

MID SUSSEX DISTRICT COUNCIL

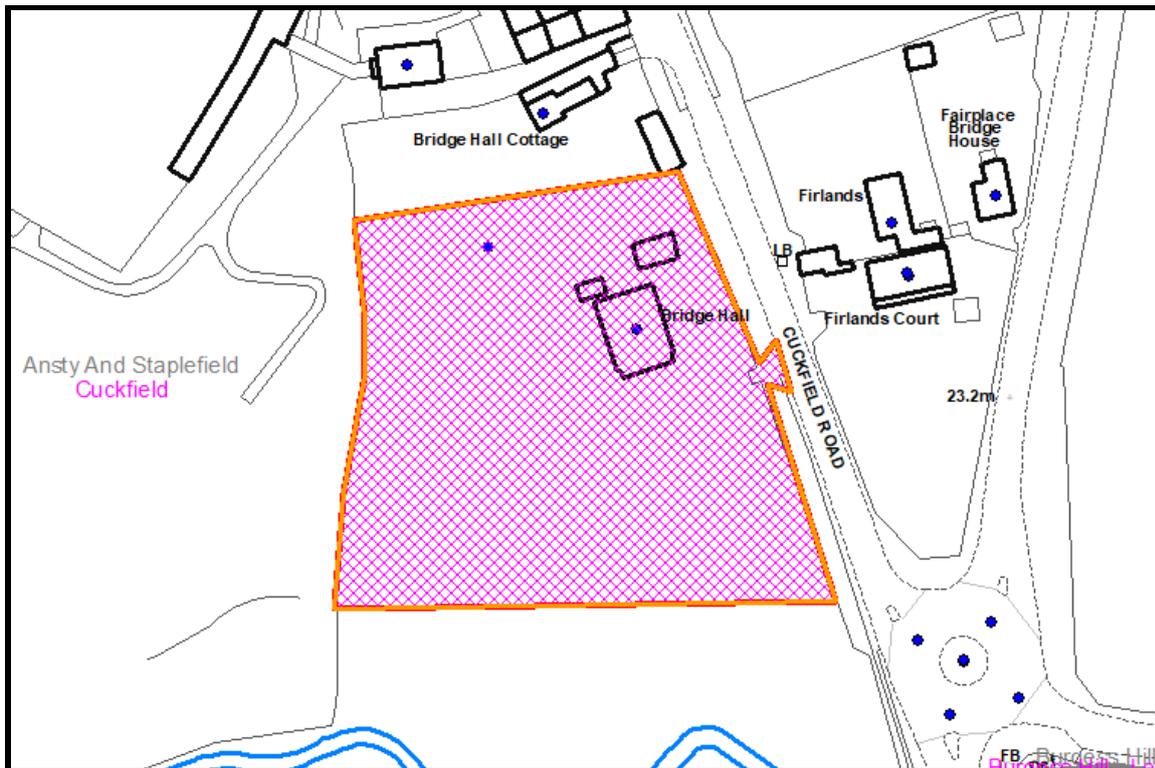
Planning Committee

15 JUL 2021

RECOMMENDED FOR PERMISSION

Ansty And Staplefield

DM/21/1524



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**BRIDGE HALL CUCKFIELD ROAD BURGESS HILL WEST SUSSEX  
FULL APPLICATION FOR THE ERECTION OF 35 RESIDENTIAL  
DWELLINGS WITH NEW ACCESS CREATED ONTO CUCKFIELD ROAD,  
LANDSCAPING, OPEN SPACE AND PARKING.  
BROOKWORTH HOMES LIMITED**

POLICY: Area of Special Control of Adverts / Built Up Areas / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSCC) / Waste Local Plan Site (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 28th July 2021

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Steven King

## **PURPOSE OF REPORT**

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

## **EXECUTIVE SUMMARY**

This application seeks full planning permission for the erection of 35 residential dwellings with a new access created onto Cuckfield Road, landscaping, open space and parking at Bridge Hall, Cuckfield Rd, Burgess Hill.

Planning law states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP). The site is not within an area covered by a Neighbourhood Plan.

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.

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

The principle of development on this site has been established by virtue of the planning permission that has been granted by the Planning Inspector for the erection of 36 dwellings on the site and the subsequent approval for 40 dwellings granted by the Local Planning Authority (LPA). In relation to planning policy, the principle of developing the site accords with policy DP6 of the DP because the site now lies within the defined built up area of Burgess Hill.

It is considered that the layout and design of the site are satisfactory and make efficient use of the site. The layout ensures that the dwellings face outwards towards the attractive boundary screening and results in a development that provides a proper street frontage.

The scheme would deliver 35 dwellings, 12 of which would be affordable, in a sustainable location. This should be afforded significant positive weight in the

planning balance.

The access into the site would be satisfactory, with appropriate sight lines being achieved. The Highway Authority has no objection to the scheme.

It is considered that the site can be satisfactorily drained to comply with policy DP41 of the DP. Planning conditions can be used to control the detail of the means of drainage for the development.

The scheme would result in some harm to the setting of Firlands, a grade two listed property to the east of the site on the opposite side of Cuckfield Road. It is considered that under the NPPF, this would be classed as 'less than substantial'. The NPPF states that this less than substantial harm needs to be weighed against the public benefits of the proposal. It is also the case that the 'less than substantial harm' must be afforded significant importance within the planning balance to reflect the statutory presumption contained within the Listed Buildings and Conservation Areas Act 1990 that the preservation of the setting of listed buildings is desirable.

It is considered that the public benefits in this case (development of 35 new homes, 12 of which would be affordable in a sustainable location, increased spending in the economy, economic benefits during construction) clearly outweigh the less than substantial harm to the setting of the listed building. As such whilst there is a conflict with policy DP34 of the DP, this is outweighed by the public benefits that would be secured by the proposal.

The boundary screening around the site will be retained to soften the impact of the development on the character of the area. The Ecological mitigation works that were secured with the previous approval on the site would be carried forward with this application.

To summarise, it is considered that the proposal complies with policies DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39 and DP41 in the DP. There is a conflict with policy DP34 as there would be less than substantial harm caused to the setting of a listed building. However in light of all the above it is considered that the application complies with the development plan when read as a whole, which is the proper basis for decision making. In light of the above the application is recommended for approval.

## **RECOMMENDATION**

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

## **SUMMARY OF REPRESENTATIONS**

2 letters of objection:

- block of flats is entirely out of character with the area and will be an eyesore
- access would be hazardous at peak times
- a significant proportion of hedgerows would need to be cleared to provide visibility splays
- poor footpath access and no zebra crossing to get into town
- limited bus service
- lack of provision for electric car charging points
- more trees should be retained to support wildlife
- can't see provision for replacement bat homes on site
- nearest primary schools are at capacity
- water issues in Burgess Hill with regular burst mains, low pressure show demand is already high and further building on our town will further affect services
- inadequate infrastructure to support new residents
- no provision for allotments within site
- Burgess Hill doesn't need any more housing

## **SUMMARY OF CONSULTEEES**

### **County Planning Officer**

To be reported

### **Highway Authority**

No objection subject to conditions

### **Sussex Police**

Recommend lighting is installed adjacent to the parking bays next to the footpath link to the Northern Arc and parking pergola. I recommend the postal arrangements for the flats is through the wall or external mounted secure post boxes. With respect to the blocks of multiple dwellings; from a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only.

