            |   | 25.01.2022 |
| Proposed Elevations  | 1027-RM-240            |   | 25.01.2022 |
| Proposed Floor Plans | 1027-RM-241            |   | 25.01.2022 |
| Proposed Elevations  | 1027-RM-242            |   | 25.01.2022 |
| Proposed Floor Plans | 1027-RM-243            |   | 25.01.2022 |
| Proposed Elevations  | 1027-RM-244            |   | 25.01.2022 |
| Proposed Floor Plans | 1027-RM-245            |   | 25.01.2022 |
| Proposed Elevations  | 1027-RM-246            |   | 25.01.2022 |
| Proposed Floor Plans | 1027-RM-247            |   | 25.01.2022 |
| Proposed Elevations  | 1027-RM-248            |   | 25.01.2022 |
| Proposed Floor Plans | 1027-RM-249            |   | 25.01.2022 |
| Proposed Floor Plans | 1027-RM-285            |   | 18.01.2022 |
| Proposed Floor Plans | 1027-RM-284            | A | 18.01.2022 |
| Proposed Floor Plans | 1027-RM-283            |   | 12.01.2022 |
| Proposed Floor Plans | 1027-RM-270            |   | 11.01.2022 |
| Proposed Elevations  | 1027-RM-271            |   | 11.01.2022 |
| Proposed Floor Plans | 1027-RM-276            |   | 11.01.2022 |
| Proposed Elevations  | 1027-RM-277            |   | 11.01.2022 |
| Proposed Floor Plans | 1027-RM-225            |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-226            |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-227            |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-228            |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-229            |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-230            |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-231            |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-232            |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-233            |   | 20.12.2021 |
| Landscaping Details  | 695-01                 |   | 20.12.2021 |
| Landscaping Details  | 695                    |   | 20.12.2021 |
| Other                | OLEMP Management Areas |   | 20.12.2021 |
| Planning Layout      | 1027-RM-02             |   | 20.12.2021 |
| Other                | 1027-RM-03             |   | 20.12.2021 |
| Other                | 1027-RM-04             | A | 20.12.2021 |
| Other                | 1027-RM-05             | A | 20.12.2021 |
| Other                | 1027-RM-06             | A | 20.12.2021 |
| Other                | 1027-RM-07             | A | 20.12.2021 |
| Means of Enclosure   | 1027-RM-08             | A | 20.12.2021 |
| Means of Enclosure   | 1027-RM-09             | A | 20.12.2021 |
| Other                | 1027-RM-10             | A | 20.12.2021 |
| Other                | 1027-RM-11             | A | 20.12.2021 |
| Other                | 1027-RM-12             | A | 20.12.2021 |

|                      |             |   |            |
|----------------------|-------------|---|------------|
| Other                | 1027-RM-13  |   | 20.12.2021 |
| Other                | 1027-RM-14  |   | 20.12.2021 |
| Street Scene         | 1027-RM-103 |   | 20.12.2021 |
| Street Scene         | 1027-RM-104 |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-200 |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-201 |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-202 |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-203 |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-204 |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-205 |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-206 |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-207 |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-208 |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-209 |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-210 |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-211 |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-212 |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-213 |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-214 |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-215 |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-216 |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-217 |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-218 |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-219 |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-220 |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-221 |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-222 |   | 20.12.2021 |
| Proposed Floor Plans | 1027-RM-223 |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-224 |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-101 |   | 20.12.2021 |
| Proposed Elevations  | 1027-RM-102 |   | 20.12.2021 |
| Location Plan        | 1027-RM-01  |   | 14.07.2021 |
| Planning Layout      | 1027-RM-04  |   | 14.07.2021 |
| General              | 1027-RM-05  |   | 14.07.2021 |
| Proposed Floor Plans | 1027-RM-22  |   | 14.07.2021 |
| Proposed Elevations  | 1027-RM-23  |   | 14.07.2021 |
| Proposed Floor Plans | 1027-RM-32  | A | 19.07.2021 |
| Proposed Elevations  | 1027-RM-46  |   | 14.07.2021 |
| Proposed Elevations  | 1027-RM-52  |   | 14.07.2021 |

## APPENDIX B – CONSULTATIONS

### Parish Consultation

Hassocks Parish Council RECOMMENDS REFUSAL for the following reasons:

1. PROW 5K/Non-Car Route provision.

- i. As part of Hassocks Parish Council's commitment to creating easy to use Non-Car Routes in Hassocks, it is important that:
  - The Footpath 5K which runs through this site is maintained at 3.5 metres wide and that the developer provides a heavy duty hard surface to allow use by both pedestrians and cycles throughout the year. This will allow safe direct Pedestrian and Cycle access for the new Rydon development (as well as the Bellway

development west of the London Road) into Hassocks Centre and schools. Also, that the contractor accepts and facilitates an upgrade of PROW 5K to Bridleway status by WSCC.

