

MID SUSSEX DISTRICT COUNCIL

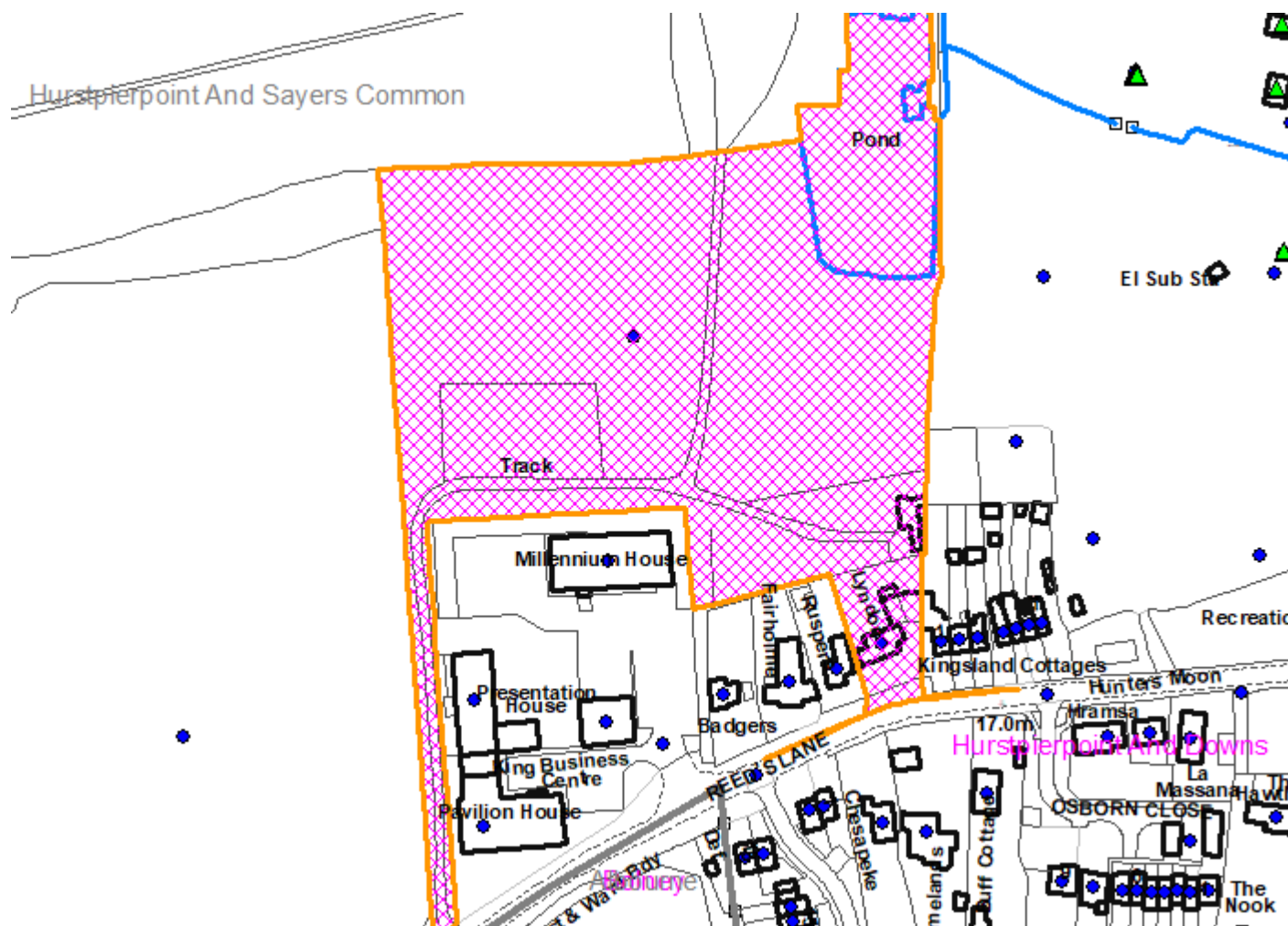
Planning Committee

13 OCT 2022

RECOMMENDED FOR PERMISSION

Hurstpierpoint And Sayers Common

DM/22/0640



© Crown Copyright and database rights 2022 Ordnance Survey 100021794

**LAND TO THE NORTH OF LYNDON REEDS LANE SAYERS COMMON
WEST SUSSEX**

**HYBRID APPLICATION CONSISTING OF: A) FULL APPLICATION FOR 36
ONE, TWO, THREE AND FOUR BEDROOM DWELLINGS (INCLUDING
30% AFFORDABLE HOUSING), ASSOCIATED INFRASTRUCTURE,**

LANDSCAPING, PEDESTRIAN AND VEHICULAR ACCESS FROM REEDS LANE AND THE DEMOLITION OF LYNDON. B) OUTLINE APPLICATION FOR 2 THREE BEDROOM SELF/CUSTOM BUILD PLOTS. RESIDE DEVELOPMENTS LTD

POLICY: Area of Special Control of Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Highways Agreement (WSCC) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Smallscale Major Dwellings

13 WEEK DATE: 30th September 2022

WARD MEMBERS: Cllr Colin Trumble / Cllr Alison Bennett / Cllr Rodney Jackson /

CASE OFFICER: Joanne Fisher

PURPOSE OF REPORT

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This is a hybrid application consisting of full planning permission sought for 36 one, two, three and four bedroom dwellings (including 30% affordable housing), associated infrastructure, landscaping, pedestrian and vehicular access from Reeds Lane and the demolition of Lyndon; and outline permission sought for 2 three bedroom self/custom build plots at land to the north of Lyndon, Reeds Lane, Sayers Common.

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

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

The application site is within the built confines of a Category 3 settlement and allocated under Policy SA30 of the District Councils Site Allocation Development Plan Document (DPD) for 35 dwellings. Policy DP6 of the District Plan permits development within built up area boundaries subject to caveats. The principle of a

residential development on this site is thus established and accords with the Development Plan.

The proposed design, layout and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of outlook and the scheme would not cause harm in terms of parking or highway safety.

The proposal to provide two self/custom build dwellings is a material consideration in the determination of the application, which is supported by planning policy. This provides a positive benefit to the proposed development.

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

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

The application is thereby considered to comply with policies DP4, DP6, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 of the District Plan, policies SA GEN and SA30 of the Site Allocations DPD, policies HurstH1, HurstH5, HurstH6, HurstH7 and HurstH8 of the Neighbourhood Plan, the design principles of the Mid Sussex Design Guide, and the requirements of the NPPF.

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

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

RECOMMENDATION

Recommendation A

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

Recommendation B

It is recommended that if the applicants have not submitted a satisfactory signed planning obligation securing the necessary infrastructure payments and affordable housing by the 13th January 2023, then it is recommended that permission be refused at the discretion of the Assistant Director for Planning and Sustainable

Economy for the following reasons:

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

SUMMARY OF REPRESENTATIONS

25 letters of OBJECTION (18 from one property) concerning the following points:

- Site falls outside the built-up area boundary;
- Over-development putting strain on village;
- Sayers Common already undergoing an increase in a large number of new homes with limited bus services and restricted places at schools with pressure on Doctors and Dentist
- Reeds Lane is a narrow lane with parking along the lane blocking visibility;
- Access cuts the current driveway of 1 Kingsland Cottage to half its current width;
- New dwelling to front Reeds Lane will not match the current streetscape in design or materials and would diminish historical entrance to the village that Kingsland Cottages gives;
- Loss of amenity to 1 Kingsland Cottages through loss of light and space with a two-storey house close to the boundary;
- No details on boundary treatment between the site and 1 Kingsland Cottages;
- Houses to surround Kings Business Centre - consider insufficient information has been provided to support the application in relation of noise and smells;
- Concerns on complaints from future residents on noise and air quality from the industrial estate to the south of the site;
- Millennium House on Kings Business Centre is a manufacturer of beauty oils with storage of ingredients and heavy lorry movements - houses close to an active industrial estate with a manufacturing facility located on the shared boundary;
- Plot 38 and garage within 5 metres of existing culverted watercourse and owners of 1 Kingsland Cottages have riparian rights over the original culverted watercourse;
- Furze Wood to the north of the site is a native bluebell wood and ecological feature with bats and deer;
- Contamination on land from former use as a refuse tip and disposal of soil into former brickyard pits;
- Rat infestations from site
- Concern on Japanese knotweed in the south of the site;
- Loss of privacy from 2 Kingsland Cottages with houses facing rear of property;
- Already met hosing need in plan period set out in Neighbourhood Plan and will overwhelm existing services and infrastructure;
- Noise from development and new houses affecting amenity of properties;
- Party wall agreement required to demolish Lyndon as attached to 1 Kingsland Cottage;

- Flooding of local area from surface water;

1 letter of COMMENTS:

- Where permission is granted consideration of construction vehicles parked on Reeds Lane which causes problems on flow of traffic and visibility.

SUMMARY OF CONSULTATIONS

WSCC County Planning Officer

Summary of required contributions:

Education Primary - £143,109
Education - Secondary - £154,020
Libraries - £17,179
TAD - £147,036

WSCC Highways

No objection subject to conditions

WSCC Flood Risk

No objection.

WSCC Minerals and Waste

No comment

WSCC Water and Access

Advice. Condition.

MSDC Urban Designer:

No objection subject to conditions.

MSDC Drainage Engineer

No objection subject to conditions

MSDC Tree Officer

No objection.

MSDC Ecology Consultant

Recommended approval subject to attached conditions.

MSDC Archaeology Consultant

No historic environment objections.

MSDC Leisure

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

Play £33,957

Kickabout £28,524

Formal Sport £38,889

Community Buildings £23,391

MSDC Housing

No objection. Comments.

MSDC Environmental Health

No objection - suggested conditions.

MSDC Environmental Health - Contaminated Land

No objection - suggested conditions.

MSDC Landscapes

No comments

Southern Water

No objection. Informative.

Hurstpierpoint and Sayers Common Parish Council

Amended

We continue to recommend that this application be refused. The reduction of one unit makes no material difference to our concerns at a further imposition of significant housing upon a small village with little by the way of infrastructure. Our previous comments remain relevant, we fully support the continued objections from residents; over-development of the site, traffic and flooding issues.

Original

Our recommendation is that MSDC should refuse the application. Hurstpierpoint and Sayers Common Neighbourhood plan is valid until 2031, this application is contrary to:

H3 - Sayers Common Housing sites

H6 - Housing sites infrastructure and environmental impact

The Parish Council recommended refusal for a development of less houses in 2017. With reference to the representation letters, the Parish Council are in support of the objections made by the resident of 1 Kingsland Cottages.

INTRODUCTION

This is a hybrid application seeking planning permission for 36 one, two, three and four bedroom dwellings (including 30% affordable housing), associated infrastructure, landscaping, pedestrian and vehicular access from Reeds Lane and the demolition of Lyndon; and outline permission for 2 three-bedroom self/custom build plots at land to the north of Lyndon, Reeds Lane, Sayers Common.

RELEVANT PLANNING HISTORY

DM/17/4448 - Outline application for residential development to provide up to 28 one, two, three and four-bedroom dwellings and 2 self/custom build plots (Use Class C3) with all matters reserved except for access and the demolition of Lyndon. (Amended description deleting doctors surgery and providing one additional unit). REFUSED.

This was refused for the following reasons:

'1. National planning policy states that planning should be a plan-led system. The Council can demonstrate a five-year housing land supply. As a result, at this stage in the plan, there is not a need for additional housing sites to come forward which are sited outside of the built-up area boundaries. There are not considered to be any other material considerations that would warrant determining the planning application otherwise than in accordance with the development plan. The development thereby conflicts with policy C1 of the Mid Sussex Local Plan; policies DP6 and DP10 of the emerging District Plan, policy HurstC1 of the Neighbourhood Plan and the provisions of the NPPF.

2. In the absence of a signed and dated S106 Agreement the proposal does not satisfy the requirements of Policy G3 of the Mid Sussex Local Plan, Policies DP18 and DP22 of the emerging District Plan in respect of infrastructure requirements to service development and affordable housing as supplemented by the Council's Supplementary Planning Document 'Development and Infrastructure' dated February 2006.'

SITE AND SURROUNDINGS

The site currently consists of a relatively level piece of land comprising of grass and scrub with mature trees on the northern and eastern boundaries. There are a number of mature trees on the northern and eastern boundaries of the site and a mature Oak tree within the site. These are however, not protected by Tree Preservation Orders.

To the south of the site are dwellings forming linear ribbon development along Reeds Lane as well as Kings Business Centre. Construction is being undertaken to the east of the site of Kingsland Laines which is a consented scheme of 133 dwellings and a 70-bed care home.

To the northwest there is an area of deciduous woodland (outside of the red line and ownership of the applicant), and to the northeast is an area consisting of woodland, grassland, and wetland ponds (within the same ownership of the applicant). In addition, there is a field to the west of the site also within the ownership of the applicant.

The site will result in the demolition of the existing dwelling Lyndon and the formation of a vehicle and pedestrian access to serve the proposed cul-de-sac development. This access is to be sited between existing linear residential development similar to the cul-de-sac of Meadow View opposite the site and Osborn Close to the east of the site along Reeds Lane.

Reeds Lane at this point benefits from a 30 m.p.h speed limit and has a pedestrian footway on the opposite side of the highway leading to the centre of Sayers Common.