### **Ecological Consultant**

To be reported

### **MSDC Drainage Officer**

No objection subject to conditions

### **Community Facilities Project Officer**

Requires infrastructure contributions

### **Urban Designer**

No objection subject to conditions regarding details of pumping station, landscaping, boundary treatment and materials.

### **Conservation Officer**

I remain of the opinion, as expressed in relation to the previous application, that the proposal will cause less than substantial harm to the setting of Firlands, a Grade II listed building which is located to the opposite side of Cuckfield Road. The proposal is therefore considered to be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to be less than substantial, such that the criteria set out in paragraph 196 will apply.

### **Housing Enabling & Development Officer**

This application is for 35 dwellings as opposed to the previously approved 40, however the developer is not proposing a reduction in the number of affordable homes (12) and consequently the amount of affordable housing has increased to 34%. In light of the 12 units being delivered as flats, we are willing to forgo the clustering policy of there being no more than 10 affordable housing units in a cluster, but a tenure blind approach will be required.

### **Environmental Protection Officer**

No objection subject to conditions

### **Contaminated Land Officer**

No objection subject to conditions

### **Tree Officer**

To be reported

### **Burgess Hill Town Council**

The Committee expressed concern over the safety of the single access point onto Cuckfield Road, which had no provision for pedestrians or cyclists, and the lack of provision for footways and cycleways within the development. Photovoltaic panels and provision for electric vehicle charging points for dwellings should be a requirement. There was no provision for replacement habitats for the bats currently on site. The Committee requested that a credible archaeologist should be on site to monitor while the house platforms were excavated, as this was a historical site - the earliest records of this house were from 1250AD. The 381 Committee expressed concern over the lack of an equipped children's play area.

## **PARISH COUNCIL OBSERVATIONS**

The Parish Council object to this application because it was not allocated in the Neighbourhood Plan and it will reduce the strategic gap between Ansty and Burgess Hill. They are also concerned at the single access junction which does not allow for cyclists or pedestrians.

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## **INTRODUCTION**

This application seeks full planning permission for the erection of 35 residential dwellings with new access created onto Cuckfield Road, landscaping, open space and parking at Bridge Hall, Cuckfield Road, Burgess Hill.

## **RELEVANT PLANNING HISTORY**

Outline planning permission for the erection of 36 dwellings on the site was granted on appeal by the Planning Inspector on 30th January 2018 (reference DM/15/04667). The means of access to the site was approved at the outline stage.

Following on from this, full planning permission was granted by the Local Planning Authority (LPA) on 23rd March 2020 under reference DM/19/3123 for the demolition of existing dwelling at Bridge Hall, Cuckfield Road and erection of 40 new dwellings.

## **SITE AND SURROUNDINGS**

The site of the application used to have a large detached house located within a large plot of land on the west side of Cuckfield Road, some 65m to the north of the Fairplace Bridge roundabout. The dwelling house has now been demolished. Ground works have commenced on the site pursuant to the previous planning permission for 40 dwellings on the site (DM/19/3123).

The house was located at the northeast side of the site. There is a fall in levels from north to south through the site. There were a large number of trees within the site. The trees on the boundaries of the site have been retained.

To the north of the site is Bridge Hall Cottage. On the opposite side of the road to the east is a collection of dwellings, including Firlands Court, a grade 2 listed building. To the west is the golf driving range.

The site lies within the built up area as defined in the DP. This is because the built up area boundary in the District Plan (DP) has been drawn to include the land allocated for strategic development to the north and west of Burgess Hill, commonly referred to as the Northern Arc.

## **APPLICATION DETAILS**

This application seeks full planning permission for the erection of 35 residential dwellings with new access created onto Cuckfield Road, landscaping, open space

and parking. The scheme is an amendment to the previously consented scheme (DM/19/3123).

The scheme would utilise a single point of access that would be located towards the centre of the eastern boundary of the site. The plans show a total of 49 allocated car parking spaces within the site and 9 visitor spaces.

The plans show that there would be two blocks of flats. One of these would be positioned towards the south eastern side of the site and the other would be positioned in the southwestern corner of the site. Along the eastern frontage of the site would be a terrace of 8 houses. There would be 8 houses to the western side of the site made up of four pairs of semidetached houses

The site would be laid out with the access road running around the eastern, southern and western sides of the site with the proposed dwellings fronting onto this access road. The plans show a 2m wide pathway to link to the Northern Arc on the western side of the site. Car parking would be provided in front of the proposed terrace of houses on the eastern side of the site and there would also be a car parking courtyard within the centre of the site.

In terms of the elevational treatment, the terrace of houses on the eastern side of the site would be a mixture of two and three storeys, with the third storey being set back. Materials would comprise Freshfield Lane first quality multi brick, zinc cladding with grey window frames. The block of flats at the southern end of the eastern side of the site would be three storeys in height and would feature brick elevations.

The block of flats at the southwestern corner of the site are three storeys with the upper storey being set back. This building would feature brick elevations on the first two floors with zinc cladding at the second floor.

The houses on the western side of the site would be two storeys with brick elevations with grey roof tiles. These dwellings would have two dormer windows on their front elevations facing westwards. The elevational treatment would follow the same contemporary approach as the blocks of flats.

The accommodation provided would be as follows:

#### Market Housing

2 x 1 bed flats

4 x 2 bed flats

1 x 2 bed FOG (flat over garage)

2 x 2 bed houses

14 x 3 bed houses

**Total: 23 dwellings**

#### Affordable housing

3 x 1 bed flats

9 x 2 bed flats

**Total : 12 dwellings**

## **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). The site is not within an area covered by a Neighbourhood Plan.

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

### **Mid Sussex District Plan**

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

Relevant policies:

- DP6 Settlement Hierarchy
- DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP20 Securing Infrastructure

DP21 Transport  
DP26 Character and Design  
DP27 Dwelling Space Standards  
DP28 Accessibility  
DP29 Noise, Air and Light Pollution  
DP30 Housing Mix  
DP31 Affordable Housing  
DP34 Listed Buildings and Other Heritage Assets  
DP37 Trees, Woodland and Hedgerows  
DP38 Biodiversity  
DP39 Sustainable Design and Construction  
DP41 Flood Risk and Drainage

### **Neighbourhood Plan**

The site is not within the Ansty and Staplefield Neighbourhood Plan (ASNP) area and is not covered by a Neighbourhood Plan.

*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) (Feb 2019)

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

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

*only if material considerations in a particular case indicate that the plan should not be followed.'*

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

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

### National Planning Policy Guidance

#### *National Design Guide*

#### *Ministerial Statement and Design Guide*

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

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

#### *Technical Housing Standards*

### **ASSESSMENT**

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

- The principle of development;
- Design/layout
- Noise
- Air quality
- Energy efficiency
- Access and Transport
- Neighbour amenity
- Housing Mix and Affordable Housing
- Impact on heritage assets
- Impact on trees

- Ecology
- Drainage
- Infrastructure
- Ashdown Forest
- Planning Balance and Conclusion

## **Principle of Development**

Policy DP6 in the District Plan relates to the settlement hierarchy in the District. It states:

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

*The growth of settlements will be supported where this meets identified local housing, employment and community needs.*

*Outside defined built-up area boundaries, the expansion of settlements will be supported where:*

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
2. *The site is contiguous with an existing built up area of the settlement; and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

*The developer will need to satisfy the Council that:*

- *The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
- *A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

The site lies within the built up area as defined in the DP. This is because the built up area boundary in the DP has been drawn to include the land proposed for strategic development to the north and west of Burgess Hill, commonly referred to as the Northern Arc. Accordingly the principle of development on the site accords with policy DP6 of the DP.