- The proposed footpath link at the NW corner of the site be upgraded to allow a more direct cycle route access from the Rydon development onto the Cycle Route to Burgess Hill.
  - A safe cycle route and crossing arrangement be provided at the A273 London Road junction to allow cyclists to cross safely to the Bellway development.
- ii. Plots 74 and 75 and the apartment block containing plots 80-83 are very close to the PROW which will create a narrow tunnel like walkway between the hedgerow and fencing. Furthermore, the apartment block is too close to the large tree to the west. The position of these properties needs to be adjusted accordingly and the footpath widened.

## 2. Electric Charging Points

In view of the Government's accelerated timescales for conversion to electric vehicles it would be appropriate to install a higher level of charging points. The Council would therefore like to see:

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

## 3. Allotments

The Parish Council has significant excess demand for Allotments and the Northern Open Space would offer an opportunity to meet that demand. It is therefore requested that consideration is given to one third of the northern field being allocated to the Parish Council for allotments. The eastern part of the field would meet this need and have minimal effect on the proposed layout of the site.

## 4. Sustainable Design.

The Reserve Matter Application makes no reference to compliance with HNP Policy 5 ' Enabling Zero Carbon nor Policy DP39 of the District Plan ' Sustainable Design and Construction. This is a gross oversight and the development must maximise energy efficiency to meet the net zero obligation set by MHCLG on 10.02.21 for all building after 31.12.20.

## 5. Character and Design

It is considered that the proposed housing designs are lacking in interest and variety and are of limited character. The application is therefore contrary to Policy DP26: Character and Design of the District Plan and Policy 9: Character and Design of the Hassocks Neighbourhood Plan; and not in alignment with the Mid Sussex Design Guide. It is felt the designs could be improved upon to create a far more pleasing and interesting development for residents.

It is also considered that the development site provides insufficient public green space.

## 6. Layout

The affordable housing is located very close together rather than distributed evenly throughout the site which would be a more acceptable proposal.

## 7. Existing Hedgerow

Clarification is sought as to the proposals for the hedgerow which borders the southern edge of the development. It is unclear from the documentation whether the hedgerow falls within the boundary of the development or is under the ownership of the existing properties. It is also unclear whether this hedgerow is to be maintained in its entirety.

A robust hedge is necessary to protect the privacy and boundary of the existing housing and additional planting maybe required to ensure this.

## 8. Community Funding

It is requested that the Community Building Contribution from the development is prioritised for improvements to the hall at St Francis Church, Priory Road, Hassocks which is in close proximity to the proposed development and highly likely to be used by residents living there.

## Parish Consultation

Hassocks Parish Council continues to RECOMMEND REFUSAL to this application on the same grounds as previously raised on 11 August 2021, with further additional information relating to item 4 Sustainable Design.

### 1. PROW 5K/Non-Car Route provision.

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  - The Footpath 5K which runs through this site is maintained at 3.5 metres wide and that the developer provides a heavy duty hard surface to allow use by both pedestrians and cycles throughout the year. This will allow safe direct Pedestrian and Cycle access for the new Rydon development (as well as the Bellway development west of the London Road) into Hassocks Centre and schools. Also, that the contractor accepts and facilitates an upgrade of PROW 5K to Bridleway status by WSCC.
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### 4. Sustainable Design.

According to page 9 of the Design & Access Statement published on 14 July 2021, this development is designed to 'comply with extant building regulations', and will follow a 'fabric first strategy 'coupled with micro renewable energy' (i.e. insufficient) 'or air source heat pumps where appropriate'. This scant information is insufficient for members of the public and councillors to understand how sustainability will be delivered. If the buildings only meet 2010 Building Regulations extant in January 2022, then by definition they are not sustainable. The Council notes that none of the houses that are planned, will actually start to be built before 2023 - before that date only infrastructure works are proposed to be undertaken.

