

MID SUSSEX DISTRICT COUNCIL

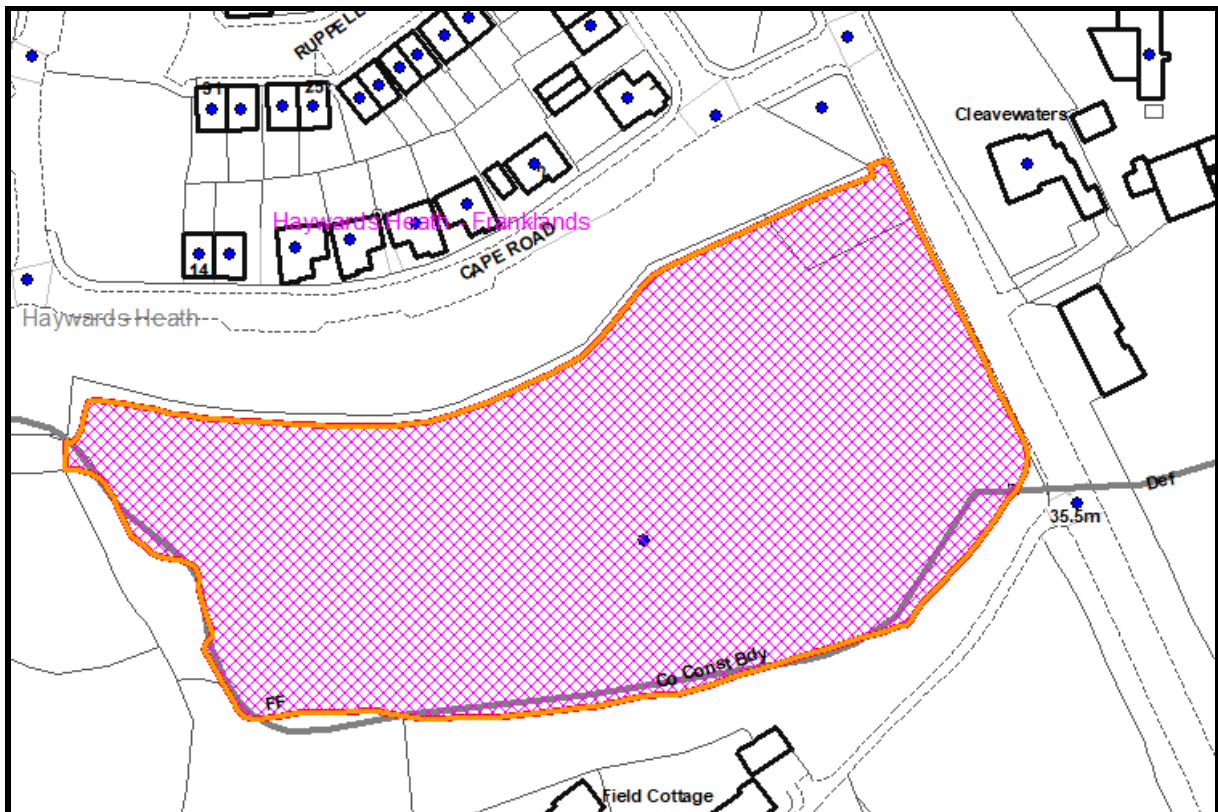
Planning Committee

8 SEP 2022

RECOMMENDED FOR PERMISSION

Haywards Heath

DM/22/0733



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**LAND AT ROGERS FARM FOX HILL HAYWARDS HEATH WEST SUSSEX
ERECTION OF 20 DWELLINGS WITH ASSOCIATED AMENITY/GARDEN,
LANDSCAPING AND ACCESS/PARKING ARRANGEMENTS. (AMENDED
PLANS SHOWING DESIGN AMENDMENTS RECEIVED 16TH JUNE AND
DRAINAGE INFORMATION RECEIVED 22ND JUNE). (ADDITIONAL
DRAINAGE INFORMATION RECEIVED 27TH JULY).
SIGMA HOMES LIMITED**

POLICY: Area of Special Control of Adverts / Countryside Area of Dev.
Restraint / Classified Roads - 20m buffer / Planning Agreement /
Planning Obligation / Road Improvement Act Agreement /
Aerodrome Safeguarding (CAA) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 16th September 2022

WARD MEMBERS: Cllr Rod Clarke / Cllr Michael Pulfer /

CASE OFFICER: Steven King

PURPOSE OF REPORT

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

EXECUTIVE SUMMARY

This application seeks full planning permission for the erection of 20 dwellings with associated amenity/garden, landscaping and access/parking arrangements on land at Rogers Farm, Fox Hill, Haywards Heath.

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP), the Haywards Heath Neighbourhood Plan (HHNP) and the Sites Allocations Development Plan Document (DPD).

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.

The principle of development on this site has been established by virtue of the fact that the site is allocated for residential development in the Site Allocations DPD.

The scheme would deliver 20 dwellings, 6 of which would be affordable, on an

allocated site. This should be afforded significant positive weight in the planning balance.

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

The scheme can be satisfactorily drained and a legal agreement can secure the required infrastructure provision. As such these matters are neutral in the planning balance.

There are no ecological objections to the scheme subject to conditions to secure a biodiversity protection and mitigation plan and method statement, habitat enhancement and long-term management and a wildlife sensitive lighting plan. Replacement tree planting and landscaping can be secured by a planning condition.

The scheme would result in some harm to the setting of Cleavewater and The Olde Cottage, both grade two listed buildings. It is considered that under the NPPF, this would be classed as 'less than substantial'. The NPPF states that this less than substantial harm needs to be weighed against the public benefits of the proposal. It is also the case that the 'less than substantial harm' must be afforded significant importance within the planning balance to reflect the statutory presumption contained within the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of the setting of listed buildings is desirable.

It is considered that the public benefits in this case (development of 20 new homes, 6 of which would be affordable on a site that has been allocated for residential development, increased spending in the economy and economic benefits during construction) clearly outweigh the less than substantial harm to the setting of the listed building. As such whilst there is a conflict with policy DP34 of the DP, this is outweighed by the public benefits that would be secured by the proposal.

In conclusion, there is a conflict with policy DP34 in the DP as the proposal would result in less than substantial harm to the setting of two listed buildings. In enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. The harm to the setting of these listed buildings can be classified under the NPPF as 'less than substantial'. In such circumstances, the NPPF requires a balance to be carried out between the less than substantial harm and the public benefits of the proposal.

The scheme would provide 20 dwellings, 6 of which would be affordable. The provision of additional housing, and affordable housing, should be afforded significant positive weight. The proposal would also provide economic benefits from the investment and spending during the construction period and from the additional spend in the local economy once the development has been completed. In addition, the development would bring forward development on a site that has been allocated for development in the site allocations DPD. The government is committed to a plan led system of development. Therefore, the fact that this proposal would result in

development on a site that has been allocated for development under this plan led approach should be afforded significant positive weight.

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

It is also considered that there is some conflict with site allocations policy SA21 in that the proposal is for 20 units whereas the site allocations refers to 25 units. This, together with the conflict with policy DP34 in the DP are matters that weigh against the scheme in the planning balance.

However, the scheme would be of a satisfactory design and would provide 20 units of accommodation, 6 of which would be affordable. Overall, taking all of the relevant issues into account, it is considered that the proposal complies with policies DP6, DP17, DP20, DP21, DP23, DP26, DP29, DP30, DP31, DP37, DP38, DP41 and DP42 in the DP, policies SA GEN, SA21 and SA38 in the Site Allocations DPD and policies E6, E7, E8, E9, E11, E13, T1 and T2 in the HHNP and there complies with the development plan, when read as a whole. Therefore it is recommended that the application be approved, subject to appropriate conditions and a legal agreement to secure the required infrastructure and affordable housing.

RECOMMENDATION

Recommendation A

It is recommended that planning permission be approved subject to the conditions outlined at Appendix A, the completion of a satisfactory legal agreement to secure the required infrastructure and affordable housing and satisfactory confirmation that there is an adequate water supply to serve the development.

Recommendation B

If a satisfactory legal agreement is not in place by 1st December 2022 it is recommended that the application be refused at the discretion of the Divisional Leader, Planning and Economy for the following reason:

The proposal fails to provide the required infrastructure or affordable housing. The scheme therefore conflicts with policies DP20 and DP31 in the District Plan 2014-2031.

SUMMARY OF REPRESENTATIONS

Original plans

4 letters of objection:

- speed limit should be reduced to 30mph before any occupations take place
- footway should be widened to 4m up to Cape Road to the north
- in combination with other developments in the area and the proposal to close Hurstwood Lane to vehicular traffic, the proposal will result in congestion during peak periods
- current vehicle activated speed signs should be replaced with devices that display the actual speed of cars. A speed camera would be a better deterrent
- this is the last field that separates East from West Sussex
- will have an adverse effect on wildlife
- this land always seems wet and boggy
- the layout allows for the access road to go further westwards for additional development in the future. Should insist homes are built in the western corner to prevent access to the land to the west
- this will be a car dependent development as bus services from Fox Hill are sporadic
- applicants have not properly assessed the significance of nearby heritage assets and therefore cannot say that there will be a neutral impact on these assets
- the preliminary ecological impact assessment recommends that a full ecological impact assessment of the effects of the development should be carried out based on the results of recommended surveys. This does not appear to have been done
- the site allocations policy and Landscape and Visual Impact Assessment all recommend additional tree and hedge screening along the southern boundary but none appears to be shown on the southern boundary
- would want to see the southern boundary planted as densely as possible to provide appropriate screening

Amended plans

1 letter of objection

-proposal doesn't address policy DP42 and the supply of water to the site

SUMMARY OF CONSULTEES

County Planning Officer

Requires infrastructure contributions towards primary and secondary education, sixth form, libraries and Total Access Demand.

East Sussex County Council

To be reported.

West Sussex County Highway Authority

The Local Highway Authority (LHA) does not consider that this 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 (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

East Sussex County Highway Authority

No objection.

WSCC Lead Local Flood Authority

No objection.

WSCC Fire and Rescue Service

Requests a condition regarding fire hydrant provision.

Southern Water

No objection subject to conditions.

Landscape Architect

No objection subject to conditions.

Contaminated Land Officer

No objection subject to conditions.

Environmental Protection Officer

No objection subject to conditions.

MSDC Ecological Consultant

No objection subject to conditions.

MSDC Drainage Engineer

No objection subject to condition.

Housing Officer

All of the proposed units meet our occupancy and floor area requirements.

Community Facilities Project Officer

Requires infrastructure contributions towards children's play space, formal sport and community buildings.

Urban Designer

No objection subject to conditions.

Conservation Officer

I consider there will be harm to the setting of the Listed Buildings at Cleavewater and The Olde Cottage. This is contrary to policy DP34 in the District Plan. I consider the harm to be less than substantial and therefore the provisions of paragraph 202 of the NPPF will apply.

Tree Officer

Subject to some changes, I do not object to the application.

Wivelsfield Parish Council

Object. The Parish Council is concerned about the further encroachment of development onto the fringes of Wivelsfield Parish, resulting in the coalescence of settlements. Also concerned about loss of a greenfield site, traffic, lack of services, drainage, lack of cycle lane and pressure on school places.

TOWN COUNCIL OBSERVATIONS

The Town Council OBJECTS to this application for the following reasons:

1. it is not an allocated site in the Haywards Heath Neighbourhood Plan,
2. there are concerns regarding the suitability of the site for development in terms of flooding,
3. there are environmental concerns relating to the seasonal wetland on the site which could be potentially undermined if sustainable drainage systems (SuDS) are used to support the application,
4. the proposed access from the site on to Fox Hill/Ditchling Road is totally inadequate in terms of the splay, as has been demonstrated by the neighbouring 'Gamblemead' development where Cape Road is the access on to Fox Hill/Ditchling Road.