The site is situated on the edge of the development boundary of Sayers Common with housing and commercial development on the southern boundary of the site and new housing development being constructed to the east of the site of Kingsland Laines.

Following the adoption of the Site Allocations DPD, the site is now within the built up area boundary of Sayers Common and is no longer within the countryside as previously identified in the Mid Sussex District Plan and the Hurstpierpoint and Sayers Common Neighbourhood Plan.

APPLICATION DETAILS

The application is submitted as a hybrid application seeking full planning permission for 36 dwellings and outline permission for 2 self / custom build dwellings. The development is to provide 30% affordable housing.

The proposal is to comprise a total of 26 market dwellings (which includes 2 self/custom build plots) and 12 affordable dwellings consisting of 4no. 1 bed maisonettes, 2no 2-bed chalet bungalows; 12 no. 2-bed dwellings; 13no 3-bed dwellings and 7no 4-bed dwellings. Two of the 3-bed dwellings are to be for the self/custom build plots.

The proposal is to provide a mixture in the style of dwellings comprising of detached, semi-detached, and terraced dwellings as well as maisonettes and chalet bungalows. There are also to be detached garages and car ports serving some of the properties.

Plans show that the dwellings would be constructed in brick, with some dwellings benefitting from tile hanging or horizontal boarding. There would be a mixture in the palette of materials of brickwork and roof material. Elevational treatments would create visual interest through detailing in the window design, porches, bay windows and the roof pitches. There would be varying heights of the dwellings within the development also to create visual interest.

Each property would benefit from off road parking. Whilst some properties would benefit from front threshold parking, the majority of properties would have parking located to the side of dwellings. There would be 21 no. visitor parking spaces serving the development set to the side of the residential road which is to go around the site.

As part of the application outline permission is sought for 2no 3-bed self/custom build dwellings. Details have been provided in the submitted site plan showing their location within the site, their siting within the plot and also the location of parking and garaging. The Agent has confirmed that the outline element of this application is to consider the location of the two self/custom build dwellings and their garages. However, details in respect of their appearance, scale and landscaping are reserved as these details would be down to the individual purchaser as part of the requirements of self/custom build.

The boundary trees and vegetation as well as a mature Oak tree within the site are to be retained. Additional planting of hedgerows and trees are proposed throughout the site with a planting buffer and enhanced planting provided on the northern boundary of the site. There are to be two areas of open space within the site.

As part of the application a phasing plan has been submitted showing the development to be split into 3 phases as follows:

- Phase 1 - Demolition of Lyndon, main site access, internal road and plots 3 - 9 and plots 12- 38
- Phase 2 - Bungalows at Plots 1 and 2
- Phase 3 - Self/Custom Build Plots 10 and 11

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

- A Planning Statement including a statement of community involvement and affordable housing statement;
- Design and Access Statement;
- A Sustainability Statement;
- A Transport Statement;
- Stage 1 Road Safety Audit;
- A Flood Risk Assessment and Surface Water Drainage Strategy;

- An Ecological Assessment (including Surveys);
- An Interim Update Survey Report;
- A Final Ecology Survey Report;
- Arboricultural Implications Report;
- A Phase 1 Desk Study and Site Reconnaissance Report; and
- An Archaeological Desk Based Assessment.

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, the Site Allocations Development Plan Document (SADPD), and the Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

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

Mid Sussex District Plan

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

Relevant policies include:

DP4 - Housing
DP6 - Settlement Hierarchy
DP20 - Securing Infrastructure
DP21 -Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP29 - Noise, Air and Light Pollution
DP30 - Housing Mix
DP31 - Affordable Housing
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage
DP42 - Water Infrastructure and the Water Environment

Site Allocations Development Plan Document - SADPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

Relevant policies:

SA GEN - General Principles for site allocation
SA30 - Land to the north of Lyndon, Reeds Lane, Sayers Common

Hurstpierpoint and Sayers Common Neighbourhood Plan

The Neighbourhood Plan was made in September 2016. It forms part of the Development Plan for the District and can be given full weight.

The following policies are considered to be relevant:

HurstH1 - Housing
HurstH5 - Development Principles
HurstH6: Housing sites infrastructure and environmental impact assessment
HurstH7: Affordable Homes
HurstH8: Small dwellings

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing Supplementary Planning Document (SPD)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

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

National Planning Policy Framework (NPPF)

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

Paragraph 12 of the NPPF states:

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

Paragraph 38 of the NPPF states:

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

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

National Planning Policy Guidance

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

Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

Assessment

The main issues for consideration are:

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

Principle of development

The site is allocated within the Site Allocation DPD (SADPD) under Policy SA30. This DPD is adopted and forms part of the development plan. As a result of the site being allocated for development in the DPD the site has now been incorporated into the built-up area of Sayers Common. Policy SA30 identifies the site for 35 dwellings and in part states:

'Objectives

- *To deliver a high quality, landscape led, sustainable extension to Sayers Common, which respects the character of the village and the setting of the*

- adjacent countryside, and which is
- comprehensively integrated with the settlement so residents can access existing facilities.

Urban Design Principles

- Ensure the design and layout of this site respects that of the adjacent site at Kingsland Laines to the east through careful masterplanning.
- Enhance connectivity with Sayers Common village by providing pedestrian and/or cycle links to adjacent existing networks.
- Orientate development to provide a positive active frontage in relation to the existing settlement, neighbouring site to the east and to define open spaces and routeways.

Landscape Considerations

- Retain and enhance existing mature trees and hedgerows on the site and on the boundaries, and incorporate these into the landscaping structure and Green Infrastructure proposals for the site to limit impacts on the wider countryside.
- Open space is to be provided as an integral part of this landscape structure, making a feature of trees and landscaping and should be prominent and accessible within the scheme.'

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

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

Sayers Common is classed as category 3 settlement in the settlement hierarchy listed under MSDP policy DP6. This is defined as a medium sized village providing essential services for the needs of their own residents and immediate surrounding communities. As such, the application site can be considered to be a sustainable location for residential development.

In light of the above, the principle of development on this site is acceptable and the detail of the proposal is required to be assessed against the site-specific requirements of SA30 and other relevant policies in the District Plan.

Design and impact on character of the area

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

'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and

distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

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

Policy SA30 of the Site Allocations DPD sets out the following urban design principles for the development of the site:

- 'Ensure the design and layout of this site respects that of the adjacent site at Kingsland Laines to the east through careful masterplanning.*
- Enhance connectivity with Sayers Common village by providing pedestrian and/or cycle links to adjacent existing networks.*
- Orientate development to provide a positive active frontage in relation to the existing settlement, neighbouring site to the east and to define open spaces and routeways.'*

Policy HurstH5 of the Neighbourhood Plan in part states:

'House designs and the layouts and densities shall respond to the village character of the area'.

Para 130 of the NPPF relates to design and states:

'Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

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

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

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

The site is relatively level comprising of grass and scrub with mature trees on the northern and eastern boundaries. The proposal would alter the character and appearance of the area by virtue of introducing housing and its related infrastructure

into what is effectively a greenfield site. However, as set out in this report, the site has been allocated for housing under Policy SA30 of the Site Allocations DPD and as part of this allocation the built-up area boundary has been extended to incorporate this site.

It is acknowledged that the proposed access will change the character of the lane removing the existing dwelling and forming a break to the existing linear ribbon development with the creation of a medium scale cul-de-sac of rearward development. As part of the scheme there would be a dwelling located to the entrance of the site to provide surveillance and continue the linear form. This would have landscaping to the front of the entrance. It is acknowledged that there are already cul-de-sacs situated off Reeds Lane, and Policy SA30 of the SADPD requires access into the site through the demolition of Lyndon. As such the character of Reeds Lane will not significantly alter.

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

'The layout is similar to the illustrative outline layout and mostly accords with the principles of the Council's Design Guide. It benefits from a perimeter block arrangement organised so that the building frontages face the attractive boundary trees which also form the backdrop to the public realm and access road.'

In addition:

'The open space on the east of the access road is more informal and includes an area at risk of flooding. The revised drawings show the reduction and reconfiguration of plots 36 and 37 allowing the creation of more open space. This has also enabled more of the attractive tree belt on the eastern boundary to be revealed.'

'The parking is now more discreetly accommodated especially near and around the open spaces. Front threshold parking has been omitted in front of plots 1, 2, 34 and 35 and tucked away instead at the rear or the side of the houses allowing a verdant and more well-defined building frontage; this has been helped with the loss of one dwelling which enables this more comfortable arrangement. Where front threshold parking has been retained, such as in front of 3-5 and 16-18, it has been reduced and benefits from larger separation gaps incorporating trees and shrubs that soften and screen it. The parking has also been more discreetly integrated in the central cul de sac which benefits from the inclusion of car barns and more soft landscaping.'

Whilst he raises comments in respect of the materials and elevations of the dwellings, he notes that the design has been improved through the following:

- *The houses are more consistently organised with more consistent roof pitches. For example, plots 21-23 and 33-35 benefit from a run of gable frontages which generate underlying rhythm.*
- *More houses benefit from secondary facing material (clay hung tiles and boarding) that provide elevational interest.*
- *The garden boundaries that face the street and open spaces feature brick*

walls rather than close boarded fencing.'

In addition, he notes that the *'houses on the corner plots benefit from return frontages that address both streets and many of them have gable fronts that appropriately punctuate the corner. This includes plot 38 that suitably addresses the site entrance.'*

The Urban Designer concludes that

'This scheme sufficiently accords with the principles set out in the Council's Design Guide and with policy DP26 of the District Plan. I therefore raise no objections but to secure the quality of the design I would recommend conditions'. These conditions are in relation to materials and landscaping including boundary treatments.

It is your Officers view that the proposed design of the dwellings provides articulation with gabled frontages providing some underlying order and rhythm as well as elevational interest. The proposal forms a suitable development which offers a range of housing sizes, including affordable housing for the local community. It has been designed to offer a character that, whilst different to those dwellings close to the site, nevertheless reflects materials and building styles that are found in other housing in the village and are of a relatively modest scale. The variations in the design of the properties would add to the visual interest of the proposed cul-de-sac. It is considered that the proposed layout provides spacious plots for each dwelling, with properties well-spaced between each other.

There are similar cul-de-sacs to the south of Reeds Lane of Meadow View and Osborn Close, as well as the development under construction to the east of Kingsland Lane and as such, it is not considered that the development would be out of keeping with the character of the area. Whilst the dwelling, Lyndon, would be lost to create the access, there would be a new dwelling at the entrance of the development to provide articulation which would present a positive relationship with the street and would not adversely affect the character of the area. Whilst it is acknowledged that the design of this dwelling does not match that of the Victorian dwellings to the east, there is a mixture of design and scale of dwellings along Reeds Lane so that the property would not appear out of character with the area.

Whilst details on the self/custom build dwellings have been provided in respect of their location and layout within the site and also them being 3-bed dwellings, no specific details on their internal layout, external appearance and landscaping have been confirmed and these details will be submitted as reserved matters as these details would be down to the individual purchaser to decide. However, a condition has been set out in Appendix A requiring details to be submitted prior to the submission of any reserved matters in relation to a design code and plot passport for each plot to control the parameters of these dwellings so that their materials and design can reflect that of the rest of the development.

Concerns have been raised that the proposal forms an over-development of the site. It is acknowledged that Policy SA30 of the SADPD identifies the site for 35 dwellings and the proposal is for 38 dwellings. However, the District Plan and the NPPF seeks developments to optimise the potential of a site to accommodate development. It is

considered that the proposal would not form an overdevelopment of the site as the layout shows the dwellings to be well spaced with gardens commensurate with the size of the properties and suitable off-road parking serving each dwelling, as well as visitor parking. The trees and vegetation on the boundaries of the site are retained, where possible, to provide softening of the development and the retention of the verdant character of the area.

In light of the above it is considered that the application would comply with Policy DP26 of the District Plan, Policy SA30 of the Site Allocations DPD, Policy HurstH5 of the Neighbourhood Plan, the design principles of the adopted Mid Sussex Design Guide SPD and the provisions of the NPPF.

Access, parking and highway safety

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

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*

- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

In respect of the SADPD, policy SA GEN (which is applicable to allocated sites) states in relation to access and highway matters;

- *'Ensure development contributes towards delivering sustainable development and appropriate infrastructure in accordance with District Plan Policy DP21: Transport and the objectives of the West Sussex Transport Plan 2011 - 2026.*
- *Provide a Transport Assessment and Sustainable Transport Strategy to identify appropriate mitigation and demonstrate how development will be accompanied by the necessary sustainable infrastructure to support it.*
- *Highway infrastructure mitigation is only considered once all relevant sustainable travel interventions (for the relevant local network) have been fully explored and have been taken into account in terms of their level of mitigation.*
- *Identify how the development will provide safe and convenient routes for walking and cycling through the development and linking with existing networks beyond. Create a permeable road network within the site with clearly defined route hierarchies.*
- *Safeguard Public Rights of Way (PRoW) and protect their amenity.*
- *Provide adequate car parking in accordance with District Plan Policy DP21: Transport.'*

Site specific policy SA30 of the SADPD requires *'Access to the site will require the demolition of the bungalow Lyndon that fronts onto Reeds Lane. Detailed access arrangements will need to be investigated further.'*

Policy Hurst6 related to housing sites infrastructure and sets out in part that new housing developments would need to meet a number of criteria including:

a) the provision of a satisfactory access point or points to the site for motor vehicles, cyclists and pedestrians;'

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

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

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

In addition, para 111 states:

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

The site lies on the edge of Sayers Common within the built-up area of the settlement. There is a continuous footpath available on the opposite side of the road from outside of the site to access the village, services, and bus stops.

