

MID SUSSEX DISTRICT COUNCIL

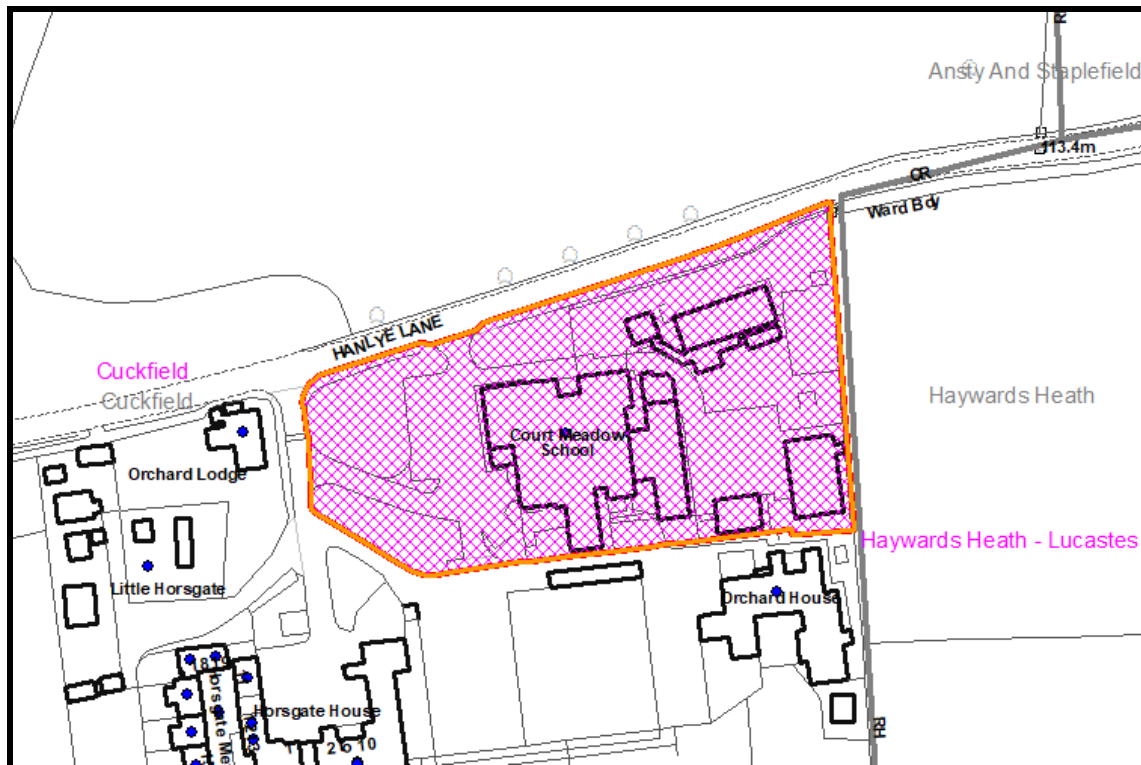
Planning Committee

14 APR 2022

RECOMMENDED FOR PERMISSION

Cuckfield

DM/21/3755



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**COURT MEADOW SCHOOL HANLYE LANE CUCKFIELD HAYWARDS HEATH**

**DEMOLITION OF BUILDINGS AND ERECTION OF 13 DWELLINGS ALONG WITH PARKING AND LANDSCAPING. AMENDED PLANS RECEIVED 21/2/2022 SHOWING RETENTION OF TREES 6, 15, 21, 23 AND 25, RE-POSITIONING OF PLOT 9, AMENDMENTS TO BOUNDARY OF PLOTS 1-3, CHANGES TO INTERNAL LAYOUT OF PLOTS, RELOCATION OF HOME OFFICE TO PLOT 7, AMENDED FENCE LINE, REMOVAL OF SHARED FOOTPATH TO SECONDARY ROAD AS WELL AS SUBMISSION OF ADDENDUM TO TRANSPORT STATEMENT, UPDATED ROAD SAFETY AUDIT AND LANDSCAPE MASTERPLAN.**

**MR. JAMES TURNER**

POLICY: Area of Special Control of Adverts / Brownfield Land / Countryside Area of Dev. Restraint / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 22nd April 2022

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Joanne Fisher

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

Planning permission is sought for the demolition of buildings and the erection of 13 dwellings along with parking and landscaping at Court Meadow School, Hanlye Lane, Cuckfield.

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.

National planning policy states that planning should be genuinely plan led. The Council has an up to date District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The Cuckfield Neighbourhood Plan was 'made' in October 2014 and thus forms part of the Development Plan.

Whilst the site falls within the countryside, it is set close to the Category 2 settlement of Cuckfield and is allocated under Policy CNP6a of the Cuckfield Neighbourhood Plan, identified for approximately 10 dwellings. Policy DP6 of the District Plan supports development outside of defined built up area boundaries subject to caveats including where the site is allocation in a Neighbourhood Plan. In addition, Policy DP12 of the District Plan permits development within the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The principle of a residential development on this site is thus established and accords with the Development Plan.

The proposed design, layout and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area. The proposal would not detract from the visual qualities and essential characteristics of the nearby High Weald Area of Outstanding Natural Beauty. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of outlook and the scheme would not cause harm in terms of parking or highway safety.

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

There will be a neutral impact in respect of highway safety, drainage and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the proposed development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it.

The application is thereby considered to comply with policies DP4, DP6, DP12, DP16, DP20, DP21, DP25, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39 and DP41 of the District Plan, policies CNP1, CNP4, CNP5, CNP6, CNP8, CNP16 and CNP21 of the Cuckfield Neighbourhood Plan, and paragraphs 8, 110, 130, 152, 174 and 180 of the NPPF.

Overall, the planning balance is considered to fall significantly in favour of approving the planning application.

## **RECOMMENDATION**

### **Recommendation A**

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

### **Recommendation B**

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 14th July 2022, then it is recommended that permission be refused at the discretion of the Divisional Lead for Planning and Economy, for the following reasons:

1. 'The application fails to comply with policies DP20 and DP31 of the Mid Sussex District Plan in respect of the infrastructure and affordable housing required to serve the development.'

## **SUMMARY OF REPRESENTATIONS**

None received.

## **SUMMARY OF CONSULTATIONS**

### **WSCC Highways**

No objection subject to conditions and informatives

### **WSCC County Planning Officer**

Summary of contributions:

Education Primary - £50,928

Education - Secondary - £54,813

Libraries - £5,244

TAD - £35,148

### **WSCC Flood Risk**

No objection.

### **WSCC Water and Access**

Advice. No objection.

### **WSCC Waste and Mineral Safeguarding**

Advice. No objection.

### **MSDC Urban Designer**

No objection subject to conditions.

### **MSDC Drainage Engineer**

No objection subject to condition.

### **MSDC Tree Officer**

No objection.

### **Ecologist**

No objection. Condition.

## **MSDC Leisure**

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities:

Play - £13,240

Kickabout - £11,121

Formal Sport - £16,111

Community Buildings - £9,240

## **MSDC Housing**

No objection - to provide 4 on-site affordable units.

## **MSDC Environmental Health**

No objection - suggested conditions.

## **MSDC Environmental Health - Contaminated Land**

No objection - suggested condition.

## **MSDC Street Name and Numbering Officer**

Informative.

## **Cuckfield Parish Council**

No objection.

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## **INTRODUCTION**

This application seeks planning permission for the demolition of buildings and the erection of 13 dwellings along with parking and landscaping at Court Meadow School, Hanlye Lane, Cuckfield.

## **RELEVANT PLANNING HISTORY**

Various applications were submitted in relation to the former school on the site. The school has subsequently closed and is vacant. Since the closure of the school no applications have been made on the site.

The site is allocated within the made Cuckfield Neighbourhood Plan under Policy CNP6 for approximately 10 dwellings.

## **SITE AND SURROUNDINGS**

The site comprises the grounds of the former Court Meadow School accessed from Hanlye Land consisting of various single storey former school buildings which are

now vacant and boarded up as well as large areas of tarmac for a playground associated with the school and car parking to the front of the building.

There are a small number of trees within the site, with established mature tree belts to the northern and eastern boundaries.

Within the immediate area there is open countryside to the north and east beyond the existing tree boundary. There is a residential children's home to the south of Orchard House currently in use by WSCC. The west of the site comprises a small number of private residences including a large building converted to a flat block of Horsgate House and also Orchard Lodge.

Within the site is a vehicular access onto Hanlye Lane currently used as an exit and to the west outside of the application site is a vehicular access for two way traffic. Outside the site to the west is also a pedestrian footpath which runs along the highway of Hanlye Lane connecting the site up to the village.

Opposite the site to the north is the High Weald Area of Outstanding Natural Beauty (HWAONB).

The site is located within the countryside as defined in the Mid Sussex District Plan and the Cuckfield Neighbourhood Plan.

## **APPLICATION DETAILS**

The proposal is for residential development to provide 13 dwellings made up of 1, 2, 3 and 4 bedroom, detached and semi-detached houses; associated landscaping, parking and vehicular access.

The proposal is to comprise of 9 market houses and 4 affordable dwellings consisting of 2 no. 1-bed flats, 1 no. 2-bed house, 6 no. 3-bed houses and 4 no. 4-bed houses. The development would provide 30% affordable housing.

The dwellings would front onto the internal access road with areas of landscaping. The dwellings are to be two storeys in height with roof pitches and some dwellings benefitting from cat slide roofs.

Plans show that the dwellings would be constructed in brick, with a mixture of sweet chestnut horizontal boarding, clay tile hanging or diaper pattern brickwork with clay tiled roofs and ribbed metal to link between plots 1 and 2. The properties would have dark grey aluminium windows and doors and cladding panels as well as dark grey rainwater goods.

There would be a total of 37 parking spaces on the site with 2 parking spaces for the 2, 3 and 4 bed dwellings and 1 space per dwelling for the 1-bed flats. There is to be a parking courtyard to serve 5 properties (Plots 8, 10 - 13) with tandem parking to serve Plots 1, 2, 4 - 7 and 9. Plot 3 would benefit from parking next to each other. 9 of the parking spaces would be unallocated visitor spaces. Each dwelling would have a storage shed to provide 2 secure cycle parking spaces.