In the event that the application is approved despite the Town Council's objection, it is requested that developer Section 106 contributions for local community infrastructure be allocated towards the proposed Country Park on land off of Hurstwood Lane.

INTRODUCTION

This application seeks full planning permission for the erection of 20 dwellings with associated amenity/garden, landscaping and access/parking arrangements on land at Rogers Farm, Fox Hill, Haywards Heath.

RELEVANT PLANNING HISTORY

The site was the subject of an outline application (DM/16/3998) for the redevelopment of up to thirty-seven residential units with all matters reserved except for access. The application was refused on 27th July 2017, for the following reasons:

1. The proposal would involve development outside the built up area of Haywards Heath as defined in the Mid Sussex Local Plan and the Haywards Heath Neighbourhood Plan on a green field site that is not allocated for development in the development plan. The proposal therefore conflicts with policies E5 and E9 of the Haywards Heath Neighbourhood Plan and policy C1 of the Mid Sussex Local Plan. Neighbourhood plans, once made part of the development plan, should be upheld as an effective means to shape and direct development in the neighbourhood planning area in question. Consequently, in view of National Planning Policy Framework paragraphs 198 and 185, and the Secretary of States guidance on neighbourhood planning, this is the case even in the absence of a 5 year housing land supply. As the proposal would cause less than substantial harm to the setting of the listed buildings of Cleavewater and The Olde Cottage, the relevant assessment of the application is against paragraph 134 of the National Planning Policy Framework. Taking into account the less than substantial harm to the listed buildings identified above it is considered that this harm, combined with the conflict with the development plan would outweigh the public benefits of the proposal. As such the proposal does not comply with the social element of sustainability as defined in the

National Planning Policy Framework and the proposal is not sustainable development as defined by the National Planning Policy Framework.

2. In the absence of a completed S106 Legal Agreement the proposal fails to meet policies G3 and H4 of the Mid Sussex Local Plan and policy DP18 of the Mid Sussex District Plan 2014-2031 Submission Version in respect of the infrastructure and affordable housing requirement to serve the development.

A subsequent appeal was dismissed by the Planning Inspector on 19th January 2018. Whilst the views of the Planning Inspector are a material consideration, it must be recognised that this decision was made in the context of a different planning policy background to the one which is in place now, namely that the site was not allocated for development in 2018. The site is now allocated within a Development Plan Document for residential development.

SITE AND SURROUNDINGS

The site of the application is a broadly rectangular parcel of land measuring some 2.95 hectares located on the western side of Fox Hill, on the southern side of Haywards Heath. It is vacant farmland and is laid to grass. The site is enclosed by trees along all four boundaries. Access into the site is provided by a partially concealed field gate along the wooded south east site boundary.

To the east of the site, on the opposite side of Lunces Hill lies Cleavewater Farmhouse, a 16th century or earlier Wealden Hall House which is Grade II listed. Directly to the south of the site lies The Olde Cottage, and to the south east lies Rogers Farmhouse, both of which are Grade II listed buildings.

To the north of the site is the new development of 204 dwellings at Gamblemead that is nearing completion.

In terms of planning policy the site lies within the built up area of Haywards Heath as defined in the District Plan and is allocated for residential development under policy SA21 in the Sites Allocations DPD.

APPLICATION DETAILS

This application seeks full planning permission for the erection of 20 dwellings with associated amenity/garden, landscaping and access/parking arrangements on land at Rogers Farm, Fox Hill, Haywards Heath.

The plans show the following mix of properties:

Market Housing

11 x 3 bed houses

3 x 4 bed houses

Affordable Housing

1 x 1 bed flat over garage (FOG)

3 x 2 bed houses

2 x 3 bed houses

The access to the site would be a simple priority junction located at the south-eastern corner of the site. The proposed layout shows a road running parallel with the southern boundary of the site with the proposed dwellings located on the northern side of this road. There would be two cul-de-sacs off the main access road with. At the western end of the access road there would be a turning head. There would be an area of open space in the north-western corner of the site.

The plans show that the houses would be of a traditional design, featuring brick and tile hanging, with a mixture of plain tile and slate roofs. Along the road frontage with Fox Hill the plan indicate the retention and enhancement of the existing boundary planting.

The plans show 9 visitor car parking spaces off the access road and cul-de-sac, with the dwellings having on curtilage car parking, with the exception of plot 5, which have car parking to the west under the FOG (flat over garage) on plot 6.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan (DP), the Haywards Heath Neighbourhood Plan (HHNP) and the Site Allocations Development Plan Document (DPD).

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

Mid Sussex District Plan

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

Relevant policies:

DP6 - Settlement Hierarchy

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

DP20 - Securing Infrastructure

DP21 - Transport

DP23 - Rights of Way and other Recreational Routes

DP26 - Character and Design

DP29 - Noise, Air and Light Pollution

DP30 - Housing Mix

DP31 - Affordable Housing

DP34 - Listed buildings and other heritage assets

DP37 - Trees, Woodland and Hedgerows

DP38 - Biodiversity

DP38 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

DP42 - Water Infrastructure and the water Environment

Mid Sussex Site Allocations Document (DPD)

Mid Sussex District Council adopted its Site Allocations Development Plan Document on 29th June 2022. The Site Allocations DPD identifies sufficient housing sites to provide a five year housing land supply to 2031 and also makes sure that enough land is allocated to meet identified employment needs.

SA GEN: General Principles for Site Allocations

SA38: Air Quality

Neighbourhood Plan

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was made on 15th December 2016.

Relevant policies:

E6 - Retain links between green infrastructure

E7 - Sustainable Urban Drainage

E8 - Energy efficient and sustainable development

E9 - Local character and quality

E11 - Visual connections with the countryside
E13 - Outdoor space
T1 - Development and public transport links
T2 - Improve cycle and pedestrian strategy

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.

Principle DG2: Site Appraisal

Principle DG3: Work with the site's natural features and resources

Principle DG4: Establish a landscape and green infrastructure network

Principle DG5: Water features and sustainable drainage systems

Principle DG6: Design to enhance biodiversity

Principle DG7: Respond to topography and strategic views

Principle DG8: Establish a clear movement network that connects with the surrounding area

Principle DG27: Integrate tree planting and soft landscape

Principle DG37: Promote buildings that respond to and help enclose and animate the street space

Principle DG38: Promote buildings that have architectural integrity utilising high quality detailing and materials

Principle DG47: Provide homes with sufficient daylight and sunlight

National Planning Policy Framework (NPPF) (July 2021)

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

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

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

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

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

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

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

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

Technical Housing Standards

Planning (Listed Buildings and Conservation Areas) Act 1990

ASSESSMENT

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

- The principle of development,
- Landscape Impact
- The design and layout
- Noise
- Air Quality
- Neighbour amenity
- Housing mix and affordable housing
- Drainage,

- Impact on Heritage assets (Listed Buildings)
- Access, Parking, and Highway Safety
- Biodiversity
- Infrastructure provision
- Impact on Ashdown Forest
- Water Infrastructure
- Planning Balance and Conclusions

The principle of development

Policy DP6 in the District Plan states:

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

The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

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

The developer will need to satisfy the Council that:

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

The site of the application is allocated for residential development under policy SA21 of the Site Allocations development Plan Document (DPD). The Site Allocations DPD was adopted on 29th June 2022 and is therefore part of the development plan. As such the principle of the development accords with criteria 1 of policy DP6.

Landscape Impact

Policy E11 in the HHNP requires that major development proposals on the edge of Haywards Heath are supported by an assessment of views to and from the proposed development. Any identified visual impact must be addressed through the design of the buildings, site layout, and the landscaping of the site.

The objective of policy SA21 as set out in the DPD is *'To deliver a high quality, landscape led, sustainable urban extension to Haywards Heath, which respects the character of this settlement edge and the surrounding countryside, and which is comprehensively integrated with the town so residents can access existing facilities.'*

Under 'Landscape Considerations', the policy states:

- Protect the rural character of this edge of settlement and southern approach to Haywards Heath by providing a sufficiently sized landscape buffer along the frontage (eastern) boundary together with a locally native hedgerow and tree screen.

- Retain and enhance mature trees and planting along the northern, western and southern boundaries of the site and incorporate these into the landscape structure and Green Infrastructure proposals for the development to limit impacts on the setting of listed buildings and the wider countryside.

- Protect the character and amenity of existing public footpaths that are adjacent to the southern and western boundaries of the site and provide connections to these from the new development.'

The site sits within the High Weald fringes landscape character area 10, as defined by the Mid Sussex District Landscape Character Assessment (2004). The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) and this provides an accurate description of the landscape and visual context of the site and surrounding area. The LVIA concludes that the proposed development would have a minor adverse effect on landscape character and that this would be localised. The Councils Landscape Consultant agrees with this conclusion and there are no reasons for your Planning Officer to disagree with this assessment.

There would be some adverse impact on the character of the landscape, but this is the inevitable consequence of residential development on a rural site. In his report on this site in the site allocations DPD, the Inspector states:

'As with other allocations on greenfield sites on the edge of settlements, such as at allocations SA12 and SA13, it is axiomatic that any development which extends the urban area of a settlement into hitherto open countryside will, by its very nature, have some environmental impact, at the least, rural land will become urban. This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 60 of the Framework of significantly boosting the supply of houses.'

It is therefore considered that with a planning condition to secure a suitable landscaping scheme on the boundaries of the site, the impact of the proposal on the character of the landscape will be acceptable in line with policy E11 in the HHNP, policy SA21 in the DPD and the aims of principle DG7 in the Design Guide SPD.

Design, layout and quantum of development

Policy DP26 in the DP states:

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

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

Policy E9 in the HHNP has similar aims. The NPPF is also strongly supportive of good design, with paragraph 126 stating in part that *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

Under the heading Urban Design Principles, policy SA21 states:

- Optimise the development potential of the site while protecting the sensitive rural edge to the town and the setting of listed buildings through careful masterplanning.

- Seek to enhance the connectivity of the site with Haywards Heath by providing pedestrian and/or cycle links to adjacent existing networks, including a connection to the bridleway to the south of the site.

- Orientate development to have a positive active frontage in relation to the existing settlement, attractive tree boundaries and to define open spaces and routeways.'

With regards to the quantum of development on the site, policy SA21 refers to the site being allocated for 25 units. The proposal is for 20 units and therefore there is a conflict with this element of policy SA21. It is important to optimise the potential of sites to deliver housing for the obvious reason that units that are not provided for on

sites that are allocated for development will need to be provided for elsewhere in the District.

