

MID SUSSEX DISTRICT COUNCIL

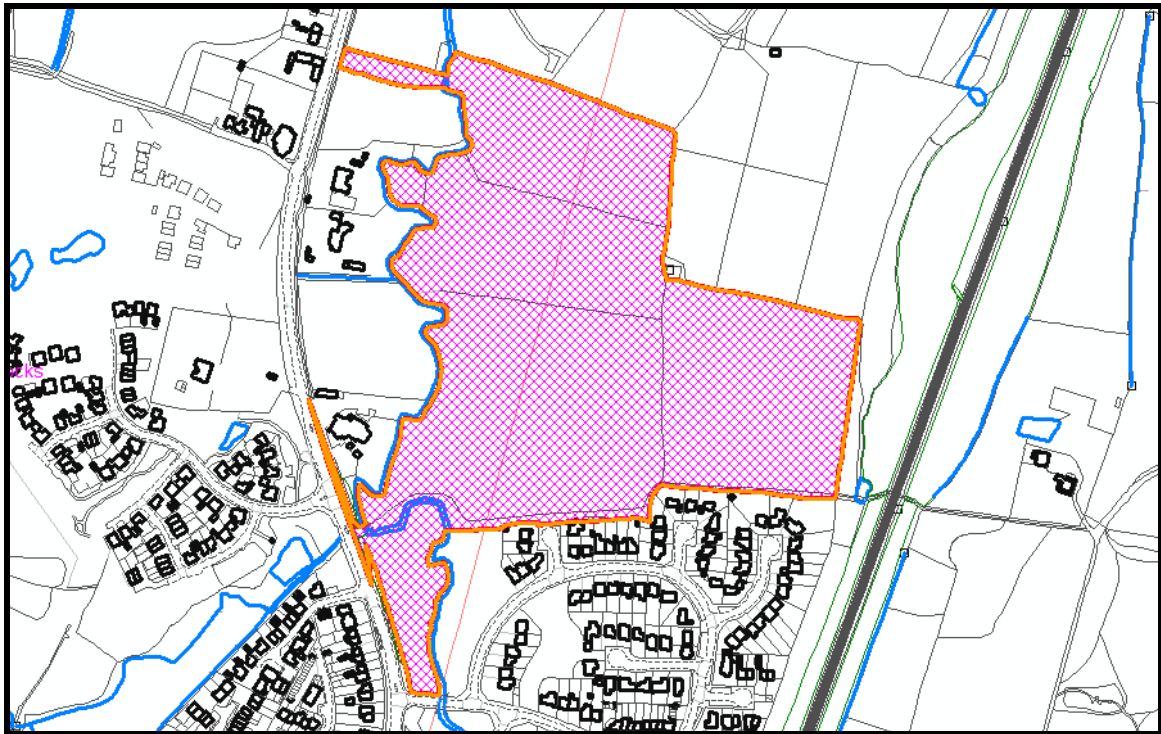
District Wide Committee

17 MAR 2022

RECOMMENDED FOR PERMISSION

Hassocks

DM/21/2628



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

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

RYDON HOMES LTD

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

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 21st January 2022

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

CASE OFFICER: Steven King

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

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

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

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

In making an assessment as to whether the proposal complies with the Development

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

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

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

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

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

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

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

Original plans

17 letters of objection

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

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

Amended plans

13 letters of objection:

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

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

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

Highway Authority

No objection.

WSCC Lead Local Flood Authority

No objection.

Public Rights of Way Officer

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

WSCC Water and Access Manager

Request a condition regarding the provision of fire hydrants.

Southern Water

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

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

Environment Agency

No objection.

Sussex Police

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

Ecological Consultant

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

Environmental Protection Officer

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

MSDC Housing Officer

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

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

MSDC Drainage Engineer

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

Tree Officer

No objection subject to condition.

