

MID SUSSEX DISTRICT COUNCIL

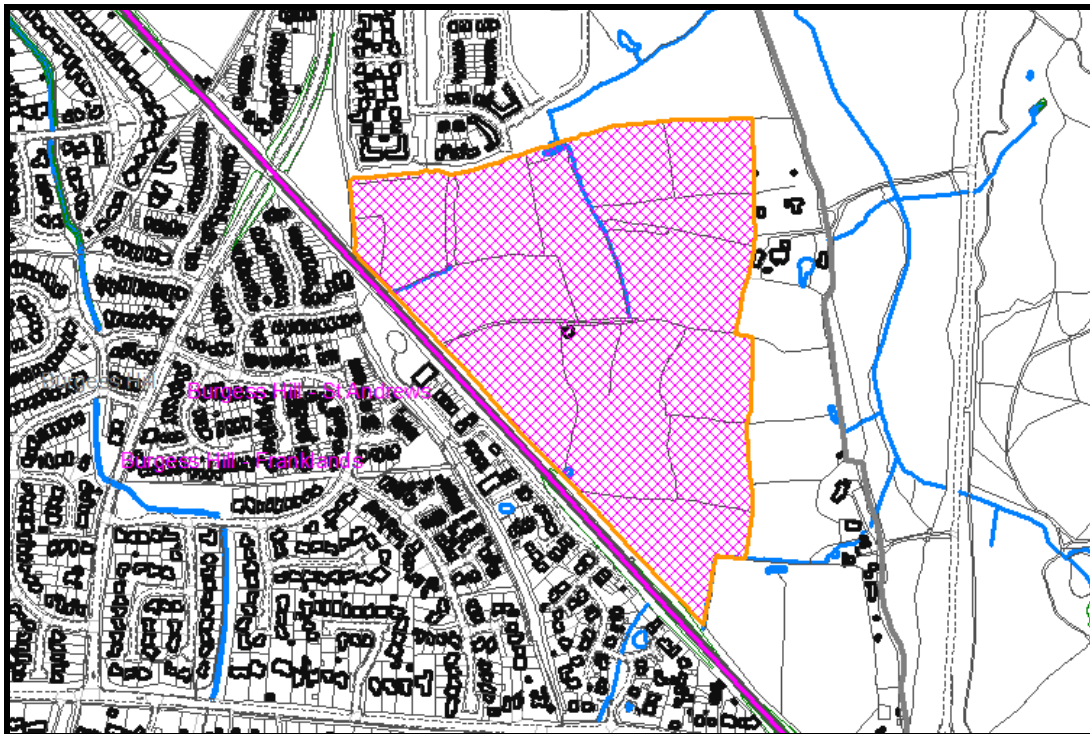
District Wide Committee

24 FEB 2022

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/20/0886



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

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

MR CHARLES CHURCH

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

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

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 4th March 2022

WARD MEMBERS: Cllr Roger Cartwright / Cllr Matthew Cornish /

CASE OFFICER: Susan Dubberley

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of a S106 Obligation planning permission should be granted.

RECOMMENDATIONS

Recommendation A

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

Recommendation B

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

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

SUMMARY OF REPRESENTATIONS

6 letters of objection received:

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

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

SUMMARY OF CONSULTATIONS

West Sussex County Council Highways

No objection.

WSSC Minerals & Waste

No objection

WSSC Fire and Rescue

No objection subject to condition requiring details of fire hydrant.

WSSC - Flood risk

No objection.

Sussex Police

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

Southern Water

No objection subject to conditions

MSDC Culture

No objection.

Ecologist

No objection subject to conditions

Parks and Landscapes

No objection overall but come comments on species.

Surrey County Council Archaeologist

No objection.

MSDC Environmental Health - Contaminated Land

No objection, subject to conditions.

MSDC Environmental Health - Protection

No objection, subject to conditions.

MSDC Urban Designer

No objection subject to conditions.

Design Review Panel

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

MSDC Housing

No objection.

MSDC Drainage Engineer

No objection in principle subject to condition.

MSDC Street Naming and Numbering

Request informative regarding street naming and numbering.

Environment Agency

No objection.