The 4-bed dwellings (plots 2, 4, 5 and 7) are to have detached single storey flat roofed garden rooms within their rear gardens. These would measure some 7.6 metres in length, 3.2 metres in depth and a height of some 2.8 metres. The garden rooms would be constructed in cedar cladding with dark grey aluminium windows and doors with facing materials as well as a green roof.

The boundary trees and vegetation on the northern boundary with Hanlye Lane and also that to the east are to be retained with additional planting and landscaping proposed within the site.

The site entrance off Hanlye Lane is to be widened to 5.5 metres. In addition to provide pedestrian connectivity from the site to the footpath along Hanlye Lane a pathway some 1.2 metres wide is to be located between Plots 2 and 3.

The application has been accompanied by a number of supporting statements for consideration consisting of:

- A Design and Access Statement;
- A Planning Statement;
- A Sustainability Statement;
- A Transport Statement;
- A Stage 1 Road Safety Audit;
- A Flood Risk Assessment;
- A Preliminary Ecological Appraisal;
- A Landscape and Visual Appraisal;
- A Tree Survey and Method Statement;
- An Arboricultural Impact Assessment and Method Statement;
- A Lighting Statement; and a
- Planning Obligation Form.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

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

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

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

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

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

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

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

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

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

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

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

### **Mid Sussex District Plan**

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

Relevant policies include:

- DP4 - Housing
- DP6 - Settlement Hierarchy
- DP12 - Protection and Enhancement of Countryside
- DP16 - High Weald Area of Outstanding Natural Beauty
- DP20 - Securing Infrastructure
- DP21 -Transport
- DP25 - Community Facilities and Local Services
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP28 - Accessibility
- 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

### **Cuckfield Neighbourhood Plan**

The Neighbourhood Plan was made in October 2014. It forms part of the Development Plan for the District and can be given full weight.



The following policies are considered to be relevant:

CNP1 - Design of New Development and Conservation  
CNP4 - Protect and Enhance Biodiversity  
CNP5 - Protect and Enhance the Countryside  
CNP6 - Housing Allocations  
CNP8 - Affordable housing  
CNP16 - Transport Impact of Development  
CNP21 - Securing Infrastructure

*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.

*West Sussex County Council Guidance on Parking at New Development, September 2020*

National Planning Policy Framework (NPPF)

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 (NPPG)

#### *National Design Guide*

#### *Ministerial Statement and Design Guide*

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

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

#### *Technical Housing Standards*

### **Assessment**

The main issues for consideration are:

- Principle of development
- Design and impact on the character of the area;
- Access, parking and highway safety;
- Residential Amenity;
- Dwelling Space Standards;
- Sustainability;
- Drainage
- Ecology
- Trees;
- Infrastructure;
- Affordable Housing and Housing Mix;
- Ashdown Forest; and
- Planning Balance and Conclusion.

## **Principle of development**

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

The site is located within the countryside. Policy DP12 relates to the protection and enhancement of the countryside. In part it states:

*'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

In addition, Policy DP25 relates to Community Facilities and Local Services which includes education facilities. In part it states that:

*'Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:*

- *that the use is no longer viable; or*
- *that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- *that a replacement facility will be provided in the locality.'*

The site is allocated for residential development within the Cuckfield Neighbourhood Plan under Policy CNP6 which identifies a number of site allocations. Policy CNP6 a) relates to the former Court Meadow School, Hanlye Lane and states:

**'Site Area:** 0.5 ha

**Capacity:** The site should provide approximately 10 dwellings.

**Form, Layout and Landscaping:** The former school site should be redeveloped. The form, scale and layout of the site should ensure that development is not prominent on the skyline or within views from the surrounding countryside. Structural landscaping should ensure that development is well integrated into its surrounding countryside setting and the design reflects the character of existing adjacent buildings. Proposals should incorporate an element of 1 or 2 bedroom dwellings.

**Infrastructure:** The sewer capacity may need to be improved in Ardingly Road. Sustainable drainage systems (SuDS) should be used to minimise run off from this development. Vehicular and pedestrian access should be provided to Hanlye Lane.'

As the site is allocated within the Cuckfield Neighbourhood Plan, the principle of the redevelopment of the site for housing and the loss of the former school which is now a vacant site is considered acceptable. It is however also necessary to consider other planning issues to determine the overall planning balance.

### **Impact on the character of the area and design matters**

The site falls within the countryside. It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area.

Policy DP12 of the District Plan relates to the protection and enhancement of the countryside. In part it states:

*'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

Policy CNP5 of the Neighbourhood Plan seeks to protect and enhance the countryside. It states that:

*'Outside of the Built up Area Boundary, priority will be given to protecting and enhancing the countryside from inappropriate development. A proposal for development will only be permitted where:*

- a) It is allocated for development in Policy CNP 6 (a) and (b) or would be in accordance with Policies CNP 10, CNP 14 and CNP 17 in the Neighbourhood Plan or other relevant planning policies applying to the area, and*
- b) It would not have a detrimental impact on, and would enhance, areas identified in the Cuckfield Landscape Character Assessment (summarised in Table 1) as having major or substantial landscape value or sensitivity, and*
- c) It would not have an adverse impact on the landscape setting of Cuckfield and*
- d) It would maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built up area, in particular those defined on Map 5, and*
- e) Within the High Weald Area of Outstanding Natural Beauty it would conserve and enhance landscape and scenic beauty and would have regard to the High Weald AONB Management Plan.'*

In addition the site lies adjacent to the High Weald Area of Outstanding Natural Beauty which is to the north of the site on the opposite side of Hanlye Lane.

Policy DP16 of the District Plan relates to the High Weald AONB. In respect of proposals adjacent to AONB's it states that:

*'Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'*

There is thus an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised and that development should contribute to protecting and enhancing the natural, built and historic environment. The aim of protecting the character of an area is also found in the NPPF at para 174 which requires the protection and enhancement of valued landscapes as well as the recognition of the intrinsic character and beauty of the countryside.

Policy DP26 of the District Plan deals with design matters and states the following;

*'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and 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.*
- *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 plus unit) scheme will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Policy CNP1 of the Neighbourhood Plan in part states:

*'New development in accordance with the Neighbourhood Plan will be permitted where it:*

- a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;*
  - i. height, scale, spacing, layout, orientation, design and materials of buildings,*
  - ii. the scale, design and materials of the public realm (highways, footways, open space and landscape),'*

Para 130 of the NPPF relates to design and states:

*'Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

On the 1st October 2019 the Government published the National Design Guide which addresses the question of how well-designed places are recognised, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.

The Secretary of State for the Ministry of Housing, Communities and Local Government issued a Ministerial Statement on the 1st October 2019 stating that *'the National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed.'*

The Council's adopted Design Guide is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for

all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support for innovative and inventive designs that responds to the sustainability agenda within DG37. There is support for architectural integrity and a sense of place within DG38 where the facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. Design principle DG39 requires the scale of new buildings to relate to their context. In addition DG40 requires buildings to be designed so that streets and public spaces have good levels of natural surveillance and are overlooked by ground floor habitable rooms and upper floor windows.

The site currently comprises of a single storey former school and single storey brick built buildings and former mobile classrooms with a tarmac playground and car parking to the front of the building. Along the northern and eastern boundaries of the site are mature tree belts which form part of the verdant character along Hanlye Lane. As part of Policy CNP6a for the allocation of the site, there is a requirement that the:

*'form, scale and layout of the site should ensure that development is not prominent on the skyline or within views from the surrounding countryside. Structural landscaping should ensure that development is well integrated into its surrounding countryside setting and the design reflects the character of existing adjacent buildings'*

The Council's Urban Design Officer has considered the scheme and has raised no objections. His full comments are set out in Appendix B. In the consideration of the scheme, in part he considers that:

*'The scheme has generally been well laid out with the parking discreetly incorporated. Importantly the houses and access road are sufficiently set back along the Hanlye Road frontage to enable the retention of most of the existing tree belt that will screen the development from the High Weald AONB designated countryside on the northern side of the site.*

*The buildings have mostly been organised with their frontages facing the new access road and the retained tree belt along the northern boundary will also:*

- *Provide this part of the development with an attractive backdrop.*
- *Mitigate traffic noise.*
- *Enable this part of Hanlye Lane to retain most of its verdant character.'*

In addition he considers that the:

*'buildings benefit from an individual design approach that will contribute to making this a distinctive scheme. The elevations have been carefully composed and interestingly modelled through recess/projection and the imaginative application of different materials. They appropriately respond to their Mid Sussex context by employing local/natural materials and architectural features such as cat slide roofs*

*and diaper brick patterns which feature most prominently on plot 5 at the site entrance.'*

Your Planning Officers agree with the comments of the Councils Urban Designer and consider that the proposal responds appropriately to its local context. It is considered that the proposed housing offers a range of housing sizes, including affordable housing for the local community. It has been designed to offer a character that, whilst different to those dwellings and buildings close to the site, nevertheless appropriately respond to their Mid Sussex context by employing local/natural materials and architectural features such as cat slide roofs and diaper brick patterns. In addition the dwellings are of a relatively modest scale. The variations in the design and elevational treatment of the properties would add to the visual interest of the proposed cul-de-sac. It is considered that the proposed layout is deemed to provide spacious plots for each dwelling, with properties well-spaced between each other.

Due to the dwellings being set within the site, with boundary screening along Hanlye Lane, it is considered that the development would sit comfortably within the site and retain the verdant and character of the street scene. The proposal thereby presents a positive relationship with the street and would not adversely affect the character of the area.

It is considered that the proposed layout and design of the dwellings as well as the retention of most of the existing tree belt along the front boundary is sensitive to the character of the area providing a distinctive development within a landscaped site which provides screening and softening of the development. Whilst it is acknowledged that the re-development of a larger built form compared to the existing single storey buildings on the site would be more prominent than existing, because of the retained landscaping and the relationship with other dwellings and buildings to the south-east and south-west of the site, the development would be seen in the context of the village and would not be detrimental to wider views of the adjacent AONB.