The planning history of the site is highly relevant to the assessment about the principle of this proposal. The principle of development on the site has been established by virtue of the outline planning permission for 36 dwellings on the site (reference DM/15/04667) and the subsequent full planning permission for 40 dwellings on the site (reference DM/19/3123).

In light of the designation of the site within the built up area of Burgess Hill, the planning history of the site and the fact that it is bounded by the 'Northern Arc', which

will result in a complete change in the character of this area over the coming years, there is no objection to the principle of redeveloping this site for housing.

## **Design/layout**

Policy DP26 in the District Plan seeks a high standard of design in new development. It 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.'*

It is considered that the overall layout of the site is sound. By placing the access road that would serve the development around the eastern, southern and western boundaries of the site it allows the dwellings to face outwards onto the boundary treatment around the site. This accords with Principle DG12 of the Design Guide SPD, which favours perimeter block layouts. The plans indicate that the existing boundary treatment to the Cuckfield Road would be retained. Within the centre of the site the plans show a central courtyard providing car parking. It is considered that this central courtyard of car parking will be well overlooked and will therefore be suitable in relation to designing out crime. This courtyard area will also be discreet meaning that it will not overly dominate the site.

Sussex Police have raised a number of detailed points in relation to the application concerning lighting and the means of entry into the blocks of flats. These points can be controlled by planning conditions, which will require details of lighting for the development and details of the system for controlling entry into the blocks of flats.

The basic layout of the site remains the same as was approved under application reference DM/19/3123. This was found to be acceptable by the LPA then and there are no reasons to come to a different view on this matter now.

The Councils Urban Designer has advised that in his view the scheme is an improvement on the 40 unit scheme in the following respects:

- *'The proposed flat roofed houses on plots 1-8 replace a block of flats. They benefit from a set-back top floor and a more modelled frontage that provides additional architectural interest, while the replicated arrangement provides greater underlying order and rhythm. They also have private gardens in place of the previous rather narrow communal garden.'*
- *'The pitched roof houses on plots 28-35 now all feature dormer windows which also gives this run of houses more order and rhythm.'*

The design approach to the external appearance of the proposed buildings follows that of the previous approval. It is considered that this will be a high quality development as sought by policy DP26 in the DP. The development will have a consistent approach and will be well proportioned. As such it complies with Principle DG38 in the Design Guide SPD.

This design approach was found to be acceptable for the 40 unit scheme that was approved on the site by the LPA and there are no reasons to come to a different conclusion on this matter now.

The plans show a pumping station located within an enclosure measuring 10.8m by 8m at the southern end of the site surrounded by a 1.8m enclosure. The Urban Designer states *'The downside of this application is the inclusion of a pumping station which I assume is a necessity. Because this is a tight development there is probably little option but to locate it in this regrettably prominent position along the ridge line.'* He has therefore recommended conditions regarding sections and elevations of the pumping station and access road shown in context together with hard and soft landscaping and boundary treatment around the pumping station.

Whilst the pumping station enclosure would be clearly visible from within the site, it is positioned at the southern end of the site and does not impinge on any of the proposed dwellings. It will also not be prominent in views from outside the site. Planting can be used to soften the enclosure around the pumping station. Your Planning Officer therefore agrees with the Urban Designer that the pumping station is not so problematic that it would justify a refusal of planning permission, The conditions suggested by the Urban Designer are recommended to soften the visual appearance of the pumping station enclosure.

The dwellings would comply with the national dwelling spaces standards in accordance with policy DP27 of the DP.

## Noise

Noise is a material planning consideration. The Planning Practice Guidance (PPG) states neither the Noise Policy Statement for England nor the NPPF (which reflects the Noise Policy Statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development.

The PPG advises that increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. The PPG that advises that noise should not be considered in isolation to the economic, social and environmental dimensions of the proposed development.

In relation to noise, policy DP29 states:

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

*Noise pollution:*

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

*Noise sensitive development, such as residential, 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 the development.*

*In appropriate circumstances, the applicant will be required to provide:*

- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development ;'*

The source of noise for prospective occupiers of the properties would be the Cuckfield Road. The Councils Environmental Protection Officer (EPO) has raised no objection to the application based on noise subject to the imposition of a planning condition requiring details of noise protection measures for future residents. This was the same position as was adopted on the previously approved scheme. There have been no changes since the previous application was approved that would justify a different conclusion on this matter. A suitably worded condition is proposed to

require the details of a soundproofing scheme to be submitted to and approved by the LPA.

## **Air quality**

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

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

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

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

Paragraph 181 of the NPPF states:

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

The PPG states:

*Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.'*

The Site Allocations Development Plan Document (DPD) contains a proposal to replace policy DP29 in the DP, with a new policy relating to air quality. The DPD commenced its examination by the Planning Inspector on 1st June 2021. As there are unresolved objections to the proposed new policy on air quality, this can be afforded little weight at present.

The Councils EPO has recommended that a planning condition is imposed to require the details of a scheme if mitigation measures to improve air quality.

In this case there is no evidence that the proposal would result in unacceptable levels of air pollution, or that there is an existing issue with poor air quality in the area. The site is not within an air quality management area (AQMA) for example. It is also the case that there is an extant planning permission for a larger number of dwellings on the site and this does not have a planning condition relating to air quality. In light of all the above it is not felt that there would be a policy justification for a separate planning condition concerning air quality matters in this case. It is therefore not considered that such a condition would meet the tests as set out in the PPG which says that all planning conditions must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

### **Energy efficiency**

Policy DP39 in the DP requires developers to seek to improve the sustainability of their developments. The policy refers to a number of measures that should be incorporated where appropriate into new development.

The application is accompanied by a Sustainability and Energy Statement. This sets out that the proposal will use a fabric first approach to energy efficiency to construct a development that will exceed building regulations standards. The development will also meet the requirement to limit water usage to 110 litres per person per day through water efficient taps and toilets, low output showers and flow restrictors to manage water pressures.

The application has therefore addressed policy DP39 in the DP.

### **Access and Transport**

Policy DP21 in the District Plan states:

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

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

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

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

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

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

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

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

In assessing the transport matters associated with this development it is important to note the extant permission that exists for 40 dwellings on the site. This provides a baseline for development that already has planning permission. The Highway

Authority have raised no objection to the application, advising that there would be a reduction in the cumulative impact on the highway network from the reduction on the number of units proposed on the site. As such there would be no severe impact on the highway network from the vehicular traffic arising from this development.

The proposed access to the highway is the same as has been approved previously. This will provide a satisfactory access onto the highway in accordance with policy DP21 in the DP.

The scheme would provide a total of 58 car parking spaces. The County Council have a car parking demand calculator that predicts the parking demand based on the location of a development within the District. The site lies within the Cuckfield Ward for the purposes of the County Councils car parking calculator, which is a predominantly rural ward. However, geographically the site is just outside the Dunstall Ward in Burgess Hill. Given the fact that the site is now within the built up area boundary of Burgess Hill for planning purposes and the site is within the Northern Arc urban extension, it is considered to be reasonable to use the Dunstall Ward when considering car parking rather than the Cuckfield Ward. This was the approach adopted in the consented scheme on the site, reference DM19/3123.

The parking calculator predicts that if all the spaces were unallocated, 47 spaces would be required. The applicants propose that each house is to be provided with two allocated parking spaces and each flat with one allocated space.