The applicants have stated that the developable area of the site is some 0.917 hectares rather than the whole 1.3 hectares of the site because of the root protection areas for trees and flood zone areas. The applicants point out that using the gross site area of 1.3 hectares the DPD allocation of 25 dwellings equates to a density of 19 dwellings per hectare (dph). Using the applicants figure for the developable area being 0.917 hectares the proposed density would be 22dph. The applicants go on to state:

'Furthermore, there are a range of other factors which point to the acceptability of a slightly lower density than the DPD indicates, including,

- *Provision of an area of open space/play area to the north-west*
- *Frontage development to the east*
- *Retention of trees to all site boundaries*
- *Additional units would bring the need for additional parking spaces/visitor spaces, inevitably resulting on an increase in the area of hard surface and pressure on boundary landscaping*
- *Most representations raising concerns about the level of development, impact on Heritage assets*
- *The water main which crosses the southernmost part of the site precludes a dwelling being proposed in the south-western corner*
- *MSDC's consultant Ecologist response in support for the current layout*
- *MSDC's Urban Designer's support for the current layout (subject to minor revisions)*
- *WSCC Landscape Architects view that, 'the proposed development can be supported as it would have an acceptable impact on local landscape character and views'.*
- *Crucially, the requirements of the relevant DPD policy include,*
- *Protecting the sensitive rural edge to the town and the setting of listed buildings through careful masterplanning*
- *Orientate development to have a positive active frontage in relation to the existing settlement, attractive tree boundaries and to define open spaces and routeways*
- *Protect the rural character of this edge of settlement and southern approach to Haywards Heath by providing a sufficiently sized landscape buffer along the frontage (eastern) boundary together with a locally native hedgerow and tree screen.*
- *Retain and enhance mature trees and planting along the northern, western and southern boundaries of the site and incorporate these into the landscape structure*
- *Limit impacts on the setting of listed buildings and the wider countryside.*
- *Protect the character and amenity of existing public footpaths that are adjacent to the southern and western boundaries of the site and provide connections to these from the new development.*

- *Incorporate network of open spaces, suitable for informal recreation on the north-western part of the site. This area is unsuitable for development due to flood risk*
- *Conserve and enhance areas of wildlife value to ensure there is a net gain to biodiversity.*
- *Avoid, mitigate and compensate for any loss to biodiversity through ecological protection, enhancement and mitigation measures.'*

These points are noted. It is considered that it would be possible to construct more units on the site. This may well involve more smaller units with a revised layout. The site has been allocated for 25 units in the DPD and therefore by definition, the plan making process has determined that this number of units could be accommodated on the site.

However a planning application has now been submitted and the LPA must assess the scheme that is before it. As a matter of principle the fact that the scheme is 5 units short of the site allocation weighs against this scheme. Notwithstanding this, an assessment still needs to be made of the scheme to come to a judgement as to whether the scheme complies with the development plan when read as whole and whether the scheme is acceptable or not.

Design

The comments of the Councils Urban Designer are summarised at the start of the report and set out in full in the appendix. He advises that *'The layout largely addresses the urban design principles and landscape considerations for the site as set out under SA21 in the Site Allocations DPD. As well as allowing a generous green buffer on all four sides that should safeguard the boundary trees and hedgerows, the layout design orientates the development towards the south, east and west boundaries that provides a positive active frontage in relation to the Fox Hill road frontage and these other boundaries. It also delivers an attractive soft back drop to the streets and spaces within the development, and along the rural edge.'*

With regards to the elevations, the Urban Designer states *'Despite some pastiche features, the elevations are generally well composed and articulated, and the buildings have been suitably grouped. Care has been taken to provide active frontages on both the return elevations of corner buildings. The front and backs of the buildings benefit from consistent application of facing materials.'*

Overall, the Urban Designer concludes *'I therefore raise no objections to this planning application, but to secure the quality of the design I would recommend the following drawings and information are subject to further approval:*

- *The detailed hard and soft landscaping plans and boundary treatment.*
- *The facing materials'*

Your Planning Officer agrees with the comments of the Urban Designer in respect of the layout and design of the scheme. The provision of a pedestrian link in the northeast side of the site to Fox Hill is welcomed. The dwellings are laid out to face onto the street and new planting is proposed on the boundaries of the site and within

the site to both soften the development and to enhance biodiversity. The dwellings are of a traditional design, which is felt to be appropriate on this edge of settlement location, within the setting of heritage assets. This would accord with the aims of Principles DG27, DG37 and DG38 of the Design Guide SPD.

It is considered that the retention of the boundary trees and planting accords with aim of Principle DG3 to work with the sites natural features.

It is considered that the level of private amenity space for prospective residents is acceptable in line with policy E13 in the HHNP and the aims of principle DG47 of the Design Guide SPD. Overall it is felt that the design and layout of the site is acceptable and that policy DP26 in the DP and the aims of policy SA21 are met.

The Water and Access Manager has requested a condition regarding fire hydrant provision. This can be imposed to address this issue.

Sustainability

Policy DP39 in the DP relates states that all development must seek to improve the sustainability of development. The application is accompanied by a Sustainability Statement, which advises that the applicants are proposing a fabric first approach for the site, which focuses on energy efficiency for the proposed dwellings. It also states that high-efficiency air-source heat pumps for space and water heating have been selected for all areas of the development. Water consumption will be limited through the use of aerated taps and low flush volume WC's.

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

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

With regards to Electric Vehicle (EV) charging points, the changes to the Building Regulations will require every new home with onsite parking to have an EV charging point. This will apply to schemes where the building regulations application has been submitted after 15th June 2022.

It is considered that the applicants have had regard to policy DP39 in the DP.

Noise

Policy DP29 in the DP seeks to protect peoples quality of life from unacceptable levels of noise. It states that *'Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.'*

The application is accompanied by a Noise Assessment that has been considered by the Councils Environmental Health Officer (EHO). The applicants report advises that a number of properties will require acoustic fencing in order to achieve suitable noise levels within the proposed gardens. Additionally a number of properties will only be able to achieve acceptable internal noise levels with the windows closed. As such, they will require an alternative means of ventilation.

These matters can be controlled by a planning condition. With such a condition in place the EHO has no objection to the application and it is considered that policy DP29 would be met.

Air quality

Policy SA38 seeks to avoid unacceptable impacts on air quality and says development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development.

There are no air quality management areas (AQMAs) in the vicinity of the site and the Councils EHO has not raised any concerns in relation to air quality on this development.

Neighbour amenity

Policy DP26 in the DP seeks to avoid significant harm to neighbouring amenities from new development. Policy E9 in the HHNP seeks to ensure that development *'Will not result in unacceptable levels of light, noise, air or water pollution.'* As such there is some conflict between the wording of these two policies. In accordance with planning law, where there is a conflict between policies in the development plan, the conflict needs to be resolved in favour of the most recently adopted policy. Therefore in this case, as the District Plan is the more recently adopted document, the test is whether there would be significant harm to neighbouring amenity.

The proposed dwellings at the frontage of the site would be some 41m away from Cleavewater on the opposite side of the road, with the site access some 46m from the property. Given these distances it is not considered the proposal would cause any loss of amenity to the occupiers of this property.

To the south, Old Place and Field Cottage would be some 38m and 32m away respectively from front elevations of the nearest proposed dwellings. Given these distances and intervening tree screening it is not considered there would be a loss of

amenity to the occupiers of these properties. As such this element of policy DP26 in the DP would be met.

Housing mix and affordable housing

Policy DP30 in the DP seeks housing development to provide a mix of dwelling types and sizes that reflects current and future housing needs. The overall mix of the scheme is as follows:

- 1 x 1 bed unit (5 per cent)
- 3 x 2 bed units (15 per cent)
- 13 x 3 bed units (65 per cent)
- 3 x 4 bed units (15 per cent)

It is considered that this is a reasonable mix on this relatively small site and that policy DP30 is met.

Policy DP31 in the DP seeks 30 per cent affordable housing on sites providing more than 11 dwellings. The application would provide 6 affordable units which is policy compliant. The Councils Housing Officer is content with the mix of affordable units that is proposed.

Drainage

Policy DP41 of the DP states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

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

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development²² unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

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

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

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

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

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

Policy E7 in the HHNP says new development proposals will be required to incorporate Sustainable Drainage Systems, where practical, as part of the design of new housing and commercial development and indicate how such schemes will be managed and maintained.

The application is accompanied by a Flood Risk Assessment and an Overland Modelling Report. During the course of the application the Councils Drainage Engineer requested additional information, and this has been provided by the applicants.

For surface water it is proposed that the site will be split into two catchments with separate outfalls.

Water will be attenuated on site. It is proposed that the southern road will be of asphalt construction and the runoff of the road will be attenuated below ground in a cellular storage tank. The northern catchment will use a permeable paving system on the side roads and driveways, which will utilise a cellular storage subbase replacement system.

The southern road will connect into the existing ditch in the south-western corner of the site and the northern part of the site, comprising of the houses, side roads and driveways will outfall to the ditch in the north-western corner of the site. Soakage testing has been carried out onsite and this confirms that infiltration is not a viable option on this site.

The Councils Drainage Engineer has stated that *'Based on the flood risk information submitted the flood risk and drainage team are content that the development will not increase flood risk offsite or place any residential dwelling within an area of increased flood risk.*

We do however advise the applicant to consider surface water flood flow pathways in the northern area of the site to help alleviate the potential for standing water becoming trapped and unable to naturally drain to the watercourse to the west.'

The Councils Drainage Engineer concludes that *'The flood risk and drainage team consider the applicant to have shown, in principle, that surface water drainage can be managed on site. As such a drainage condition is recommended.'*

Your Planning Officer has no reasons to disagree with the above comments. The detail that the Drainage Engineer has requested with regards to surface water flow pathways in the northern area of the site can be controlled by a planning condition.

With regards to foul drainage, it is proposed to connect to the existing public foul sewer. Due to topographic and invert levels the system will be required to utilise a package foul pumping station.

The Council's Drainage Engineer has no objection to this and recommends a condition to control the details of the foul drainage. Again, your Planning Officer has no reasons to disagree with this assessment.

It is therefore considered that policy DP41 in the DP is met

Impact on Heritage assets (Listed Buildings)

To the east of the site, on the opposite side of Fox Hill road lies Cleavewater, a 16th century or earlier Wealden Hall House which is Grade II listed. The setting of a listed building is defined as the surroundings in which it is experienced. The site at Rogers Farm is considered to lie within the setting of Cleavewater by reason of its proximity and its contribution to the historically rural context of the building. Development on the site has a potential impact not just on views from Cleavewater of the surrounding countryside but also on the context in which the listed building is experienced from outside its immediate curtilage, in particular by those travelling along Fox Hill. To the south of the site, separated by a band of trees, is The Olde Cottage, a Grade II listed 17th century or earlier cottage, and slightly further distant to the south west is Roger's Farmhouse, again Grade II listed and dating from the early 19th century.

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

The requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 are reflected in policy DP34 in the DP which states in part:

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

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal,*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use,*

- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable,*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself,*
- *Special regard is given to protecting the setting of a listed building,*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

Paragraphs 199, 200 and 202 of the NPPF state:

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

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional,*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

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

The site allocation for SA21 refers to preserving the rural setting of Cleavewater, Rogers Farm and Old Cottage.

The full comments of the Councils Conservation Officer are in the appendix to this report. In respect of Cleavewater, the Conservation Officer notes that *'Cleavewater and its associated historic farm buildings would be considered to possess historical evidential and illustrative values as good examples of rural Sussex buildings of their type and period...'* and that *'As such, the surviving rural setting of the buildings makes a strong positive contribution to the special interests of the listed and curtilage listed buildings and the manner in which these are appreciated, in particular those parts of those special interests which are drawn from historical illustrative and aesthetic values.'*

By changing the site from a green rural landscape to an urban development, the character of the site will be fundamentally changed. The Conservation Officer considers that this would cause less than substantial harm to the setting of Cleavewater (towards the upper end of that scale) and that this would be contrary to policy DP34 of the DP.

With regards to The Olde Cottage, this property is a good example of a 17th century farm cottage dwelling, with the local use of Sussex tile-hung roofing. The Conservation Officer notes that *'It also possesses aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn. For this reason the surviving rural setting of the building, which would include the site, would be considered to make a strong positive contribution to its special interest.'*

The Conservation Officer states that again, the development will have a fundamental impact on the character of the site, which will become suburbanised. The Conservation Officer considers that the development would detract from the setting of this heritage asset, contrary to policy DP34 in the DP. The Conservation Officer considers that this would cause less than substantial harm, at the midpoint of that scale.