It is acknowledged that the Neighbourhood Plan allocates the site for 'approximately 10 dwellings'. The District Plan and the NPPF seeks developments to optimise the potential of a site to accommodate development. It is considered that the proposal would not form an overdevelopment of the site as the layout shows the dwellings to be well spaced with gardens commensurate with the size of the properties and suitable off road parking serving each dwelling, as well as visitor parking. The trees and vegetation on the boundaries of the site are retained, where possible, to provide softening of the development and the retention of the verdant character of the area.

In light of the above it is considered that the application would comply with Policies DP12, DP16, DP26 of the District Plan, Policies CNP1 and CNP6a of the Neighbourhood Plan, the design principles of the adopted Mid Sussex Design Guide SPD and the provisions of the NPPF.



## **Access, parking and highway safety**

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking. It states:

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

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

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

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

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

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

Policy CNP16 of the Neighbourhood Plan relates to transport impacts of development. This states:

*'Proposals will be permitted where they meet the following criteria:*

- a) Safely located vehicular and pedestrian access with adequate visibility exists or could be created; and*
- b) Development proposals would ensure sustainable transport links to the principal village facilities including the village centre, the primary and secondary schools and recreation open space are provided; and*
- c) Where adequate transport infrastructure is not available to serve the development, the development would provide, or contribute towards, appropriate measures which will address the identified inadequacy and assist walking, cycling, public transport and other highway improvements; and*
- d) Where development would add to traffic congestion in the village or inappropriate traffic on rural lanes, proposals should be brought forward to mitigate any traffic impact or contribute funding towards local transport schemes*
- e) Development proposals for new developments should include secure cycle storage and ideally storage for children's buggies and mobility scooters where appropriate*
- f) Development proposals would maintain or enhance the existing routes of the twittens (public rights of way).'*

Paragraph 110 of the NPPF is relevant in respect of transport matters and states that:

*'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition, para 111 states:

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

The site lies outside the development boundary of Cuckfield, however, as identified above, it is allocated for development and the site provides pedestrian links to the village with a footpath that runs alongside Hanlye Lane to the west of the site to provide pedestrian links with Cuckfield and Whitemans Green.

The proposal is to utilise the existing exit entrance which serves the former school and widen this to 5.5 metres in width to allow two way movement. There would also be a footpath link some 1.2 metres wide from the internal roadway between Plots 2 and 3 onto the access to the west to lead onto the footpath along the highway.

The proposal meets the parking standards as set out in the West Sussex County Council Guidance on Parking at New Developments (September 2020). This guidance identifies this location within parking behaviour zone 1. As such there is a requirement for some 29 car parking spaces which the proposal exceeds.

The Highways Authority has considered the proposal and raises no objection subject to conditions. It considers that the proposal is acceptable in terms of highway safety.

In light of the above it is considered that from a highway safety perspective, the application complies with Policy DP21 of the District Plan, Policy CNP11 of the Neighbourhood Plan and para 110 of the NPPF.

### **Residential Amenity**

Policy DP26 of the District Plan requires developments to demonstrate that it does not cause significant harm to amenities of existing nearby residents (or future occupiers), taking into account matters such as impact on light, privacy and outlook.

The submitted site plan shows that the proposed houses are set within the site away from the northern boundary with the highway. Along this northern boundary are mature trees and hedging which are to be retained and reinforced. To the west and east runs a vehicular access serving a number of residential properties and Orchard House. The proposed access road serving this development is to connect into this existing driveway. Along the western boundary of the proposed residential gardens is to be a 1.5 metre high metal security fence backed with mixed native hedging and a communal landscaped area. Along the southern boundary is to be a 1.8 metre high close boarded timber fence and opposite Orchard House is to be a green wall to the courtyards of mixed ivy and climbing plants. Due to the boundary treatments and relationship with the existing properties it is considered that there would be no significant detriment to the amenities of the existing dwellings to the west and south west of the site.

Within the site the dwellings are to be well spaced. The relationship between each dwelling is considered to be acceptable and would not result in a detrimental impact through an overbearing nature or a loss of privacy.

In light of the above, it is considered that the proposal is acceptable in neighbouring amenity terms and complies with policy DP26 of the District Plan.

### **Dwelling Space Standards and Accessibility**

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for

bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

In addition, Policy DP28 of the District Plan relates to accessibility and requires all development to meet and maintain high standards of accessibility so all users can use them safely and easily. In respect of larger developments there is a requirement for 20% of dwellings to meet Category 2 -accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2).

The submitted plans show that the proposed homes would meet and exceed the National Dwelling Space Standards.

A condition in relation to 20% of the units to be part M4(2) (Adaptable and Accessible) compliant, is proposed in Appendix A.

The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the units proposed and thereby comply with Policies DP27 and DP28 of the District Plan.

## **Sustainability**

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

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It 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'*

Paragraph 152 of the NPPF states:

*'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'*

Paragraph 158 states:

*'In determining planning applications, local planning authorities should expect new development to:*

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The application has been accompanied with a Sustainability Statement. It details that the proposed scheme, by a combination of passive design measures and active design measures, a strategy often referred to as a 'fabric first approach', will result in exceeding existing minimum Building Regulations requirements by 43% on average (of a range between 46% and 29% depending on dwelling type). This approach considers the following in the design and construction of each dwelling;

#### Passive Design Measures

- Passive solar gain
- Natural daylighting

#### Efficient Building Fabric

- Building envelope
- Ventilation and air tightness

#### Active Design Measures

- Efficient lighting and appliances
- Space heating and hot water with air source heat pumps in all properties
- Domestic water reduction measures.

The Sustainability Statement sets out that the development would also provide electric vehicle charging facilities on 70% of properties on the site.

It is important to recognise that in respect of policy DP39 of the District Plan is supportive of improving the sustainability of developments. There are no prescriptive standards for developments to achieve in respect of carbon emission reductions.

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

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

*'depending upon planning and construction timescales, these dwellings may be subject to the new Building Regulations regime which uses SAP10 methodology and therefore a calculation against Part L (2013) may no longer be applicable. The wording of any condition imposed would therefore need to take this change into account.'*

In addition, the accessibility of the site, or the sustainable location of it, is a key consideration.

Whilst it is acknowledged that the site is within the countryside away from the village centre of Cuckfield, there is a pedestrian footpath outside of the site which runs along Hanlye Lane to bus stops, as well as into the village where there are a number of services including the village primary school and the secondary school. In addition, Cuckfield is identified as a Category 2 settlement as a larger village acting as a local service centre providing key services.

Therefore, it is considered that the proposal complies with the relevant criteria of policies DP21 and DP39 of the District Plan as well as the provisions of the NPPF. The proposal is considered to be acceptable in sustainability terms.

## **Drainage**

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. The site is not within an area identified as having possible surface water (pluvial) flood risk.

Surface water drainage will utilise permeable paving on all access and parking areas on the site. Discharge from the roof areas of the development will largely be to the permeable paving sub-base. However, three plots cannot drain via gravity to the sub-based and therefore individual soakaways are proposed to serve those properties. In respect of foul drainage, it is proposed that the development will discharge foul water drainage to the main foul sewer on Ardingly Road to the west of the site.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection subject to a condition. In addition the WSCC Lead Local Flood Authority has considered the application and raised no objection.

The proposal is thereby considered to comply with Policy DP41 of the District Plan.

## **Ecology**

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the District Plan relates to biodiversity and seeks proposals to protect and enhance biodiversity.

Policy CNP4 of the Neighbourhood Plan has a similar ethos.

Para's 179 - 182 of the NPPF relate to habitats and biodiversity. Para 180 states *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists'*. In addition, it considers that *'development whose primary objective is to conserve or enhance biodiversity should be supported'*.

A Preliminary Ecological Appraisal has been submitted with the application which concludes that the site is largely of low ecological value, but states that there is some potential for common nesting birds around the site. It recommends that ecological enhancements such as native species planting, the integration of bat boxes into the fabric of the new buildings and fitting of bird nest boxes within the site recommended in order to meet planning objectives for biodiversity net gain.

The Council's Ecology Consultant has commented on the proposal and advises that *'there are no biodiversity policy reasons for refusal or amendment of the proposals'*. He recommends that if permission is granted that a condition is attached to the permission in relation to a wildlife protection plan / method statement covering removal of trees and other vegetation and construction phases and details of wildlife habitat enhancements and future management.

Overall it is considered that the scheme would not adversely affect any protected species and that conditions could be used to ensure wildlife mitigation and enhancements. The proposal is thereby considered to comply with Policy DP38 of the District Plan, Policy CNP4 of the Neighbourhood Plan and para 180 of the NPPF.

## Trees

Policy DP37 of the Mid Sussex District Plan states that the *'District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'*

An Arboricultural Impact Assessment and Method Statement has been submitted as part of the application. This identifies a *'total of twelve individual trees, one group of trees and part of one further group of trees will be removed to enable the proposed development. The majority of the trees to be removed are considered to be of low quality with a limited life expectancy'*. In addition it states that *'new trees will be planted as part of a landscape scheme for the site, which will increase the species diversity and age range of the trees in the local area.'*

The submitted tree plan indicates the location of trees to be removed including single and groups of trees. It indicates that the category B and C trees and group of trees along the frontage of the site with Hanlye Lane are to remain to help soften the development and retain the semi-rural character at this point.

The Councils Tree Officer has considered the proposal and raised no objection on arboricultural grounds.

It is considered that the proposal would thereby comply with Policy DP37 of the District Plan.

## Infrastructure contributions

Policy DP20 of the District Plan relates to infrastructure. It states:

*'The Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:*

- *appropriate on-site mitigation and infrastructure provision;*
- *the use of planning obligations (s106 legal agreements and unilateral undertakings);*
- *the Community Infrastructure Levy, when it is in place.*

*A planning obligation can be used where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address. Planning obligations will only be entered into where planning conditions cannot be used to overcome problems associated with a development proposal.*

*Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure*



*that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).*

*The Community Infrastructure Levy Charging Schedule will set out how development will fund the infrastructure needed to support it. The Levy will normally be spent on infrastructure needs in the locality of the scheme.*

*Proposals by service providers for the delivery of utility infrastructure required to meet the needs generated by new development in the District and by existing communities will be encouraged and permitted, subject to accordance with other policies within the Plan.*

*Affordable housing is dealt with separately, under Policy DP31: Affordable Housing.'*

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

Due to the number of units provided, the proposal requires affordable housing contributions as set out in Policy DP31 of the District Plan.