MSDC has a duty to ensure that the policies of the District Plan (especially DP39) and Neighbourhood Plan (especially NP5) are respected and adhered to. It is deeply regrettable that MSDC Councillors voted 8:4 against upholding these policies in the matter of the land North of Clayton Mills site following the advice from MSDC Planning Officers. Over 1,000 people voted for the Neighbourhood Plan policies, with only a handful against, so the wishes of the population of Hassocks have been completely ignored.

Two reasons were given in that case for refusal: (1) that if the developer has met or slightly exceeded the conditions of the Building Regulations for energy efficiency, then MSDC cannot ask for more; and (2) that the District had the 500 houses in its housing delivery plan and refusal of this application would put Mid Sussex behind in that delivery and risk the District Plan being declared 'out of date'. Both these reasons are invalid and cannot be used in this matter of DM/21/2628.

This is why:

(1) In its response to the consultation on the Future Homes Standard, the Government has announced that 'To provide some certainty in the immediate term, the Government will not amend the Planning and Energy Act 2008, which means that local planning authorities will retain powers to set local energy efficiency standards for new homes'. Thus, MSDC has the power to set its own standards, and has already done so through policies DP39 and NP5. Note that policy NP5 requires that energy efficiency should be maximised. Therefore, the reason given for not requiring the greater energy efficiency required by DP39/NP5, is invalid.

(2) MSDC now has a further 500 homes with approved planning, so the risk that refusing the 130 new homes at Friars Oak would make the housing delivery plan 'out of date' must be considerably less. In any event the argument is specious because, if the 130 homes were refused on the grounds that they had not demonstrated a high enough standard of energy efficiency, it is a simple matter for the developer to make a fresh application within weeks, providing adequate energy efficiency details demonstrating (for example) how the LETI standards for new homes energy efficiency will be met and all other details remaining largely unchanged. There would be no objection on sustainability grounds to the fresh application.

What would not be acceptable to the voters who voted for the Neighbourhood Plan, is that a planning application should be granted now, in which the 'old' 2010 Building Regulations be

allowed to apply to these 130 new homes on the grounds that they are 'started' before 15 June 2022, when the 2021 amendment to the 2010 Building regulations comes into effect. To prevent such shameful underhandedness, MSDC Councillors are requested to impose a condition that all the homes are built to the same standard, namely to meet and exceed those regulations that come into force on 15 June 2022.

To further ensure that these houses are built to the best possible standard and do not require expensive retrofit of additional renewable energy technology or further energy saving measures, MSDC Councillors are requested to impose an additional condition, that there is no gas supplied to the site and all heating is provided by ground- or air-source heat pumps. As there is a sizeable stream on site, the water table is very close to the surface and boreholes for closed-loop or open loop ground source heat should be easy to include in the infrastructure works if the developer chooses to do it that way.

Alternatively MSDC Councillors could require that the houses are built to the LETI Medium and Large Scale Housing design standard which is published and available at the following web address: LETI Medium and Large Scale Housing standard. ([https://b80d7a04-1c28-45e2-b904-e0715cface93.filesusr.com/ugd/252d09\\_dfa8ae10c10144d9828b0caf6e7b7aa1.pdf](https://b80d7a04-1c28-45e2-b904-e0715cface93.filesusr.com/ugd/252d09_dfa8ae10c10144d9828b0caf6e7b7aa1.pdf))

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A robust hedge is necessary to protect the privacy and boundary of the existing housing and additional planting maybe required to ensure this.

## 8. Community Funding

It is requested that the Community Building Contribution from the development is prioritised for improvements to the hall at St Francis Church, Priory Road, Hassocks which is in close proximity to the proposed development and highly likely to be used by residents living there.

## **Highway Authority**

### **Background**

WSCC in its role of Local Highway Authority (LHA) has been consulted on the above proposals. The application will be accessed from the A273 (London Road) via a modified access point. The road in this location is subject to a 40 mph speed limit to the north of the proposed site access changing to 30mph towards Hassocks at the existing golf course access just north of the proposed site access. The principles of the access were agreed in the LHA's comments to the earlier applications from 2018 and 2019. The Reserved Matters Application deals with the internal layout of the proposed site.