Burgess Hill Town Council

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

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

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

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

Introduction

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

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

Relevant Planning History

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

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

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

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

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

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

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

Site and Surroundings

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

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

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

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

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

Application details

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

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

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

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

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

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

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

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

LEGAL FRAMEWORK AND LIST OF POLICIES -

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

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

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

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

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

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

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

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

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

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

Mid Sussex District Plan

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

Relevant policies include;

DP6: Settlement hierarchy

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

DP17: Ashdown Forest

DP20: Securing Infrastructure

DP21: Transport

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

Burgess Hill Neighbourhood Plan] Made 2016

Relevant policies:

Policy S4 Parking Standards for new developments

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing Supplementary Planning Document (SPD)

Development Viability Supplementary Planning Document (SPD)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (July 2021)

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

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

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

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

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

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

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

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

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

Technical Housing Standards

ASSESSMENT

Principle

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

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

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

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

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

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

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

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

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

The strategic development in this location will:

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

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

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

Layout and design

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

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

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

Paragraph 119 of the NPPF states in part:

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

Paragraph 124 of the NPPF states:

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

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

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

Paragraph 126 of the NPPF states that:

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

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

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

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

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

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

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

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

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

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

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

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

Mix of unit sizes and affordable housing

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

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

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

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

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

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

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

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

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

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

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

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

Infrastructure contributions and affordable housing

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

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

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

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

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

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

and:

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

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

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

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

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

County Council Contributions

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

- Libraries - £14,316
- TAD - £62,192

District Council Contributions

- Local community Infrastructure: £68, 111

CHILDRENS PLAYING SPACE

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

FORMAL SPORT

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

COMMUNITY BUILDINGS

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

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

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

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

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

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

Residential Amenity

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

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

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

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

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

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

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

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

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

Parking and Highways issues

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

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

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

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

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

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

Landscaping issues and trees

Policy DP37 of the Mid Sussex District Plan states that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sustainability

Sustainable Design and Construction

District Plan policy DP39 relates to Sustainable Design and Construction and states:

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

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

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

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

It lists a number of issues that designers should consider, including, amongst others, the incorporation of renewable energy technologies.

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

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

Primarily a fabric-first approach to design to minimise energy consumption, incorporating the following:

- Energy-efficient building fabric and insulation to all heat loss floors, walls, windows and roof.
- Use of High-efficiency double-glazed windows throughout.
- Use of low energy lighting throughout.
- Ventilation in the form of highly efficient intermittent extract fan and openable windows to provide natural ventilation.

In addition, the document includes the following additional efficiencies;

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

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

The submitted Sustainability Statement is considered acceptable in meeting the above policies and guidance in terms of sustainable design and construction. It should be noted that in respect of policy DP39 of the District Plan, the wording of this policy is supportive of improving the sustainability of developments, but there are no prescriptive standards for developments to achieve in respect of carbon emission

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

The accessibility of the site

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

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

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

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

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

Ecology

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

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

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

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

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

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

Archaeology

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

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

The Council's archaeology consultant has commented that;

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

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

Drainage

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

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

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

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

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

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

Ashdown Forest

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

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

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

Recreational disturbance

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

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

(SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

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

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a development allocated through the District Plan Policy DP8 such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Policy DP8 allocates up to 480 dwelling on the site and the current application proposes an increase of an additional 34 units on the site. However, it is considered that the 34 units will not lead to a significant generation of additional traffic. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Planning Balance and Conclusion

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

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

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

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

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

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

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

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

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

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

APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

Pre-commencement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INFORMATIVES

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

Accordingly, you are requested that:

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

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

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

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

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

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

Plans Referred to in Consideration of this Application

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

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

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

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

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

APPENDIX B – CONSULTATIONS

Parish Consultation

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

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

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

Parish Consultation

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

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

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

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

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

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

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

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

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

Parish Consultation

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

The Committee expressed the following concerns:

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

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

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

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

Consultant Ecologist

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

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

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

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

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

WSSC Fire and Rescue

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

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

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

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

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

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

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

MSDC Culture

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

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

CHILDRENS PLAYING SPACE

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

FORMAL SPORT

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

COMMUNITY BUILDINGS

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

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

Parks and Landscapes

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

Please see below comments regarding the planting plan overall.

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

General planting plans comments

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

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

General hard landscape comments

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

Planting Specification: General/trees/ shrubs/ grass

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

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

MSDC Drainage Engineer:

Comments dated 02/02/22

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

Reviewed information

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

Title

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

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

Works required to existing drainage infrastructure

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

Ordinary watercourse consent advice

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

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

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

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

Recommended wording for planning -

No objection subject to:

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

Where earlier versions of drawings form the appendix of the flood risk and drainage report (11036_Kings Way_Phase 4_FRA_00) the listed drawings are to supersede these.