The proposal is to provide one vehicle access point onto Reeds Lane to serve the development in place of the existing dwelling Lyndon. The proposed vehicular access is a 5.5m wide priority junction and features 6m kerb radii onto Reeds Lane. In addition, the site is providing 2 metre footways from its access and crossing points to join the main footway provision on the opposite side of Reeds Lane. A further pedestrian access to the west of the Kings Business Centre, allows for a wider connection into the Public Right of Way Network with Footpath 1A1 from the site. No additional vehicular access onto Reeds Lane is proposed in this location.

The site plan shows that the development would provide 88 car parking spaces (including garages) and 21 visitor parking spaces resulting in a total of 109 parking spaces. It is considered that the proposal meets the parking standards as set out in the West Sussex County Council Guidance on Parking at New Developments (September 2020). This guidance identifies this location within parking behaviour zone 2. As such there is a requirement for some 84 car parking spaces which the proposal meets.

During the course of the application, amended plans have been received reducing the number of units from 39 to 38 resulting in a reduction in the number of frontage parking, re-locating parking areas, the formation of carports instead of open parking for plots 6, 7, 14 and 15 and the re-alignment of the eastern part of the internal road. The Highways Authority has considered these changes and raise no concerns with the amendments. The formation of carports instead of 8 open spaces for plots 6/7 and 14/15 results in a reduction in allocated parking by 4 spaces for these plots,

these units are 1-bedroom maisonettes. As such the revised level of provision of 1 space per plot for these dwellings is considered acceptable.

Overall, the Highways Authority consider that the proposal is acceptable in terms of highway safety and does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Your Planning Officer agrees with this assessment.

Comments have been received from the neighbouring property 1 Kingsland Cottages in respect of the effect the proposed site access may have on their own existing access arrangements and way their property is accessed. The application maintains access to 1 Kingsland Cottages but has not provided any specific area of hardstanding outside of the property of 1 Kingsland Cottages to allow for turning vehicles. The Highways Authority has considered this as part of their consultation response and state:

'The LHA are aware that a new site access will alter the way in which 1 Kingsland Cottages is accessed from Reeds Lane. The described way of access, reversing back out onto the highway land between this property and Lyndon, but not into the Reeds Lane carriageway has been occurring and would appear to be the way of accessing the property or Reeds Lane that the occupier prefers and is use too.'

Observations / the context of the area demonstrate that reversing in and out of drives onto Reeds Lane in this location is common and undertaken by other residents. Most of the land to the front of local properties provides enough space to turn a vehicle in the property boundary to allow entry and exit in forward gear if desired. It is also not uncommon for vehicles to reverse into a driveway in residential areas'

In addition, the Highways Authority 'are aware that 1 Kingsland Cottages are requesting that a small area of hardstanding is provided to accommodate a reversing manoeuvre that doesn't involve reversing out directly into the carriageway. However, this could lead to vehicle/pedestrian conflict, if a vehicle is reversing out of 1 Kingsland Cottages back onto a section of pedestrian footway that leads into the site. The proposed 'detailed design' of the access that is yet to be fully agreed under a Section 278 agreement and Technical Design check, proposes a flush surface site access/ footway and access to 1 Kingsland Cottages, this will allow for ease of movement in and out of 1 Kingsland Cottages, instead of raised kerbs being used.'

It is worth noting that the request by the neighbour in respect of an area of hardstanding is outside of the neighbours ownership and control. The Local Planning Authority can only consider the application that has been submitted and Members must base their decision on the application that is before them. It is considered that the proposal is acceptable in highway terms and that the neighbour would still be able to access their driveway with the proposed development.

In light of the above it is considered that from a highway safety perspective the application complies with Policy DP21 of the District Plan, policies SA GEN and SA30 of the Site Allocations DPD, Policy HurstH6a of the Neighbourhood Plan, and the requirements of the NPPF.

Residential Amenity

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

Policy DP29 deals specifically with noise, air and light pollution and states;

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

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.

In appropriate circumstances, the applicant will be required to provide:

- an assessment of the impact of noise generated by a proposed development; or*
- an assessment of the effect of noise by an existing noise source upon a proposed development;*

Light pollution:

- The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

Air Pollution:

- It does not cause unacceptable levels of air pollution;*
- Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and*

acceptable levels;

- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

Para 187 of the NPPF states:

'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

To the south of the site is Kings Business Centre. The nearest commercial building is Millennium House which is set close to the southern boundary. The planning history for this building identifies that this was approved under planning reference 00/00315/FUL as a new business unit. Condition 4 of the permission identifies the building to be used as B1 (a) - offices - and B1 (c) - light industry - and B1 (a) office use. Following the determination of the application there was confirmation that part of the building could also be used for B1 (b) - research and development of products and processes. These uses now fall within Class E of the Town and Country Planning Use Classes Order (as amended).

Concerns have been raised by the owners of Kings Business Centre in relation to complaints by future occupiers of the site in relation to noise and smells from the processes undertaken at Millennium House which has been identified as manufacturers of beauty oils with storage of ingredients and heavy lorry movements from the site. These concerns are noted. However, the uses identified within the permission for this commercial building are suitable to be undertaken within a residential area, and there are conditions on the permission of this building controlling the levels of noise coming from the site as well as the hours of loading and unloading in relation to the business. Whilst it is acknowledged that there will be residential properties closer to this commercial building than existing, the proposed dwellings to the north of the building are set some 48 metres away from the rear wall with vegetation on the boundary as well as a proposed access road serving the development between. To the east on the southern side of the existing building, two chalet bungalows are proposed set some 61 metres between the side wall of the commercial building and the rear wall of the dwellings. There is vegetation between these buildings as well as the parking, garaging and rear gardens to serve these dwellings. Due to the use of the commercial building, which is acceptable in residential areas, the screening on the boundaries of the site with this building and the distances with the dwellings, it is considered that there would be no significant

detriment to the amenities of future occupiers. Whilst no noise or air reports have been submitted with the application to assess the impact of the existing building on the application site, it is noted that there have been no complaints from existing residential properties in respect of the use of the site.

The Councils Environmental Protection Officer has considered the proposal and has advised the following:

'The 2000 permission for Millennium House, with the conditions 4, 5 and 17 in place, would provide me sufficient assurance that the new residents at the proposed site on land to the north of Lyndon, Reeds Lane would be suitably protected from potential environmental impacts from industrial activities arising at Millennium House.'

In light of the above, it is considered that the existing commercial use on the neighbouring site would not give rise to significant detriment to the amenities of future occupiers to the site.

Concerns have been raised by the residents of 1 and 2 Kingsland Cottages in respect of the impact on the amenities of these existing properties through the new dwellings which they consider would result in a loss of privacy and a loss of light to the existing neighbouring dwellings.

The nearest property to the eastern boundary of the site with 1 Kingsland Cottages would be plot 38. This is to be a two-storey dwelling and be set a minimum of some 4.4 metres, and a maximum of some 8.4 metres from the boundary with this property. On this elevation are to be two small first floor windows serving an en-suite and bathroom. Due to the orientation and the position of Plot 38 and that the existing property Lyndon has an extension built against the neighbouring single storey extension, it is considered that this plot will not result in a loss of light or privacy to the neighbouring amenities of 1 Kingsland Cottages.

In respect of the impact to 2 Kingsland Cottages, plans have been amended removing a property from the site which would have looked towards the rear garden of this property. However, the neighbours garden of no. 1 is set between the site and no. 2. Due to the position of plot 38, there would be no overlooking to the property of 2 Kingsland Cottages. In addition, plots 1 and 2 are chalet bungalows with plot 1 having rooflights on the front elevation. Due to the scale of these proposed dwellings and their position within the site set some 89 metres to the side boundary with no. 2, it is considered that these dwellings will not result in a loss of privacy to this neighbouring resident. In addition, plot 37 is to be set some 81 metres from the rear boundary of this property with open space and vegetation between. Plans show that there would be no first floor side windows facing towards this neighbouring site. As such it is considered that the proposal would result in no significant detriment to the amenities of this neighbouring property.

The relationship between each dwelling is considered to be acceptable and would not result in a detrimental impact through an overbearing nature or a loss of privacy.

In light of the above, it is considered that the proposal is acceptable in neighbouring amenity terms and complies with policies DP26 and DP29 of the District Plan, policy SA GEN of the Site Allocations DPD and the requirements of the NPPF.

Dwelling Space Standards and Accessibility

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

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

In addition, Policy HurstH8 of the Neighbourhood Plan relates to small dwellings and states:

'Housing development which meets the requirements of the Neighbourhood Plan and provides small homes with ground floor accommodation designed for people with access and movement difficulties will be supported.'

The submitted plans show that the proposed homes would meet and, in some cases, exceed the National Dwelling Space Standards and will also provide wheelchair accessible dwellings in relation to the affordable houses.

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

The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the units proposed and thereby comply with Policies DP27 and DP28 of the District Plan and Policy HurstH8 of the Neighbourhood Plan.

Sustainability

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

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

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

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

Policy SA GEN (General Principles for Site Allocations) of the SADPD sets out the following in respect of sustainability;

- 'Design development to be resilient to climate change, minimise energy and water consumption and mitigate against flood risk in line with DP39: Sustainable Design and Construction, DP41: Flood Risk and Drainage and DP42: Water Infrastructure and the Water Environment.*
- Address sustainability at the conception stage of development proposals to exploit the benefits of passive design and orientation, fabric performance, energy efficiency measures and low carbon solutions; and wherever possible include on-site low or zero carbon technologies in accordance with District Plan policies DP39: Sustainable Design and Construction and DP40: Renewable Energy Schemes.'*

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

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

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

Paragraph 152 of the NPPF states:

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

existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

Paragraph 158 states:

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

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

The application has been accompanied with a Sustainability Statement and a Standard Assessment Procedure (SAP) Calculations in relation to sustainability for the revised layout and reduced numbers of the site for 38 dwellings.

The Sustainability Statement details that the proposed scheme by a combination of passive design measures and active design measures, a strategy often referred to as a 'fabric first approach', will result in exceeding existing minimum Building Regulations requirements. This approach considers the following in the design and construction of each dwelling;

Passive Design Measures

- Passive solar gain
- Natural daylighting

Efficient Building Fabric

- Building envelope
- Air leakage
- Thermal bridging
- Natural Ventilation

Active Design Measures

- Air source heat pumps
- Efficient appliances, lighting, fixtures and fittings.

It sets out that that the *'Fixtures, appliances and fittings plus rainwater recycling measures will be specified in the development which considerably reduce potable water use so that the daily potable/wholesome water use will be calculated to not exceed 110 litres per person per day.'*

Changes to Building Regulations require every new home with onsite parking to have an EV charging point. This applies to schemes where the building regulations application has been submitted after the 15th June 2022 and would therefore apply to this scheme should permission be forthcoming. A planning condition is

recommended for the installation of electric car charging points as not all of the plots have on site car parking.

The submitted SAP Calculations report concludes that the proposed properties would *'exceed Building Regulation requirements - the difference between the Dwelling Emission Rate (DER) and Target Emission Rate (TER) - by over 70% on average.'*

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

The development is situated in a sustainable location within a category 3 settlement. There is a continuous footpath on the opposite side of Reeds Lane which leads to the village centre as well as a bus stop.

Therefore, it is considered that the proposal complies with the relevant criteria policies DP21 and DP39 of the District Plan, policy SA GEN of the Site Allocation DPD, the principles of the Council's Design Guide, as well as the provisions of the NPPF. The proposal is considered to be acceptable in sustainability terms.

Drainage

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

As part of SA30 in the SADPD, there is a requirement in respect of flood risk and drainage of the following:

- *'The site is adjacent to watercourses that also take surface water run-off from other parts of*
- *Sayers Common. This flood risk will reduce the developable areas and affect how surface water is disposed from the site. Provide a site specific Flood Risk Assessment (FRA) to identify areas which are susceptible to surface water flooding to inform the site layout and any necessary mitigation measures.*
- *Consider the method of disposal of surface water from this site taking into account that the*
- *watercourses are in an area of high surface water flood risk.*
- *Incorporate SuDS as an integral part of the Green Infrastructure proposals to improve biodiversity and water quality.*

The development is supported by a Flood Risk Assessment and Surface Water Drainage report.

The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. However, the submitted Flood Risk Assessment and Surface Water Drainage report does identify four areas of the site with increased surface water flood risk.

The Council's Flood Risk and Drainage team note that they are aware of instances of flooding associated with the eastern watercourse. It is their opinion that many of the flood instances are caused by / exacerbated by variations in bed level and lack of maintenance along this eastern watercourse.

The application includes the rerouting of an ordinary watercourse which flows south to north. The existing watercourse is formed by a mix of culverted sections and open channel. The culverted section comes from the south, across Reeds Lane and through 1 Kingsland Cottages. The watercourse then daylight into an open channel in the garden of 1 Kingsland Cottages before flowing north along the densely vegetated eastern boundary of the site. Due to the level differences between the culverted section and the open channel to the north the falls on this section of the watercourse are poor, in addition maintenance of the open channel in some areas has been lacking. This can result in increased chance of flooding as water is hindered in its downstream flow.