The access road will take the form of a 5.5 metre wide arrangement with a 2 metre footway. Areas such as swept path diagrams have been provided within the supporting information and are accepted. In August 2021 the LHA requested some further clarity on parking and extent of public highway adoption. Further clarity has been provided on both of these areas from the applicant.

### **Comments**

Having assessed the remaining information the LHA would offer the following comments:

- Clarification on parking numbers and comparison with LHA's parking calculator from September 2020 was provided following our previous consultation response in August 2021, we are satisfied with the allocation.
- Confirmation of the extent of adoption of the internal roads under a Section 38 Agreement has been provided under drawing 1027-RM-11, this is the latest highway adoption plan from November 2021. Details of the Street Lighting can be agreed as part of any detailed S38 submission.
- PROW Comments have been provided by WSCC's Public Rights of Way officer.

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

Based on our previous response and having read Natalie and the EA's responses, we would have no objection to this application.

### **Public Rights of Way Officer**

Thank you for the opportunity to comment on the above numbered planning application. This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. In respect to the above planning application I would provide the following comments.

In response to the new documents on the above planning application which affects Footpath 5K, I welcome plans to improve the footpath that will make it passable in all seasons. Please clarify the nature of these improvements.

Please also;

- ensure the footpath has a minimum 3m width (preferably 4m) once it leaves the adopted road,
- remove the stile referenced to in the DAS as there is no longer any justification for this structure given the development of the land, replacing it with a gap that is a minimum of 1.525m wide but ideally the full width of the path, and

- plan for appropriate lighting over its entirety to ensure users' safety in darkness and throughout the winter months.

Regards surfacing, I note the diverted route of the Footpath will partially follow an adopted road, then you propose it becomes block-paved, after which I'm not able to define how it will be surfaced. The plans refer to 'Existing public footpath retained'. Once the Footpath leaves the adopted road, all surfaces must be agreed by the Public Rights of Way team at West Sussex County Council. Please clarify how you propose to surface the Public Right of Way after the block paved section.

Finally, as stated in my previous response, with the upgrading of Footpath 5K to Bridleway status east of the railway crossing under the Clayton Mills development and the construction of the new railway subway being to a height and width that allows for horses to pass through, I am keen to ensure that all new residents of this and adjacent sites and all potential users of the path will be able to use the section of Footpath 5K that runs through this site. Whilst no condition has been placed on the developer to upgrade Footpath 5K to a Bridleway, there is still the opportunity to do so, or at least, with the landowner's permission to make this path a Permissive Bridleway. The connections this would facilitate would be positive, wide-ranging and create the continuity much needed in the network. Should the path be constructed to a minimum 3m width, the only further consideration is the surfacing. A willingness to consider this would be greatly appreciated.

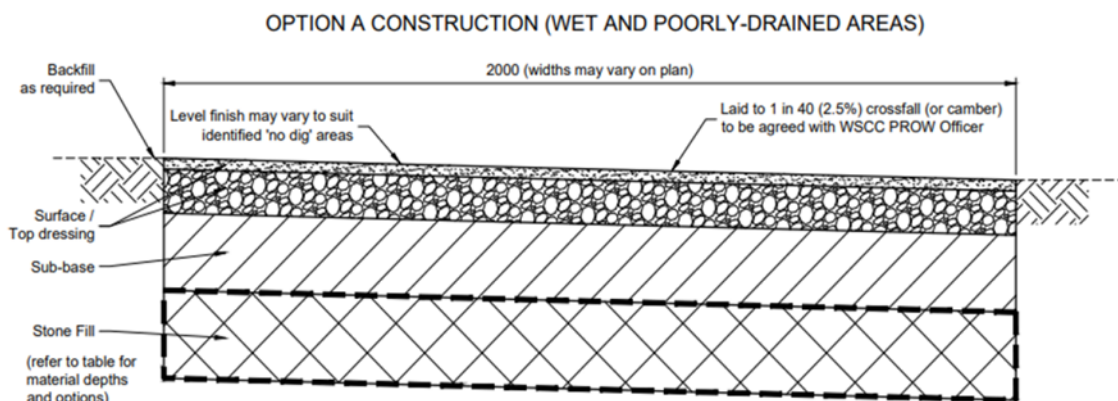
(Mapping reproduced from or based upon 2021 Ordnance Survey material, WSCC licence 100023447. Rights of Way information is not definitive).