With regards to Rogers Farm, the Conservation Officer states that *'...due to the intervening topography and the wooded nature of the terrain it is considered that the impact of the proposal on the character of the setting of this building will be extremely limited. The proposal is therefore considered to have a neutral impact on the setting of Rogers Farm.'*

Your Planning Officer agrees with the assessment of the Conservation Officer in respect of the impact of the proposal on the heritage assets identified above. In line with the guidance in paragraph 202 of the NPPF, as the proposal is considered to cause less than substantial harm to the setting of Cleavewater and The Olde Cottage, it is necessary to carry out a balancing exercise between the less than substantial harm and the public benefits of the proposal.

In this case the scheme would provide 20 dwellings, 6 of which would be affordable. The provision of additional housing, and affordable housing, should be afforded significant positive weight. The proposal would also provide economic benefits from the investment and spending during the construction period and from the additional spend in the local economy once the development has been completed. In addition, the development would bring forward development on a site that has been allocated for development in the site allocations DPD. The government is committed to a plan led system of development. Therefore, the fact that this proposal would result in development on a site that has been allocated for development under this plan led approach should be afforded significant positive weight.

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

Access and Transport

Policy DP21 in the District Plan states:

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

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

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

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

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

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

The reference to development not causing a severe cumulative impact reflects the advice in paragraph 111 of the NPPF, which states:

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

The speed limit for this section of the road is 60mph reducing to 30mph to the north at Hurstwood Lane.

In respect of the vehicular access to the highway, this would be via a priority junction with an access road 5.5m in width. The Local Highway Authority (LHA) raise no objection to the proposed access onto the public highway. The LHA are satisfied the required visibility splays of 2.4m by 160m can be provided within land forming the site and the public highway.

The development is likely to generate 11 vehicular movements in the morning peak hour, 10 in the evening peak hour, and a total of 96 vehicular trips throughout the day. The LHA advise that this level of trips is not expected to give rise to a highway capacity issue on the local highway network. Your Planning Officer agrees, this level of vehicular movement would certainly not result in a severe impact on the local highway network.

With regards to car parking, the scheme proposes a total of 54 parking spaces, of which 9 would be visitor spaces. This would meet the standards in the WSCC parking calculator and is considered sufficient.

With regards to cycle parking, the applicants advise the cycle parking will be provided within the curtilage of each property. The details of this could be secured by a planning condition.

With regards to sustainable transport options, the site is located some 60m from the nearest bus stop, which provides connectivity to Haywards Heath and nearby towns and villages. Whilst cyclists would be reliant on the B2112 to reach Haywards Heath, this is not a long journey and so this would be an option for confident cyclists. In addition to this, the applicants have submitted a Travel Plan Statement with the application sets out how residents of the proposed residential development can reduce single occupancy car use and increase sustainable transport mode use.

It will not be as convenient to walk or cycle into the town centre from this site, compared to sites that are located closer to the town centre. However, this is a site that has been allocated for residential development and therefore this would not be a reason to resist the development. The site is immediately to the south of the Gamblemead development and the issues regarding sustainable transport to and from the site are essentially the same as for the consented site to the north. The scheme does propose the widening of the footway alongside Fox Hill, and this would allow pedestrians to walk on a pavement into the town centre.

It is considered that a Travel Plan, which can be secured by condition, will promote alternatives to the private car, in line with policy DP21 in the DP and policy E8 in HHNP.

Policy DP23 in the DP seeks to protect existing public rights of way and to provide safe and convenient links to rights of way and other recreational routes. Policy SA21, which allocates the site for development, seeks to *'Protect the character and amenity of existing public footpaths that are adjacent to the southern and western boundaries of the site and provide connections to these from the new development'*

The proposed development would not adversely impact on the bridleway that runs to the south and west of the site as this is outside of the site of the planning application. The landscaping plan shows that a link could be provided from the western side of the site where the open space is proposed, to the edge of the site. The applicants control the land within the red line of the site but not that beyond. As such, the applicants can provide a link to the edge of their site but they cannot carry out works on land outside of the application site as it is not within their control. It is therefore felt that the applicants have done as much as they are able to do in order to comply with this part of policy SA21.

Biodiversity

Policy DP38 in the DP seeks to protect and enhance biodiversity. The application is accompanied by a Preliminary Ecological Appraisal Report and Protected Species Surveys. The proposal would result in permanent losses of up to c.0.77ha of poor semi-improved grassland and bracken as well as scattered trees, and a small area of scrub and tall ruderals.

In respect of bats, low levels of foraging and commuting activity were recorded. The applicants Protected Species Surveys concludes that the changes to the site identified above are unlikely to result in a significant negative effect on the local abundance and distribution of the bat species recorded on site as the majority of suitable habitat will remain (woodland and boundary trees and hedging).

With regards to Hazel dormouse, no observations or signs of their presence such as nests or droppings, during the course of the survey period.

With regards to reptiles, one adult common lizard and one juvenile slow worm throughout the survey period. Their recorded distribution within the survey area was within the suitable habitats in the east of the site (common lizard), and the west of the site (slow worm) close to shelter habitats.

The applicants intend to retain woodland and scrub habitats along the site boundaries and enhance through additional planting. It is intended to undertake a translocation of reptiles from the construction zone to a suitable receptor site prior to site preparation and commencement of works. The proposed landscaping masterplan shows the provision of a number of bird boxes within the site, wild flower planting in the open space area to the northwest of the site and additional planting around the boundaries of the site.

The Council's Ecological Consultant has no objection to the application subject to conditions. It is considered that with such a condition in place to secure the required ecological management plan the scheme will comply with policy DP38 of the District Plan.

Trees

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

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.'

There are no protected trees within the site. The plans show the removal of 5 individual trees and 3 groups of trees. The majority of existing trees will be retained. The plans show additional planting of new trees on the eastern boundary of the site and within the site so there would be a net gain in the number of trees.

The Council's Tree Officer has suggested that some of the proposed tree species should be amended. The detail of this can be controlled by a landscaping condition. Subject to these changes, the Tree Officer has no objection to the application. It is considered that with such a condition in place, the application would comply with policy DP37 in the DP.

Infrastructure provision

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

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

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

The National Planning Policy Framework sets out the government's policy on planning obligations in paragraphs 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).

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

The development would require the following infrastructure contributions to mitigate its impact:

West Sussex County Council

Education primary £81,025
Education secondary £87,205
Libraries £8,074
Total Access Demand £67,784

Mid Sussex District Council

Formal sport £23,593 to go towards formal sport facilities at the Tim Farmer Recreation Ground and / or Victoria Park
Children's play space £37,905 to go towards play equipment/kick about provision at either Gamblemead, Rookery Farm or Victoria Park
Community buildings £13,803 to go towards Ashenground community centre and Clair Hall, or its replacement
Local community infrastructure £15,647

The County Council have identified that the Total Access Demand (TAD) contribution would be spent on the Haywards Heath Circular Cycle Route which will provide sustainable links to Haywards Heath Railway station and Warden Park Secondary School as identified in the West Sussex Walking and Cycling Strategy. This would accord with policy T2 in the HHNP which states that planning applications for new major development proposals will be required to contribute towards the funding of cycle routes to Haywards Heath Railway Station and the town centre.

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

Impact on Ashdown Forest

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a development allocated through the Site Allocations DPD 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. 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.

Water Infrastructure

Policy DP42 in the DP states in part *'Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate,*

- *that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation, and*
- *that there is adequate water supply to serve the development'*

South East Water are the water supply company for this area. They have been consulted on the application and at the time of writing this report, their response was awaited. The applicants have advised that:

- *The site is one which is allocated for development in a very recently adopted part of the Development Plan*
- *Sustainability Appraisal (Incorporating Strategic Environmental Assessment) produced to support the DPD considered water usage.*
- *South East Water were consulted and did not raise over-riding concerns in respect of the DPD or accompanying Sustainability Appraisal*
- *The LPA should consult South East Water if requiring confirmation of water supply rather than request it from applicants months after the application was submitted.*
- *South East Water has an obligation to connect and supply potable water to new developments.*
- *If reinforcement works are required to boost capacity South East Water has to programme and fund these works.*
- *South East Water then recover the costs through the standard infrastructure charges.*
- *The only way to confirm if there are any capacity issues is to submit a request for a pre-development estimate from South East Water.*
- *Upon receipt of your e-mail Sigma have requested a capacity check from South East Water - they take 20 days and so will be returned 14th/ 15th September - so after the committee.*
- *It must be said that these are relatively pointless exercises anyway as they don't guarantee capacity and are time sensitive.*

- *Another option would be to suggest a pre-occupation condition to say that the development cannot be occupied until South East Water has carried out any necessary works and supplied water to the dwellings.*
- *This would (reluctantly) be acceptable to my client, although in reality this would be fairly pointless because no new dwelling could be occupied without water being supplied to the property.*
- *Whilst DP42 states that development will be permitted where the applicant can demonstrate, 'that there is adequate water supply to serve the development.' This has in my view already been shown through the allocation of the site/overall acceptance of proposed housing numbers across the District as confirmed through the DPD strategic sustainability appraisal.'*

These points are noted. It is considered that there is every likelihood that the applicants will be able to demonstrate that there is adequate water supply to serve the development, for all of the reasons that are set out above. In light of this it is felt that if confirmation has not been received prior to the committee meeting that there is adequate water supply to serve the development, that the planning permission is not issued until such confirmation has been received to the satisfaction of your Planning Officer. It is not expected that this would add any further delay to the application because there is a need to complete a section 106 legal agreement to secure the required infrastructure and affordable housing provision before a planning permission could be issued. With this proviso in place, policy DP42 would be addressed.

CONCLUSION

Planning law states that planning applications must be determined in accordance with the plan unless material considerations indicate otherwise. In making an assessment as to whether the proposal complies with the development plan, the Courts have confirmed that the development plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the development plan.

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

The principle of development on this site has been established by virtue of the fact that the site is allocated for residential development in the Site Allocations DPD.

The scheme would deliver 20 dwellings, 6 of which would be affordable, on an allocated site. This should be afforded significant positive weight in the planning balance.

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

The scheme can be satisfactorily drained and a legal agreement can secure the required infrastructure provision. As such these matters are neutral in the planning balance.

There are no ecological objections to the scheme subject to conditions to secure a biodiversity protection and mitigation plan and method statement, habitat enhancement and long-term management and a wildlife sensitive lighting plan. Replacement tree planting and landscaping can be secured by a planning condition.

The scheme would result in some harm to the setting of Cleavewater and The Olde Cottage, both grade two listed buildings. It is considered that under the NPPF, this would be classed as 'less than substantial'. The NPPF states that this less than substantial harm needs to be weighed against the public benefits of the proposal. It is also the case that the 'less than substantial harm' must be afforded significant importance within the planning balance to reflect the statutory presumption contained within the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of the setting of listed buildings is desirable.

It is considered that the public benefits in this case (development of 20 new homes, 6 of which would be affordable on a site that has been allocated for residential development, increased spending in the economy and economic benefits during construction) clearly outweigh the less than substantial harm to the setting of the listed building. As such whilst there is a conflict with policy DP34 of the DP, this is outweighed by the public benefits that would be secured by the proposal.

In conclusion, there is a conflict with policy DP34 in the DP as the proposal would result in less than substantial harm to the setting of two listed buildings. In enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable. The harm to the setting of these listed buildings can be classified under the NPPF as 'less than substantial'. In such circumstances, the NPPF requires a balance to be carried out between the less than substantial harm and the public benefits of the proposal.