It is proposed that the development reroutes this watercourse away from the site's boundary and further into the site to allow for better maintenance and management of the system. The aim of this approach is to help mitigate / reduce flood risk to both the site and surrounding area caused by the existing system.

The culverted watercourse would be picked up within Reeds Lane and rerouted, away from 1 Kingsland Cottages, into the access road of the site. The watercourse would then be daylighted into an open channel within the open space located along the eastern boundary of the site before discharging into the pond on site.

It is proposed that the development will attenuate and discharge surface water drainage into the online pond located in the north-east corner of the development. In respect of foul drainage, it is proposed that the development will discharge foul water drainage to the public foul system.

Following the request for further information the applicant has undertaken flood modelling and this shows all development (based on the currently proposed site layout) shall be located outside the modelled flood extents, up to the 1 in 1,000-year event. It identified plots 1 and 2's rear gardens could be impacted by surface water flooding and has proposed flood mitigation via raised finished floor levels. The applicant has also confirmed that appropriate no development buffers can be provided around the rerouted watercourse, including the culverted section.

The proposal is to incorporate SuDS as an integral part of the green infrastructure of the proposal to improve biodiversity and water quality as required under Policy SA30 of the SADPD. This would include using the existing pond to the north-east of the site of attenuation resulting in its management which would provide an ecology benefit; using permeable paving to increase water quality; and daylighting an existing culverted watercourse to the east of the site which would increase biodiversity / ecology potential and also increase water quality in the area.

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

The proposal is thereby considered to comply with policy DP41 of the District Plan and policy SA30 of the Site Allocation DPD.

Ecology

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

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

The general principles set out in Policy SA GEN of the SADPD apply to all site allocations and in respect of biodiversity and green infrastructure, its states;

'Carry out and submit habitat and species surveys at the earliest opportunity in order to inform the design and conserve important ecological assets from negative direct and indirect effects.

- Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity, using the most up-to-date version of the Biodiversity Metric. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where it is not possible, mitigate and as a last resort compensate for any loss. Achieve a net gain in biodiversity (measured in accordance with Government guidance and legislation), for example, by incorporating new natural habitats, appropriate to the context of the site, into development and designing buildings with integral bat boxes and bird nesting opportunities, green/brown roofs and green walling, in appropriate circumstances in accordance with District Plan Policy DP38: Biodiversity.*
- Protect and enhance Green Infrastructure (GI) and corridors by ensuring built development avoids and integrates existing GI into the layout of the scheme, reinforcing and providing new connections to existing corridors to develop a connected network of multi-functional greenspace, including incorporating opportunities to contribute to strategic GI.*

Improve access to, and understanding of natural greenspace and nature conservation features, including recognising the importance and role of green infrastructure to the ecosystem, biodiversity, public rights of way, health and well-being, the water environment, community facilities and climate change. Green Infrastructure is to be incorporated with SuDS, where possible, to improve biodiversity and water quality.'

In addition, Policy SA30 of the SADPD requires the following in respect of biodiversity and green infrastructure:

- *'Undertake an holistic approach to Green Infrastructure provision through biodiversity and landscape enhancements within the site connecting to the surrounding area.*
- *Conserve and enhance areas of wildlife value to ensure there is a net gain to biodiversity overall. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where this is not possible, mitigate and as a last resort, compensate for any loss.'*

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

An Ecological Assessment was originally submitted with the application. However, the Councils Ecology Consultant considered that there was insufficient up-to-date ecological information as the Bat Surveys were from 2020 and did not provide a thorough justification for the lack of surveys provided.

Following this, an Interim Update Survey Report and a Final Survey Report were submitted (July 2022). Within the Interim Survey Report it is concluded that in respect of bats that *'the Application Site and wider survey area are utilised by a low number of common and widespread species. No Barbastelle were recorded during this survey.'* In respect of reptile surveys, the interim report set out that these were still ongoing. As such a Final Survey Report was submitted which detailed the remaining surveys undertaken during the period since the interim survey report was submitted. In respect of bats, following the emergence survey undertaken of building B1, the report concludes that *'it is not considered that this building, or any other building within the Application Site support roosting bats.'* In addition, it sets out that updated *'reptile surveys indicates that the Application Site and wider survey area supports low populations of Slow-worm and Grass Snake, as well as a low population of Common Lizard that were recorded during 2017 surveys. Whilst the update reptile surveys have confirmed Grass Snake are utilising the Application Site and wider area as previously predicted by Ecology Solutions and shown that the number of Slow-worm has increased slightly, the population class of Slow-worm has not changed since the 2017 surveys and as such the mitigation detailed within the Ecological Assessment (7092.EcoAss.vf, dated February 2022) are still appropriate.'*

Following the submission of the additional ecology reports, the Councils Ecology Consultant is *'satisfied that there is sufficient ecological information available for determination'* and recommends the application for approval subject to a number of conditions including mitigation measures as identified in the Final Survey Report (Ecology Solutions, July 2022) and the Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022).

Within the submitted Ecological Assessment it sets out a number of management and enhancement measures to *'mitigate any losses to onsite habitats and overall result in a net gain in biodiversity value compared to the existing situation'*. In addition, it states that *through the use of a range of native tree and scrub species as part of the planting scheme, and the instigation of management for biodiversity, it is considered that opportunities for species such as nesting birds, foraging and commuting bats, invertebrates and mammals would be maintained and enhanced.'*

Overall, it is considered that the scheme would not adversely affect any protected species and that conditions could be used to ensure wildlife mitigation and enhancements and result in a net gain to biodiversity. The proposal is thereby considered to comply with Policy DP38 of the District Plan, policies SA GEN and SA30 of the Site Allocation DPD and para 180 of the NPPF.

Trees

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

An Arboricultural Implications Report has been submitted as part of the application. This sets out that 9 individual trees and 1 group are to be removed as part of the development with two of these being category B trees. These trees are not protected as they are not within a Conservation Area and are not subject to Tree Preservation Orders (TPO's). Plans show that a mature Oak tree (T37) within the site is to be retained and incorporated within an area of open space. This would be protected by fencing during the course of the development. The report concludes that *'no mature, veteran or ancient trees, and no trees of high landscape or biodiversity value are to be removed. None of the main arboricultural features of the site are to be removed.'* In addition, it states that *'none of the proposed dwellings will be within 3m of the extents of the canopies of trees to be retained, there will be adequate working space for construction close to trees, and a reasonable margin of clearance for future growth.'*

It is an inevitable consequence that some of the trees within the site are to be removed to enable the development. Under landscape considerations of Policy SA30 of the SADPD there is a requirement to retain and enhance mature trees and hedgerows on the site and on the boundaries and to incorporate them into the landscaping structure. The submitted Arboricultural Implications Report identifies that the trees to be removed which are within the site are semi-mature and young. However, a Blue Cedar (T5) and Oak (T37) which are within the site are to be incorporated into the development and form part of the landscaping of the site to soften the development. In addition, the boundary vegetation of trees and hedgerows are to be retained which would limit the impacts of the development on the wider countryside.

The Council's Tree Officer has considered the proposal and raised no objection on arboricultural grounds.

It is considered that the proposal would thereby comply with Policy DP37 of the District Plan and Policy SA30 of the Site Allocations DPD.

Infrastructure contributions

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

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

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

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

Financial contributions will not be sought through planning obligations if 5 or more obligations for that project or type of infrastructure (other than for affordable housing) have already been entered into since 6 April 2010, or if it is a type of infrastructure that is funded by the Community Infrastructure Levy (this will be set out on a list of infrastructure that the Council proposes to fund from the Levy).

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

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

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

Policy SA GEN of the Site Allocations DPD sets out in respect of social and community that developments are required to:

- *'Contribute towards education capacity (early years, special education needs, primary, secondary and sixth form) in accordance with District Plan Policy DP20: Securing Infrastructure, the Mid Sussex Site Allocations IDP and the requirements set out in the Mid Sussex Development Infrastructure and Contributions SPD.*
- *Contribute towards public open space, recreational and community facilities in*

accordance with District Plan policy DP24: Leisure and Cultural facilities, DP25: Community Facilities and Local Services, the Mid Sussex Site Allocations IDP, the Draft Mid Sussex Play and Amenity Greenspace Strategy, Draft Playing Pitch Strategy, Draft Community Buildings Strategy and the requirements set out in the Mid Sussex Development Infrastructure and Contributions SPD.

- *Contribute towards health care provision, where appropriate, in accordance with District Plan Policy DP20: Securing Infrastructure and the requirements set out in the Mid Sussex Development Infrastructure and Contributions SPD.'*

Policy HurstH6 relates to housing sites infrastructure and environmental impact and in part requires:

'g) the provision of, or financial contributions towards, community facilities and the provision of public open space;'.

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

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

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

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

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

and:

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

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

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

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

County Council Contributions

Education - Primary: £143,109 - to be spent on additional facilities at Albourne C of E Primary School

Education - Secondary: £154, 020 - to spent on additional facilities at Downlands Community School

Libraries: £17,179 - to be spent on spent on providing additional facilities at Hurstpierpoint Library

TAD: £147,036 - to be spent on the Sayers Common to Downlands School / Hassocks Station Cycle route.

District Council Contributions

Children's Playing Equipment: £33,957- to be spent on improvements to play equipment at Reeds Lane Recreation Ground

Kickabout: £28,524 - to spent toward kickabout provision for older children at Reeds Lane Recreation Ground and/or Berrylands Farm Recreation Ground

Formal Sport: £38,889 - to spent towards formal sport facilities at Berrylands Farm Recreation Ground, Sayers Common

Community Buildings: £23,391 - to be spent on improvements to Sayers Common Village Hall to meet increased demand

Local Community Infrastructure: £27,476- to be spent on burial grounds / new cemetery and/or cycle paths.

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

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

The Applicants have confirmed agreement to the contributions and works are progressing on the legal agreement. The proposal therefore complies with Policy DP20 of the Mid Sussex District Plan and Policy HurstH6g of the Neighbourhood Plan.

Housing Mix and Affordable Housing

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

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

'The Council will seek:

- 1. the provision of a minimum of 30% on-site affordable housing for all residential developments providing 11 dwellings or more, or a maximum combined gross floorspace of more than 1,000m²;*
- 2. for residential developments in the High Weald Area of Outstanding Natural Beauty providing 6 - 10 dwellings, a commuted payment towards off-site provision, equivalent to providing 30% on-site affordable housing;*
- 3. on sites where the most recent use has been affordable housing, as a minimum, the same number of affordable homes should be re-provided, in accordance with current mix and tenure requirements;*
- 4. a mix of tenure of affordable housing, normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix; and*
- 5. free serviced land for the affordable housing.*

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

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

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

Policy HurstH7 of the Neighbourhood Plan relates to affordable homes and states:

'On housing developments of 4 or more dwellings, there will normally be a 30% 'affordable' homes content, for rent and assisted purchase schemes for local people and generally, not more than 25% of affordable homes being of shared ownership. On residential developments of less than 4 dwellings and in other circumstances where on-site provision is not practicable a commuted payment towards off-site provision will normally be required equivalent to providing 30% on-site affordable housing provision.'

In addition, Policy HurstH8 relates to small dwellings and states:

'Housing development which meets the requirements of the Neighbourhood Plan and provides small homes with ground floor accommodation designed for people with access and movement difficulties will be supported.'

The application plans show that the development is to comprise of 26 market dwellings and 12 affordable dwellings comprising of the following:

Market dwellings

2 no 2-bed chalet bungalows
6no 2-bed houses
11no 3-bed houses
7no 4-bed houses

Affordable dwellings including First Homes

4no 1-bed maisonettes
6no 2-bed houses
2no 3-bed houses

The affordable housing provision including First Homes would be secured through the S106 legal agreement.

The Councils Housing Officer has raised no objection to the proposal. It is considered that the proposed mix indicated would meet a broad range of housing needs.

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

The scheme provides a policy compliant level of affordable housing and provides a good mix of dwellings in their sizes. The proposal thereby meets the requirements of Policies DP30 and DP31 of the District Plan and Policies HurstH7 and HurstH8 of the Neighbourhood Plan.

Self / Custom Build Housing

Part of the proposal has been submitted as a self-build development for 2 dwellings as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

The Local Planning Authority must now grant "suitable development permissions" in respect of enough serviced plots of land to meet the demand for self-build and custom housing building in the authority's area.

Policy DP30 of the District Plan relates to housing mix and states:

'To support sustainable communities, housing development will:

- provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurable with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.*
- If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.*

Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).'

In addition, para 62 of the NPPF states:

'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).'

The NPPG states that *'Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.'* (Paragraph: 023 Reference ID: 57-023-201760728).

At the date of receipt of the planning application on 24th February 2022 there were 20 applicants on the 'MSDC Self and Custom Build Register of Interest', of whom 14 had an evidenced local connection to Mid Sussex. Two applicants out of the 20 had

listed Sayers Common in their top 10 location choices for a plot and a further 5 had listed Hurstpierpoint.

The proposal to provide two self/custom build dwellings which is a material consideration in the determination of the application which is supported by planning policy. This provides a positive benefit to the proposed development.

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 Mid Sussex District Council Site Allocations DPD (June 2022 - Policy SA30) such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. [Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Other Matters

Archaeology

Policy SA30 of the SADPD states in part:

'The site may contain buried archaeology. Carry out archaeological assessment and appropriate mitigation arising from the results.'