The applicants have stated that each house would have 2 allocated spaces and each flat would have 1 allocated space. It is considered that in this location, this level of allocated parking is sufficient. This would mean that there would be 51 allocated spaces on the site. There is a discrepancy on the proposed layout plan which shows 9 visitor parking spaces. There is a total of 58 spaces and if 51 are allocated this leaves 7 visitor spaces. Clarification has been sought from the applicants on this point and an update will be provided for Members. Notwithstanding this point, overall if it considered that 58 car parking spaces will be sufficient for this development. Whilst an assessment of the level of car parking provision is a matter for the LPA, if the Highway Authority were of the view that this level of car parking was problematic and would result in highway safety issues (from displacement parking for example), then they would say so in their consultation response. The Highway Authority have no objection to the level of car parking proposed.

### **Neighbour amenity**

Policy DP26 seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

Bridge Hall Cottage is located some 13m to the north of the site. This is a detached dwelling house that has first floor windows facing towards the site. The terrace of houses on plots 1 to 8 would be inset 2m from the mutual boundary. The first floor window in the north elevation of plot 1 facing towards Bridge Hall Cottage would serve a bathroom and would be obscure glazed. Plot 3, which steps up to three

storeys, would be inset some 9m from the end elevation of plot 1. There would be one window in the second floor of the north facing elevation of plot 3, which would serve a shower room and would be obscure glazed.

It is not considered that this terrace of housing would be overly dominant or overbearing to the occupiers of Bridge Hall Cottage. The third floor is inset sufficiently from the mutual boundary to mean that there will not be a loss of amenity. In terms of built form the relationship is similar to that which was found to be acceptable under the previously approved application, reference DM19/3123.

Firlands and Firlands Court are detached properties on the opposite of the road to the east of the application site. The terrace of houses on plots 1 to 8 would be some 50m away from Firlands and 45m away from Firlands Court. The submitted plans state that the existing boundary screening would be retained along the Cuckfield Road frontage. Nonetheless, the upper storey of the proposed houses is likely to be visible from these properties opposite the site. It is considered that the separation distances will mean that they will not be over bearing or overly dominant and there will be no unacceptable overlooking. As such there would be no conflict with this element of policy DP26. It should also be noted that this relationship would be very similar to the relationship of the flats to Firlands and Firlands Court on the previously approved scheme, reference DM/19/3123.

There is a two storey annexe building in the grounds of Firlands Court that is located some 32m away from the terrace of houses on plots 1 to 8. This was granted a lawful development certificate under reference 14/02559/LDE in 2014 to be used as a separate independent unit of residential accommodation because it was proven that it had been used as a separate dwelling for more than four years. Given the distance between the proposed development and this annexe and the fact that the existing boundary screening would be retained, the proposal would not have a significant adverse impact on this dwelling. Again it should be noted that this relationship would be very similar to the relationship of the flats to this annexe building on the previously approved scheme, reference DM/19/3123.

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

Policy DP30 in the District Plan seeks to ensure that housing development provides a mix of dwelling types and sizes that reflect current and future housing needs. 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 provides a mixture of 1 bed (14% of the total), 2 bed (46% of the total) and 3 bed units (40% of the total). The District Councils Housing and Economic Development Needs Assessment (HEDNA) (February 2015) which formed part of the evidence base for the District Plan examination provided the background information in relation to the future housing needs of the District. The HEDNA states on page 75:

*'Table 31 indicates that over the plan period, there will be a significant need for smaller dwelling types, with the majority of new households being 1 or 2 person*

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

It is considered that this is a good mix and reflects the need in the District for smaller units of accommodation.

It is considered that the overall mix of dwellings provided is satisfactory and complies with policy DP30 in the District Plan.

The scheme would provide 12 affordable units, which equates to 34% of the total. This is in excess of the 30% required by policy DP31, so this policy is met.

### **Impact on heritage assets**

As the application affects the setting of a listed building, on the opposite side of the road to the east, the statutory requirement to have special regard to the desirability of preserving the building, its setting and any features of special interest (s66, Planning (Listed Buildings and Conservation Areas) Act 1990) must be taken into account when making any decision. In addition, in enacting section 66(1) of the Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

Policy DP34 in the DP states in part:

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

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

Paragraph 193 of the NPPF states:

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

Paragraph 196 of the NPPF states:

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

The Councils Conservation Officer has assessed the application and her comments are summarised at the start of the committee report. It was accepted on the previous application (DM/19/3123) that the proposal would result in some harm to the setting of the listed building opposite the site as the character of the area would change from the single house occupying the site being replaced with a high density residential development. This harm was categorised as 'less than substantial' in terms of the NPPFs classification.

In allowing the appeal for the first scheme (reference DM/15/4667) the Inspector stated that 'the public benefits outweigh the less than substantial harm to the setting of Firlands as a Grade II listed building.' It is a material planning consideration that there is an extant planning permission for 40 dwellings on the site. Nonetheless, it is still necessary to make an assessment as to the impact on the setting of the listed building from this proposal and to come to a view on the question of whether there is harm, and if so what level of harm this is.

It is considered that it remains the case that the proposal would result in some harm to the setting of Firlands. Firlands is a 19th century villa built as a country residence and as such its historical illustrative value is enhanced by the current rurality of its setting. It is for this reason that the development at Bridge Hall will detract from the contribution that this part of the setting makes to the special interest of the listed building. It is your Planning Officer's view that this would be classified as 'less than substantial' using the terminology of the NPPF. It is therefore necessary to carry out a balancing exercise to weigh the harm caused to the setting of the listed building against the public benefits associated with the proposal.

In this case there would be a number of clear public benefits from the proposal. Firstly, the proposal would make efficient use of the site and provide 35 dwellings, of which 12 would be affordable. Secondly the scheme would result in a greater spend in the economy as a result of the additional population. Thirdly there would be short term economic benefits arising from the construction of the dwellings. Taken together it is your Planning Officers view that these public benefits clearly outweigh the less than substantial harm to the setting of Firlands.

Taking all of the above points into account, it is your Planning Officers view that the less than substantial harm to the setting of Firlands (which has been afforded significant weight to reflect the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990), and therefore by definition, the conflict with policy DP34 of the DP, is outweighed by the public benefits of the proposal.

### **Impact on trees**

Policy DP37 in the District Plan seeks to prevent the loss of trees which are important to the landscape and ensure that sufficient consideration has been given to the spaces around buildings. This policy applies to trees irrespective of whether they do or do not have a Tree Preservation Order (TPO). None of the trees within the site are subject to a TPO.

The previously approved scheme involved the removal of a significant number of trees within the centre of the site. Ground works have started on the site and the trees that were shown as being removed in the previous approval in the centre of the site have been removed. These were mainly Apple trees but also included Silver Birch, Hawthorn, Silver Birch and Purple Leaved Plum. It was not considered that the loss of these trees would conflict with policy DP37 of the DP since these trees did not contribute significantly to the character of the area as they were within the site and were not widely visible from public vantage points.

The current plans show the same trees being retained as with the previous approval reference DM/19/3123. On the eastern boundary of the site, north of the access, the plans show the existing Beech Hedge and trees within it being retained. To the south of the access the plans show the majority of trees on this boundary being retained. On the western side of the site the boundary trees would be retained, including four Oaks.

In light of the above it is considered that there is no conflict with policy DP37 of the DP.

### **Ecology**

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.'*

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017/1012.