The scheme would provide 20 dwellings, 6 of which would be affordable. The provision of additional housing, and affordable housing, should be afforded significant positive weight. The proposal would also provide economic benefits from the investment and spending during the construction period and from the additional spend in the local economy once the development has been completed. In addition, the development would bring forward development on a site that has been allocated for development in the site allocations DPD. The government is committed to a plan led system of development. Therefore, the fact that this proposal would result in development on a site that has been allocated for development under this plan led approach should be afforded significant positive weight.

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

It is also considered that there is some conflict with site allocations policy SA21 in that the proposal is for 20 units whereas the site allocations refers to 25 units. This, together with the conflict with policy DP34 in the DP are matters that weigh against the scheme in the planning balance.

However, the scheme would be of a satisfactory design and would provide 20 units of accommodation, 6 of which would be affordable. Overall, taking all of the relevant issues into account, it is considered that the proposal complies with policies DP6, DP17, DP20, DP21, DP23, DP26, DP29, DP30, DP31, DP37, DP38, DP41 and DP42 in the DP, policies SA GEN, SA21 and SA38 in the Site Allocations DPD and policies E6, E7, E8, E9, E11, E13, T1 and T2 in the HHNP and therefore complies with the development plan, when read as a whole. Therefore it is recommended that the application be approved, subject to appropriate conditions, confirmation that an adequate water supply to serve the development and a legal agreement to secure the required infrastructure and affordable housing.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

2. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details for:

- a timetable for the commencement, construction, occupation and completion of the development
- the anticipated number, frequency and types of vehicles used during construction
- the method of access and routing of vehicles during construction and directional signage for the purposes of such
- the siting and layout of site compounds and welfare facilities for construction workers
- the provision of parking of vehicles by site operatives and visitors
- the provision for the loading and unloading of plant, materials and removal of waste
- the provision for the storage of plant and materials used in construction of the development
- the design, erection and maintenance of security hoardings and other measures related to site health and safety
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders
- a scheme to protect existing neighbouring properties from dust and noise emissions
- a noise management plan, to include consideration of vibration from construction work including the compacting of ground

- measures to deal with surface water run-off from the site during construction
- a scheme for community liaison and public engagement during construction, including the provision of information to occupiers moving onto the site before the development is complete
- contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: In the interests of highway safety and the amenities of the area and to comply with policies DP21 and DP26 of the District Plan 2014-2031.

3. No development shall 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 DP41 of the District Plan (2014 - 2031) and Policy E7 of the Neighbourhood Plan.

4. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These and these works shall be carried out as approved. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

5. No development shall commence until the following are submitted to, and approved in writing by, the local planning authority:

A biodiversity protection and mitigation plan and method statement (which may be integrated into a Construction Environmental Management Plan CEMP) covering all stages of construction from initial clearance and ground works through to completion of soft landscaping;

Details of habitat enhancement and long-term management (which may be integrated into a landscape and ecological management plan LEMP). This should

set out details of the body responsible for long-term management, funding arrangements and provisions for monitoring and review; and

A wildlife sensitive lighting plan, supported by modelled lux levels, demonstrating how light pollution of the surrounding tree/woodland belts will be adequately mitigated.

The approved details shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: To protect and enhance biodiversity in accordance with policies DP38 of the local plan and 180 of the NPPF.

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

- a) A preliminary risk assessment which has identified
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways, and receptors
 - potentially unacceptable risks arising from contamination at the site

and, unless otherwise agreed in writing by the LPA,

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

and, unless otherwise agreed in writing by the LPA,

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

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

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy DP41 of the District Plan 2014-2031.

7. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk

and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy DP41 of the District Plan 2014-2031.

8. Prior to the commencement of any development above slab level, the applicant shall submit details of an alternative means of ventilation for plots 1 to 5 and 10. The proposed ventilation should have regard to the Acoustics Ventilation and Overheating; Residential Design Guide 2020 and will need to be agreed by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied.

Reason: To protect the amenities of future occupiers of the development and to comply with policy DP29 of the District Plan 2014-2031.

9. Prior to the commencement of any development above slab level details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

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

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

11. Prior to occupation, acoustic fencing will be installed at plots 1, 3, 4, 5, 7, and 10, as outlined in Figure 2 of the Environmental Noise Report by IDOM, dated February 2022, ref: ENA-22379-21-502.

Reason: To protect the amenities of future occupiers of the development and to comply with policy DP29 of the District Plan 2014-2031.

12. Prior to the first occupation of any dwelling/unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or

in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

13. No dwellings shall be occupied until the crossing between the boundary of the site and the adjoining carriageway has been laid out and constructed to a specification to be agreed with the Local Planning Authority.

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

14. No part of the development shall be occupied until the required visibility splays of 2.4m by 160m that are shown on plan number 2006082-02 A in appendix A of the Transport Statement and thereafter the said sight lines and splay areas shall be kept free from any obstruction to visibility in excess of 0.6 m above the level of the adjoining carriageway.

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

15. No part of the development shall be occupied until details of the proposed footway widening to the east of the site adjacent to Lunce's Hill have been submitted to and approved in writing by the Local Planning Authority. The details shall include the timetable for implementation.

Reason: In order to improve pedestrian access to the site and to comply with policy DP21 of the District plan 2014-2031.

16. No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the LPA. The approved spaces shall thereafter be retained for the parking of vehicles and for no other purpose.

Reason: To provide adequate on-site car parking space for the development and to comply with policy DP21 of the District Plan 2014-2031.

17. 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 LPA.

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

18. The development shall not be occupied until a Travel Plan has been submitted to and approved by the Local Planning Authority and the plan shall include arrangements for monitoring its implementation and effectiveness together with targets to reduce private car movements to and from the site. The implementation of such approved Travel Plan shall be within one month of the implementation of the uses hereby permitted.

Reason: To seek to reduce the reliance on the use of the private motor car, protect the existing parking arrangement and in the interest of highways safety and to comply with policy DP21 of the District Plan 2014-2031.

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

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy E9 of the Neighbourhood Plan.

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

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

21. **Approved Plans**

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

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

INFORMATIVES

1. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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.
2. The applicant is advised to enter an S278 legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. As part of these works it will also be necessary to apply for a street works license from the Street Works team (street.works@westsussex.gov.uk). The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence the S278 process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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
Design and Access Statement			04.03.2022
Block Plan	A2027_003		04.03.2022
Site Plan	A2027_005p1		04.03.2022
	5		
Planning Layout	A2027_006		04.03.2022
Planning Layout	A2027_007		04.03.2022
Planning Layout	A2027_008		04.03.2022
Proposed Floor Plans	A2027_010		04.03.2022
Proposed Roof Plan	A2027_011		04.03.2022
Proposed Elevations	A2027_015		04.03.2022
Proposed Elevations	A2027_016		04.03.2022
Proposed Floor and Elevations Plan	A2027_020		04.03.2022
Proposed Roof Plan	A2027_021		04.03.2022
Proposed Elevations	A2027_025		
Proposed Elevations	A2027_026		
Proposed Floor Plans	A2027_030		
Proposed Elevations	A2027_035		
Proposed Elevations	A2027_036		
Proposed Floor Plans	A2027_040		
Proposed Roof Plan	A2027_041		
Proposed Elevations	A2027_045		
Proposed Elevations	A2027_046		
Proposed Floor Plans	A2027_050		04.03.2022
Proposed Elevations	A2027_055		04.03.2022
Proposed Elevations	A2027_056		04.03.2022
Proposed Floor Plans	A2027_060		04.03.2022
Proposed Elevations	A2027_065		04.03.2022
Proposed Elevations	A2027_066		04.03.2022
Proposed Floor Plans	A2027_070		04.03.2022
Proposed Elevations	A2027_075		04.03.2022
Proposed Elevations	A2027_076		04.03.2022
Proposed Floor Plans	A2027_080		04.03.2022
Proposed Roof Plan	A2027_081		04.03.2022
Proposed Elevations	A2027_085		04.03.2022
Proposed Elevations	A2027_086		04.03.2022
Proposed Floor Plans	A2027_090		04.03.2022
Proposed Roof Plan	A2027_091		04.03.2022
Proposed Elevations	A2027_095		04.03.2022
Proposed Elevations	A2027_096		04.03.2022
Proposed Floor Plans	A2027_100		04.03.2022
Proposed Floor Plans	A2027_101		04.03.2022
Proposed Elevations	A2027_105		04.03.2022
Proposed Elevations	A2027_106		04.03.2022
Proposed Floor Plans	A2027_110		04.03.2022
Proposed Elevations	A2027_115		04.03.2022
Proposed Elevations	A2027_116		04.03.2022
Street Scene	A2027_120		04.03.2022
Proposed Floor and Elevations Plan	A2027_125		04.03.2022
Proposed Floor and Elevations Plan	A2027_126		04.03.2022
Proposed Elevations	A2027_127		04.03.2022
Noise Impact Assessment/Sound			04.03.2022

Sustainability Checklist/Energy Stment		04.03.2022
Existing Block Plan		04.03.2022
Flood Risk Assessment		04.03.2022
Heritage Statement		04.03.2022
Location Plan		04.03.2022
Landscaping		04.03.2022
Planning Statement		04.03.2022
Transport Assessment/Travel Plan		04.03.2022
Topographical Survey		04.03.2022
Tree Survey		04.03.2022
Landscaping Details	SIG23608_11	04.03.2022
	B	
Landscaping Details	SIG23608_12	04.03.2022
	B	
Biodiversity Checklist		04.03.2022

APPENDIX B – CONSULTATIONS

County Planning Officer Summary of Contributions

Education			
School Planning Area	Haywards Heath / Cuckfield		
Population Adjustment	48.5		
	Primary	Secondary	6th Form
Child Product	0.6114	0.6114	0.0000
Total Places Required	4.2796	3.0568	0.0000
Library			
Locality	Haywards Heath		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£8,074		
Population Adjustment	48.5		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	20		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	48.5		
Net Parking Spaces	45		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£81,025
Education - Secondary	£87,205
Education - 6th Form	No contribution
Libraries	£8,074
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£67,784
Total Contribution	£244,088

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 fire fighting 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 20 net dwellings, and an additional 45 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 spent on additional facilities at Northlands Wood Primary School.

The contributions generated by this proposal shall be spent 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 the Haywards Heath Circular Cycle Route which will provide sustainable links to Haywards Heath Railway station and Warden Park Secondary School as identified in the West Sussex Walking and Cycling Strategy.

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.

$$\text{TPR} = (\text{No of year groups}) \times (\text{child product})$$

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).

$$\text{Child Product} = \text{Adjusted Population} \times 14 / 1000$$

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 per cent 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:

$$\text{Contributions} = \text{SQ M Demand} \times \text{Cost Multiplier}$$

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.

Highway Authority

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been consulted on full planning application DM/22/0733, with regards to any highway safety, capacity, and accessibility issues. The application is supported by way for a Transport Statement (TS) and Stage 1 Road Safety Audit (RSA).

Background and Site Context

The application site is a vacant greenfield site used as a grazing land, located along the eastern side of B2112 Lunce's Hill, within Haywards Heath. The speed limit for this section of the road is 60mph reducing to 30mph to the north at Hurstwood Lane. A narrow footway is provided on the western side between the Cape Road development and the existing access just to the south of the proposed access. Speed activated signs are located on either side of the Cape Road junction, indicating a warning of the side road.