Policy CNP21 of the Neighbourhood Plan relates to securing infrastructure and states:

*'Any development permitted will be expected to ensure provision of the necessary social, physical and green infrastructure needed to support the proposed development, or the additional infrastructure identified in the Neighbourhood Plan which can be provided in a timely manner, through developer contributions subject to an appropriate assessment of viability.'*

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.'*

and:

*'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).

Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework the infrastructure set out below is to be secured via a planning obligation.

### County Council Contributions

Education - Primary: £50,928 - to be spent on additional facilities at Holy Trinity C of E Primary School, Cuckfield

Education - Secondary: £54,813- to be spent on additional facilities at Warden Park Secondary Academy

Libraries: £5,244- to be spent on providing additional facilities at Haywards Heath Library.

TAD: £35,148- to be spent on Scheme ID 188 in the West Sussex Walking and Cycling Strategy - Haywards Heath Circular Cycle Route, providing links to Haywards Heath Railway Station and Warden Park Secondary School.

### District Council Contributions

Children's Playing Equipment: £13,240- to be spent on improvement to play equipment at Chapelfields and/or Cuckfield Recreation Ground

Kickabout: £11,121- to be spent on improved facilities at Chapelfields and/or Cuckfield Recreation Ground

Formal Sport: £16,111- to be spent towards formal sport facilities at Whitemans Green (football, rugby, cricket, athletics, skateboarding)

Community Buildings: £9,240- to be spent on improvements to Haywards Heath Rugby Football Club pavilion which is available for community use

Local Community Infrastructure: £10,185 - to convert the front of Cuckfield Village Hall on London Lane to 3 parking spaces.

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

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

The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan and Policy CNP21 of the Neighbourhood Plan.

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

Policy DP30 of the District Plan states that to support sustainable communities, housing development will provide a mix of dwelling types and sizes from new development that reflects current and future housing needs.

Policy DP31 of the District Plan relates to Affordable Housing and states:

*'The Council will seek:*

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m<sup>2</sup>;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 - 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. 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; and*
- 5. free serviced land for the affordable housing.*

*All affordable housing should be integrated with market housing and meet national technical standards for housing including "optional requirements" set out in this District Plan (Policies DP27: Dwelling Space Standards; DP28: Accessibility and DP42: Water Infrastructure and the Water Environment); or any such standards which supersedes these.*

*Proposals that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach. The Council's approach to financial viability, alongside details on tenure mix and the provision of affordable housing will be set out in a Supplementary Planning Document.*

*The policy will be monitored and kept under review having regard to the Council's Housing Strategy and any changes to evidence of housing needs.'*

Policy CNP6a of the Neighbourhood Plan which allocates the site for housing requires such a proposal to incorporate an element of 1 or 2 bedroom dwellings.

In addition, Policy CNP8 of the Neighbourhood Plan relates to affordable housing and states:

- a) 'On sites able to accommodate four or more dwellings, it will be expected that the equivalent of a 30% affordable housing provision will be made on-site subject to viability considerations.*

- b) *The type of affordable housing provision should reflect local needs, and shared ownership provision for smaller households is particularly encouraged.*
- c) *The location, layout and design of the affordable housing within the scheme should create an inclusive development.'*

The application plans show that the development is to comprise a total of 13 dwellings comprising of 9 market dwellings of 5no. 3-bed and 4no. 4-bed dwellings, and 4no. affordable units comprising of 2no. 1-bed flats, 1no. 2-bed dwelling and 1no. 3-bed dwelling. The affordable housing provision would be secured through the S106 legal agreement.

The Councils Housing Officer has raised no objection to the proposal which is policy compliant in providing 30% affordable housing on the site. It is considered that the proposed mix indicated would meet a broad range of housing needs.

The provision of affordable housing should attract significant positive weight in the determination of the application as there is a clear need for such accommodation.

The scheme provides a policy compliant level of affordable housing and provides a good mix of dwellings in their sizes. The proposal thereby meets the requirements of Policies DP30 and DP31 of the District Plan and Policies CNP6 and CNP8 of the Neighbourhood Plan.

### **Ashdown Forest**

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

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

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

#### **Recreational disturbance**

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

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in District Plan Policy DP17, mitigation measures are

necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

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

#### Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a **windfall development** such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

#### Conclusion of the Habitats Regulations Assessment screening report

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

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

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

#### **Planning Balance and Conclusion**

Planning permission is sought for 13 dwellings made up of 1 bedroom flats and 2, 3 and 4 bedroom houses with associated landscaping, parking and vehicular access at Court Meadow School, Hanlye Lane, Cuckfield

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.

National planning policy states that planning should be genuinely plan led. The Council has an up to date District Plan and is able to demonstrate that it has a five year housing land supply. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The Cuckfield Neighbourhood Plan was 'made' in October 2014 and thus forms part of the Development Plan.

Whilst the site falls within the countryside, it is set close to the Category 2 settlement of Cuckfield and is allocated under Policy CNP6a of the Cuckfield Neighbourhood Plan, identified for approximately 10 dwellings. Policy DP6 of the District Plan supports development outside of defined built up area boundaries subject to caveats including where the site is allocation in a Neighbourhood Plan. In addition, Policy DP12 of the District Plan permits development within the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The principle of a residential development on this site is thus established and accords with the Development Plan.

The proposed design, layout and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area. The proposal would not detract from the visual qualities and essential characteristics of the nearby High Weald Area of Outstanding Natural Beauty. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking, or a loss of outlook and the scheme would not cause harm in terms of parking or highway safety.

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

There will be a neutral impact in respect of highway safety, drainage and there will be no likely significant effect on the Ashdown Forest SPA and SAC.

The application is thereby considered to comply with policies DP4, DP6, DP12, DP16, DP20, DP21, DP25, DP26, DP27, DP28, DP30, DP31, DP37, DP38, DP39 and DP41 of the District Plan, policies CNP1, CNP4, CNP5, CNP6, CNP8, CNP16 and CNP21 of the Cuckfield Neighbourhood Plan, and paragraphs 8, 110, 130, 152, 174 and 180 of the NPPF.

Officers consider that in the context of the adopted District Plan and Neighbourhood Plan, the proposed development of the site complies with the development plan and there are no material planning considerations indicating a decision should be made otherwise than in accordance with it.

Overall, the planning balance is considered to fall significantly in favour of approving the planning application.

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## **APPENDIX A – RECOMMENDED CONDITIONS**

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

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

### **Approved plans**

2. 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.

### **Pre-commencement conditions**

3. No development shall commence until the following details have been submitted to, and approved by, the local planning authority a wildlife protection plan / method statement covering removal of trees and other vegetation and construction phases; details of wildlife habitat enhancements and future management (which may be integrated with landscaping matters in a combined landscape and habitat management plan).

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

4. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractor's vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

5. Apart from works necessary to demolish all the existing buildings on site, no development shall take place unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

6. Apart from works necessary to demolish all the existing buildings on site, no development shall take place until revised north, east and west elevation/section drawings of house type 6/plot 9 to show the retained T21 tree and reflect the re-positioned parking has been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Neighbourhood Plan.

7. Apart from works necessary to demolish all the existing buildings on site, no development shall take place until detailed 1:20 scale sections and principal elevations of the typical houses (types 3, 6, 7A) has been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Neighbourhood Plan.

8. Apart from works necessary to demolish all the existing buildings on site, no development shall take place until a finalised landscape plan which should provide clear details of the replanting of 'long lived large species' that will provide canopy cover for the site for over 100 years has been submitted to and approved in writing by the Local Planning Authority. Detailed specifications of the trees being planted and their locations, along with methods for planting and aftercare shall also be included and works shall be carried out in accordance with this plan.

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 CNP1 of the Neighbourhood Plan.

9. Apart from works necessary to demolish all the existing buildings on site, no development shall take place until details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) 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.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Neighbourhood Plan.



## **Construction Phase**

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

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

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

12. Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:

- Monday to Friday: 08:00 - 18:00 hrs
- Saturday: 09:00 - 13:00 hrs
- Sundays and Bank/Public Holidays: None permitted

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

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

Reason: In the interests of health of future occupiers and to accord with Policy DP1 of the Mid Sussex District Plan 2014 - 2031.

14. The development shall be carried out in accordance with the details set out in the Sustainability Statement (dated October 2021 by Daedalus Environmental) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a high quality and sustainable development and to accord with Policies DP26 and DP39 of the Mid Sussex District Plan 2014 - 2031.

## **Pre-occupation conditions**

15. Prior to the occupation of any dwelling, full details of a hard and soft landscaping scheme including boundary treatments and the application of gabion walls 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 CNP1 of the Neighbourhood Plan.

16. No part of the development shall be first occupied until such time as the vehicular access improvements serving the development have been constructed in accordance with the details shown on the approved planning drawings.

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

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

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

18. No part of the development shall be first occupied until details of the electric charging vehicle points including the location of these spaces has been provided and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained for its designated use.

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

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

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

20. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

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

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

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

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

### **Post construction**

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

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

23. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwelling house, whether or not consisting of an addition or alteration to its roof, nor any other alteration to its roof, shall be carried out, (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwelling house) without the specific grant of planning permission from the Local Planning Authority.

Reason: To prevent the overdevelopment of the site and to preserve the appearance and character of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy CNP1 of the Neighbourhood Plan.

### **INFORMATIVES**

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

Accordingly, you are requested that:

- No burning of materials shall take place on site at any time.