Paragraph 175 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>6</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 incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

The residential dwelling on-site supported a night roost for single numbers of soprano pipistrelle *Pipistrellus pygmaeus* and brown long-eared bat *Plecotus auritus*. A European protected species mitigation licence was granted on 29th October 2020 for the destruction of the roost on the grounds of preserving public health or public safety (licence ref: 2020-50065-EPS-MIT). The roost was destroyed in November 2020 under supervision of a suitably qualified ecologist. The house that used to be on the site has been demolished.

As part of the previous approval for 40 dwellings on the site, condition 10 of the planning permission required a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) to be submitted to the LPA. This condition was discharged in September 2020. All clearance works associated with the previous planning application have proceeded in line with the measures outlined within the previously-produced LEMP and CEMP.

All previously outlined mitigation, compensation and enhancement measures are still valid and are incorporated into this application. These measures are summarised below:

- Retained hedgerows to be enhanced through native infill planting;
- Creation of hedgerow wildflower margins and wildflower meadows;
- Creation of species-rich hedgerows along northern and eastern boundaries;
- New tree and shrub planting consisting of native varieties and non-native varieties with known benefit to wildlife;
- Installation of bat and bird boxes;
- Covering of trenches, provision of ramps within trenches and capping of pipes;
- Design of a sensitive lighting scheme;
- Creation of hedgehog highways; and
- Creation of hibernacula.

It is therefore considered that this application complies with policy DP38 of the DP.

## **Drainage**

Policy DP41 in the District Plan seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. Paragraph 163 of the NPPF states:

*'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

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

The application is accompanied by a Flood Risk Assessment (FRA) and drainage strategy that is available on file for inspection. The entire site is located within Flood Zone 1: land having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%) in any given year.

#### Surface water

It is proposed that surface water runoff will drain to cellular storage tanks located within the open space to the south of the site. Flows will be discharged from the tanks to the river to the south of the site. The proposed on site surface water drainage system is to be designed to accommodate flows from the 1 in 30 year storm event, and all surface water attenuation systems will be designed to accommodate the 1 in 100 year plus 40% climate change storm event.

The Councils Drainage Engineer has no objection to the principle of this method of draining surface water from the site. The details of the surface water drainage of the site have been approved under condition 8 that was attached to the previous planning permission for 40 dwellings on the site. The Councils Drainage Engineer is content for these details to be brought forward onto this application. The proposal therefore complies with policy DP41 of the DP in respect of surface water drainage.

#### Foul drainage

The proposed system will drain foul flows by gravity to a pumping station located to the south of the site. A rising main will convey flows to the south east and connect to the existing public foul sewer located within the A273 roundabout south of Fairplace Bridge. The principle of this method of foul drainage has been approved under condition 7 of the previous planning permission for 40 dwellings on the site. The Councils Drainage Engineer is content for these details to be brought forward onto this application. The final details of the foul drainage will be controlled by suggested condition 13 which replicates condition 12 on the previous planning permission for 40 dwellings. The proposal therefore complies with policy DP41 of the DP in respect of foul drainage.

## Infrastructure provision

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

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

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

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

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

and:

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

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

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

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122, guidance in the NPPF and the material planning consideration outlined above, the infrastructure set out below is to be secured via a planning obligation. Copies of all relevant consultation responses are available in the appendices.

West Sussex County Council Contributions:

The County Council have reassessed their requirements and are now requesting the following infrastructure contributions:

(To Be Reported)

- Library provision: £
- Education Primary: £
- Education Secondary: £

- Education 6th form: £
- Early years: £
- Special educational needs: £
- Total Access Demand: £
- Fire service: £

#### District Council Infrastructure Requirements:

- Childrens play space: £52,228 is required to make improvements to play equipment (£28,385) and kickabout provision (£23,843) at Stonefield Way Play Area
- Formal Sport: £32,508 is required toward facilities at the Centre for Community Sport site in Burgess Hill.
- Community buildings: £20,271 is required to make improvements to the Sheddingdean Community Centre.
- Local community infrastructure: £20,248 towards either the refurbishment of the storage shed at the Ansty Recreation Ground or the Green Crescent Arts Trail project south of Jane Murray Way (Hammonds Ridge/Malthouse Lane), Burgess Hill

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

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

#### **Ashdown Forest**

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

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

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

### Recreational disturbance

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

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

### Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as **windfall development**, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

### Conclusion of the Habitats Regulations Assessment screening report

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

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

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

## **PLANNING BALANCE AND CONCLUSION**

Planning law states that planning applications must be determined in accordance with the plan unless material considerations indicate otherwise. In making an assessment as to whether the proposal complies with the development plan, the

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

The principle of development on this site has been established by virtue of the planning permission that has been granted by the Planning Inspector for the erection of 36 dwellings on the site and the subsequent approval for 40 dwellings granted by the LPA. In relation to planning policy, the principle of developing the site accords with policy DP6 of the DP because the site now lies within the defined built up area of Burgess Hill.

It is considered that the layout and design of the site are satisfactory and make efficient use of the site. The layout ensures that the dwellings face outwards towards the attractive boundary screening and results in a development that provides a proper street frontage

The scheme would deliver 35 dwellings, 12 of which would be affordable, in a sustainable location. This should be afforded significant positive weight in the planning balance.

The access into the site would be satisfactory, with appropriate sight lines being achieved. The Highway Authority has no objection to the scheme.

It is considered that the site can be satisfactorily drained to comply with policy DP41 of the DP. Planning conditions can be used to control the detail of the means of drainage for the development.

The scheme would result in some harm to the setting of Firlands, a grade two listed property to the east of the site on the opposite side of Cuckfield Road. It is considered that under the NPPF, this would be classed as 'less than substantial'. The NPPF states that this less than substantial harm needs to be weighed against the public benefits of the proposal. It is also the case that the 'less than substantial harm' must be afforded significant importance within the planning balance to reflect the statutory presumption contained within the Listed Buildings and Conservation Areas Act 1990 that the preservation of the setting of listed buildings is desirable.

It is considered that the public benefits in this case (development of 35 new homes, 12 of which would be affordable in a sustainable location, increased spending in the economy, economic benefits during construction) clearly outweigh the less than substantial harm to the setting of the listed building. As such whilst there is a conflict with policy DP34 of the DP, this is outweighed by the public benefits that would be secured by the proposal.

The boundary screening around the site will be retained to soften the impact of the development on the character of the area. The Ecological mitigation works that were secured with the previous approval on the site would be carried forward with this application.

To summarise, it is considered that the proposal complies with policies DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39 and

DP41 in the DP. There is a conflict with policy DP34 as there would be less than substantial harm caused to the setting of a listed building. However in light of all the above it is considered that the application complies with the development plan when read as a whole, which is the proper basis for decision making. In light of the above the application is recommended for approval.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

### **Pre commencement**

2. The development shall be implemented in accordance with the Construction Management Plan details that were approved under condition 2 of planning permission reference DM/19/3123 unless otherwise agreed in writing by the Local Planning Authority.

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

3. The development shall be implemented in accordance with the Levels details that were approved under condition 3 of planning permission reference DM/19/3123 unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

5. No development above slab level shall be carried out unless and until details of the materials for the access roads, parking areas and footpaths 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

6. The development shall be implemented in accordance with the tree protection details that were approved under condition 6 of planning permission reference DM/19/3123 unless otherwise agreed in writing by the Local Planning Authority.