Mid Sussex District Council is in the process of preparing a Site Allocations Development Plan Document (DPD). The draft Regulation 19 submission DPD includes an allocation for development of land at Rogers Farm for 25 dwellings. The site was subject to a previous

outline planning application for the redevelopment of up to 40 residential units including proposed access in 2016. Although the application was refused, there was no objection from Highways. The current proposal is for the redevelopment of the site to construct 20 dwellings with associated amenity / garden, landscaping, and access / parking arrangements.

Access and Visibility

The development is to be accessed by way of a bellmouth simple priority junction onto the B2112 Lunce's Hill with an access road width of 5.5 metres. Considering the scale of the development and current design standards, the LHA consider that this would be acceptable for a development of 20 dwellings. The RSA has also raised no in principle concerns with the form of junction proposed.

A footway with a width of 2 metres extends into the site on the northern side of the access and connects with the existing footway along Lunce's Hill. The development proposals include upgrading the existing footway along the western side of Lunce's Hill from the site access to the newly constructed footway leading into the Cape Road development.

Traffic speeds along Fox Hill outside the proposed site access have been recorded by way of a seven-day speed survey. The recorded 85th percentile speeds are 47.2mph (southbound) and 44.7mph (northbound). Based on these speeds, the visibility splays should be based upon Design Manual for Roads and Bridges (DMRB) rather than Manual for Streets (MfS). For these speeds the DMRB requires sightlines of 2.4 by 160 metres.

Visibility splays of 2.4 metres by 160 metres, in accordance with DMRB for a 50mph speed limit, are shown to the north and south of the access. This can be achieved within land forming the site and public highway, as shown on the plan in Appendix D of the TS. The recent enhancements to the local highway in the vicinity of the site, including improved road markings and signage (as well as vehicle actuated signs), are designed to reduce the speeds of vehicles travelling on this section of the B2112. The LHA advises that the trees / shrubs overhanging the public highway will need to be maintained to achieve the 160 metres visibility splays at heights of between 600mm and 2.1 metres from the proposed new access to the 160 metres point. This is required because the road to the south rises leading away from the site access. The LHA are satisfied that the splays for the access can be conditioned.

Stage 1 Road Safety Audit (RSA)

A Stage One Road Safety Audit was carried out, the results of which are attached as an Appendix E, within the TS. The below two points had been raised, which have been addressed by the Designer's Response resulting in further footway and signage enhancements.

- Problem 1 highlights that the narrow length of footway may lead to pedestrians being struck by a passing vehicle. The auditors recommend that the mid-section of footway should be improved joining the new sections.

Design Team Response - Agreed. The footway will be widened along the site frontage to the extent that it is possible without removing the existing hedgerow, which we understand has landscape and ecological value.

LHA's Comments - The LHA agree with the Design Team Response that a mid-section of the footway should be improved joining the new sections. The footway should be extended to meet the access point of existing Gamblemead development, to provide a safe and continuous pedestrian walking route and desire lines.

- Problem 2 highlights the lack of advance warning to the junction may lead to T-bone or nose to tail collisions. The auditors recommend advance warning of the new access should be provided.

Design Team Response - Agreed. A junction ahead warning sign will be included in the detailed design proposals, for discussion with and approval by the Highway Authority.

LHA's Comments - The LHA agree with the Design Team Response that a junction ahead warning sign will need to be included in the detailed design proposals.

Speed Limit Change

In relation to the potential to seek a contribution to extend the 30mph speed limit, unfortunately, in this instance there is not sufficient justification to seek contributions from this development. Any contribution sought must meet regulation 122 of the Community Infrastructure Levy regulations. This requires that any contribution must be directly related to the development, related in scale and kind to the development and necessary to make the development acceptable in planning terms. Given that the applicant, through technical drawings and the Stage 1 Road Safety Audit, has demonstrated that a safe and appropriate means of access to the site can be provided, based upon the recorded vehicle speeds, there is unfortunately not sufficient justification to seek a reduction in the speed limit or a contribution towards this as a result of this development. However, the LHA have asked that the applicant explores the provision of a warning sign indicating a side road to the south of the site. This is to ensure that vehicles travelling north are provided advance warning of the presence of the side road.

If a change to the speed limit were to come forward, they would likely to have to come from alternative means rather than development and the possible route may be via a Community Highway Scheme. Any change to the speed limit must, however, accord with the WSCC Speed Limit Policy.

Footway Link

The footway width should be increased in line with the auditor's comments. The footway should be extended to meet the access point of the existing Gamblemead development. This will then provide a safe and continuous pedestrian walking route and desire lines. The LHA have requested a plan showing pedestrian and/or cycle links to adjacent existing networks, including a connection to the bridleway to the south of the site, as stated within the Site Allocation Development Plan Document.

Parking

WSCC Parking Calculator has been used to calculate the parking requirement for the proposed development, demonstrated within Appendix F of the TS. In accordance with the standards, a total of 54 allocated parking spaces are provided for the residents and 9 onsite unallocated parking spaces for visitors. The LHA advises that electric vehicle charging facility is provided for each of the parking spaces.

Safe and secure cycle parking provision is made within the curtilage of each dwelling i.e. within gardens and garages.

Servicing Arrangements

Refuse collection is intended to occur within the curtilage of the site. The tracking drawing 2006082-TK01 Rev D demonstrated within Appendix G of the TS shows that a refuse vehicle can enter the site, turn within the site, and exit the site in forward gear. Therefore, it is evident that the site is wide enough to accommodate the longest possible vehicle accessing the site.

Trip Generation and Highway Capacity

TRICS database has been interrogated to forecast the potential trip generation from the proposed residential dwellings. Based on the category '03 Residential - A Houses Privately Owned', a residential development of 20 dwellings is likely to generate 11 vehicular movements in the morning peak hour, 10 in the evening peak hour, and a total of 96 vehicular trips throughout the day. This assessment is considered robust as all the dwellings are counted to be private housing whereas the actual mix comprises both affordable and private housing. It is acknowledged that private dwellings generate more trips than social or intermediate dwellings. Therefore, it is considered that this level of trips is not expected to give rise to a highway capacity issue on the local highway network.

Accessibility

The nearest bus stops to the site are located 60 metres in front of the Gamblemead development will be serviced by bus numbers 149, 166, 271 and 272. These bus stops would provide connectivity to Haywards Heath town centre and nearby towns and villages. There are limited services and amenities within the immediate vicinity or 2km walking distance of the site. A widened footway from the site which connects onto the Gamblemead development will improve the walking route from the site.

For cycling, a wider number of services could be reached. Residents of the proposed development could use other dedicated cycle infrastructure to reach certain services, although they would be reliant on using the B2112 to start or finish their journey. While the LHA appreciate that the site lies on the edge of the town, there are opportunities for few of the journeys to be replaced by walking and cycling.

Travel Plan

The LPA should look to secure a fee of £1500 for monitoring and auditing of the Travel Plan via s106 Agreement/ Unilateral Undertaking.

A Travel Plan Statement submitted with the application sets out how residents of the proposed residential development can reduce single occupancy car use and increase sustainable transport mode use. Baseline mode share data has been derived from Census data and Travel Plan Measures and Action Plan have been proposed for reduction in car travel and increase in walking, cycling and public transport use. Information on benefits of sustainable transport has been outlined within the Travel Plan Statement, including a Travel Information Welcome Pack to each resident.

The LHA advises that targets need to be set for the first, third and fifth years of the developments occupation and questionnaire travel surveys should be sent to residents to determine actual mode share after occupation and targets adjusted accordingly. Details of travel plan coordinator (TPC) and their role need to be outlined. Travel planning, walking, and cycling information and public transport timetables will need to be included. The LHA encourages that some sort of travel voucher offering to the initial occupants of the residential units. Vouchers should be worth at least £150 per dwelling and could be exchanged for one of the following:

- A. season ticket for the local bus service.
- b. a rail season ticket or network card.
- c. a contribution towards the purchase of a new bicycle and/or equipment.
- d. Bikeability training up to 4 members of the household (further details and course costs are available at www.westsussex.gov.uk/cycling).
- e. 12 months free membership to any local Car Club (including joining fee).

Conclusion

The Local Highway Authority (LHA) does not consider that this 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 (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

If the Local Planning Authority (LPA) mind to approve the application, the following conditions should be applied. The Highway Authority would also look for a commitment from the applicant to include advance warning signage of the side road to the south of the access. This could be incorporated on a revised plan.

CONDITIONS

Vehicle Parking and Turning

No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the LPA.

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

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 LPA.

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

EVC Parking Spaces

No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the LPA.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with current national sustainable transport policies.

Travel Plan

The uses hereby permitted shall not be implemented until a Travel Plan has been submitted to and approved by the Local Planning Authority and the plan shall include arrangements for monitoring its implementation and effectiveness together with targets to reduce private car movements to and from the site. The implementation of such approved Travel Plan shall be within one month of the implementation of the uses hereby permitted.

Reason: To seek to reduce the reliance on the use of the private motor car, protect the existing parking arrangement and in the interest of highways safety.

Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The approved Plan shall be implemented and adhered to throughout the construction period. The Plan shall provide the following details as a minimum:

- the anticipated number, frequency and types of vehicles used during construction,

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

Reason: In the interests of highway safety and the amenities of the area.

INFORMATIVE NOTE

Section 278 Agreement of the 1980 Highways Act - Works within the Highway

The applicant is advised to enter an S278 legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. As part of these works it will also be necessary to apply for a street works license from the Street Works team (street.works@westsussex.gov.uk). The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence the S278 process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

East Sussex County Council Highway Authority

On review, the site is wholly within West Sussex, and we would therefore consider trips within East Sussex. The proposed development of 20 dwellings is unlikely to result in significant levels of traffic. Construction traffic would travel on the B2112, and there doesn't appear to be viable alternate routes along narrow roads that we would wish for them to avoid. With the above in mind, I would not wish to object to this application.

WSCC Lead Local Flood Authority

Original comments 29th March 2022

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.

TO:	Mid Sussex District Council FAO: Planning Officer
FROM:	WSCC – Lead Local Flood Authority
DATE:	08/08/22
LOCATION:	Erection of 20 dwellings with associated amenity/garden, landscaping and access/parking arrangements. (Amended plans showing design amendments received 16th June and drainage information received 22nd June). (Additional drainage information received 27th July).
SUBJECT:	DM/22/0733 Erection of 20 dwellings with associated amenity/garden, landscaping and access/parking arrangements. (Amended plans showing design amendments received 16th June and drainage information received 22nd June). (Additional drainage information received 27th July).
RECOMMENDATION:	No objection

Future development - Sustainable Drainage Systems (SuDS)

The FRA for this application proposes that sustainable drainage techniques (permeable paving and below ground attenuation with a restricted discharge to the watercourse) would be used to control the surface water from this development.

In the spirit of SuDS implementation, and in line with many of the policies within the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. This could include retention at source through rain gardens, swales or bioretention systems prior to disposal to reduce peak flows. SuDS landscaping significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

A large portion of the site is shown to be at high risk from surface water flooding, which has been acknowledged within the FRA. While most of the high risk is within an area of open space, plot 20 appears to be directly within the flow path of this high risk, which has not been addressed. Further information is required to clearly show this plot would not flood in these storm events.

This application should 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.

WSCC Fire and Rescue Service

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

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

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

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

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

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

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 and Rescue Service Act 2004.

Southern Water

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

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

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

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here: water.org.uk/sewerage-sector-guidance-approved-documents ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

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

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

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

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

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

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

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

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Landscape Architect

With reference to your letter asking for comments on the above application, having reviewed the documents I have the following comments regarding the potential landscape and visual impacts.

This advice is provided to the Local Planning Authority by the County Landscape Architect in line with the Service Level Agreement and is not a statutory consultation response.