The application is supported by an Archaeological Desk Based Assessment. This concludes that:

'Due to the extent of past quarrying across the site (Appendix 1), the proposed development is unlikely to have a significant archaeological impact. At most the development will impact industrial remains associated with the former brick and tile works, considered to be of no more than a local significance.'

The Council's Archaeology Consultant has considered the proposal and raises no historic objections. They consider that:

'Due to the extent of past quarrying across the site (Appendix 1), the proposed development is unlikely to have a significant archaeological impact. At most the development will impact industrial remains associated with the former brick and tile works, considered to be of no more than a local significance.'

As such the proposal is not considered to impact any archaeological remains.

Contaminated Land

The site has been identified as potentially contaminated land due to previous use as a brick works, as well as fly tipped waste on site. As such the application has been supported by a Phase 1 Desk Study and Site Reconnaissance Report. The report has identified that due to the previous uses at the site, there is the potential for contaminants to be on site that could impact on future uses.

The Council's Contaminated Land Officer has considered the information provided and raises no objection subject to conditions regarding contamination.

Water Supply

Policy DP42 deals with water infrastructure and the water environment and requires, amongst other things, for the applicant to demonstrate that there is an adequate supply of water to serve the proposed development. The applicants have provided confirmation, via a letter from South East Water, that there is sufficient capacity to meet the requirements of this development. In this respect, the proposal complies with policy DP42 of the District Plan.

Party Wall

Comments have been made from the adjoining property 1 Kingsland Cottages in respect of party wall as the existing property Lyndon and 1 Kingsland are adjoined. These comments are noted; however, this is not a planning matter. Should permission be granted this would require a party wall agreement which is a private matter.

Riparian Rights and Responsibilities

Concerns have been raised by 1 Kingsland Cottages over riparian rights and responsibilities with respect to the culvert. Landowners with watercourses located within, or forming the boundary of, their land have riparian rights and responsibilities to that watercourse. These responsibilities apply to culverted and open channel sections of watercourse alike.

By rerouting the watercourse further into the site, the developer / landowner is accepting that riparian right and responsibility to the watercourse.

It is likely that as part of the rerouting process the developer will block the main flow of water to the existing watercourse which runs through 1 Kingsland Cottages. However, it is unknown whether additional flows enter the system downstream of the proposed rerouting point and therefore the system will continue to be considered a watercourse. Therefore, 1 Kingsland Cottages will maintain their existing riparian responsibility to the section of watercourse located within their boundary. If it can be shown no flows enter the watercourse at 1 Kingsland Cottages, they may be able to apply for consent to remove the watercourse from their land (via West Sussex Lead

Local Flood Authority) at which time they would lose their riparian rights and responsibilities.

Planning Balance and Conclusion

This is a hybrid application consisting of full planning permission sought for 36 one, two, three and four bedroom dwellings (including 30% affordable housing), associated infrastructure, landscaping, pedestrian and vehicular access from Reeds Lane and the demolition of Lyndon; and outline permission sought for 2 three bedroom self/custom build plots at land to the north of Lyndon, Reeds Lane, Sayers Common.

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

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

The application site is within the built confines of a Category 3 settlement and allocated under Policy SA30 of the District Councils Site Allocation Development Plan Document for 35 dwellings. Policy DP6 of the District Plan permits development within built up area boundaries subject to caveats. The principle of a residential development on this site is thus established and accords with the Development Plan.

The proposed design, layout and scale of the development is considered acceptable and would not cause harm to the character and appearance of the area. No significant harm would be caused to the amenities of the surrounding residential occupiers through overlooking or a loss of outlook and the scheme would not cause harm in terms of parking or highway safety.

The proposal to provide two self/custom build dwellings is a material consideration in the determination of the application which is supported by planning policy. This provides a positive benefit to the proposed development.

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

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

The application is thereby considered to comply with policies DP4, DP6, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 of the District Plan, policies SA GEN and SA30 of the Site Allocations DPD,

policies HurstH1, HurstH5, HurstH6, HurstH7 and HurstH8 of the Neighbourhood Plan, the design principles of the Mid Sussex Design Guide, and the requirements of the NPPF.

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

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

APPENDIX A – RECOMMENDED CONDITIONS

1. Full application - Phase 1 and 2

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. Outline application - Phase 3

Approval of the details of the landscaping, scale, and appearance of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3. 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.

4. The development shall be carried out in accordance with the phasing plan (drwg 1636 / P / 10.05 Rev A - received 27th September 2022).

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

5. **Pre-commencement conditions - for all phases**

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal **for all phases of the development** (developer and self-build elements) have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. Self-build plots must be clearly identified on drainage plans, allocated a discharge rate and volume allowance within the wider scheme, and provided with an appropriate connection point to the wider system. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

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

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

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

Reason: In the interests of highway safety and the amenities of the area and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

7. Prior to the commencement of any part of the 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 site investigation scheme, based on the desktop study by Leap Environmental, dated 22nd February 2022, Ref LP1490, 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,

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

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 accord with policy DP41 of the Mid Sussex District Plan 2014-2031.

8. Prior to the commencement of any phase 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.

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

9. Prior to the commencement of any phase a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

10. No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority in respect of whole of the site.

The Reptile Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.

- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g., native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

11. No development shall commence unless and until a Biodiversity Enhancement Strategy for Protected and Priority species for the whole of the site has been submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

12. **Pre-commencement conditions - Phase 1 and 2**

No development shall be carried out in respect of phases 1 and 2 unless and until a schedule of materials and finishes to be used for external walls, roofs and fenestration of the proposed dwellings and garages 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.

13. **Pre-occupation conditions - Phase 1 and 2**

Prior to the occupation of any dwelling or building in respect of the phase 1 and 2 subject of this permission, full details of a hard and soft landscaping scheme including all boundary treatments 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 works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of phase 1 and 2 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. Details shall also be provided in respect of the future management & maintenance of the open areas of land within the site including details of the management company and maintenance schedules. The details shall be implemented as approved.

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

14. Outline application - Phase 3 - Pre-commencement conditions

The development hereby permitted for the self / custom build element (phase 3) 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 for each plot in consultation with Southern Water. Foul and surface water drainage shall be in line with the sitewide drainage design's volume and discharge rate allowances and utilise the connection point identified. The buildings shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

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

15. No reserved matters shall be submitted in respect of phase 3 unless and until a design code and plot passport in relation to the two self / custom build plots detailing the parameters of future development for each plot has been submitted to and approved by the Local Planning Authority.

These documents shall include (but not be limited to) the following information:

- a) Palette of materials for external appearance of dwelling including windows
- b) Parameters on height and positioning on the plot
- c) Details on boundary treatment
- d) Information on performance and sustainability requirements.

Each plot should follow the design code and plot passport in the submission of any reserved matters application.

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.

16. If the development in relation to phase 3 hereby approved does not commence within eighteen months from the date of the planning consent, the approved ecological mitigation measures secured through condition 19 shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to: establish if there have been any changes in the presence and/or abundance of bats and identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

17. **Construction Phase - relevant to the whole of the site**

Prior to the occupation of any dwelling within any phase a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside

Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

18. Prior to the occupation of any dwelling within any phase a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

19. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Final Survey Report (Ecology Solutions, July 2022) and the Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This will include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with policy DP38 of the District Plan 2014-2031.

20. Hours of site preparation, demolition, and construction, including collections, deliveries, loading and unloading shall be restricted to the following:

0800-1800 Monday to Friday

0900-1300 Saturday

No work permitted on Sundays or Bank holidays.

Reason: To protect the amenities of surrounding residential occupiers and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

21. The works shall be carried out in accordance with the Arboricultural Implications Report (dated February 2022) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan.

22. No part of any concrete foundations or boundary treatments, and no construction activities shall be within 5 metres of any drain, watercourse, or pond, unless details of the proposed works have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of protecting the natural environment and to accord with Policies DP26 and DP41 of the Mid Sussex District Plan 2014 - 2031.

23. 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, has been 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 shall be submitted to the Local Planning Authority. The dwellings shall not be occupied until the Local Planning Authority has given its written approval that it is satisfied with the submitted remediation details.

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

24. **Construction Phase - Phases 1 and 2**

The development shall be carried out in accordance with the details set out in the submitted Sustainability Statement (dated February 2022) and the Standard Assessment Procedure Calculations (dated July 2022) unless otherwise agreed in writing with the Local Planning Authority.

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

25. **Pre-occupation - relevant to all phases**

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on an approved planning drawing.

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

26. Prior to the occupation of each plot vehicle parking and turning spaces shall be constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

27. Prior to the occupation of each plot covered and secure cycle parking shall be provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

28. Prior to the occupation of any of the dwellings hereby permitted, details of the facilities for charging plug-in and other ultra-low emission vehicles shall be submitted to and approved by the Local Planning Authority. The scheme shall be constructed in accordance with the approved details.

Reason: To provide facilities for plug in and ultra-low emission vehicles in the interests of sustainability and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

29. No phase of the development hereby permitted shall 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: 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

30. Prior to the first occupation of any dwelling/unit forming part of the proposed development the developer 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.

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

31. Prior to the occupation of any dwelling, details of the external appearance and the scale of the pump station located to the north of the site shall be submitted to and approved by the Local Planning Authority. The pump station shall be carried out in accordance with the approved details.

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

32. Post construction - relevant to Phase 1 and 2

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

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

INFORMATIVES

1. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
2. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
3. The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.
4. 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

5. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore

advised to contact the case officer as soon as possible, or you can obtain further information from: <http://www.midsussex.gov.uk/9276.htm> (Fee of £97 will be payable). If you carry out works prior to a pre-development condition being discharged, then a lawful start will not have been made and you will be liable to enforcement action.

6. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
 - Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
 - No burning of materials shall take place on site at any time.
7. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers' advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
 8. 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.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Floor and Elevations Plan	1636/P/50.03	A	25.08.2022
Proposed Floor Plans	1636/P/20.63	A	25.08.2022
Proposed Floor and Elevations Plan	1636/P/50.02		21.07.2022
Other	03.1	C	19.07.2022
Other	03.2	C	19.07.2022
Other	03.3	C	19.07.2022
Other	04.1	C	19.07.2022
Other	04.2	C	19.07.2022
Proposed Floor and Elevations Plan	1636/P/50.04		19.07.2022
Other	1636/P/10.03	A	19.07.2022
Proposed Elevations	1636/P/20.13		19.07.2022
Proposed Elevations	1636/P/20.24		19.07.2022

Proposed Elevations	1636/P/20.33		19.07.2022
Proposed Elevations	1636/P/20.43		19.07.2022
Proposed Elevations	1636/P/20.53		19.07.2022
Proposed Elevations	1636/P/20.73		19.07.2022
Proposed Elevations	1636/P/20.74		19.07.2022
Proposed Elevations	1636/P/20.83		19.07.2022
Proposed Floor Plans	1636/P/20.91		19.07.2022
Proposed Elevations	1636/P/20.92		19.07.2022
Proposed Elevations	1636/P/20.102		19.07.2022
Proposed Floor Plans	1636/P/20.101		19.07.2022
Other	01	C	19.07.2022
Other	02.2	C	19.07.2022
Location Plan	1636/P/10.01		24.02.2022
Proposed Site Plan	1636/P/10.02	B	25.08.2022
General	1636/P/10.04	A	19.07.2022
Other	1636/P/10.05	A	27.09.2022
Proposed Floor Plans	1636/P/20.01	A	19.07.2022
Proposed Elevations	1636/P/20.02	A	19.07.2022
Proposed Floor Plans	1636/P/20.11	A	19.07.2022
Proposed Elevations	1636/P/20.12	A	19.07.2022
Proposed Floor Plans	1636/P/20.21	A	19.07.2022
Proposed Elevations	1636/P/20.23	A	19.07.2022
Proposed Floor Plans	1636/P/20.31	A	19.07.2022
Proposed Elevations	1636/P/20.32	A	19.07.2022
Proposed Floor Plans	1636/P/20.41	A	19.07.2022
Proposed Elevations	1636/P/20.42	A	19.07.2022
Proposed Floor Plans	1636/P/20.51	A	19.07.2022
Proposed Elevations	1636/P/20.52	A	19.07.2022
Proposed Floor Plans	1636/P/20.61	A	19.07.2022
Proposed Elevations	1636/P/20.62	A	19.07.2022
Proposed Floor Plans	1636/P/20.71	A	19.07.2022
Proposed Elevations	1636/P/20.72	A	19.07.2022
Proposed Floor Plans	1636/P/20.81	A	19.07.2022
Proposed Elevations	1636/P/20.82	A	19.07.2022
Street Scene	1636/P/40.01	A	19.07.2022
Proposed Floor and Elevations Plan	1636/P/50.01		24.02.2022
Landscaping Details	L01	A	19.07.2022

APPENDIX B – CONSULTATIONS

WSCC Highways Authority

Amended

Section 1 - Report Introduction/ Background

1.1 The LHA has been consulted by the LPA to provide comments on the above re-consultation using the new documents submitted on the planning portal by the development team, to consider and comment upon any highway safety or capacity matters.

1.2 A similar application under reference DM/17/4448 has previously been commented on by my colleague in 2017/18. These comments were based on information submitted by the development team at that time under that specific application.