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

7. The development shall be implemented in accordance with the foul drainage principle details that were approved under condition 7 of planning permission reference DM/19/3123 unless otherwise agreed in writing by the Local Planning Authority.

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

8. The development shall be implemented in accordance with the surface water drainage details that were approved under condition 8 of planning permission reference DM/19/3123 unless otherwise agreed in writing by the Local Planning Authority.

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

9. The development shall be implemented in accordance with the contamination remediation details that were approved under parts a, b and c of condition 9 of planning permission reference DM/19/3123 unless otherwise agreed in writing by the Local Planning Authority.

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

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

Reason: In the interests of health of future occupiers and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031 and paragraph 180 of the National Planning Policy Framework.

10. The development shall be implemented in accordance with the ecological details that were approved under condition 10 of planning permission reference DM/19/3123 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the ecology of the area, and in the interests of bats to ensure that a habitat remains for them during and after development and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

11. No development above slab level shall be carried out unless and until details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

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

### **Pre occupation**

12. Prior to the occupation of plot 21, details shall be submitted to the Local Planning Authority for their written approval of the garage doors for all of the car parking spaces underneath this building. The approved details shall be implemented before unit 21 is occupied.

Reason: To ensure that the building is of an appropriate design that is resistant to crime and to comply with policy DP26 of the District Plan 2014 - 2031.

13. No dwellings shall be occupied until details of the foul drainage of the site have been submitted to and approved in writing by the Local planning Authority. No dwelling shall be occupied until all the approved foul water drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

14. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled GENERAL ARRANGEMENT and numbered 18-307/001 Rev C.

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

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

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

16. Prior to the occupation of any dwelling or building subject of this permission, details of proposed screen walls/fences and/or hedges shall be submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences or hedges associated with them have been erected or planted.

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

17. Prior to the occupation of any dwelling or building subject of this permission, details of external lighting shall be submitted to the Local Planning Authority for its written approval. No dwelling shall be occupied until the lighting details have been approved by the Local Planning Authority and installed in accordance with the approved plans.

Reason: To safeguard the visual appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031

18. The development shall not be occupied until visibility splays of 2.4 metres by 90 metres have been provided at the centre of the proposed site vehicular access onto Cuckfield Road in accordance with plans and details submitted to and approved in writing by the local planning authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

19. No dwellings shall be occupied until a scheme for protecting the residential and other noise sensitive units from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms internally between 23:00 and 07:00 hours, post construction unless otherwise agreed in writing with the LPA. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB LAeq 1 hour when measured at any period unless otherwise agreed in writing. All works that form part of the scheme.

Reason: To protect the amenity of local residents and to accord with Policy DP29 of the District Plan 2014 - 2031.

20. Prior to the occupation of any dwelling subject of this permission, 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 DP37 of the Mid Sussex District Plan 2014 - 2031.

21. The dwellings shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority for the parking of bicycles clear of the public highway, to be both secure and safe, and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: To enable adequate provision for a facility which is likely to reduce the amount of vehicular traffic on existing roads and to accord with Policy DP21 of the District Plan 2014 - 2031.

22. The dwellings shall not be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority.

- Detailed 1:20 sections and elevations of the pumping station and access road shown in context.
- Detailed hard and soft landscaping and boundary treatment around the pumping station.

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

23. Prior to the first occupation of any building forming part of the proposed development the developer will at their own expense install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

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

24. No part of the development hereby permitted shall be occupied until details of the proposed entry system for the flats (including a schedule for their implementation) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In order to ensure that the building is secure and to prevent opportunities for crime in and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

### **Construction phase**

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

Reason: To protect the amenity of local residents from smoke, ash, odour and fume and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

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

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

### **Post construction**

27. A minimum of 20% of the units hereby permitted shall be part M4(2) (Adaptable and Accessible) compliant, and shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority.

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

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

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

### **INFORMATIVES**

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.

## 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
Landscaping	BRO22578 14		14.04.2021
Landscaping Details	BRO22578 13		14.04.2021
General	18-307/001	C	14.04.2021
Location Plan	PL-200		19.05.2021
Existing Site Plan	PL-201		19.05.2021
Proposed Site Plan	PL-202	D	19.05.2021
Proposed Floor Plans	PL-205	A	19.05.2021
Proposed Elevations	PL-206	A	19.05.2021
Proposed Floor Plans	PL-207		19.05.2021
Proposed Elevations	PL-208	A	19.05.2021
Proposed Floor Plans	PL-209		19.05.2021
Proposed Elevations	PL-210	A	19.05.2021
Proposed Floor Plans	PL-211	B	19.05.2021
Proposed Elevations	PL-212	B	19.05.2021
Proposed Floor and Elevations Plan	PL-213	A	19.05.2021
Proposed Floor and Elevations Plan	PL-214		19.05.2021
Proposed Floor and Elevations Plan	PL-215		19.05.2021
Proposed Elevations	PL-220	C	19.05.2021
Proposed Elevations	PL-221	A	19.05.2021
Proposed Sections	PL-222	A	19.05.2021
Tree Survey	BRO23247-03		20.04.2021

## APPENDIX B – CONSULTATIONS

### Parish Consultation

The Parish Council object to this application because it was not allocated in the Neighbourhood Plan and it will reduce the strategic gap between Ansty and Burgess Hill. They are also concerned at the single access junction which does not allow for cyclists or pedestrians.

### County Planning Officer

To be reported

### WSCC - Lead Local Flood Authority

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

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

## Flood Risk Summary

Current surface water flood risk based on 30year and 100year events	Low risk
<p>Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding although high risk exists along the southern boundary of the site.</p> <p>This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.</p> <p>Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk.</p> <p>Reason: NPPF paragraph 163 states – ‘When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.’</p>	

Modelled groundwater flood hazard classification	Low risk
<p>Comments: The area of the proposed development is shown to be at Low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.</p> <p>Ground water contamination and Source Protection Zones.</p> <p>The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.</p>	

Watercourses nearby?	Yes
<p>Comments: Current Ordnance Survey mapping shows the River Adur running just south of the site.</p> <p>Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.</p> <p>Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.</p>	

Records of any historic flooding within the site?	No
<p>Comments: We do not have any records of historic surface flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.</p>	

## **Future development - Sustainable Drainage Systems (SuDS)**

The Drainage Statement included with this application states that permeable paving and below ground attenuation, with a restricted discharge, would be used to control the surface water runoff from the site.

The District Council Drainage Engineer may want to review this application to identify if there are any local site-specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

The EA should be consulted as the outfall for the surface water system is into a main river and confirmation that the developer has permission to cross third party land for this discharge.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

## **Highway Authority**

### **Background**

WSCC in its role of Local Highway Authority (LHA) has been consulted on the above proposals for highway safety, capacity and access.

A full planning application (DM/19/3123) was approved on 23rd March 2020 for the demolition of existing dwelling and erection of 40 new dwellings with new access created onto Cuckfield Road. The LHA in our consultation response raised no highway objections to the scheme. The latest application is supported by way of a Transport Statement (TS) which includes TRICS data and a Stage 1 Road Safety Audit (RSA).

### **Comments**

The application will be served via an existing access and visibility splays of 2.4 by 43 metres are achievable from the point of access onto Cuckfield Road. The LHA has reviewed the latest accident statistics since the previous 2019 application and there has not been any recorded Road Traffic Collisions in the past 2 years as a result of the existing accesses design or layout.