16th February comments

Thank you for the opportunity to comment on the above numbered planning application. This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. In respect to the above planning application I would provide the following comments.

I note Paul Mepham of Rydon Homes's response (dated 14th January 2022) to my previous comments.

The proposed width of 3.5m across FP5K is acceptable. I'm happy to note that any existing stiles along FP5K will not be retained. I note that the lighting plan is yet to be submitted and look forward to seeing that. I note the proposal to surface FP5K after the private drive, as a crushed stone, scalping path with timber edging. To future-proof this footpath for upgrade, we would require you to surface as shown below, for poorly drained areas.



The full specification and methodology can be obtained by contacting West Sussex County Council's Public Rights of Way department.

With regards the upgrade from footpath to bridleway, I'm aware the diversion order made no such request, however, with Network Rail now having now agreed in principle to upgrade the tunnel section of Footpath 5K to a bridleway, that leaves the section of FP5K covered by this development the only barrier to a complete east-west link. This would be of considerable benefit to the new residents of both this and surrounding developments, making it a more attractive place to live. With the width confirmed as being 3.5m, no stiles and surfacing to be constructed as above, all that is required to make the upgrade a reality is landowner permission either by permissive agreement or by formal arrangement. I kindly ask you to reconsider.

(Mapping reproduced from or based upon 2021 Ordnance Survey material, WSCC licence 100023447. Rights of Way information is not definitive).

### **WSCC Water and Access Manager**

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.

## **Southern Water**

Southern Water would have no objections to the reserved matters application for appearance, landscaping, layout and scale submitted by the applicant.

The Submitted drainage layout shows (C3582-DS001) proposed foul rising main directly connected to public gravity sewer which is not acceptable to Southern Water. Please note a manhole and short length of gravity pipe work will normally be required between the rising main and the public sewer.

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 Building Control officers/technical staff and the environment agency should be consulted regarding the surface water disposal.

All other comments in our response dated 29/07/2019 remain unchanged and valid.

For any further queries please contact us at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

## **Environment Agency**

Thank you for re-consulting the Environment Agency in regard to the amended plans for the above reserved matters application.

We have reviewed the additional information that has been submitted and have no further comments to make. Our previous response dated 25 August 2021 (our ref; HA/2021/123458/01) still stands, and this is copied below for ease of reference:

## **"Environment Agency Position**

We have **no objection** to the reserved matters application as submitted.

Please note that we recommended a planning condition in our response to the outline application (our reference HA/2019/121357/01, dated 11 June 2019). Please consult us on any applications for the discharge of that condition.

## **Advice to Applicant**

We note that we provided advice in our response to the outline application that the development and the associated works on site may require a Flood Risk Activity Permit in accordance with the Environmental Permitting (England and Wales) Regulations 2016.

Further details about Flood Risk Activity Permits can be found on the GOV.UK website using the following link - <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

If the Applicant has not already done so, we would strongly advise that Applicant commences the process for obtaining such a permit by emailing details to the local team responsible for issuing such permits ([PSOWestSussex@environment-agency.gov.uk](mailto:PSOWestSussex@environment-agency.gov.uk)), or the Applicant can call the National Customer Contact Centre 03708 506 506 (Monday to Friday 8am to 6pm).

The Applicant should note that a permit is separate to and in addition to any planning permission granted. The granting of planning permission does not necessarily lead to the granting of a permit."

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

## **Sussex Police**

Thank you for your correspondence of 28th July 2021, advising me of a reserved Matters Application for the approval of appearance, landscaping, layout and scale at land r/o Friars Oak pursuant to Outline Planning Permission DM/19/1897, comprising of a residential development of 130 dwellings and associated access together with change of use of part of the land to country open space, following the provision of a new pedestrian tunnel under the railway (Amended plans received 20th December 2021 showing a revised layout and revised house designs) at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security - Dwellings), that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. 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 always be considered.

I have previously commented upon this development within my correspondence of PE/MID/21/08/A dated 16th August 2021 in response to planning application DM/21/2628. I will be reiterating some of my previous comments and providing new comments / observations where applicable.

The application is for a large residential development with a single vehicular entry point with no through vehicle route. There is a pedestrian link from the development to the adjacent A273 on the north west elevation. The development consists of pockets of residential dwellings located around a central road layout. There are several green open spaces across the development.