Summary Recommendation

Recommend for approval subject to the imposition of conditions	It is recommended that the proposed development can be supported as it would have an acceptable impact on local landscape character and views. Any permission should be subject to the imposition of landscape conditions as set out below.
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1.0 The NPPF Section 15 provides policies for conserving and enhancing the natural environment. Paragraph 174 states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

2.0 The application is accompanied by a Landscape and Visual Impact Assessment and this provides an accurate description of the landscape and visual context of the site and surrounding area. The LVIA concludes that the proposed development would have a minor adverse effect on landscape character and that this would be localised. The visual effects of the proposal would also be limited to very local views from the road and the adjacent public

footpath. The landscape and visual impacts would be mitigated by the retention of existing boundary trees, which would be reinforced with new planting. It is proposed that these woodland belts would also be brought into positive management to ensure the long-term health of the trees and understorey. The overall conclusions of the LVIA are not disputed.

3.0 The LVIA outlines that Rogers Farm site allocation policy SA21 requires that the boundary trees are retained and protected and that the eastern boundary with Lunces Hill is enhanced with a locally native hedge and tree screen.

4.0 The detailed planting proposals are generally acceptable. It is recommended however that the proposed planting on the boundary with Lunces Hill is revised. The proposed shrub planting is not typical of woodland understorey in the vicinity and the hornbeam would be likely to develop into trees rather than understorey and compete with other species in the mix. It is recommended that this planting is changed to the following mix:

25 per cent *Ilex aquifolium* (Holly)
25 per cent *Crateagus monogyna* (Hawthorn)
25 per cent *Corylus avellana* (Hazel)
25 per cent *Viburnum opulus* (Guelder rose)

5.0 It is recommended that the proposed development can be supported as it would have an acceptable impact on local landscape character and views. It is further recommended that any permission should be subject to the imposition of landscape conditions as follows:

- a) The full implementation of the proposed landscape mitigation measures as outlined in the masterplan and detailed planting plans, with the recommended amendments to the frontage planting.
- b) A long-term management plan for existing and proposed trees and other planting to ensure successful establishment.
- c) Trees and hedges are protected during construction and reinstated if removed or damaged.

Contaminated Land Officer

Comments: Regarding this application for the erection of up to 37 residential units with private gardens, it should be noted that approximately 15m to the south is an area that is identified as having previously been used for waste disposal/landfill. In light of this possible contaminative use close to the site and the sensitive end use of the proposed development, I recommend the following phased condition in order to safeguard public health:

Recommendation: Approve with conditions

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

- a) A preliminary risk assessment which has identified
 - all previous uses
 - potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways, and receptors
- potentially unacceptable risks arising from contamination at the site

and, unless otherwise agreed in writing by the LPA,

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

and, unless otherwise agreed in writing by the LPA,

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

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

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

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

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

Environmental Protection Officer

Comments: I have read Environmental Noise Report by IDOM, dated February 2022, ref: ENA-22379-21-502.

I note that a number of properties will require acoustic fencing in order to achieve suitable noise levels within the proposed gardens. I would recommend that this be conditioned.

Additionally a number of properties will only be able to achieve acceptable internal noise levels with the windows closed. As such, they will require an alternative means of ventilation, so that proposed residents will not have to make a choice between high noise levels and ventilation or overheating. A ventilation scheme for the properties affected is therefore required.

Lastly, a Construction Environmental Management Plan (CEMP) is required to ensure that the impact of the construction on existing residents is managed.

Recommendation: Approve with following conditions,

1) Prior to the commencement of the development hereby permitted, the applicant shall submit details of an alternative means of ventilation for plots 1 to 5 and 10. The proposed ventilation should have regard to the Acoustics Ventilation and Overheating, Residential Design Guide 2020 and will need to be agreed by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied.

2) Prior to occupation, acoustic fencing will be installed at plots 1, 3, 4, 5, 7, and 10, as outlined in Figure 2 of the Environmental Noise Report by IDOM, dated February 2022, ref: ENA-22379-21-502.

3) Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: measures to control noise or vibration affecting nearby residents, artificial illumination, dust control measures, pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

MSDC Ecological Consultant

Recommendation

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

No development shall commence until the following are submitted to, and approved in writing by, the local planning authority:

a biodiversity protection and mitigation plan and method statement (which may be integrated into a Construction Environmental Management Plan CEMP) covering all stages of construction from initial clearance and ground works through to completion of soft landscaping,

details of habitat enhancement and long-term management (which may be integrated into a landscape and ecological management plan LEMP). This should set out details of the body responsible for long-term management, funding arrangements and provisions for monitoring and review, and

a wildlife sensitive lighting plan, supported by modelled lux levels, demonstrating how light pollution of the surrounding tree/woodland belts will be adequately mitigated.

The approved details shall be implemented in full unless otherwise agreed in writing with the local planning authority.

Reason: to protect and enhance biodiversity in accordance with policies DP38 of the local plan and 180 of the NPPF.

MSDC Drainage Engineer

Application Number	DM/22/0733
Planning Officer	Steven King
Response Date	2022-08-22
Site Location	Land At Grid Reference 533736 121693, Fox Hill, Haywards Heath
Development Description	Erection of 20 dwellings with associated amenity/garden, landscaping, and access/parking arrangements
Recommendation	No objection subject to condition Advice

FLOOD RISK

The application is supported by a Flood Risk Assessment and Drainage Strategy report, including bespoke site-specific modelling. The applicant has provided additional information to address queries the team had regarding flood risk and flood compensation.

An area of increased surface water flood risk has been shown to be located on the northern boundary of the site for 1 in 30-year upwards flood events. This area of increased flood risk is located within an area of public realm and not within the curtilage of any residential dwelling. The applicant has confirmed that these areas of flooding pose no risk to structures and are not considered to present any health or environmental issues.

Based on the flood risk information submitted the flood risk and drainage team are content that the development will not increase flood risk offsite or place any residential dwelling within an area of increased flood risk.

We do however advise the applicant to consider surface water flood flow pathways in the northern area of the site to help alleviate the potential for standing water becoming trapped and unable to naturally drain to the watercourse to the west.

SURFACE WATER DRAINAGE

The application is supported by a Flood Risk Assessment and Drainage Strategy report. It is proposed that the site is split into two drainage catchments:

1. The southern road will discharge to the existing ditch in the south-west corner of the site
2. The northern part of the site (comprising houses, site roads and driveways) will discharge to the ditch in the north-west corner of the site.

It is proposed to discharge surface water drainage at 2l/s each (4l/s total). This is less than the Greenfield QBar rate presented within the report. However, the flood risk and drainage team advise the applicant that the Greenfield QBar rate should be determined for each drainage catchment and utilise the areas to be actively drained only (not the entire site).

The drainage strategy is based on previous Environment Agency climate change guidance (1 in 100-year plus 40 per cent). The flood risk and drainage team advise the applicant that the detailed drainage design for the site will need to utilise the current Environment Agency climate change guidance.

The flood risk and drainage team consider the applicant to have shown, in principle, that surface water drainage can be managed on site. As such a drainage condition is recommended.

Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section. This is the level of detailed required to address the recommended condition.

FOUL WATER DRAINAGE

It is proposed that the development will manage foul water drainage via the public foul sewers. Due to topographic and invert levels the system will be required to utilise a package foul pumping station.

The flood risk and drainage team consider the applicant to have shown, in principle, that foul water drainage can be managed on site. As such a drainage condition is recommended.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section. This is the level of detailed required to address the recommended condition.

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.

ADVISORY

The flood risk and drainage team advise the developer to consider how the modelled flood extents in the northern area of the site shall naturally drain. We recommend the developer considers forming connections between the modelled flood extent areas to the lower land to the west to reduce the risk of standing water on site.

GENERAL DRAINAGE REQUIREMENT GUIDANCE

Mid Sussex District Council's flood risk and drainage requirements are based on relevant national and local policies and guidance.

SURFACE WATER DRAINAGE

Finalised detailed surface water drainage design is required to be submitted and approved prior to construction starting on site. The design should be based on the Environment Agency's latest climate change allowances and follow the latest West Sussex Lead Local Flood Authority Policy for the Management of Surface Water (<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/flood-reports-projects-and-policies/>).

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.

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable.

Table 1 overleaf sets out a list of information the detailed surface water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

FOUL WATER DRAINAGE

Finalised detailed foul water drainage design is required to be submitted and approved prior to construction starting on site. The use of public foul sewer connection should always be prioritised over non-mains drainage options.

The use of non-mains foul drainage should consider the latest Environment Agency's General Binding Rules (<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>).

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the latest Binding Rules will need to be replaced or upgraded.

Table 2 overleaf sets out a list of information the detailed foul water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Table 1: Detailed drainage design requirements - surface water

Requirement	Location of information within submitted design
<i>For all designs</i>	
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)	
On-site infiltration test results	
Plans / details of areas to be drained based on finalised development plans	
Calculations showing the system has been designed to cater for the 1 in 100-year storm event, plus appropriate allowance for climate change	
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system	
Maintenance and management plan ¹	
<i>For soakaways</i>	
Sizing calculations (to cater for 1 in 100-year plus climate change event)	
Half drain time (<24 hours)	
Construction details	
<i>For discharge to watercourse</i>	
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) ²	

¹ The scale of this document should reflect the scale of the development and the complexity of the drainage system.

² If the 1 in 1 or QBar Greenfield runoff rate cannot be achieved, then evidence into why a higher discharge rate has been proposed should be provided. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

Outfall location and construction details	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	
For discharge to sewer	
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)	
Discharge location and manhole number	
Outline approval from sewerage provider in relation to connection, discharge rate and connection location ³	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	

¹ The scale of this document should reflect the scale of the development and the complexity of the drainage system.

¹ If the 1 in 1 or QBar Greenfield runoff rate cannot be achieved, then evidence into why a higher discharge rate has been proposed should be provided. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

¹ Formal approval via S106 etc is not required.

Table 1: Detailed drainage design requirements – foul water

Requirement	Location of information within submitted design
For all designs	
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location	
Foul flow calculations and confirmation proposed system is sized appropriately	
For connection to main foul sewer	
Discharge location and manhole number	
Evidence of communication with Water Authority regarding connection ⁴	
For non-mains system with drainage field	
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields	
Evidence that either: <ul style="list-style-type: none"> a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted 	
For non-mains system with discharge to open water	
Evidence that either: <ul style="list-style-type: none"> a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted 	
Outfall location and construction details	

³ Formal approval via S106 etc is not required.

⁴ Formal approval via S106 etc is not required.

¹ Formal approval via S106 etc is not required

Housing Officer

The applicant is proposing a development of 20 dwellings which gives rise to a minimum onsite housing requirement of 6 affordable housing units in accordance with District Plan Policy DP31 (30 per cent of 20 units = 6 units). The Design and Access Statement proposes that plots 1-6 are provided as Affordable Housing Units. Plots 1-6 consist of 1 x 1 bed/2 person FOG, 3 x 2 bed/4 person houses and 2 x 3 bed/5 person houses, which provides the required number of units and an acceptable mix. We require 4 of the units (75 per cent) to be provided for affordable or social rent (1 x 1 bed/2 person FOG measuring a minimum of 50m² excluding the stairwells and hallways, 1 x 2 bed/4 person house (79m² min) and 2 x 3 bed/5 person houses (93m² min)) and 2 of the units (25 per cent) to be provided as First Homes (2 x 2 bed/4 person houses (79m² min)) to meet our tenure requirements. All of the proposed units meet our occupancy and floor area requirements.