Previously the LHA acknowledged that although the scheme involved a small increase in the number of dwellings over previous proposals no severe residual cumulative impact would result. The current application seeks to develop the site for 35 dwellings representing a reduction over the previously approved application for 40 dwellings and thereby resulting an in a consequent reduction in the cumulative impact.

## **Conclusion**

Given the previous history associated with this site from 2019 the LHA would not wish to raise an objection to the proposals. The previously advised conditions and Informative would apply to this latest application.

## **WSCC Fire and Rescue Service**

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

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

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

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

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

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

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

## **WSCC Minerals and Waste Authority**

Please be aware that the MWPA would offer no comments on the proposed application as, while the application site is located within a Mineral Safeguarding Area for Brick Clay, the site is smaller (0.8ha) than what is required (1ha) for the consultation threshold criteria for Brick Clay.

The site is also not within the proximity of any operational or planned waste sites, and so the MWPA would offer no objection on these grounds.

## Southern Water

Thank you for your letter dated 10/05/2021.

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

To make an application visit: [southernwater.co.uk/developing](http://southernwater.co.uk/developing) and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: [www.southernwater.co.uk/developing-building/connection-charging-arrangements](http://www.southernwater.co.uk/developing-building/connection-charging-arrangements)

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

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

[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.

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

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

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: [www.southernwater.co.uk](http://www.southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

## **Sussex Police**

Thank you for your correspondence of 09th June 2021, advising me of a full planning application for the erection of 35 residential dwellings with new access created onto Cuckfield Road, landscaping, open space and parking 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.

The design and Access Statement (DAS) submitted in support of this application states; *This application follows on from the previously approved Outline Consent Approved at Appeal (APP/D380/W/17/3180077) for the construction of 36 residential dwellings on the Bridge Hall site. It is considered that the existing building offers little architectural merit and any application brought forward offers an opportunity to enhance the local context. This application also follows the withdrawn application DM/19/0164. This revised scheme has been developed through discussions with the design officer and planning officers at Mid Sussex District Council.*

I was pleased to note with the DAS the inclusion of crime prevention comments and measures to be implemented into the development.

The development's design has a U shaped street layout with a singular vehicle entrance point with no through vehicle route. There is a proposed pedestrian link to Burgess Hill Northern Arc on the western elevation. The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked. There are vulnerable rear garden pathways present.

Parking has been provided with garages & covered pergola (car barns), overlooked parking bays and on-street parking bays, this should leave the street layout free and unobstructed. Where communal parking occurs it is important that they must be within view of an active

room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. The parking bays adjacent to the proposed Northern Arc link will need to be illuminated as the presence of the link make the vehicles vulnerable to unobserved attack. Additionally in order to create a safe and secure environment for the vehicles and users parked under the pergola parking, I recommend vandal resistant energy efficient dusk till dawn lighting is fitted.

I direct the applicant to SBD Homes 2019 V2 Chapter 54 for advice on increasing security of the garage vehicle door-set along with any garage pedestrian door-sets, or the interconnecting door-set to the dwelling. Consideration should be given to these door-sets due to the garage door-set being part of the building skin. This will also create an increased level of protection for the cycles stored within. Consideration should be given to providing anchorage points within the garages to secure the cycles to the wall.

With respect to the blocks of multiple dwellings; from a crime prevention perspective, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. SBD recommends that all communal door-sets serving 5 or more dwellings or bedrooms, should have visitor door entry system or access control system to enable management oversight of the security of the building i.e. to control access to the building via the management of a recognised electronic key system. It should also incorporate a remote release of the primary entrance door set and have audio visual communication (preferably colour) between the occupant and the visitor.

I recommend the postal arrangements for the flats is through the wall or external mounted 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. 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. See SBD Home 2019 V2 chapter 32.2.

Vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow for greater surveillance such as rear garden pathways. Trellis (300mm) topped 1.5 metre high fencing can be useful in such circumstances. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres.

Where gates provide access to gardens they must be placed at the entrance to the garden or rear garden pathway, 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.

I note the inclusion of a 2m pathway to Burgess Hill Northern Arc link on the development's western elevation. I ask that consideration is given to the pathway from an SBD perspective and that it supports the following SBD recommendations; 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 Para 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 have 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.*

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 para 56 for advice on cycle security and para 54 for increasing security of the garage vehicle door-set or the interconnecting door-set to the dwelling. Consideration is to be given to these door-sets due to the garage door-set being part of the building skin and access into the dwelling can be obtained from the garage. Either one needs consideration, but I would recommend that the vehicle door-set security is increased.

Where secure cycle storage is being provided within a store in the garden for each new dwelling. I direct the applicant to SBD Homes 2019 V2 chapter 56 for cycle storage and chapter 57 for bin storage.

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.

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**

To be reported

## **MSDC Drainage Officer**

**Recommendation: No objection subject to conditions**

### **FLOOD RISK**

The proposed development is located within flood zone 1 and would be at low fluvial flood risk. However, the site is near the watercourse and areas of Flood Zone 2 and 3, at medium and high risk respectively.

The proposed development is located within an area of very low surface water flood risk. However, an area of increased surface water flood risk is located adjacent to the watercourse and is in proximity to the site.

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

### **SURFACE WATER DRAINAGE**

The application is supported by a Flood Risk and Drainage Statement dated April 2021. This report references drainage reports completed for earlier applications on the site. All referenced drainage reports have also been submitted as part of this application.

It is proposed that surface water shall be attenuated and discharged to the watercourse south of the site. The discharge rate is proposed to be at a maximum 4.3l/s up to the 1 in 100-year event with a 40% allowance for climate change. This discharge rate appears to be the Greenfield QBar equivalent for the whole site. We would advise the applicant that the detailed drainage design should limit discharge rates to the Greenfield QBar rate for the drained area only.

The surface water drainage system is required to cross third party land. The applicant has provided evidence that an agreement was reached with this third party in relation to easements for a previous application. We would advise that as part of the detailed drainage design an agreement for this development will be required.

The principle of the proposed surface water drainage method is acceptable, although further details and confirmations will be required as part of the detailed drainage design.

### **FOUL WATER DRAINAGE**

The application is supported by a Flood Risk and Drainage Statement dated April 2021. This report references drainage reports completed for earlier applications on the site. All referenced drainage reports have also been submitted as part of this application.

It is proposed that foul water drainage shall flow via gravity to a pumping station to the south of the site. A new rising main will convey flows to the existing public foul sewer located within the A273 roundabout south of Fairplace Bridge.

The applicant states that Southern Water have confirmed there is enough capacity within the existing system. The applicant also states that the main foul sewers and pumping station shall be offered for adoption.

## **SUGGESTED CONDITIONS**

### **For the principle of foul water drainage:**

No development shall take place unless and until the principle of the proposed means of foul water drainage has been submitted to and approved in writing by the Local Planning Authority, following consultation with Environment Agency and West Sussex Highways. Details should include the means of crossing the Main River to allow connection to the existing public foul water sewer system.