In the main the amended design and layout have created back to back gardens which have eliminated the need for vulnerable rear gardens, but there does appear to be a small number present. The dwellings face outward onto the street creating a good active frontage with the streets and public areas benefiting from being overlooked. Defensible space is being demonstrated to the dwelling frontages. Parking is being made available with on-curtilage, garage, car barn, overlooked parking courts and several visitor on-street parking bays. There is a large rear parking court for plots 37 - 54. This provides access to the vulnerable rear of 18 properties. These arrangements in the main should leave the street free and unobstructed. The amended design and layout also have a number of car-barns / garages located to the rear of plots 93 - 97 which have unobserved access to them.

Where parking, especially communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

From a crime prevention perspective for 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.

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 permitted under the



SBD scheme. Facilities should be provided that enable mail to be delivered to safe and secure areas.

I have no concerns with the proposed boundary treatments across the development bar the proposals for the blocks of multiple dwellings, blocks / plots 75 -78 & 79 -82 where a 1.2-metre-high 3 rail fence is being proposed for side and rear boundary treatment. This is not acceptable for vulnerable areas such as exposed side and rear gardens. These need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. Access to the rear must also be controlled by a robust gate. These properties should be afforded the same boundary protection as is being provided for the other dwellings.

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

Plots 68 & 69 are showing as having a gated entrance. I recommend that these conform to the recommendations within SBD Homes 2019 V2 2 chapter 10. 6.8 of SBD Homes 2019 V2, driveway gates.

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.

With respect to the proposed pedestrian footpath link and public right of way. When introducing public footpaths into developments caution should be used as the introduction of a footpath into or through a development has the potential to generate crime if not adequately designed. Chapter 8.3 of SBD Homes 2019 V2 states; 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, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings or by providing too many or unnecessary segregated footpaths.

Para 8.10 Footpath Design. SBD have identified that public footpaths should not run to the rear of rear gardens as this has proven to generate crime. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are as straight as possible or wide or well lit (within BS 5489-1:2013) or devoid of potential hiding places or overlooked by surrounding buildings and activities or well maintained so as to enable natural surveillance along the path and its borders. These measures will also apply to the public right of way on the southern elevation.

Whilst the footpath links in the north of the development leading the attenuation ponds are there to encourage general use of the green open spaces by the wider community, I recommend redirecting the footpath from attenuation pond 1, directly to attenuation pond 2 on the western elevation. This will keep footfall previously directed towards the dwellings in the northern parcel of the development to a minimum. This will also reduce adverse permeability into the development, will reduce criminal legitimacy at the site and reduce the impact upon the amenity of the residents within the development.

With respect to the proposed new pedestrian tunnel under the railway, historically these have been proven to generate crime and disorder and anti-social behaviour. Therefore, SBD Homes 2019 V2 chapter 8.13 States: The creation of new pedestrian subways should be avoided. However, if the subway is already in existence and it is necessary to retain it, it should be well-lit with vandal resistant lighting (see paragraph 8.19), be as wide and as short as possible, with a clear line of sight to the exit. Chamfering the access points can help reduce areas of concealment. Radius (convex) entrance/ exit walls can reduce the length of the subway and the opportunity for inappropriate loitering. The designer should consider wall finishes that enable easy removal of graffiti. I recommend should the pedestrian tunnel be deemed essential then the above security measures are applied to it. Consideration is to be given to using anti-vehicle mitigation measures at both entrances of the pedestrian tunnel to remove any vehicle movements through it.

Given that the tunnel may be classed as being on Network Rail land, I ask that appropriate consultation with Network Rail is undertaken to ensure that a safe and secure environment at the location is created for all users.

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

I thank you for allowing me the opportunity to comment.

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.

### **Ecological Consultant**

I have no particular comments to make in relation to the proposed layout and the submitted Outline Landscape and Ecological Management Plan (LEMP) appears to be along the right lines. Happy to comment further when the final LEMP and other information required by Condition 4 is submitted.

### **Environmental Protection Officer**

In relation to the electric vehicle charging infrastructure, the provision of charging points illustrated in Drawing No. 1027-RM-12 (dated November 2021) is acceptable. Condition 13 of DM/19/1897 requires an air quality mitigation scheme which details all the mitigation measures to be implemented as part of the development equating to the approximate value

of the damage cost calculation contained in the Air Quality Assessment Report (May 2018). This will be necessary to discharge Condition 13.