Community Facilities Projects Officer

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

Urban Designer

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

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

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

PARISH COUNCIL OBSERVATIONS

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

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

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

2. Electric Charging Points

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

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

3. Allotments

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

4. Sustainable Design.

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

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

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

This is why:

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

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

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

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

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

5. Character and Design

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

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

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

6. Layout

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

7. Existing Hedgerow

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

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

8. Community Funding

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

INTRODUCTION

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

RELEVANT PLANNING HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

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

SITE AND SURROUNDINGS

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

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

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

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

APPLICATION DETAILS

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

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

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

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

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

Open Market Units

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

Affordable Units

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

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the

Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP) and Hassocks Neighbourhood Plan (HNP).

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

Mid Sussex District Plan

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

Relevant policies:

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

DP20 Securing Infrastructure

DP21 Transport

DP22 Rights of Way and other Recreational Routes

DP26 Character and Design

DP27 Dwelling Space Standards

DP29 Noise, Air and Light Pollution

DP30 Housing Mix

DP31 Affordable Housing

DP37 Trees, Woodland and Hedgerows

DP38 Biodiversity

DP39 Sustainable Design and Construction

DP41 Flood Risk and Drainage

Neighbourhood Plan

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

Policy 3: Green Infrastructure

Policy 4: Managing Surface Water

Policy 5: Enabling Zero Carbon

Policy 8: Air Quality Management

Policy 9: Character and Design

Policy 11: Outdoor Playing Space

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing Supplementary Planning Document (SPD)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (July 2021)

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

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

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

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

National Planning Policy Guidance

Ministerial Statement and Design Guide

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

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

Technical Housing Standards

ASSESSMENT

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

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

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

Layout, Appearance and Scale

Policy DP26 in the DP states:

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

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

Policy 9 in the HNP has similar aims and states:

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

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

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

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

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

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

Layout

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

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

'The layout benefits from:

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

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

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

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

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

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

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

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

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

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

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

Appearance

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

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

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

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

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

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

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

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

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

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

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

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

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

Scale

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

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

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

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

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

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

Landscaping

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

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

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

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

The submitted scheme shows the proposed landscape features;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sustainability

Policy DP39 of the District Plan states:

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

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

Policy 5 of the HNP states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Affordable Housing

Policy DP31 seeks to provide 30% affordable housing on development so 11 dwellings or more, with a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix.

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

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

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

Neighbour amenity

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

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

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

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

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

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

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

Access and Transport

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

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

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

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

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

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

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

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

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

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

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

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

Public right of way

Policy DP22 in the DP states:

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

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

Access to the countryside will be encouraged by:

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

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

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

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

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

Drainage

Surface Water

Policy DP41 in the DP states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Foul Drainage

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

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

Ecology / Biodiversity

Policy DP38 in the DP states:

'Biodiversity will be protected and enhanced by ensuring development:

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

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

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

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

Paragraph 180 of the NPPF states:

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

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

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

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

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

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

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

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

Infrastructure

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

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

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

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

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

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

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

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

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

Air Quality

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

Noise

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

CONCLUSION

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

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

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

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

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

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

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

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

APPENDIX A – RECOMMENDED CONDITIONS

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

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

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

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

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

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

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

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

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

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

5. No dwellings shall be occupied unless and until details of boundary treatments across the scheme have been submitted to and approved in writing with the Local Planning Authority.

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

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

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

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

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

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

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

9. No development of any dwellings above slab level shall take place until details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

Prior to the first occupation of any dwelling forming part of the proposed development that the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

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

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

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

Plans Referred to in Consideration of this Application

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

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

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

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

APPENDIX B – CONSULTATIONS

Parish Consultation

Hassocks Parish Council RECOMMENDS REFUSAL for the following reasons:

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

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

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

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

2. Electric Charging Points

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

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

3. Allotments

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

4. Sustainable Design.

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

5. Character and Design

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

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

6. Layout

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

7. Existing Hedgerow

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

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

8. Community Funding

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

Parish Consultation

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

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

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

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- ii. 100% of detached houses be fully installed - as these will have high car ownership and be more likely to purchase an electric vehicle.