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

3. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader

(01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

4. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
5. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
6. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	1660 PA 001	B	21.02.2022
Block Plan	1660 PA 010	B	21.02.2022
Proposed Site Plan	1660 PA 011	B	21.02.2022
Proposed Floor and Elevations Plan	1660 PA 012		21.02.2022
Topographical Survey	1660 PA 002		21.02.2022
Proposed Floor and Elevations Plan	1660 PA 018	A	21.02.2022
Proposed Floor and Elevations Plan	1660 PA 017		21.02.2022
Proposed Floor and Elevations Plan	1660 PA 015	A	21.02.2022
Proposed Floor and Elevations Plan	1660 PA 013		21.02.2022
Existing Elevations	1660 PA 004		21.02.2022
Street Scene	1660 PA 022		26.10.2021
Proposed Floor and Elevations Plan	1660 PA 021		21.02.2022
Proposed Floor and Elevations Plan	1660 PA 020		21.02.2022
Proposed Floor and Elevations Plan	1660 PA 019		21.02.2022
Existing Elevations	1660 PA 003		21.02.2022
Proposed Floor and Elevations Plan	1660 PA 014		21.02.2022
Proposed Floor and Elevations Plan	1660 PA 016		21.02.2022
Street Scene	1660 PA 023		26.10.2021
Street Scene	1660 PA 024		26.10.2021
Landscaping	LLD2405-LAN-	02	21.02.2022

## APPENDIX B – CONSULTATIONS

### Parish Consultation

No objection, however the committee would like it clarified whether there would be an electric car charging point per property.

### Parish Consultation

No objection.

### WSCC Highways Authority

#### Amended

No objection.

#### Section 1 - Report Introduction

1.1 The Local Highway Authority (LHA) has been re-consulted on the above application after requesting further information, in our response dated the 2nd of December 2021. The following was requested.

- *1.1.1 - A 7-day automatic speed survey, to include volumes and vehicle types also loops for this must be placed within the visibility splays and in a position of free-flowing traffic.*
- *1.1.2 - Visibility splays demonstrated in line with the 85th percentile of the speed survey data on a revised access drawing, to include vertical and horizontal visibility splays to demonstrate that the splays are achievable (this may require the re-grading of the bank and some loss of vegetation).*
- *1.1.3- Clarification on the IN/OUT existing set up and how the site will operate going forward, including the other uses on the site that use these access points.*
- *1.1.4 - Any changes will need to be run past the Road Safety Audit Team and an update response from them provided.*
- *1.1.5 - The LHA require a Designers Response Report in a word editable format in line with GG 119 appendix F.*

1.2 A Transport Statement Addendum (TSA) has been provided with supporting information dated 18th of February 2022. The LHA have also had discussions with Sarnlea Consulting Engineers to confirm site visibility requirements; given the sites local context and the sites place characteristics.

#### Section 2 - Automatic Speed Survey (ATC) data

2.1 The TSA confirms that an ATC survey was carried out over 7 days between the 25th - 31st January 2022, this was in a neutral month for data collection outside of any school or

national holidays. The LHA have checked the data and loop placement, we would raise no concerns to how this data has been collected.

2.2 85th percentile speeds of 38.9 mph eastbound and 39.0mph westbound have been recorded. TSA explains that Manual for Streets 2 (MfS2) parameters have been used to calculate the Stopping Sight Distances (SSD's) /visibility splays, this is acceptable; it would be onerous to apply strict DMBR standards in this location. Hanlye Lane is a rural road subject to the national speed limit (60mph), it is not a trunk road; however, the site is located on the very outskirts of Cuckfield, with no footway, street lighting or direct frontage in the vicinity of the site access. The current site access (currently out only route) is isolated, it's not in a straightforward MfS situation of being located in the middle of a village or heavy site frontage residential area. The residential area doesn't start until the 30mph zone some 230m away from the site access. As such the 'context' of this access is very much in an area where drivers are less like to be driving slowly/ slower as they would do generally in a more built-up area as detailed under section 1.3.6 of MfS2 where it refers to 'place characteristics'. There is a footway that runs from Orchard House behind the hedge line towards the residential area (to the west) and this is lit. Section 1.3.7 of MfS2 also refers to rural roads where MfS SSD parameters can still be applied.

These types of sites do throw up some issues when it comes to applying SSD parameters. After discussion it has been agreed that in this location and given that the access is existing, previously serving a school we would accept the top line of MfS2 table 10.1 being applied. So, a reaction time of 1.5s and a deceleration rate of 0.450g; when applied to the recorded 85th percentile speeds this would equate to a Y distance of 63m in each direction. As detailed in the TSA 78m has been shown, so visibility in excess of this 63m is achievable. For the purpose of the planning application a new visibility plan for the access is provided that demonstrates the 63m, the 78m and also 100/150m as achievable. Whilst this is an existing access it was clear from that site visit that you cannot gain clear visibility until your car bonnet is protruding into the carriageway and given the recorded speeds and traffic levels this is not accepted as a location that we may accept some protruding into the carriageway safe, generally this is only acceptable on some low speed, lightly trafficked residential roads.

Visibility Splays of 63m should be secured, this will involve some regrading of the bank to the east. In line with MfS it would not be advisable to secure excessive visibility splays as this can encourage speeding and the exiting of junctions at higher speeds.

### Section 3 - In/Out Access clarification

3.1 Clarification has now been received that the out only signs and site setup will be removed so the access is for two-way movement.

Previously the LHA questioned this as the original TS referred to the application proposing to widen the current OUT access point to 5.5m, stating that this is to support access for further residential development, under section 5.2.6 of the TS it stated that *'In designing the scheme, a key requirement was to retain the route through the site to Orchard House. The "Connecting Road" achieves this retention and will provide the future through-route to additional residential development.'*

The LHA have reviewed this access route as a provision to serve the application above, for 13 dwellings; any future application for further development on the site or to be accessed via this route will undergo its own access assessment to evaluate this junction's intensification. As such further upgrades may be required depending on a future proposal.

## Section 4 Stage 1 Road Safety Audit (RSA)

4.1 The access arrangements have been safety audited, several problems were raised which have since been addressed by the designer and the Audit team. All problems are shown as being resolved in the planning documents on the planning portal. Although the LHA have requested that a GG 119 RSA Response Report is provided in a specific format to allow the LHA to add our comments and sign off the problems raised. It has been agreed that this shall follow shortly. All problems have been resolved so this should not hold up any decision on the planning application from being made.

## Section 5 - Pedestrian access & site connectivity

5.1 Discussions have taken place regarding a small section of footway being provided between the two access points. It has been agreed that for this small development the considerable works required to provide this are not considered essential to make the application acceptable in planning terms. The applicant has provided a link through the site that joins the existing footway network at the access for Orchard House, leading west into Whitemans Green/Cuckfield. Therefore, the site offers a pedestrian connection to local services/ amenities and bus stops that provide some sustainable travel options in line with the NPPF, considering the sites more rural location.

## Section 6 -Parking - Turning/tracking

6.1 After review of the details in the original Transport Statement the LHA would raise no concerns in relation to parking levels/ arrangements, cycle parking/ storage provision, vehicle tracking or the EV provision detailed under section 5.5.2.

## Section 7 - Conclusions

7.1 The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. The following conditions and informative notes should be added to any grant of planning consent.

### **7.2 Conditions**

- Access/ Visibility (Access to be provided prior to first occupation) - No part of the development shall be first occupied until such time as the vehicular access improvements serving the development have been constructed in accordance with the details shown on approved planning drawing.

Reason: In the interests of road safety.

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

Reason: To provide adequate on-site car parking and turning space for the development.

- EV Charging condition (LPA wording)

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

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- Construction plant and materials - No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractor's vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

### 7.3 Informative

- Works within the Highway - Implementation Team - The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- Provision of Adoptable Highway - The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

#### Original

The Local Highway Authority (LHA) has been consulted on the above application, with regards to any highway safety or capacity aspects of the proposal. As a consultee to Mid Sussex District Council (MSDC) these comments are based on the submitted planning documents on the planning portal, with the proposal in highway terms being considered against the National Planning Policy Framework (NPPF), paragraphs 110 - 113 as revised 20th July 2021.

The application is supported with a Transport Statement (TS) dated 20th October 2021 by Sarnlea Consulting Engineers. Also, a Stage 1 Road Safety Audit (RSA) and Designer/Auditors Response letters. The Designers Response Report is not in a word editable format as required by the LHA and in the format as detailed under GG 119 appendix F. The LHA will require this to sign off the RSA process once all problems/mitigations have been agreed on.

The site is a former school site and forms part of a larger site with other existing uses. The site is accessed from Hanlye Lane, the access consists currently of an IN/OUT access arrangement from two separate accesses onto Hanlye Lane.



The application proposes to widen the current OUT access point to 5.5m, stating that this is to support access for further residential development, under section 5.2.6 of the TS it states *'In designing the scheme, a key requirement was to retain the route through the site to Orchard House. The "Connecting Road" achieves this retention and will provide the future through-route to additional residential development.'*

Section 3.1.4 of the TS states that speeds of 45-55mph were observed on Hanlye Lane passing the site access point, no 7-day speed survey has been provided, this is an observation. Hanlye Lane is subject to the national speed limit in this location for a single carriageway road, so has a speed limit of 60mph for cars and motorcyclists and 50mph for larger vehicles and towing vehicles. The speed limit changes to the west but not for some distance, so it's not expected that vehicles will be decreasing in speed or speeding up leaving/entering the 30mph zone.

Visibility splays of 2.4m X 70m & 100m have been shown on the site plan as existing.

The LHA visited the site on Wednesday the 10th November 2021. To assess the local road network, the site access and observe traffic volumes/speeds. The LHA do have concerns relating to the visibility to the east when vehicles are exiting. There is a high sloped bank with dense vegetation leading to visibility to the east being restricted, and when leaving the site a vehicle needs to edge into the highway to gain a clear view. Given the speed limit on this road, along with the speeds the LHA observed and the levels of traffic (which were pretty consistent whilst on site), the LHA would require some further information to assess this access proposal and determine which design and visibility standards should be used, as well as some clarification on its operation. Particularly given section 5.2.6 in the TS that states a wide access road is proposed to support further future residential development.

The LHA do acknowledge that the site had an existing use as a school and the related traffic movements associated with this. With a change of the site to residential use the pattern of vehicle movement to and from the site across a 24-hour period will change material. The school would have attracted a wave like pattern of vehicles during the drop off and pick up times related to the school.