The LHA provide MSDC Planning Team with consultee comments based on the submitted material under the relevant planning application we are replying to. All officers also review a selection of representations to gain an understanding of residents/ Parish Council concerns; however, as a Consultee we are not able to review or comment on every single representation to a planning application, unless specifically asked to review a concern/reoccurring concern in these submissions by the LPA. These raised concerns then also need to be assessed against the relevant National Planning Policy Framework (NPPF) sections for highway safety and capacity and the tests/guidance set out by this national planning document, which we must use to make our assessment

1.3 The representations by 1 Kingsland Cottages about this new application (DM/22/640) have been noted. With regards to the effect the proposed site access may have on their own existing access arrangements and way their property is accessed. However, this is a new application with new application documents and the development team have not provided any specific area of hardstanding outside of the property of 1 Kingsland Cottages to allow for turning vehicles. They have however maintained access to 1 Kingsland Cottages. The LHA as mentioned above can only provide comments on the applied for access design under this application. As the development team didn't propose any new design or provision for the adjacent property (given the previously raised concerns), there has been nothing for the LHA to review in this respect. It is also worth noting that a new Stage 1 Road Safety Audit (RSA) was carried out to support the new application and the Safety Audit Team have raised no concerns regarding the adjacent access onto Reeds Lane. This highlights to the LHA that there are no highway safety concerns that would need to be addressed or mitigated. As such no action would be taken to request an amendment to the design. Should the development team see the comments made by 1 Kingsland Cottages or be contacted by them and wish to change the design themselves and submit revised plans under the application, then the LHA would be able to provide comment on this.

1.4 The LHA are aware that a new site access will alter the way in which 1 Kingsland Cottages is accessed from Reeds Lane. The described way of access, reversing back out onto the highway land between this property and Lyndon, but not into the Reeds Lane carriageway has been occurring and would appear to be the way of accessing the property or Reeds Lane that the occupier prefers and is use too.

1.5 Observations/ the context of the area demonstrate that reversing in and out of drives onto Reeds Lane in this location is common and undertaken by other residents. Most of the land to the front of local properties provides enough space to turn a vehicle in the property boundary to allow entry and exit in forward gear if desired. It is also not uncommon for vehicles to reverse into a driveway in residential areas and rule 201 of the Highway Code confirms this and states, "When using a driveway, reverse in and drive out if you can."

1.6 The LHA are aware of the previous concerns with the old application and have been aware of the concerns with this application also, but for the above reasons have not been in a position to insist this concern is addressed by the development team. There are also no recorded events on the accident data base over the last 5 years to show that reversing in and out of driveways along Reeds Lane is or has been causing a safety issue.

1.7 The LHA are aware that 1 Kingsland Cottages are requesting that a small area of hardstanding is provided to accommodate a reversing manoeuvre that doesn't involve reversing out directly into the carriageway. However, this could lead to vehicle/pedestrian conflict, if a vehicle is reversing out of 1 Kingsland Cottages back onto a section of pedestrian footway that leads into the site. The proposed 'detailed design' of the access that is yet to be fully agreed under a Section 278 agreement and Technical Design check, proposes a flush surface site access/ footway and access to 1 Kingsland Cottages, this will

allow for ease of movement in and out of 1 Kingsland Cottages, instead of raised kerbs being used. It is understood that this is still the intended design, as detailed in the Transport Note by iceni Projects from February 2018 under the old application. As this new application quotes in its Transport Statement (TS) the advice given by my colleague under a Highways Pre-Application request before this new application was submitted - 'The proposed vehicular access to the site is to be consistent with the previous application. The iceni Projects TS doesn't imply that the access will be any different to that proposed/reviewed and accepted by the LHA in our last response to DM/17/4448 dated 1st March 2018.

1.8 It was and is noted that this response requested that 'We would expect that the area of hardstanding is increased in this area to facilitate the manoeuvre, details of which can be secured via a suitably worded access condition.' The LHA asked the LPA to condition the access design, although the application was refused, and no conditions were applied. It should also be noted that no further revised access plans were received after this and no amendments to the access design were reviewed by the Safety Audit team, which would be the normal process after a design change. The LHA were not asked to comment on anything further after the last response on the 1st March 2018.

1.9 With regards to this new application the access details have been reviewed again by the LHA. The proposals are consistent with the 2017/18 application. Although no 'extra' provision has been provided for 1 Kingsland Cottages. On review of the previous application and correspondence, along with the applied for access design under the new application it was the officer's opinion that the extra provision was not required as access could be gained by reversing in or out of Reeds Lane in a similar way to other local properties and that there was space to allow for turning in the front of 1 Kingsland Cottages, if it was desired. It was also the opinion that on review any extra provision would raise conflict with pedestrians on the footway that runs from Reeds Lane and into the site adjacent to 1 Kingsland Cottages access. This along with the fact it wasn't proposed under this application, nor had it been raised as a concern by the Safety Audit team, it was not considered necessary to request a design change.

Section 2 - LHA Re-Consultation matters - Revised site details/design

2.1 The LHA have been consulted on the revised site design/details. As it is understood the following changes have been made and the Highway Authority comments on each follow in red text.

- 'The overall number of units has been reduced to 38 to enable a reduction in frontage parking, the dwelling has been removed from the area between Plots 33-35' - No concerns raised to the reduced level of dwellings on the site in highway safety/capacity terms.
- 'Frontage parking serving plots 1 and 2 has been relocated to the rear' - No concerns
- 'Frontage parking serving Plots 3-5 and 16-18 has been reduced and broken up with more planting and trees.' - It appears visitor spaces have been removed and placed opposite, so no reduction in overall parking provision, no concerns.
- 'Area between Plots 8 and 13 revised to add more Planting, reduce parking and include carports.' - It appears carports have been provided instead of 8 open spaces for plots 6/7 and 14/15. This equates to a reduction in allocated parking by 4 spaces for these plots. Considering these units are 1-bedroom maisonettes, this level of provision (1 space per plot) is considered acceptable.

- 'Eastern Road re-aligned to suit' - Tracking reviewed, no concerns raised.

Section 3 - Summary and Conditions

3.1 The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal based on the submitted planning documents.

3.2 Should the LPA grant planning consent, the following conditions should be added.

3.3 Conditions

1. Access/ Visibility (Access to be provided prior to first occupation) - No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on an approved planning drawing. Reason: In the interests of road safety.

2. Vehicle parking and turning - No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use. Reason: To provide adequate on-site car parking and turning space for the development.

3. EV Charging condition (LPA wording) or this may now be covered by the new Building Regs

4. Cycle parking - No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

5. Construction Management Plan (CMP) 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. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- 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.

Informatives

1. Works within the Highway - Implementation Team - The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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

3. Section 59 Section 59 of the 1980 Highways Act - Extra-ordinary Traffic The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

Original

Section 1 - Report Introduction

1.1 The Local Highway Authority (LHA) has been consulted on the above application, with regards to any highway safety or capacity aspects. The application is supported with the following documents.

- a) Transport Statement (TS) dated February 2022
- b) Stage 1 Road Safety Audit (RSA)

1.2 The LHA has previously commented on this site and a similar proposal back in 2017/18, to which the LHA raised no objection to the proposals in terms of highway matters. This was under planning reference DM/17/4448.

1.3 The TS indicates that the site is now an allocated site (SA30) in the emerging MSDC Site Allocations Development Plan Document (DPD).

1.4 The Site consists of 39 dwellings overall.

- a) 4 x 1 bed dwellings
- b) 14 x 2 bed dwellings
- c) 14 x 3 bed dwellings
- d) 7 x 4 bed dwellings

Section 2 - Access/ Visibility

2.1 Access details have been provided that match the access details for the 2017 application, to which no highway safety or capacity concerns were raised. Visibility has also been demonstrated in line with Manual for Streets (MfS) standards for a road with a speed limit of 30mph (43m in each direction from a setback of 2.4m).

2.2 A Stage 1 RSA was carried out for the previous application; this raised a few matters which were resolved.

2.3 A new Stage 1 RSA has been carried out to support the new application, this has raised no issues.

Section 3 - Trip Generation

3.1 Trips rates have been updated from the 2017 application TRICS data, table 5.1 in the TS demonstrates the likely trip rates for the development. The level of trips detailed below will not give rise to a capacity or safety issue on the local highway network.

Table 5.1 Proposed Trip Rates and Trip Generation for Proposed Dwellings

	Trip Rate / Dwelling			Number of Trips		
	Arrive	Depart	Total	Arrive	Depart	Total
AM Peak (08:00 – 09:00)	0.05	0.383	0.433	2	15	17
PM Peak (17:00 – 18:00)	0.45	0.183	0.633	18	7	25

Note: Numbers may not equate perfectly due to rounding error.

3.2 The TS under section 5.5 - 5.8 also demonstrates that a junction capacity model has been carried out to show that the junction will operate well within its capability.

3.2 The TS under section 5.5 - 5.8 also demonstrates that a junction capacity model has been carried out to show that the junction will operate well within its capability.

Section 4 - Site accessibility/ Sustainable travel

4.1 The site is in an area with good footway provision to local services and amenities. Allowing connection to the local bus stops and adequate service provision, this will enable the sites residents and visitors alternative transport to the private motor vehicle. Burgess Hill train station is also within reach using the local buses or cycling.

4.2 The site itself is providing 2m footways from its access and crossing points to join the main footway provision on the opposite side of Reeds Lane.

Section 4.11 of the TS states that the site will also provide a pedestrian route to the western boundary of the site, adjacent to Kings Business Centre, which will connect to Reeds Lane and the existing PROW network.

Section 5 - Parking/ turning/ Cycle parking

5.1 In terms of parking allocation 77 residential parking spaces are proposed. 50% of garages are included in this number in line with WSCC parking guidance, as garages are only counted as 0.5 of a space. This level of parking meets with the WSCC Parking guidance.

5.2 22 visitor parking spaces are proposed. The WSCC parking guidance states that 0.2 of a space per dwelling should be provided to cater for visitors, this would equate to 7.8 (8) visitor spaces. So, visitor parking is in excess of that required.

5.3 Section 4.17 of the TS states that 50% of spaces will be provided as electrical vehicle charging spaces, whilst the remaining spaces will have passive provision to enable future use.

5.4 Section 4.18 details cycle provision in line with WSCC guidance.

5.5 Tracking has been provided to demonstrate that all expected vehicles to the site can enter, turn on site and exit in forward gear.

Section 6 - Conclusions

6.1 The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

6.2 The following conditions and informative notes should be added to any grant of planning consent.

Conditions

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

Reason: In the interests of road safety.

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

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

3. EV Charging condition (LPA wording)

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

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

5. Construction Management Plan (CMP) 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. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- 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

6. Works within the Highway - Implementation Team - The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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

8. Section 59 Section 59 of the 1980 Highways Act - Extra-ordinary Traffic
The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

WSCC County Planning Officer

Summary of Contributions

Education			
School Planning Area	Hassocks		
Population Adjustment	82.8		
	Primary	Secondary	6th Form
Child Product	1.0106	1.0106	0.0000
Total Places Required	7.0744	5.0532	0.0000
Library			
Locality	Hurstpierpoint		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£17,179		
Contribution towards Burgess Hill	£0		
Contribution towards East Grinstead/Haywards Heath	£0		
Population Adjustment	82.8		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	37		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	82.8		
Net Parking Spaces	107		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		
Summary of Contributions			
S106 type	Monies Due		
Education - Primary	£143,109		
Education - Secondary	£154,020		
Education - 6 th Form	No contribution		
Libraries	£17,179		
Waste	No contribution		
Fire & Rescue	No contribution		
No. of Hydrants	secured under Condition		
TAD	£147,036		
Total Contribution	£461,345		

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 39 net dwellings, and an additional 111 car parking spaces. These contributions are based on the housing mix provided in the application form. The applicant should note that if the dwelling mix within the outline permission is subsequently amended then the contributions will be re-calculated accordingly.

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>).

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 2023. 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/Further 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 Albourne C of E Primary School.

The contributions generated by this proposal shall be spent on additional facilities at Downlands Community School.

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

The contributions generated by this proposal shall be spent on the Sayers Common to Downlands School/Hassocks Station Cycle route.

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

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

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

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

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

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

Breakdown of Contribution Calculation Formulas:

1. School Infrastructure Contributions

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

School Contributions = TPR x cost multiplier

a) TPR- Total Places Required:

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

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

Year groups are as below:

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

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

Child Product = Adjusted Population x 14 / 1000

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

b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 2022/2023, updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index. Each Cost multiplier is as below:

- Primary Schools- £20,229 per child
- Secondary Schools- £30,480 per child
- Sixth Form Schools- £33,056 per child

2. Library Infrastructure

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

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

Contributions = SQ M Demand x Cost Multiplier

a) Square Metre Demand

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

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

b) Cost Multiplier- Library Infrastructure

WSCC estimated cost of providing relatively small additions to the floorspace of existing library buildings is £5,928 per square metre. This figure was updated by Royal Institute of Chartered Surveyors' Building Cost Information Service All-In Tender Price Index for the 2022/2023 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 2022/2023 is £1,549 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 (£773).

Sustainable transport contribution = (net car parking - occupancy) x 773

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

WSSC Lead Local Flood Authority

Recommendation: No objection

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

We have no comments to submit with regards to this matter. Please consult the District Drainage Engineer.