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

4. Sustainable Design.

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

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

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

This is why:

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

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

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

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

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

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

5. Character and Design

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

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

6. Layout

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

7. Existing Hedgerow

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

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

8. Community Funding

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

Highway Authority

Background

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

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

Comments

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

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

WSCC Lead Local Flood Authority

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

Public Rights of Way Officer

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

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

Please also;

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

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

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

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

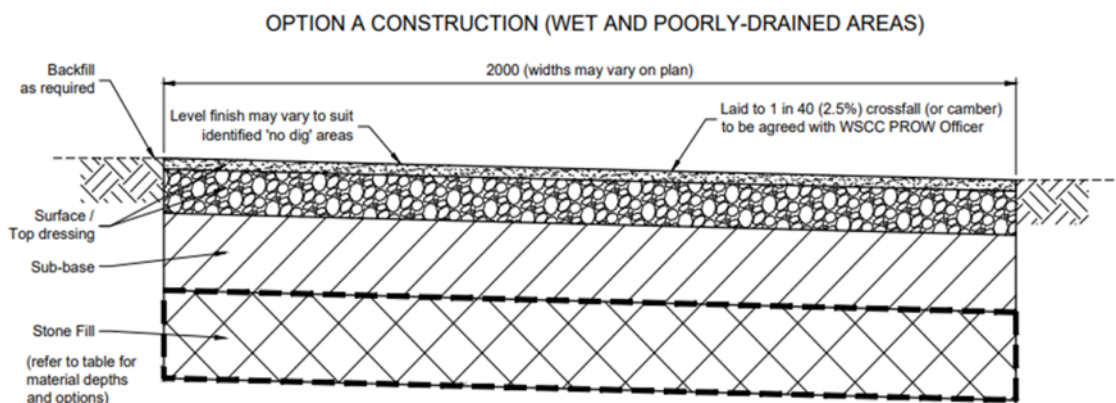
(Mapping reproduced from or based upon 2021 Ordnance Survey material, WSCC licence 100023447. Rights of Way information is not definitive).

16th February comments

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

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

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



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

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

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

WSCC Water and Access Manager

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

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

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

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

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

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

Southern Water

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

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

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

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

www.water.org.uk/sewerage-sector-guidance-approved-documents/
[www.ciria.org/Memberships/The SuDS Manual C753 Chapters.aspx](http://www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

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

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

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

For any further queries please contact us at: SouthernWaterPlanning@southernwater.co.uk

Environment Agency

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

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

"Environment Agency Position

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

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

Advice to Applicant

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

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

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

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

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

Sussex Police

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Where cycle security is being provided for within garages and cycle sheds within the gardens. I would like to direct the applicant to SBD Homes 2019 V2 document chapter 56 for advice on cycle security and chapter 21.9 & 54 for increasing security of the garage vehicle door-set as well as the pedestrian door-sets where applicable.

With respect to the proposed pedestrian footpath link and public right of way. When introducing public footpaths into developments caution should be used as the introduction of a footpath into or through a development has the potential to generate crime if not adequately designed. Chapter 8.3 of SBD Homes 2019 V2 states; Whilst it is accepted that through routes will be included within the development layouts, the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings or by providing too many or unnecessary segregated footpaths.

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

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

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

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

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

I thank you for allowing me the opportunity to comment.

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

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

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

Ecological Consultant

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

Environmental Protection Officer

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

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

MSDC Housing Officer

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

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

The plans for the Wheelchair Accessible units have been sent to an OT to check that they meet the requirements contained in Part M4(3) (1)(a) and (b) and Part M4(3)(2)(b) for wheelchair accessible dwellings, as contained in Category 3 - wheelchair user dwellings of Schedule 1 of the Buildings Regulations 2010 as amended. Once a response has been received, the developer will be notified of the findings and any amendments necessary.

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

MSDC Drainage Engineer

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

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

Tree Officer

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

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

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

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

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

Community Facilities Projects Officer

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

9th November comments

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

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

Urban Designer

Layout

The layout benefits from:

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

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

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

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

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

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

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

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

Elevations

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

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

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

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

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

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

Overall Assessment

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

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

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

Design Review Panel 14th December 2021

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

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

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

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

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

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

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

Overall Assessment

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