The TS refers to a WSCC fixed point traffic counter (location 983) to the east of the site. This isn't in close proximity, so we are unable to use its speed data to review the access, the data is also from 2009.

The LHA would require the following to support this application,

- A 7-day automatic speed survey, to include volumes and vehicle types also (loops for this must be placed within the visibility splays and in a position of free-flowing traffic),
- Visibility splays demonstrated in line with the 85th percentile of the speed survey data on a revised access drawing, to include vertical and horizontal visibility splays to demonstrate that the splays are achievable (this may require the re-grading of the bank and some loss of vegetation),
- Clarification on the IN/OUT existing set up and how the site will operate going forward, including the other uses on the site that use these access points,
- Any changes will need to be run past the Road Safety Audit Team and an update response from them provided,
- As stated above the LHA require a Designers Response Report in a word editable format in line with GG 119 appendix F.

The above picture from the site visit and the site visit itself clearly shows that visibility is not achievable to a level that is consistent with the speed limit of the road. And whilst this is an

existing exit point from the current site the LHA would require a speed survey to support adequate visibility splays that can be conditioned for any grant of planning consent.

## WSCC County Planning Officer

### Summary of Contributions

<b>Education</b>			
School Planning Area	Haywards Heath/Cuckfield		
Population Adjustment	31.5		
	Primary	Secondary	6th Form
Child Product	0.3843	0.3843	0.0000
Total Places Required	2.6899	1.9214	0.0000
<b>Library</b>			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£5,244		
Population Adjustment	31.5		
Sqm per population	30/35		
<b>Waste</b>			
Adjusted Net. Households	13		
<b>Fire</b>			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
<b>TAD- Transport</b>			
Net Population Increase	31.5		
Net Parking Spaces	17		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

### **Summary of Contributions**

<b>S106 type</b>	<b>Monies Due</b>
<b>Education - Primary</b>	£50,928
<b>Education - Secondary</b>	£54,813
<b>Education - 6<sup>th</sup> Form</b>	No contribution
<b>Libraries</b>	£5,244
<b>Waste</b>	No contribution
<b>Fire &amp; Rescue</b>	No contribution
<b>No. of Hydrants</b>	secured under Condition
<b>TAD</b>	£35,148
<b>Total Contribution</b>	<b>£146,132</b>

*Note: The above summary does not include the installation costs of fire hydrants. Where these are required on developments, (quantity as identified above) as required under the Fire Services Act 2004 they will be installed as a planning condition and at direct cost to the developer. Hydrants should be attached to a mains capable of delivering sufficient flow and pressure for firefighting as required in the National Guidance Document on the Provision of Water for Fire Fighting 3rd Edition (Appendix 5)*

The above contributions are required pursuant to s106 of the Town and Country planning Act 1990 to mitigate the impacts of the subject proposal with the provision of additional

County Council service infrastructure, highways and public transport that would arise in relation to the proposed development.

Planning obligations requiring the above money is understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2019.

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2020 West Sussex County Council will implement a S106 monitoring fee of £200 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £600 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1200.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

All TAD contributions have been calculated in accordance with the stipulated local threshold and the methodology adopted as Supplementary Planning Guidance (SPG) in November 2003.

The calculations have been derived on the basis of an increase in 13 net dwellings, and an additional 17 car parking spaces.

Please see below for a Breakdown and explanation of the WSCC Contribution Calculators. Also see the attached spreadsheet for the breakdown of the calculation figures. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

##### 5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 2022. This may include revised occupancy rates if payment is made after new data is available from the 2021 Census.
- d) Review of the contributions towards school building costs should be by reference to the DfE adopted Primary/Secondary school building costs applicable at the date of payment of the contribution and where this has not been published in the financial year in which the contribution has been made then the contribution should be index linked to the DfE cost multiplier and relevant increase in the RICS BCIS All-In TPI. This figure is subject to annual review.
- e) Review of the contribution towards the provision of additional library floorspace should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

The contributions generated by this proposal shall be on additional facilities at Holy Trinity C of E Primary School, Cuckfield.

The contributions generated by this proposal shall be on additional facilities at Warden Park Secondary Academy.

The contributions generated by this proposal shall be spent on providing additional facilities at Haywards Heath Library.

The contributions generated by this proposal shall be spent on Scheme ID 188 in the West Sussex Walking and Cycling Strategy - Haywards Heath Circular Cycle Route, providing links to Haywards Heath Railway Station and Warden Park Secondary School.

Recent experience suggests that where a change in contributions required in relation to a development or the necessity for indexation of financial contributions from the proposed development towards the costs of providing service infrastructure such as libraries is not specifically set out within recommendations approved by committee, applicants are unlikely to agree to such provisions being included in the deed itself. Therefore, it is important that your report and recommendations should cover a possible change in requirements and the need for appropriate indexation arrangements in relation to financial contributions.

Please ensure that applicants and their agents are advised that any alteration to the housing mix, size, nature or tenure, may generate a different population and thus require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Please see below for a Breakdown of the Contribution Calculators for clarification of West Sussex County Council's methodology in calculating Contributions. For further explanation please see the Sussex County Council website (<http://www.westsussex.gov.uk/s106>).

### **Breakdown of Contribution Calculation Formulas:**

#### **1. School Infrastructure Contributions**

The financial contributions for school infrastructure are broken up into three categories (primary, secondary, sixth form). Depending on the existing local infrastructure only some or none of these categories of education will be required. Where the contributions are required the calculations are based on the additional amount of children and thus school places that the development would generate (shown as TPR- Total Places Required). The TPR is then

multiplied by the Department for Children, Schools and Families school building costs per pupil place (cost multiplier).

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

TPR is determined by the number of year groups in each school category multiplied by the child product.

TPR = (No of year groups) x (child product)

Year groups are as below:

- Primary school- 7 year groups (aged 4 to 11)
- Secondary School- 5 year groups (aged 11 to 16)
- Sixth Form School Places- 2 year groups (aged 16 to 18)

Child Product is the adjusted education population multiplied by average amount of children, taken to be 14 children per year of age per 1000 persons (average figure taken from 2001 Census).

Child Product = Adjusted Population x 14 / 1000

Note: The adjusted education population for the child product excludes population generated from 1 bed units, Sheltered and 55+ Age Restricted Housing. Affordable dwellings are given a 33% discount.

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2021/2022, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £18,933 per child
- Secondary Schools- £28,528 per child
- Sixth Form Schools- £30,939 per child

## 2. Library Infrastructure

There are two methodologies used for calculating library infrastructure Contributions. These have been locally tailored on the basis of required contributions and the nature of the library in the locality, as below:

Library infrastructure contributions are determined by the population adjustment resulting in a square metre demand for library services. The square metre demand is multiplied by a cost multiplier which determines the total contributions as below:

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

The square metre demand for library floor space varies across the relevant districts and parishes on the basis of library infrastructure available and the settlement population in each particular locality. The local floorspace demand (LFD) figure varies between 30 and 35 square metres per 1000 people and is provided with each individual calculation.

Square Metre Demand = (Adjusted Population x LFD) / 1000

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,549 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2021/2022 period.

3. TAD- Total Access Demand

The methodology is based on total access to and from a development. An Infrastructure Contribution is required in respect of each occupant or employee provided with a parking space, as they would be more likely to use the road infrastructure. The Sustainable Transport Contribution is required in respect of each occupant or employee not provided with a parking space which would be likely to rely on sustainable transport.

TAD = Infrastructure contribution + Sustainable Transport contribution

a) Infrastructure Contribution

Contributions for Infrastructure are determined by the new increase in car parking spaces, multiplied by WSCC's estimated cost of providing transport infrastructure per vehicle Infrastructure cost multiplier. The Infrastructure cost multiplier as at 2021/2022 is £1,450 per parking space.

Infrastructure contributions = Car parking spaces x Cost multiplier

b) Sustainable Transport Contribution

This is derived from the new car parking increase subtracted from the projected increase in occupancy of the development. The sustainable transport contribution increases where the population is greater than the parking provided. The sustainable transport figure is then multiplied by the County Council's estimated costs of providing sustainable transport infrastructure cost multiplier (£724).

Sustainable transport contribution = (net car parking - occupancy) x 724

Note: occupancy is determined by projected rates per dwelling and projected people per commercial floorspace as determined by WSCC.

**WSCC Lead Local Flood Authority**

Advice - No objection

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

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

## **Flood Risk Summary**

Current surface water flood risk based on 30year and 100year events - Low risk

Comments: Current surface water mapping shows that the proposed site is at low risk from surface water flooding.

This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events.

Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at risk.

Reason: NPPF paragraph 163 states - 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

Modelled groundwater flood hazard classification - Low risk

Comments: The area of the proposed development is shown to be at low risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Watercourses nearby? No

Comments: Current Ordnance Survey mapping shows no watercourses running close to the site.

Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans.

Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

Records of any surface water flooding within the site? - No

Comments: We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that the site itself has never suffered from flooding, only that it has never been reported to the LLFA.

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

The FRA for this application proposes that a permeable paving and infiltration via soakaways would be used to control the surface water from this development.

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

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

## **WSSC Water and Access**

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

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

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

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

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

- 1) Prior to the commencement of the development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) 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 fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

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

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

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

## **WSSC Waste and Mineral Safeguarding**

The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance therefore, the minerals and waste authority would offer a **no comment** to the proposed development. A summary of these thresholds is attached to this email and a short video (approx. 20 mins) explaining minerals and waste safeguarding and when the County Council should be consulted is available by clicking this link:



<http://www2.westsussex.gov.uk/ssr/mwsfgrdnqprsnrtn.ppsx>. To hear the audio, view the slides as a 'slide show'.

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23 of the West Sussex Waste Local Plan, 2014).

## **MSDC Urban Designer**

### **Layout**

The scheme has generally been well laid out with the parking discreetly incorporated. Importantly the houses and access road are sufficiently set back along the Hanlye Road frontage to enable the retention of most of the existing tree belt that will screen the development from the High Weald AONB designated countryside on the northern side of the site.