Community Facilities Project Officer

Thank you for the opportunity to comment on the plans for the development of 20 residential dwellings on Land At Rogers Farm, Fox Hill, Haywards Heath on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

New play areas at the Gamblemead and Rookery Farm developments are the nearest locally equipped play areas to the development site. A contribution of £37,905 is required to install additional to play equipment (£20,600) and kickabout provision (£17,304) at either of these sites / or the Council's destination playground in Victoria Park.

FORMAL SPORT

In the case of this development, a financial contribution of £23,593 is required toward formal sport facilities at the Tim Farmer Recreation Ground and / or Victoria Park.

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 £13,803 is required to make improvements to Ashenground Community Centre and Clair Hall, or it's replacement.

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 and Infrastructure SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Urban Designer

Layout

The layout largely addresses the urban design principles and landscape considerations for the site as set out under SA21 in the Site Allocations DPD. As well as allowing a generous green buffer on all four sides that should safeguard the boundary trees and hedgerows, the layout design orientates the development towards the south, east and west boundaries that provides a positive active frontage in relation to the Fox Hill road frontage and these other

boundaries. It also delivers an attractive soft back drop to the streets and spaces within the development, and along the rural edge.

The revised drawing has added a potential link on the north east boundary with Fox Hill that provides a slightly more direct (and attractive) pedestrian route to the town and to the adjacent Gamblemead site (in the absence of a link across the northern boundary). The Design and Access Statement also shows potential links to the PRow along the south and west boundaries which I would have liked to have seen also indicated on the site plan. Further consideration needs to be given to how these links can be secured by third party agreement (this should be more straightforward along Fox Hill as it is public highway).

A small open space has been incorporated on the lower lying land on the north west corner which is ill-suited to development because of the surrounding trees and drainage requirements. Limited natural surveillance of this space is provided by the house on plot 20.

The parking has been discreetly accommodated at the side of houses and, in the case of plot 6, as undercroft parking under a coach-house style building that incorporates a first floor flat, situated between the rear of plots 5 and 7 this building also provides an active street frontage that avoids exposing a long featureless garden boundary. The revised drawings show the garden boundaries of plots 5,7 and 18 now appropriately featuring brick walls facing the main access road (in place of c/b fencing). These and the building fronts will also incorporate green thresholds including shrubs and trees that will suitably soften the building frontages.

The provision of six parking spaces for each of the detached houses on plots 10,11,20 seems excessive. I feel a reduced parking allocation would have provided for more soft landscaping and might allow the houses to be pulled away from the tree belt on the northern boundary and permit a pathway along this northern boundary that would allow a circular connection. The applicant has however declined to make this change.

Elevations

Despite some pastiche features, the elevations are generally well composed and articulated, and the buildings have been suitably grouped. Care has been taken to provide active frontages on both the return elevations of corner buildings. The front and backs of the buildings benefit from consistent application of facing materials.

The revised drawings have addressed a couple of detailed issues:

- The front gable on plot 5 now projects from the front of the pitch-roofed house on plot 4 providing the necessary articulation between the two houses and allowing the gable to convincingly punctuate this prominent corner at the site entrance.
- The terraced houses on plots 1-3 now feature a consistent rhythm achieved by replicating the front and rear elevations and the floor plans (NB: the revised proposed street scene 2027_120 rev A is incorrect as it still shows the previous arrangement for plots 1-3, this should be corrected).

Overall Assessment

It is disappointing that renewable energy options have been discounted (although heat pumps are being used to achieve the BR standards). In other respects, the scheme sufficiently addresses the principles in the Council's Design Guide and policy DP26 of the District Plan. I therefore raise no objections to this planning application, but to secure the

quality of the design I would recommend the following drawings and information are subject to further approval:

- The detailed hard and soft landscaping plans and boundary treatment.
- The facing materials

An informative perhaps could also be added encouraging the applicant to enter into discussions with third party landowners to achieve the proposed potential pedestrian linkages (as set out in the DAS and the site layout) on the east and southern boundaries).

Conservation Officer

The application site is an open field on the outskirts of Haywards Heath. The existing residential development of the edge of the town is situated just to the north, where there has been recent expansion southwards along Fox Hill, for example planning permission was granted in 2016 for 99 new dwellings on formerly open land at Gamblemead Farm- this permission (with later amendments) has now been implemented and is adjacent to the site.

Directly opposite the site on the eastern side of Fox Hill is a complex of traditional farm buildings including Cleavewater, a Grade II listed house dating from the 16th century or earlier and a number of former ancillary agricultural buildings which would be likely to be regarded as curtilage listed, including a substantial weatherboarded barn set at the edge of the road opposite to the proposed new site access. Just to the south of the site, separated by a band of trees, is The Old Cottage, as Grade II listed 17th century or earlier rural building, and slightly further distant to the south west is Roger's Farmhouse, again Grade II listed and dating from the early 19th century. Roger's Farmhouse also has an associated historic farmstead including ancillary buildings which may be regarded as curtilage listed.

The current proposal is for a development of 20 new dwellings with associated landscaping, parking and access from Fox Hill.

A previous application and an appeal decision in December 2017 have established that development of the site would amount to 'less than substantial harm to the significance of designated heritage assets, in terms of their setting' and that 'the public benefits (of the appeal scheme) outweigh the less than substantial harm to their setting'. The appeal was dismissed, but heritage impact was not cited as a material reason for dismissal

Impact on the setting of Cleavewater

Cleavewater and its associated historic farm buildings would be considered to possess historical evidential and illustrative values as good examples of rural Sussex buildings of their type and period, altered over the years in response to changing socio-economic circumstances and the needs and aspirations of successive owners, as well as aesthetic value based in part on the use of vernacular materials viewed within the landscape within which they were drawn. As such, the surviving rural setting of the buildings makes a strong positive contribution to the special interests of the listed and curtilage listed buildings and the manner in which these are appreciated, in particular those parts of those special interests which are drawn from historical illustrative and aesthetic values. Although the relatively busy road at Fox Hill does introduce a degree of separation between the site and these assets, I would nonetheless consider that it currently makes a positive contribution to their settings, and in particular views from the principle west facing frontage of the house, and the context within which the farmstead is appreciated by those passing along Fox Hill.

The proposed development will have a fundamental impact on the character of the site, which will be transformed from a green and rural landscape to a suburban enclave. The impact of the current scheme in this respect will be more substantial than the existing development at Gamblemead to the north due to the closer proximity of the site to

Cleavewater, and its positioning directly opposite the principle frontage of the house and the barn. The cumulative impact of the existing Gamblemead development alongside the current proposal will also increase the level of harm caused to the special interest of the listed building and historic farmstead through impact on their setting.

This will be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF, I would consider the harm caused to the special interests of the assets at Cleavewater to be less than substantial, towards the upper end of that scale, such that paragraph 202 will apply.

Impact on the setting of The Olde Cottage

The submitted Heritage Statement describes Olde Cottage as a good example of a 17th century farm cottage dwelling, with the local use of Sussex tile-hung roofing. As such it would be considered to possess historical evidential and illustrative value as a good example of a building of this type and period, apparently altered over the years in response to changing socio-economic circumstances and the needs and aspirations of successive owners. It also possesses aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn. For this reason the surviving rural setting of the building, which would include the site, would be considered to make a strong positive contribution to its special interest.

The submitted Heritage Statement comments on the secluded setting of the Cottage, and I would not disagree with this. There is a tree belt between the site and the Cottage which does provide a degree of screening, although the Statement also notes that the existing development at Gamblemead can be seen through these trees- it would be reasonable to assume that the proposed new dwellings, being located significantly closer to Olde Cottage, will be correspondingly more prominent within its setting, albeit that the views may be glimpsed and subject to seasonal variation.

As above, the proposed development will have a fundamental impact on the character of the site, which will become suburbanised. In respect of Olde Cottage, the proposed new dwellings along the southern side of the site (plots 12-17) are set particularly close to the boundary with the listed building and facing directly towards it as an almost continuous block. I therefore consider it likely that there will be a detrimental impact on the character of the setting within which Olde Cottage is appreciated, including the background against which it is viewed looking from the entrance track to the south. This will detract from the special interest of the heritage asset, contrary to District Plan Policy DP34. In terms of the NPPF the proposal is considered to cause less than substantial harm at the mid point of that scale, such that paragraph 202 will again apply.

Impact on the setting of Rogers Farm

Rogers Farm is set at a short distance to the south west of the site, but due to the intervening topography and the wooded nature of the terrain it is considered that the impact of the proposal on the character of the setting of this building will be extremely limited. The proposal is therefore considered to have a neutral impact on the setting of Rogers Farm.

In terms of mitigation of the harm identified above, should the Council be minded to grant approval, the implementation of an appropriate soft landscaping scheme including planted screening will be key. To the road frontage robust native species planting of trees and hedgerow should be retained or introduced as appropriate to provide effective screening of the eastern edge of the development in views from Cleavewater and Fox Hill and to retain as far as possible the rural character of these views. It should be noted that the current landscaping scheme has a formalised character and includes ornamental, non-native planting which will not be appropriate- in my opinion this aspect of the soft landscaping should be accordingly revised. The planting to the front of the existing development at

Gamblemead is not successful in this respect and it is hoped that a more appropriate scheme can be agreed in respect of the current development. In addition the existing woodland vegetation to the south of the site, between it and Old Cottage, should be retained and strengthened by further planting of native

Tree Officer

All of the relevant and required documents have been submitted, apart from a Tree Protection Plan which I am unable to locate.

I note the loss of 5 trees and 3 groups. I also note some incursion into RPAs, but this is not significant and could be mitigated as detailed in the method statement.

Generally new trees are suitable but I would request some substitution of some of the hornbeams with oaks. Also the hornbeams shown within the hedgerows are not typical hedgerow plants and will develop at a different rate to other species.

I am also concerned with fastigate hornbeams at some points defining accesses, these do not tend to be healthy plants, have a suburban appearance and do not tend to be long lived.

More domestic hedges are standard ornamental plants, however, I do not object to this within a garden context.

Plots 11 and 18 may be impacted by shading, although I note plot 11 has a larger garden area.

I have my usual misgivings about wildflower planting, particularly in this soil and I am not able to locate a plant schedule for this.

Subject to some changes, as above, I do not object to the application.

Adherence to all arb documents should be conditioned, if approved.

Wivelsfield Parish Council

At its meeting of 4th April, Wivelsfield Parish Council resolved to object to the above application for the erection of 20 dwellings.

The Parish Council is concerned about the further encroachment of development onto the fringes of Wivelsfield Parish, resulting in the coalescence of settlements. This is contrary to Strategic Objective 2 in Policy DP13 which clearly states its aim as 'To promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence.' Wivelsfield may be a part of the Lewes District, rather than Mid Sussex, but as such we would argue that the importance of preventing coalescence and retaining the character of each individual settlement in this case is even more imperative. Plans to further encroach on the remaining space between existing development in Haywards Heath and Wivelsfield will totally undermine the additional stated aim of Policy DP13 which reads, 'When travelling between settlements people should have a sense that they have left one before arriving at the next.'

Other objections to the application include:

- the loss of a greenfield site
- concerns about the high risk of surface water flooding

- the impact of additional traffic on the B2112 Ditchling Road and neighbouring settlements
- the lack of a proper cycle lane to allow for a safe cycling connection to Haywards Heath town centre
- the loss/urbanisation of the valued rural footpath running along the south and western boundaries of the site, whose character will be changed immeasurably if it simply becomes a path alongside yet another housing estate
- lack of local services nearby, resulting in a heavy reliance on the use of private vehicles
- additional pressure on school places at Wivelsfield Primary School and Chailey Secondary School, both of which are at capacity and consistently over-subscribed