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

Comments dated 20/01/22

SUMMARY

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

FLOOD RISK

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

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

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

SURFACE WATER DRAINAGE

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

The below comments are based on our comments provided 16 March 2021, alterations and additions have been highlighted in yellow¹.

GENERAL

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

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

NORTH CATCHMENT DRAINAGE

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

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

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

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

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

We will require:

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

SOUTH CATCHMENT DRAINAGE

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

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

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

FOUL WATER DRAINAGE

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

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

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

ADDITIONAL GENERAL COMMENTS - CULVERTING WATERCOURSES

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

FURTHER INFORMATION REQUIRED TO AVOID PRE-COMMENCEMENT CONDITION

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

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

SUGGESTED PRE-COMMENCEMENT CONDITION

C18F - MULTIPLE DWELLINGS/UNITS

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

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

MSDC Environmental Health - Contaminated Land

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

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

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

Discovery Condition:

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

MSDC Environmental Health - Protection

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

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

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

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

Reason: To protect the amenity of local residents.

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

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

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

Environment Agency

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

Environment Agency Position:

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

We have no objection to the proposal as submitted.

Southern Water

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

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

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

Specify the responsibilities of each party for the implementation of the SUDS scheme.

- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors. It is possible that a sewer now deemed to be public could be crossing the development site.

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

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

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

WSCC - Flood Risk;

Comments dated 11th January 2022:

Thank you for consulting with us regarding the above application.

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

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

Comments dated 4th May 2020:

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

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

MSDC Housing

Comments dated 18th January

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

The amended plans currently show only 71 units comprising:

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

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

The 3B/5P wheelchair house will also need to meet the requirements contained in Part M4(3)(1)(a) and(b) and Part M4(3)(2)(b) for Wheelchair accessible dwellings as contained in Category 3 - wheelchair user dwellings of Schedule 1 of the Building Regulations 2010 as amended. 1:50 plans for this unit will need to be approved by our OT prior to planning consent being issued

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

Comments dated 18th May

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

The affordable units proposed include:

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

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

must meet the requirements contained in Part M4(3)(1)(a) and(b) and Part M4(3)(2)(b) for Wheelchair accessible dwellings as contained in Category 3 - wheelchair user dwellings of Schedule 1 of the Building Regulations 2010 as amended.

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

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

Design Review Panel

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

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

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

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

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

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

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

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

MSDC Urban Designer

Summary and Overall Assessment

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

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

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

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

Layout

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

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

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

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

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

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

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

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

Elevations

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

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

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

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

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

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

WSSC Minerals & Waste

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

West Sussex County Council Highways

Comments dated 19 January 2022

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

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

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

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

Comments dated 4 December 2020:

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

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

Comments dated 22 April 2020:

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

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

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

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

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

Street Naming and Numbering Officer

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

Informative (Info29)

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

Planning applications requiring SNN informative:

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

Arboriculturist

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

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

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

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

WEST SUSSEX COUNTY COUNCIL- Flood risk

RECOMMENDATION: No Objection

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

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

Kevin Brook
Flood Risk Management Team

Sussex Police

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

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

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

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

Where communal parking occurs, it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. I note that changes to the dwellings include some gable ended windows being introduced into the design and layout which can assist in providing observation over an otherwise unobserved parking area.

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

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

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

The proposed Public Open Space (POS) in the centre of the development have good observation over it from surrounding dwellings. However, in order to maintain as much natural surveillance as possible across the POS as well as other areas across the development where planting and trees are being proposed, ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation throughout the area.

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

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

Regarding the mail delivery for the blocks of multiple dwellings, I recommend the postal arrangements for the flats is through the wall, or external secure post boxes. I strongly urge the applicant not to consider letter apertures within the flats' front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block. There are increasing crime problems associated with the delivery of post to buildings containing multiple dwellings or bedrooms therefore, mail delivery that compromises the security of residential areas of a multi-occupied building in order to deliver individually to each residence is not recommend. Facilities should be provided that enable mail to be delivered to safe and secure areas.

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

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

Where lighting is implemented throughout the development it should conform to the recommendations within BS 5489-1:2013. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

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

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

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

Surrey County Council Archaeologist

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

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

This response relates solely to below-ground archaeological issues.