### **MSDC Housing Officer**

The amended plans are proposing 39 Affordable Housing units, with 30 being for social / affordable rent and 9 for shared ownership. This is in accordance with the comments provided on 23/08/21. The proposed mix, occupancy and size are also in line with the previously submitted comments.

The plans submitted show that the development is to be brought forward in three phases. Phase 1 plans to deliver 43 units of which 13 are Affordable Housing units, Phase 2 to deliver 45 units of which 14 are Affordable Housing Units and Phase 3 to deliver 42 units of which 12 are Affordable Housing units. This is acceptable

The plans for the Wheelchair Accessible units have been sent to an OT to check that they 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 Buildings Regulations 2010 as amended. Once a response has been received, the developer will be notified of the findings and any amendments necessary.

Three out of the four clusters are policy compliant, with one looking to deliver 11 units. In this instance we are willing to accept the cluster of 11 units as previously advised.

### **MSDC Drainage Engineer**

Following receipt of the above updated drainage strategy note the flood risk and drainage team can provide the following updated comments on the above application.

- The flood risk and drainage team have no objection to the development subject to the existing planning conditions being addressed as part of a discharge of conditions application.

### **Tree Officer**

I have reviewed the amended plans and the updated Landscape Framework Plan.

Within the new scheme I can see the number of 'proposed open space trees' has been enhanced around the boundary open space areas with further additional open space trees now being incorporated within the larger internal open spaces on the site. This is certainly welcomed, but care should be given to species choice particularly perhaps around the children's play areas and where the trees are positioned close to properties or parking spaces. Furthermore the trees planted within or close to wetter areas, should be tolerant to these conditions.

The internal street trees have been repositioned to accommodate the revised layout which appears suitable. Again consideration should be given to the ultimate size and spread of the trees chosen, particularly those lining the roads, as well as any seasonal nuisances created from the trees particularly those positioned around parking spaces. Native trees are always recommended, however with the internal trees, sometimes a more upright or narrow cultivar of a native species may be appropriate.

As per my comments of 22/9/21, a landscaping plan should be submitted showing detailed specifications of the new plantings which will enable me to comment fully on the scheme.

And again as previously mentioned, I have not seen details of tree protection details for the trees being retained which the AIA recommends is included as a condition. I would therefore ask these details are conditioned.

### **Community Facilities Projects Officer**

I do not have anything to add to my email dated 9 November 2021.

#### 9th November comments

I have consulted with the Council's Landscape Architect who agrees with Will Dorman that the play area would be best located in the central open space rather than tucked away in the northern open space, behind what appears to be a hedge. Informal play around in that space would be welcomed but this would be in addition to a more formal play area.

Also, the hedge through the middle of the central open space should be removed, or better incorporated if it is existing, rather than dividing this area.

### **Urban Designer**

#### **Layout**

The layout benefits from:

- A perimeter block arrangement which ensures that streets and boundaries are addressed/overlooked including the attractive open spaces and tree belts/hedgerows that bound the site; the exception to this is the open space on the northern side as this space is largely screened by an existing hedge which I understand has to be retained for ecological reasons.
- Strong consistent building lines / good street enclosure which is aided by the forward position of car barns at the side of houses that provides for continuous building frontages in the central area.
- Well integrated parking that does not dominate the street environment; this has been achieved by incorporating most of the parking either at the side of houses or in small rear court parking areas.
- Different character areas that give the scheme some diversity/variety and positively contributes to its legibility. In particular, the perimeter of the development mostly incorporates lower density and informally organised detached housing especially where it abuts the rural edge, with higher density housing appropriately located into the central zone that feature continuous and more consistent frontages. The rural/northern edge areas also feature shared surfacing that, together with different soft landscaping, distinguish these areas from the central area that has a conventional arrangement of separate paths each side of the carriageway.

Following the initial Design Review Panel and officer meetings in August, revised drawings were received with the following improvements:

- A new open space has been integrated in the heart of the scheme providing the layout with a central community focus (that it was previously lacking) which benefits from a well overlooked play area; this open space also successfully breaks-up the development parcels.
- The opportunity has been taken to introduce more street trees, particularly along the straightened and more formalised north-south axis which helps to draw the eye towards the large open space on the northern boundary and distinguishes this principal road from

the more organic arrangement of the rest of the site. The integration of the northern open space has also been improved by repositioning the opening in the hedge so that it aligns with the main axis. The play area has sensibly been omitted from this area (and re-located to the new central open space) because of the lack of natural surveillance.