The buildings have mostly been organised with their frontages facing the new access road and the retained tree belt along the northern boundary will also:

- Provide this part of the development with an attractive backdrop.
- Mitigate traffic noise.
- Enable this part of Hanlye Lane to retain most of its verdant character.

Nevertheless, the proximity of Horsegate House results in the rear boundary of plots 1 to 3 backing on to the driveway of this adjacent property. While this is not an ideal arrangement, I can accept it in this situation because of the limitations of the site and because a 1.2m wide landscaped buffer has now been included in the revised drawings that allows for dense shrubs to both screen the rear boundary/gardens and to help compensate for the loss of trees/greenery to facilitate plots 1-3.

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

- A small area south of plot 1 has now been allocated as public open space to accommodate new trees that will compensate for the loss of existing trees (T7-T9) that is necessary to facilitate the house and garden on plot 1.
- The fence line along the northern boundary of plot 3 has been repositioned to the south to allow more space around T4's trunk.
- The parking bays serving plots 10-12 in the "courtyard" have been slightly adjusted to allow for a shallow planting bed behind them to provide some much-needed greenery in this otherwise hard-edged area.
- Trees T21, 23 and 25 which contribute to the tree screen along Hanlye Lane are now shown as retained. The retention of T21 has also allowed for the parking serving plot 9 to be more discreetly tucked away on the southern side of the plot.
- The footpath has been removed along the block-paved shared surface road adjacent to the Hanlye Lane tree belt which reduces the hard surface area and allows the soft landscaping to be extended.

Other trees are shown retained, however where they are in rear private gardens their future cannot be safeguarded.

The inclusion of freestanding garden rooms is an unusual aspect of this scheme; it unfortunately has the effect of reducing the modest sized gardens.

A condition is recommended to cover the detailed hard and soft landscaping especially as the landscape plan has not been updated with the revised drawings and a full specification of proposed trees and planting is needed. I would also like the existing understorey shrubs retained within the Hanlye Lane tree belt, and further clarification is required to show the position and design of the boundary treatment throughout and the gabion walls.

### **Elevations**

The buildings benefit from an individual design approach that will contribute to making this a distinctive scheme. The elevations have been carefully composed and interestingly modelled through recess/projection and the imaginative application of different materials. They appropriately respond to their Mid Sussex context by employing local/natural materials and architectural features such as cat slide roofs and diaper brick patterns which feature most prominently on plot 5 at the site entrance. The elevations are nevertheless drawn at a small scale and I feel a condition is needed requiring more detail to secure the quality of the design.

The west, east and north elevation/section drawings of house type 6/plot 9 need updating so they show the retained T21 tree and reflect the re-positioned parking.

### **Sustainability**

The Sustainability Statement is quite comprehensive. It includes a set of detailed energy calculations and a commitment to low carbon air source heat pumps, although there is no indication on the drawings how this will be accommodated. I therefore recommend a condition to ensure these are achieved.

### **Overall Assessment**

This is a well-designed scheme that responds appropriately to its local context and sufficiently accords with District Plan policy DP26 and the principles set out in the Council's Design Guide SPD. I therefore raise no objection to this planning application. Nevertheless, to secure the quality of the design I recommend conditions are included requiring the following drawings/information to be submitted and approved:

- Detailed hard and soft landscaping including boundary treatment and the application of gabion walls.
- Details of the facing materials.
- Revised north, east and west elevation/section drawings of house type 6/plot 9 to show the retained T21 tree and reflect the re-positioned parking.
- Detailed 1:20 scale sections and principal elevations of the typical houses (types 3, 6, 7A).

I also recommend an appropriately worded condition to secure the sustainability objectives.

### **MSDC Drainage**

Recommendation - No objection subject to condition.

### **FLOOD RISK**

The application is supported by a flood risk assessment and surface water drainage strategy report, dated October 2021.

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is not within an area identified as having possible surface water (pluvial) flood risk.

The report also considers flood risk from tidal, groundwater, sewers, and reservoir sources to be not significant.

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

## SEWERS ON SITE

The Southern Water public sewer map does not show any public sewers located within the redline boundary of the site.

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site is likely to now be considered a public sewer. Advice in relation to this situation can be found on the relevant water authority's website.

## SURFACE WATER DRAINAGE

On site infiltration testing has been undertaken in support of the application and infiltration has been found to be possible on the site.

It is proposed that the development will utilise permeable paving on all access and parking areas on the site. Discharge from the roof areas of the development will largely be to the permeable paving sub-base. However, three plots cannot drain via gravity to the sub-based and therefore individual soakaways are proposed to serve those properties.

Drainage calculations have been undertaken based on the lowest infiltration rate and the proposed development area with an urban creep factor. The permeable paving sub-base and the individual soakaways are therefore sized to accommodate the 1 in 100-year storm event with a 40% allowance for climate change.

The proposed surface water drainage system is acceptable in principle. Detailed drainage design based on finalised plan will need to be provided to address the recommended drainage condition. Further information into our general requirements for surface water drainage is included within the 'General Drainage Requirement Guidance' section.

## FOUL WATER DRAINAGE

It is proposed that the development will discharge foul water drainage to the main foul sewer on Ardingly Road to the west of the site. Due to a lack of information regarding the public sewer's invert levels it is unknown at this stage whether this connection will be via gravity or a pumped system.

The principle of the proposed foul water drainage is considered acceptable.

## CONDITION RECOMMENDATION

### *C18F - MULTIPLE DWELLINGS/UNITS*

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

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

## GENERAL DRAINAGE REQUIREMENT GUIDANCE

### SURFACE WATER DRAINAGE

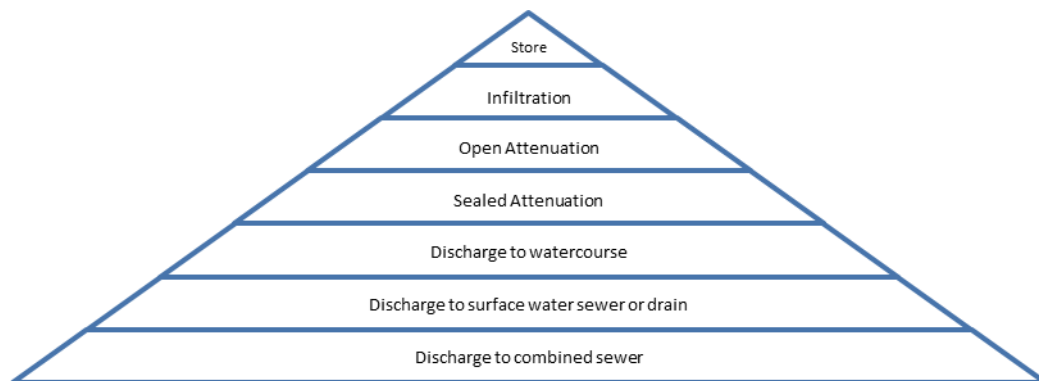
Proposed development will need to fully consider how it will manage surface water run-off. The hierarchy of surface water disposal will need to be followed and full consideration will need to be made towards the development catering for the 1 in 100-year storm event plus extra capacity for climate change.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

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

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

The proposed development drainage will need to:

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



- Protect people and property on the site from the risk of flooding
- Avoid creating and/or exacerbating flood risk to others beyond the boundary of the site.

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

## FOUL WATER DRAINAGE

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

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

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

## FLOOD RISK AND DRAINAGE INFORMATION FOR PLANNING APPLICATIONS

The level of drainage information necessary for submission at each stage within the planning process will vary depending on the size of the development, flood risk, site constraints, proposed sustainable drainage system etc. The table below provides a guide and is taken from the Practice Guidance for the English non-statutory SuDS Standards. Additional information may be required under specific site conditions or development proposals.

PRE-APP	OUTLINE	FULL	RESERVED	DISCHARGE	DOCUMENT SUBMITTED
✓	✓	✓			Flood Risk Assessment / Statement (checklist)
✓	✓	✓			Drainage Strategy / Statement & sketch layout plan (checklist)
	✓				Preliminary layout drawings
	✓				Preliminary "Outline" hydraulic calculations
	✓				Preliminary landscape proposals

PRE-APP	OUTLINE	FULL	RESERVED	DISCHARGE	DOCUMENT SUBMITTED
	✓				Ground investigation report (for infiltration)
	✓	✓			Evidence of third-party agreement for discharge to their system (in principle / consent to discharge)
		✓		✓	Maintenance program and on-going maintenance responsibilities
		✓	✓		Detailed development layout
		✓	✓	✓	Detailed flood and drainage design drawings
		✓	✓	✓	Full Structural, hydraulic & ground investigations
		✓	✓	✓	Geotechnical factual and interpretive reports, including infiltration results
		✓	✓	✓	Detailing landscaping details
		✓	✓	✓	Discharge agreements (temporary and permanent)
		✓	✓	✓	Development Management & Construction Phasing Plan

## USEFUL LINKS

Planning Practice Guidance - Flood Risk and Coastal Change

Flood Risk Assessment for Planning Applications

Sustainable drainage systems technical standards

Water.People.Places.- A guide for master planning sustainable drainage into developments

Climate change allowances - Detailed guidance - Environment Agency Guidance

West Sussex Lead Local Flood Authority Policy for the Management of Surface Water

Further guidance is available on the Susdrain website at <http://www.susdrain.org/resources/>

## **INFORMATION REQUIREMENTS**

The following provides a guideline into the specific information required based on the type of development, location and type of surface water drainage management proposed. Multiple lists may be relevant to a single application.

