

MID SUSSEX DISTRICT COUNCIL

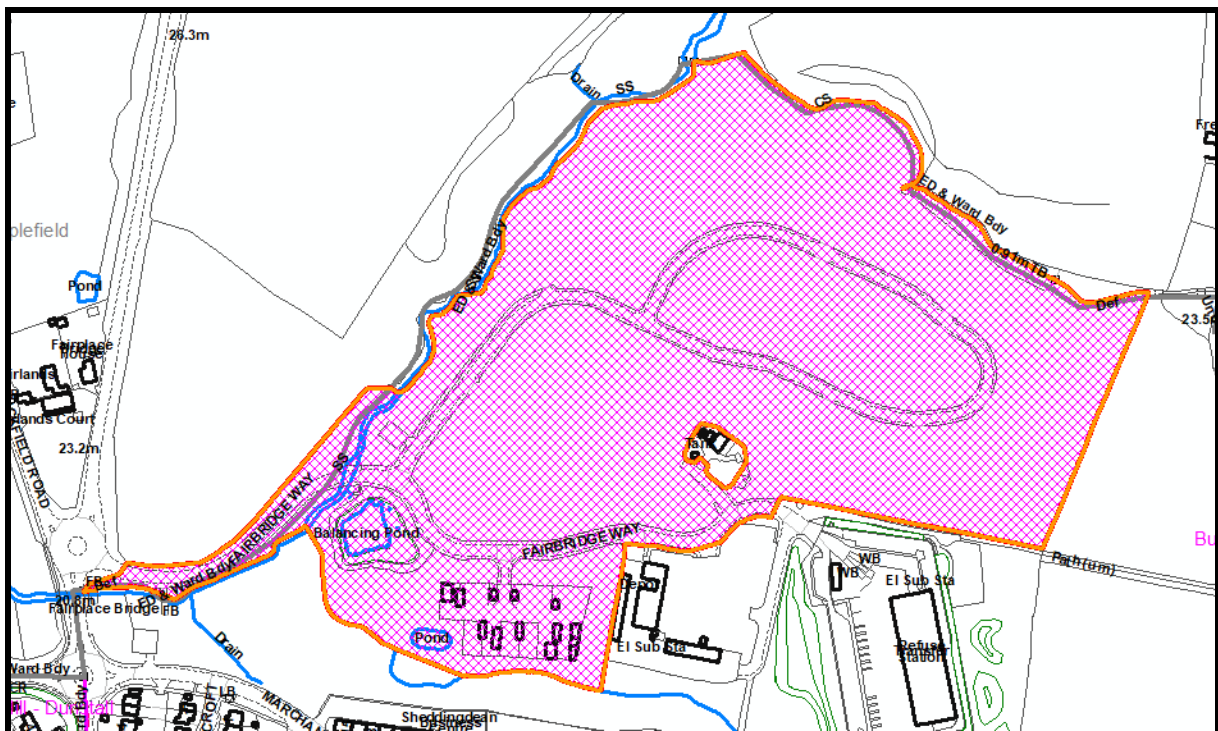
District Wide Committee

17 MAR 2022

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/21/2627



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

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

ODPM CODE: Smallscale Major Other

8 WEEK DATE: 18th March 2022

WARD MEMBERS: Cllr Simon Hicks / Cllr Anne Eves /

CASE OFFICER: Stephen Ashdown

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

None received.

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

MSDC Urban Designer

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

Mid Sussex Design Review Panel

The Panel objects to this scheme.

MSDC Housing Officer

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

MSDC Drainage Officer

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

MSDC Tree and Landscape Officer

No objection.

MSDC Environmental Protection Officer

To be reported.

WSCC Highways

No objection.

WSCC Fire and Rescue

A fire hydrant condition advised.

Southern Water

No objection.

BURGESS HILL TOWN COUNCIL

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

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

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

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

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

INTRODUCTION

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

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

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

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

BACKGROUND AND RELEVANT PLANNING HISTORY

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

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

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

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

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

The relevant planning applications are listed below for reference purposes;

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

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

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

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

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

SITE AND SURROUNDINGS

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

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

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

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

APPLICATION DETAILS

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

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

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

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

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

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

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

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

LIST OF POLICIES

Mid Sussex District Plan 2014-2031

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

Burgess Hill Neighbourhood Plan

S4 - Parking standards for new developments

Other Material Considerations

Affordable Housing Supplementary Planning Document (SPD)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Design Guide

Ministerial Statement and Design Guide

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

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

Technical Housing Standards Nationally Described Space Standards

ASSESSMENT

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

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

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

- Other Matters
- Planning Balance and Conclusion

Layout, Appearance and Scale

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

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

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

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

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

Layout

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

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

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

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

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

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

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

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

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

Appearance

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

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

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

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

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

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

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

Scale

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

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

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

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

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

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

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

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

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

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

Housing Mix and Affordable Housing

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

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

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

The proposed core affordable dwelling mix is as follows:

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

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

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

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

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

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

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

Standard of Accommodation

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

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

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

Accessibility

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

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

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

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

Landscaping

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

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

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

The submitted scheme shows the following proposed landscape features;

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

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

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

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

Residential Amenity

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

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

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

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

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

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

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

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

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

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

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

Highways and Parking Matters

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sustainability

Policy DP39 of the District Plan states:

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

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

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

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

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

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

Condition 20 of the 2021 outline planning permission states;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other Matters

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

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

Drainage

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

Ecology

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

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

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

PLANNING BALANCE AND CONCLUSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

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

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

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

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

5. The soft landscaping scheme shall be completed in accordance with the approved details prior to the occupation of the relevant dwelling, or adjacent dwellings in the case of communal areas. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

INFORMATIVES

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

Plans Referred to in Consideration of this Application

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

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

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

APPENDIX B – CONSULTATIONS

Parish Consultation

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

Parish Consultation

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

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

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

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

MSDC Urban Designer

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

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

The revised drawings feature the following improvements:

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

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

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

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

Overall Assessment

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

Mid Sussex Design Review Panel

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

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

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

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

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

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

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

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

Overall Assessment

The panel object to this scheme.

MSDC Housing Officer

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

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

MSDC Drainage Officer

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

Comments dated 16th August 2021

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

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

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

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

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

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

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

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

MSDC Environmental Protection Officer

To be reported

MSDC Tree and Landscape Officer

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

Summary of previous comments

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

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

WSCC Highways

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

The reduction in cycle spaces is noted.

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

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

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

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

WSCC Fire and Rescue

This application has been dealt with in accordance with the statutory obligation placed upon Fire and Rescue Service by the following act;

***Fire and Rescue Services Act 2004
Part 5, 38: Duty to secure water supply etc.***

- 1) A fire and rescue authority must take all reasonable measures for securing that an adequate supply of water will be available for the authority's use in the event of fire.*

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

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

- 1) Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
- 2) Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.
- 3) The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

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

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

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

Southern Water

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

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

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

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

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