- The parking arrangement has been further improved by employing more car barns positioned on the street frontage principally in the central area; this along with additional houses has especially improved the street enclosure along the north-south axis that, together with the other measures, helps to reinforce its principal role within the layout. The parking serving the blocks of flats 75-82 has also reduced its impact upon the street frontage by being rearranged into a formal rear court area.

On the southern side, the diversion of the public right of way has now been agreed by the inspector and a path is incorporated adjacent to the southern boundary of the site that avoids the access road.

The flood compensation area and attenuation pond dominate the open space on the southern side and, as this is the main approach to the site, they will need to be carefully landscaped so they contribute positively and don't detract from the scheme. I therefore recommend they are covered by a condition that secures the quality of their design, as well as the design of the other attenuation ponds.

As the Design Review Panel (DRP) have advised, I also feel that the landscape drawings need to include the street lighting to demonstrate the columns coordinate with the tree planting.

## **Elevations**

The revised drawings have significantly improved the elevations. In particular, the introduction of contemporary-styled buildings in the central area, not only provides a clean/crisp aesthetic but it also helps further distinguish this area from the more traditionally influenced building design in the rural and northern edges.

Additional attention has been given to the vista buildings which have now been designed to address and terminate the key axis.

The houses at the site entrance have been reorganised with their principal elevation facing towards the entrance approach and open space on the southern side.

The east-west roads in the central area are distinguished from the other roads as they now principally feature repeated gable-fronted houses that benefit from underlying rhythm.

The elevations throughout the scheme also mostly benefit from consistent use of hanging tiles and weatherboard type cladding on all sides of the buildings.

The applicant has responded to the DRP's detailed comments and agreed that the transoms and mullions can be subject to a condition which I would like extended to the window design. I would also like the entrance canopies/porches to be covered by condition.

## **Overall Assessment**

I agree with the DRP's assessment of the scheme and the scheme now sufficiently accords with policy DP26 of the District Plan and the principles set out in the Council's Design Guide. I therefore raise no objections, but would recommend that the following conditions are included to secure the quality of the design:

- Hard and soft landscaping details including boundary treatments across the scheme and detailed section drawings of the attenuation ponds and flood compensation area.
- Details of the facing materials.
- 1:20 scale elevations and section (shown in context) of the typical entrance canopies and windows in the central area.

In respect of sustainability, I understand that the applicant will be commissioning an Energy Statement and would recommend that an appropriately worded condition is included that secures the relevant commitments and/or key targets within the document.

### **Design Review Panel 14th December 2021**

The panel were impressed by the considerable number of positive improvements that have been made. This includes:

- The creation of a central space (with a play area) that appropriately breaks up the built-up area and provides the layout with a central focus.
- The re-location of the entrance to the large open space so that it aligns with the straightened north-south axis.
- The additional street trees particularly the avenue along the north-south spine road.
- The introduction of cleaner-edged contemporary-styled buildings in the central area.
- More clearly defined character areas.

The consistent application of secondary materials/detailing on all sides of the buildings was also commended.

Subject to the details, this now adds up to potentially a very good scheme.

However, further consideration needs to be given to refining the details:

- The downpipes in the valleys between the gabled frontages are not shown and will need to be carefully designed to ensure they are suitably elegant; alternatively, the roofs could be designed so they drain to the rear.
- The contemporary designed porches are a potentially elegant feature, but they will need to be slender and avoid additional structure.
- The windows of the contemporary designed houses in the central area will need to feature slender transoms and mullions (as shown) and grey coloured frames and there was concern this might be compromised with UPVC.
- The street lighting has not been shown and will need to be coordinated with the tree planting.
- The design of the play area would benefit from further consideration.
- More information is needed on sustainability and the scheme should aim to achieve above the Building Regulation minimum; the panel would also like to see a commitment to air source heat pumps.

There was a discussion (specifically around figure 46), but no conclusion, as to whether the scheme would benefit from further distillation of the treatment within each character area to reinforce the contrast between them. In relation to figure 46 there might be benefit from giving the south side of the road more of the contemporary feel of the north side.

### Overall Assessment

The panel support the scheme subject to the above comments being addressed.