<b>DESCRIPTION OF DEVELOPMENT</b>	<b>INFORMATION REQUIRED</b>
<p>Located in Flood Zone 2 or 3.</p> <p>Located in Flood Zone 1 and greater than 1 hectare in area.</p> <p>Located in an area where a significant flood risk has been identified (including increased surface water flood risk)</p>	<ul style="list-style-type: none"><li>• Flood Risk Assessment which identified what the flood risks are and how they will change in the future. Also, whether the proposed development will create or exacerbate flood risk, and how it is intended to manage flood risk post development.</li></ul>
<p>Multiple plot development</p>	<ul style="list-style-type: none"><li>• A Maintenance and Management Plan that shows how all drainage infrastructure will be maintained so it will operate at its optimum for the lifetime of the development. This will need to identify who will undertake this work and how it will be funded. Also, measures and arrangements in place to ensure perpetuity and demonstrate the serviceability requirements, including scheduled maintenance, inspections, repairs and replacements, will need to be submitted. A clear timetable for the schedule of maintenance can help to demonstrate this.</li></ul>

DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
Public sewer under or adjacent to site	<ul style="list-style-type: none"> <li>• Evidence of approvals to build over or within proximity to public sewers will need to be submitted.</li> </ul> <p><u>Advice</u>  Consultation will need to be made with the sewerage undertaker if there is a Public Sewer running under or adjacent to the proposed development.</p> <p>Building any structure over or within proximity to such sewers will require prior permission from the sewerage undertaker. Any development within 8m of a sewer will require consultation.</p>
MSDC culvert under or adjacent to site	<ul style="list-style-type: none"> <li>• Evidence of approvals to build over or within proximity to MSDC assets will need to be submitted.</li> </ul> <p><u>Advice</u>  Consultation will need to be made with Mid Sussex District Council if there is a MSDC owned culvert running under or adjacent to the proposed development. Consultation should be made where such an asset is within 8m of any development.</p> <p>Building any structure over or within proximity to such culverts will require prior permission from Mid Sussex District Council. Normally it will be required that an “easement” strip of land, at least 5 to 8 metres wide, is left undeveloped to ensure that access can be made in the event of future maintenance and/or replacement.</p> <p>This matter can be discussed with Mid Sussex District Council Flood Risk and Drainage Team via <a href="mailto:drainage@midsussex.gov.uk">drainage@midsussex.gov.uk</a>.</p>



DESCRIPTION OF DEVELOPMENT	INFORMATION REQUIRED
Watercourse on or adjacent to site	<ul style="list-style-type: none"> <li>• Plan showing watercourse maintenance strip</li> </ul> <p><u>Advice</u> A watercourse maintenance strip of 5 to 8 metres is required between any building and the top-of-bank of any watercourse that may run through or adjacent to the development site.</p>

**INFORMATION REQUIREMENTS - SURFACE WATER DRAINAGE**

PROPOSED SURFACE WATER DRAINAGE METHOD	INFORMATION REQUIRED
Infiltration  e.g. Soakaways	<ul style="list-style-type: none"> <li>• Percolation test results</li> <li>• Sizing calculations, details and plans to demonstrate that the soakaway system will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%.</li> <li>• Calculations which show the proposed soakaway will have a half drain time of 24 hours or less.</li> </ul>

<p style="text-align: center;"><b>PROPOSED SURFACE WATER DRAINAGE METHOD</b></p>	<p style="text-align: center;"><b>INFORMATION REQUIRED</b></p>
<p>Outfall to watercourse</p>	<ul style="list-style-type: none"> <li>• Evidence discharge rate will be restricted in accordance with <a href="#"><u>West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</u></a></li> </ul> <p><u>Advice</u> You cannot discharge surface water unrestricted to a watercourse.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change.</p> <p>If works (including temporary works) are undertaken within, under, over or up to an Ordinary Watercourse, then these works are likely to affect the flow in the watercourse and an <i>Ordinary Watercourse Consent (OWC)</i> may need to be applied for. Guidance into the OWC application process can be found on West Sussex County Council's website at</p> <p><a href="https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/">https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/</a></p> <p>OWC applications can also be discussed and made with Mid Sussex District Council Flood Risk and Drainage Team via <a href="mailto:drainage@midsussex.gov.uk">drainage@midsussex.gov.uk</a>.</p>

<p style="text-align: center;"><b>PROPOSED SURFACE WATER DRAINAGE METHOD</b></p>	<p style="text-align: center;"><b>INFORMATION REQUIRED</b></p>
<p>Outfall to public sewer</p>	<ul style="list-style-type: none"> <li>• Evidence discharge rate will be restricted in accordance with <a href="#"><u>West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</u></a></li> <li>• Evidence connection and discharge rate has been approved with responsible sewerage undertaker.</li> </ul> <p><u>Advice</u> You cannot discharge surface water unrestricted to a sewer. Discharge of surface water into a foul sewer system is not usually acceptable.</p> <p>Discharge rates should be restricted to the Greenfield QBar runoff rate for the positively drained area for all events up to and including the 1 in 100-year rainfall event with climate change. Unless agreed otherwise with the sewerage provider.</p>

<p style="text-align: center;"><b>PROPOSED SURFACE WATER DRAINAGE METHOD</b></p>	<p style="text-align: center;"><b>INFORMATION REQUIRED</b></p>
<p>SuDS and attenuation</p>	<ul style="list-style-type: none"> <li>• Evidence any discharge rates will be restricted in accordance with <a href="#">West Sussex Lead Local Flood Authority Policy for the Management of Surface Water</a></li> <li>• Percolation test results</li> <li>• Sizing calculations, details and plans to demonstrate that any infiltration / attenuation will be able to cater for the 1 in 100-year storm event plus have extra capacity for climate change. Climate change allowances for residential development is 40% and for commercial development is 30%.</li> <li>• Calculations which show the proposed soakaway will have a half drain time of 24 hours or less.</li> </ul> <p><u>Advice</u> Written Statement (HCWS 161) - Department for Communities and Local Government - sets out the expectation that sustainable drainage systems will be provided to new developments wherever this is appropriate.</p> <p>You cannot discharge surface water unrestricted to a watercourse or sewer.</p>

**MSDC Tree Officer**

I can confirm I am happy with the updated AIA/ AMS (Revision A - March 22) and the amended TPP (14/3/22).

As an outline planting scheme has only be submitted to date I would request a finalised landscape plan which should provide clear details of the replanting of 'long lived large species' as recommended in response to my earlier comments. This should include detailed specifications of the trees being planted and their locations, along with methods for planting and aftercare.

Comments 10/2/2022

I have reviewed the amended plans for this site and agree some positive amendments have been made addressing my previous concerns.

- The buffer to the rear of plots 1-3 would be adequate (as Will questioned this) providing native planting is used. A mixed native hedge would be recommended.
- The retention of T21, T25 and T6 is welcomed.
- My main concern was the loss of mature oak trees T7 and T8 and the beech T9. I understand these would need to be removed to accommodate the current layout, but these trees particularly the oaks are visually significant to the site. Replacement trees would take many years to offer the benefits currently provided by these trees. I would therefore further encourage a layout that can accommodate the retention of these trees.

Should permission be granted I would request the arboricultural reports are updated to reflect the latest plans particularly the TPP to ensure the protection measures are clear to everyone on site. Furthermore as per my previous comments I would request that a detailed landscape plan is submitted providing specifications of all proposed planting along with planting and maintenance plans.

### **Ecologist**

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

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

- a wildlife protection plan / method statement covering removal of trees and other vegetation and construction phases;
- details of wildlife habitat enhancements and future management (which may be integrated with landscaping matters in a combined landscape and habitat management plan)

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

### **MSDC Leisure**

#### Amended comments

Based on the revised housing mix shown on drawing no 1660 PA 011 Rev B, the leisure contributions would be as follows:

Play £13,240  
 Kickabout £11,121  
 Formal Sport £16,111  
 Community Buildings £9,240

#### Original comments

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

#### **CHILDRENS PLAYING SPACE**

Chapelfields and Cuckfield Recreation Ground are the nearest locally equipped play areas to the development site. These facilities will face increased demand from the new

development and a contribution of £25,865 is required to make improvements to play equipment (£14,057) and kickabout provision (£11,808) at one or both of these sites.

#### FORMAL SPORT

In the case of this development, a financial contribution of £16,099 is required toward formal sport facilities at Whitemans Green (football, rugby, cricket, athletics, skateboarding).

#### COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £9,233 is required to make improvements to Haywards Heath Rugby Football Club pavilion which is available for community use.

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

#### MSDC Housing

The applicant is proposing a development of 13 dwellings which gives rise to an onsite affordable housing requirement of 30% (4 units) in line with District Plan Policy DP31. The affordable units on this site, which lies within the DPA, will comprise a mix of 2 x 1B/2P maisonettes @ 53.7m<sup>2</sup>, exclusive of the staircase and hallway, 1 x 2B/4P house @ 82.1m<sup>2</sup> (the proposed site plan states 82.7m<sup>2</sup>) and 1 x 3B/5P House @ 101.3m<sup>2</sup>. *(Please note that the planning statement refers to 2 no. 3 bed houses and the application form to 2 x 2BF, 1 x 2BH and 1 x 3BH).* These units will meet our occupancy and floor area requirements and will help meet local need. Three of the units (75%) will need to be for affordable or social rent, and one unit (we would suggest the 3 bed house) will need to be for shared ownership (25%). It is understood that the two x one bed maisonettes and the one x two bed house will be built to category M4(2) of the Building Regulations 2010, as stated on the proposed site plan (the DAS refers to three 2 bed houses being M4(2) compliant). Each maisonette will need to have its own private garden area, since this is an amenity which is often neglected in the development of affordable housing flats & maisonettes.

#### MSDC Environmental Protection

Given the proximity of nearby residents and facilities, there is a concern with relation to demolition and construction noise during development of the proposed build, and conditions are therefore recommended in relation to this.

Approve with conditions:

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

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

Reason: To protect the amenity of local residents.

2) Deliveries: Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:

- Monday to Friday: 08:00 - 18:00 hrs
- Saturday: 09:00 - 13:00 hrs
- Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents

3) No burning materials: No burning of demolition/construction waste materials shall take place on site.

Reason: To protect the amenity of local residents from smoke, ash, odour and fume.

### **MSDC Environmental Health - Contaminated Land**

I have looked our GIS Mapping , I note that there is a "tank" listed as being present 17 metres south of the application area in circa 1955 to circa 1973.

Due to the above, a discovery strategy should be attached, so that in the event that contamination is found on site, works stop until such time that an assessment has been made, and remediation methods put in place if needed.

Recommendation: Approve with conditions

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

### **MSDC Street Name and Numbering Officer**

Informative.

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