WSSC Minerals and Waste

The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance therefore, the minerals and waste authority would offer a no comment to the proposed development. A summary of these thresholds is attached to this email and a short video (approx. 20 mins) explaining minerals and waste safeguarding and when the County Council should be consulted is available by clicking this link: <http://www2.westsussex.gov.uk/ssr/mwsfgrdngprsnrtn.ppsx>. To hear the audio, view the slides as a 'slide show'.

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

WSSC Water and Access

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

Fire and Rescue Services Act 2004

Part 5, 38: Duty to secure water supply etc.

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

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

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

- 1) Prior to the commencement of the development details showing the proposed location of 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.

MSDC Urban Designer

Layout

The layout is similar to the illustrative outline layout and mostly accords with the principles of the Council's Design Guide. It benefits from a perimeter block arrangement organised so that the building frontages face the attractive boundary trees which also form the backdrop to the public realm and access road.

The main vehicular/pedestrian access to the site is through the south east corner which is currently occupied by the property known as Lyndon; this links up to the existing footway and provides a direct access to the village centre.

The layout can be criticised for its orthogonal/grid-like arrangement that risks appearing urban. To some extent the reflects the rectilinear shape of the site; while the illustrative outline layout benefited from softer corners that created a slightly more irregular and informal arrangement, this was able to be achieved with less dwellings (below the Site Allocations DPD target).

The proposed open spaces are well located close to the site entrance where they are most accessible for the residents of the development. The main space on the west side of the access road is anchored by a fine existing oak tree. The revised drawings show the space defined by houses that face it on all four sides; this provides suitable enclosure and natural surveillance and should help make the space feel like the community focus of the site.

The open space on the east of the access road is more informal and includes an area at risk of flooding. The revised drawings show the reduction and reconfiguration of plots 36 and 37 allowing the creation of more open space. This has also enabled more of the attractive tree belt on the eastern boundary to be revealed.

The parking is now more discreetly accommodated especially near and around the open spaces. Front threshold parking has been omitted in front of plots 1, 2, 34 and 35 and tucked away instead at the rear or the side of the houses allowing a verdant and more well-defined building frontage; this has been helped with the loss of one dwelling which enables this more comfortable arrangement. Where front threshold parking has been retained, such as in front of 3-5 and 16-18, it has been reduced and benefits from larger separation gaps incorporating trees and shrubs that soften and screen it. The parking has also been more discreetly integrated in the central cul de sac which benefits from the inclusion of car barns and more soft landscaping.

The Sustainability Statement states that the development will feature air source heat pumps. However it is not clear where these will be incorporated, and it would be worth getting clarification of this and may be securing it through a condition.

Elevations

The elevations have a rather ubiquitous character, they nevertheless have been improved by the revised drawings:

- The houses are more consistently organised with more consistent roof pitches. For example, plots 21-23 and 33-35 benefit from a run of gable frontages which generate underlying rhythm.
- More houses benefit from secondary facing material (clay hung tiles and boarding) that provide elevational interest.
- The garden boundaries that face the street and open spaces feature brick walls rather than close boarded fencing.

The houses on the corner plots benefit from return frontages that address both streets and many of them have gable fronts that appropriately punctuate the corner. This includes plot 38 that suitably addresses the site entrance.

It is nevertheless disappointing that the facing materials inconsistently applied on several houses where the peeled back boarding/clay hung tiles will be incongruously visible from the side and sometimes at the rear too. I would therefore recommend this is addressed through a condition.

I also note that the type F elevation 1's are confusingly drawn as they are shown handed in relation to their site plan arrangement.

Overall Assessment

This scheme sufficiently accords with the principles set out in the Council's Design Guide and with policy DP26 of the District Plan. I therefore raise no objections but to secure the quality of the design. I would recommend conditions requiring the following further drawings and information:

- Detailed soft and hard landscape drawings including details of the boundary treatment.
- Details of the facing materials and how they are applied to the elevations.

MSDC Drainage

Amended

Following the re-consultation for the above application the flood risk and drainage team can provide the following comments.

Our previous consultation response (dated 2022-04-19) requested two pieces of further information;

1. information regarding the fluvial flood risk posed on and off-site from the ordinary watercourse (post rerouting), and
2. information regarding addressing the West Sussex LLFA culvert policy.

The applicant has undertaken flood modelling and this shows all development (based on the currently proposed site layout) shall be located outside the modelled flood extents, up to the 1 in 1,000-year event. It identified plots 1 and 2's rear gardens could be impacted by surface water flooding and has proposed flood mitigation via raised finished floor levels. This addresses point 1 above.

The applicant has also confirmed that appropriate no development buffers can be provided around the rerouted watercourse, including the culverted section. This addresses point 2 above.

The flood risk and drainage team therefore have no objection to the proposed development subject to the below conditions:

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.

WORKS WITHIN 5M OF DRAIN, WATERCOURSE OR POND

No part of any concrete foundations and no construction activities shall be within 5 metres of any drain, watercourse or pond, until details of the proposed works have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of protecting the natural environment

Comments in relation to representations received

The flood risk and drainage team are aware of several comments on the planning application made by members of the public which relate to flood risk, watercourses, or drainage. The team have reviewed all public comments available at the time of writing and extracted queries or concerns. The aim of this response is to address these comments to the best of the flood risk and drainage team's ability.

Some subjects have been raised multiple times, in those instances the team have collated these and therefore the wording of the query or concern may not match exactly with those of any one public comment.

Should we have missed any queries or concerns, or misinterpreted any of those identified please do let us know.

1. Would the proposed realignment of the culverted watercourse impact existing riparian responsibilities?

Landowners with watercourses located on or forming the boundary of their land have riparian rights and responsibilities to that watercourse. A watercourse in terms of riparian responsibilities includes open channels such as streams and ditches as well as culverted (piped) sections of the watercourse.

A landowner cannot be held responsible for a section of watercourse located away from their land. Therefore, the proposed culvert located within the eastern area of the development site would be the responsibility of the landowner, or their delegated management company to maintain and not a neighbouring landowner.

2. Does a new culvert or realigned watercourse need to meet with the West Sussex Lead Local Flood Authority (LLFA) Culvert Policy?

All new culverts will be assessed against the West Sussex LLFA Culvert Policy. Minor deviation from the policy may be considered acceptable in some circumstances, however this would need to be supported by technical reasoning and will be reviewed by the flood risk and drainage team.

The required standoff distances from culverts (5m), or open channels (3.5 - 5m) is based on several factors, including building regulations and maintenance requirements. Therefore, the flood risk and drainage team aim to not allow deviation from these requirements.

3. Do the submitted plans show the location of the proposed realigned watercourse with the required standoff distances (no development buffers)?

No - the submitted plans do not show the realigned watercourse or the required no development buffer zones. The flood risk and drainage team have provided consultation response to the planners which requests further information is provided for several elements. One of these is in relation to the proposed watercourse realignment and the no development buffers.

4. Would the depth of the new culvert be similar to the existing culvert?

No information has been provided in relation to the invert levels of the realigned watercourse at this time. The inverts of the up and downstream connection points are known and will dictate the depth of any new system. The detailed design of the culvert is likely to occur at a later stage of planning at which time the depth of the culvert / bed level of any open channels would be confirmed.

5.

- a. What implications would there be for flora and fauna in and around the existing stream?
- b. Will there still be enough of a flow from the remaining input through the existing culvert after the diversion point to the stream to maintain it.

The flood risk and drainage team believe these questions relate the stream which flow from the rear of 1 Kingsland Cottages north towards a larger stream (shown in pink on the plan below). Please advise if this assumption is incorrect.

The diversion of the watercourse away from the culvert beneath 1 Kingsland Cottages and the existing open channel along the boundary would result in this section of the watercourse becoming largely dewatered.

The applicant has however stated they would not propose to remove the existing system which would allow any connections downstream of the diversion to be maintained and any overland flow from the neighbouring areas to utilise the system if necessary.

Any potential impacts on the ecology would need to be reviewed and commented on by suitably qualified professionals.



6. Factors of increased development in Sayers Common and climate change will increase this risk [referring to surface water flooding].

As the commenter states within their wider comments Sayers Common is known to be at increased surface water flood risk and has a history of flooding. Under the National Planning Policy Framework (NPPF) development must not increase flood risk elsewhere for the lifetime of the development. This requirement is addressed via two main mechanisms:

- By not displacing flood waters off a site, and
- By controlling how rain that lands on the site is released into the wider area (surface water drainage).

To ensure these two mechanisms consider the lifetime of the development both flood extents and surface water drainage must consider the impact of climate change. Therefore, the risk of flooding does not increase just because a development takes place in an area. A development is not required to reduce the existing flood risk offsite.

7. The [adjacent] site is not yet complete, and the full impact of the local flood risk will not be known at this time.

Both flood risk and drainage have been considered as part of the adjacent development site's planning process. In line with national (and local) policies the development has been designed to not increase flood risk offsite. The fact the development is not yet complete does not impact the understanding of the development's ultimate impact on flood risk to the adjacent site, or the wider area.

8. There is no reason to believe that the upgrading works in 2021 [Southern Water's works to foul sewers in local area] would be able to handle another 40 homes in Reeds Lane.

Southern Water have provided a consultation response to the application which states they can facilitate foul sewerage disposal to serve the proposed development.

New developments have a legal right to connect to a public foul sewer and it is for Southern Water to determine how they manage their infrastructure and any existing issues within it. The flood risk and drainage team have no authority of this element.

9. It is not yet clear what extra surface water the applicant is planning to direct into the new culver to reduce flooding in Reeds Lane.

The flood risk and drainage team are unaware of any proposal from the applicant to try to reduce the existing flood risk posed to Reeds Lane. The proposed development is not obligated to undertake any works to reduce flood risk outside of its development site.

However, the proposed realignment of the watercourse may result in better falls and an overall better maintenance regime. This could have the side effect of reducing flood risk due to the existing blocked system.

Original

Further information required.

FLOOD RISK - EXISTING

The development is supported by a Flood Risk Assessment and Surface Water Drainage report (RSK, 680344-R2(01)-FRA, Rev 01, Feb 2022).

The report looks at all sources of flooding and states the risk of flooding to the site is low. However, it does identify four areas of the site with increased surface water flood risk.

As part of the flood risk assessment the proposed development layout has been overlain by the 1 in,1000-year surface water flood extent. Plot 38 was the only dwelling shown within the modelled flood extent. The report states that the surface water flood extent which impacts Plot 38 shall be addressed as part of the site's surface water drainage system and the plot would therefore not be located within a flood extent post development.

The report acknowledges that climate change is likely to impact fluvial and surface water flooding but does not provide any information into how that could impact the proposed development.

The flood risk and drainage team are aware of instances of flooding associated with the eastern watercourse. It is their opinion that many of the flood instances are caused by / exacerbated by variations in bed level and lack of maintenance along this eastern watercourse.

PROPOSED REROUTING OF WATERCOURSE

An existing watercourse is located on the eastern boundary of the site. This watercourse is culverted beneath Reeds Lane and 1 Kingsland Cottages before daylighting within the rear garden of 1 Kingsland Cottages and following the eastern boundary of the site. The watercourse continues north along the boundary of the site, with much of the water entering a pond located within the site via a lowered bank. The pond then discharges back into the ditch further north where the ditch continues north away from the site.

The applicant proposes to reroute this watercourse away from the eastern boundary and further into the site itself. The application suggests that the rerouted watercourse would be culverted in some locations and an open channel where levels allowed.

The application also proposes to formalise the connection between the rerouted watercourse and the existing pond with a direct connection between them.

The rerouting of a watercourse to facilitate development is generally considered acceptable under the West Sussex Lead Local Flood Authority's (LLFA) culverting policy and as such the flood risk and drainage team are not apposed to the principle of rerouting the eastern watercourse.

The culverted sections of the rerouted watercourse should comply with the West Sussex LLFA culvert policy

<https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/flooding/flood-risk-management/flood-reports-projects-and-policies/>.

Culverting of a watercourse is not usually considered acceptable except to obtain access to a site. However, as sections of the watercourse are already culverted the flood risk and drainage team accept the principle of a combined culvert/open channel approach to the proposed rerouting.

The rerouted watercourse in whatever form it takes will be subject to riparian rights and responsibilities. The responsible party for sections of the watercourse are likely to be altered as part of the proposed rerouting and the applicant should consult with all relevant parties as part of their rerouting plans.

To ensure maintenance access can be maintained for the lifetime of the development the flood risk and drainage team advise that the watercourse (in any form) should be located within areas of open public realm.

In addition to this the watercourse (in any form) should be surrounded by a no development buffer to protect both the watercourse and any development in proximity to it. The no development buffer distance is a minimum of:

- 5m either side of a culverted section, and
- 3.5m - 5m from the top of either bank of an open channel.

The no development buffer includes structures off site as well as hard landscaping such as footpaths.

There are two main considerations with regards to the proposed rerouting which the applicant needs to provide further information on at this time; the flood risk and whether the West Sussex LLFA culvert policy can be met. Details of the further information required is set out below.

REROUTED WATERCOURSE FLOOD RISK

The flood risk assessment does not consider the impact the proposed rerouting could have on flood risk both on and off site.

To ensure the proposed rerouting of the watercourse will not increase flood risk elsewhere, or locate development within modelled flood extents we will require the following information to be provided:

- Plans showing the modelled flood extents post development including watercourse realignment. This should consider which sections of the watercourse are to be culverted and which are to be open. Flood extents should be provided for the 1 in 30,

1 in 100, 1 in 100+CC and 1 in 1,000-year flood events.