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

### **Surface water drainage design:**

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

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

### **Foul water drainage design:**

No dwellings shall be occupied until details of the foul drainage of the site have been submitted to and approved in writing by the Local planning Authority. No dwelling shall be occupied until all the approved foul water drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

## **GENERAL DRAINAGE REQUIREMENT GUIDANCE**

### **SURFACE WATER DRAINAGE**

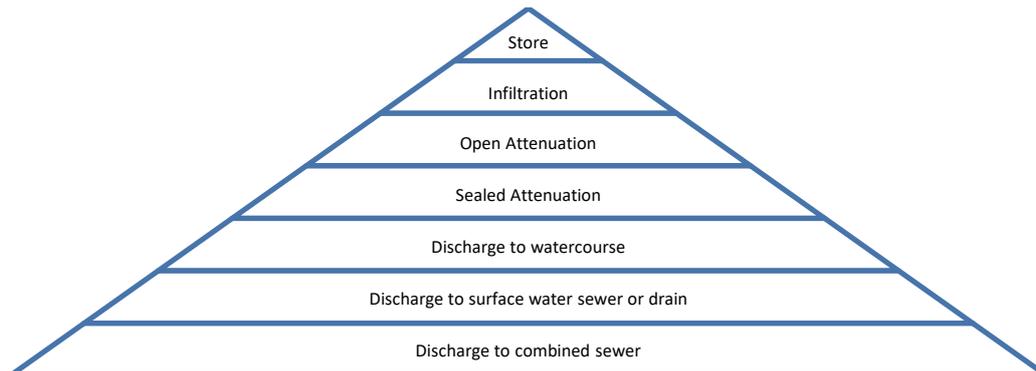
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change. Climate change allowances should be in line with the Environment Agency's climate change allowance recommendations.

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

Multiple dwellings / multiple unit development will need to provide a maintenance and management plan that identifies how the various drainage systems will be managed for the lifetime of the development, who will undertake this work and how it will be funded.

The proposed development drainage will need to:

- Follow the hierarchy of surface water disposal, as set out below.



- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.
- Match existing Greenfield rates and follow natural drainage routes as far as possible.
- Calculate Greenfield rates using FEH or a similar approved method. SAAR and any other rainfall data used in run-off storage calculations should be based upon FEH rainfall values.
- Seek to reduce existing flood risk.
- Fully consider the likely impacts of climate change and changes to impermeable areas over the lifetime of the development.
- Consider a sustainable approach to drainage design considering managing surface water at source and surface.
- Consider the ability to remove pollutants and improve water quality.
- Consider opportunities for biodiversity enhancement.

## **FOUL WATER DRAINAGE**

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

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

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

## Further comments 28th June 2021

As the drainage design is the same as previously approved then happy for your suggested wording to be used instead of placing the conditions on again.

### **Community Facilities Project Officer**

Thank you for the opportunity to comment on the plans for the development of 35 residential dwellings at Bridge Hall, Cuckfield Road, Burgess Hill RH15 8RE on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

#### **CHILDRENS PLAYING SPACE**

Stonefield Way Play Area, owned and managed by the Council, is the nearest locally equipped play area approximately 400m from the development site. This facility will face increased demand from the new development and a contribution of £52,228 is required to make improvements to play equipment (£28,385) and kickabout provision (£23,843). These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

#### **FORMAL SPORT**

In the case of this development, a financial contribution of £32,508 is required toward facilities at the Centre for Community Sport site in Burgess Hill.

#### **COMMUNITY BUILDINGS**

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £20,271 is required to make improvements to the Sheddingdean Community Centre.

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

### **Urban Designer**

This proposal is similar to the 2020 consent for 40 dwellings on this site (DM/19/3123) but is an improvement in the following respects:

- The proposed flat roofed houses on plots 1-8 replace a block of flats. They benefit from a set-back top floor and a more modelled frontage that provides additional architectural interest, while the replicated arrangement provides greater underlying order and rhythm. They also have private gardens in place of the previous rather narrow communal garden.
- The pitched roof houses on plots 28-35 now all feature dormer windows which also gives this run of houses more order and rhythm.

The downside of this application is the inclusion of a pumping station which I assume is a necessity. Because this is a tight development there is probably little option but to locate it in this regrettably prominent position along the ridge line. Unfortunately, the drawings do not sufficiently demonstrate how this structure and the access will work with the topography and the landscaping. So, while I raise no objections to the application, I would recommend

conditions requiring the submission and approval of the following further drawings and information:

- Detailed 1:20 sections and elevations of the pumping station and access road shown in context.
- Detailed hard and soft landscaping and boundary treatment around the pumping station.
- Facing materials

### **Conservation Officer**

The current proposal on the site is very similar to DM/19/3123 in terms of the height and bulk of the buildings and their positioning within the site. The associated site plan and landscaping also appears very similar. I therefore remain of the opinion, as expressed in relation to the previous application, that the proposal will cause less than substantial harm to the setting of Firlands, a Grade II listed building which is located to the opposite side of Cuckfield Road.

Firlands is a 19th century villa built as a country residence and as such its historical illustrative value is enhanced by the current rurality of its setting. The verdant backdrop also adds to its aesthetic value. For this reason, the development at Bridge Hall will detract from the contribution that this part of the setting makes to the special interest of the listed building. The existing screening along the Cuckfield Road frontage, which it does not appear it is intended to enhance, will only partially screen views of the substantial new development within the site, and will not entirely mitigate the harm caused.

The proposal is therefore considered to be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF I would consider the harm caused to be less than substantial, such that the criteria set out in paragraph 196 will apply.

### **Housing Enabling & Development Officer**

This application is for 35 dwellings as opposed to the previously approved 40, however the developer is not proposing a reduction in the number of affordable homes (12) and consequently the amount of affordable housing has increased to 34%.

The revised plans submitted show that the affordable units are located in the same area, but with different plot numbers. They consist of 3 x 1 bed / 2 person flats @ 50.5m<sup>2</sup> and 9 x 2 bed / 4 person flats @ 70.3m<sup>2</sup> - 73.3m<sup>2</sup> and therefore meet our occupancy and space standards. As the shared ownership units are not identified, we would recommend plots 12, 15 and 16 as these are all 2B/4P flats which can be accessed via a separate core. In light of the 12 units being delivered as flats, we are willing to forgo the clustering policy of there being no more than 10 affordable housing units in a cluster, but a tenure blind approach will be required.

### **Environmental Protection Officer**

I recommend the following conditions should the proposed development be granted permission:

Conditions:

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

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

Reason: To protect the amenity of local residents.

- Air Quality: Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the reserved matters application (available at Supplementary Planning Documents - Mid Sussex District Council ). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Informative - In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.

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

- Soundproofing (Environmental Noise): No development shall take place until a scheme for protecting the residential and other noise sensitive units from noise generated by road traffic or other external sources, has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an Acoustic Design Statement in line with the recommendations of ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise 2017 and shall ensure that internal and external noise levels are in accordance with BS 8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. Noise from individual external events typical to the area shall not exceed 45dB L<sub>Amax</sub> when measured in bedrooms internally between 23:00 and 07:00 hours, post construction unless otherwise agreed in writing with the LPA. Where the internal noise levels will be exceeded by more than 5dB with windows open, then the applicant shall submit details of an alternative means of ventilation with sufficient capacity to ensure the thermal comfort of the occupants with windows closed. Noise levels in gardens and public open spaces shall not exceed 55 dB L<sub>Aeq</sub> 1 hour when measured at any period unless otherwise agreed in writing. All works that form part of the scheme shall be completed before the noise sensitive development is occupied.

### **Contaminated Land Officer**

My recommendations remain the same as in 2019, but I would recommend using our more up today wording for the contaminated land condition, reproduced below:

Recommendation: Approve with conditions

- 1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways, and receptors
- potentially unacceptable risks arising from contamination at the site

and, unless otherwise agreed in writing by the LPA,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

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

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

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

In addition, the following precautionary condition should be applied separately:

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

### **Tree Officer**

To be reported