- Confirmation that no development shall be located within the 1 in 100+CC flood extent and no internal flooding shall occur during the 1 in 1,000-year event.
- We would advise the applicant that if bespoke flood modelling is utilised to address the above points, then this should utilise fluvial flood modelling which takes into consideration the watercourse's catchment.

CULVERT POLICY COMPLIANCE

The detailed design of the proposed rerouted watercourse is not required at this time. However, to ensure the proposed rerouted watercourse can comply with the culvert policy we will require the following information to be provided at this stage:

- o Evidence that the appropriate no development buffer zones can be accommodated within the development site.
- o Outline evidence that the proposed route of the watercourse allows for appropriate culvert sizes and falls.
- A scalable plan showing the proposed development layout can accommodate the watercourse's new route with the relevant buffer zones.

SEWERS ON SITE

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

Southern Water consultation response to this application states there is an Anti-Flood Device (AFD) located on the site. No details of the location of this device have been provided. However, the consultation response does state the development will need to ensure access is always available to this device.

We would advise the applicant to consult with Southern Water regarding this device. The location of this AFD device should be included on all development plans.

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

SURFACE WATER DRAINAGE

The BGS infiltration potential map shows the site to be in an area with moderate and low infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways is unlikely to be possible on site. To ensure the drainage hierarchy is followed this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

It is proposed that the development will attenuate and discharge surface water drainage into the online pond located in the north-east corner of the development. The principle of storing surface water before discharging it at a controlled rate into the watercourse is considered acceptable.

The flood risk and drainage team advise the applicant that the surface water drainage system will need to be designed to cater for the 1 in 100-year, plus climate change storm event. Discharge will need to be restricted to the Greenfield QBar runoff rate for the area being drained for all events up to and including the 1 in 100-year, plus climate change event. The existing pond should not be used to provide attenuation storage.

Further information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section.

FOUL WATER DRAINAGE

It is proposed that the development will discharge foul water drainage to the public foul system. This approach is considered acceptable in principle.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section.

SUMMARY OF FURTHER INFORMATION REQUIRED

The further information required at this time is detailed throughout this consultation response. However, in summary further information is required in relation to:

- The fluvial flood risk posed on and off-site post development from the ordinary watercourses (following the proposed rerouting).
- How the development will address the West Sussex LLFA culvert policy, especially in relation to no development buffers around watercourses and culverts.

Receipt of the requested additional information does not mean further information will not be requested, nor does it guarantee that the Flood Risk and Drainage Team will not object to the development. Neither does it prevent the team from recommending a flood risk or drainage condition.

MSDC Tree Officer

I note that 9 individual trees are to be removed and 1 group, two of these trees are cat B.

I note the retention of an mature oak within the scheme.

In general, as this is an allocated site, I have no objection.

However, I note, despite the landscape strategy, there are no details of additional planting/landscaping, although this is mentioned in several documents, neither is there a maintenance plan for specific landscaped areas.

Further details are required of replacement trees, native hedgerows and landscaped areas, as well as a planting and management plan.

MSDC Ecology Consultant

Amended

Recommended Approval subject to attached conditions

Summary

We have reviewed the Final Survey Report (Ecology Solutions, July 2022), the Interim Update Survey Report (Ecology Solutions, July 2022) and the Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022) supplied by the applicant, relating to the likely impacts of development on protected and Priority habitats and species, particularly bats, breeding birds and reptiles and identification of proportionate mitigation.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation measures identified in the Final Survey Report (Ecology Solutions, July 2022) and the Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority Species, particularly bats, Badger, reptiles and nesting birds. The finalised measures should be provided in a Construction and Environmental Management Plan - Biodiversity to be secured as a pre-commencement condition of any consent.

We support the recommendation that the residential building to be lost to the proposal should be subject to a soft demolition protocol under the supervision of an Ecological Clerk of Works or a suitably qualified ecologist (Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022)).

We also support the recommendation that a reptile mitigation strategy should be implemented as the Final Survey Report (Ecology Solutions, July 2022) indicates that the site supports low populations of Slow-worm, Grass Snake and Common Lizard. The finalised measures should be provided in a Reptile Mitigation Strategy to be secured as a pre-commencement condition of any consent.

We welcome the creation of new meadow grassland, tree and shrub planting and enhancements to waterbodies. These mitigation and enhancement measures should be subject to a long-term Landscape and Ecological Management Plan (LEMP) to ensure they are managed to benefit wildlife and deliver the promised net gain for biodiversity. This LEMP should be secured by a condition of any consent.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022)). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.

- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent for discharge prior to slab level. We recommend that bird and bat boxes should be integrated into the new dwellings.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions for full application

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Final Survey Report (Ecology Solutions, July 2022) and the Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species).

2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

3. PRIOR TO COMMENCEMENT: REPTILE MITIGATION STRATEGY

"No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To allow the LPA to discharge its duties under the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

4. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats and species).

5. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

6. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species).

Recommended conditions for outline application

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Final Survey Report (Ecology Solutions, July 2022) and the Ecological Assessment (Including Surveys) (Ecology Solutions, February 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species).

2. CONCURRENT WITH RESERVED MATTERS: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- i) Risk assessment of potentially damaging construction activities.
- j) Identification of "biodiversity protection zones".
- k) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- l) The location and timing of sensitive works to avoid harm to biodiversity features.
- m) The times during construction when specialist ecologists need to be present on site to oversee works.
- n) Responsible persons and lines of communication.
- o) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- p) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

3. CONCURRENT WITH RESERVED MATTERS: PRIOR TO COMMENCEMENT REPTILE MITIGATION STRATEGY

"No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- k) Purpose and conservation objectives for the proposed works.
- l) Review of site potential and constraints.
- m) Detailed design(s) and/or working method(s) to achieve stated objectives.
- n) Extent and location/area of proposed works on appropriate scale maps and plans.
- o) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- p) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- q) Persons responsible for implementing the works.
- r) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- s) Details for monitoring and remedial measures.
- t) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To allow the LPA to discharge its duties under the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

4. CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- f) Purpose and conservation objectives for the proposed enhancement measures;
- g) detailed designs to achieve stated objectives;
- h) locations of proposed enhancement measures by appropriate maps and plans;
- i) persons responsible for implementing the enhancement measures;
- j) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species and habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats and species).

5. CONCURRENT WITH RESERVED MATTERS: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.

The content of the LEMP shall include the following:

- i) Description and evaluation of features to be managed.
- j) Ecological trends and constraints on site that might influence management.
- k) Aims and objectives of management.
- l) Appropriate management options for achieving aims and objectives.
- m) Prescriptions for management actions.
- n) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- o) Details of the body or organisation responsible for implementation of the plan.
- p) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

6. CONCURRENT WITH RESERVED MATTERS: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats and species).

7. CONCURRENT WITH RESERVED MATTERS: TIME LIMIT ON DEVELOPMENT BEFORE FURTHER SURVEYS ARE REQUIRED

"If the application hereby approved does not commence within eighteen months from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to: establish if there have been any changes in the presence and/or abundance of bats and identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats and species).

Original

In my opinion, there is insufficient up-to-date ecological survey information to support the application.

Bat activity surveys, whilst updated in 2020, sampled only a limited part of the main period of bat activity covering late August late September and late October. Given the detected presence of a rare Annex II species (barbastelle), it is important that use of the site by this species is determined with sampling across the main active period in accordance with best practice (Collins, 2016). It is particularly important that the period when females are rearing young are adequately sampled to assess whether the site might be supporting a breeding colony. Surveys should be undertaken in accordance with good practice guidance unless an alternative design can be ecologically justified. Results should be presented with sufficient data to support assessments (eg. call timings in relation to sunset and sunrise times to support inferences about commuting versus foraging). Summary statistics, metadata and details of quality control procedures for use of autoid software should be also provided as part of a robust report, with raw data available on request.

The submitted Ecological Assessment concludes that no further bat surveys are required for an existing house and annex and states that no evidence of bat use was found. However, there is rarely evidence of bat use for external crevice type features used by species such as pipistrelles and whiskered bats unless dusk/dawn surveys are undertaken. The report does not attempt to categorise the potential as negligible or low (as per best practice recommendations in Collins , 2016) but the description of features appears more compatible with low potential for which the guidance recommends a minimum of one dusk/dawn survey in most cases to provide confidence in the assessment. Therefore, I would recommend that this is required unless a more thorough justification for lack of surveys is provided. The report should accord with the best practice guidance cited.

Notwithstanding the assessment in the report that habitat suitability for reptiles has not improved since the previous survey, populations could have changed due to other factors and therefore I would recommend that updated reptile surveys are required to ensure that adequate mitigation is feasible.

MSDC Archaeology Consultant

Amended

No historic environment objections.

As attested by the desk-based assessment submitted with this application, and historic Ordnance Survey mapping, the proposed development site was the subject of extensive levels of quarrying in the early 20th-century, associated with the brick and tile works that previously occupied the site. As a result, any archaeological remains are likely to have already been comprehensively disturbed or removed.

Given the above, based on our current knowledge, it appears unlikely that the proposed development would impact any archaeological remains. Consequently, this office has no archaeological recommendations to make regarding this application.

Original

The application site is large with a therefore enhanced potential to contain below ground archaeological remains. As such, I am pleased to note the application has been submitted with an Archaeological Desk Based Assessment, produced by the applicant's archaeological consultant RPS. The assessment concluded that no known designated heritage assets exist within the site, and considered it to have 'low' potential for previously unknown remains of all archaeological periods, with 19th /20th century quarrying activity and brickworks likely to have removed any remains pre-dating this phase of land use.

It is disappointing that the heritage significance of the old brick and tile works was not considered further beyond the statement that the significance would be 'low' or 'local'. In accordance with Historic England guidance, this should have been properly assessed in relation to factors such as preservation, rarity, historic associations, contemporary documentation, and any group associations. However as the standing remains of any brickworks have since been demolished, and remains of more modern brickworks of this date are not especially rare, on balance I agree with the general assessment of 'low' heritage significance and do not recommend further work is undertaken.

Given the limited likelihood of any other archaeological remains surviving on the site I have no archaeological concerns regarding this proposal.

MSDC Leisure

Amended

The revised contributions based on 38 dwellings are as follows:

Play £33,957
Kickabout £28,524
Formal Sport £38,889
Community Buildings £23,391

Original

Thank you for the opportunity to comment on the plans for the development of 39 residential dwellings on Land To The North Of Lyndon, Reeds Lane, Sayers Common on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of five or more dwellings.

CHILDRENS PLAYING SPACE

Reeds Lane Recreation Ground, owned and managed by the Parish Council, is the nearest locally equipped play area approximately 250m from the development site. This facility will face increased demand from the new development and a contribution of £35,714 is required to make improvements to play equipment at this site. In addition, a contribution of £30,000 is required toward kickabout provision for older children at Reeds Lane Recreation Ground and / or Berrylands Farm Recreation Ground. These facilities are within the distance thresholds for children's play outlined in the Development and Infrastructure SPD

FORMAL SPORT

In the case of this development, a financial contribution of £40,902 is required toward formal sport facilities at Berrylands Farm Recreation Ground, Sayers Common.

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 £24,546 is required to make improvements to Sayers Common Village Hall to meet increased demand.

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

MSDC Housing

Amended

The applicant is proposing a development of 38 dwellings including 2 plots for self /custom build, which gives rise to a minimum onsite affordable housing requirement of 30% (12 units) in accordance with District Plan Policy DP31. The 12 affordable housing units proposed comprise 2 x 1 bed /2 person ground floor M4(3) flats @ 60.69m², 2 x 1 bed /2 person upper floor maisonettes @ 50.86m² (excluding the ground floor hall and stairs), 6 x 2 bed /4 person M4(2) houses @ 79.35m² and 79.85m² and 2 x 3 bed /5 person M4(2) houses @ 93.83m². All of the units will meet our minimum size and occupancy requirements and it is noted that the wheelchair accessible flats are provided with an area of private open space as required.

The wheelchair accessible units will need to meet the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) for wheelchair accessible dwellings as contained in Category 3 - wheelchair user dwellings of Schedule 1 of the Building Regulations 2010 as amended. 3 hard copies of 1:50 plans showing the various dimensions and the floor areas of individual rooms together with their furniture layouts will therefore need to be provided for the wheelchair accessible flats, together with a plan showing the access from the wheelchair accessible parking spaces to each wheelchair accessible unit. These plans should be sent to me at the Council offices as soon as possible, since they will need to be checked against the requirements and approved by our OT prior to planning permission for the scheme being granted, with final details approved as a condition of planning consent. The proposed tenure mix of 75% (9) rented and 25% (3) First Homes is compliant with our tenure requirements, and it is noted that the First Homes will comprise the 3 x 2 bed houses on plots 3-5. The distribution of the affordable housing units is acceptable and the tenure blind approach to be taken concerning elevational treatments is welcomed.

It is noted that the development also includes 2 plots for self/custom build (plots 10 and 11) which would be suitable for 3 bed houses and the inclusion of these is also welcomed. They will need to be delivered as serviced plots in accordance with District Plan Policy DP30 and should be offered in the first instance to those who are registered on the Council's Self and Custom Build Register of Interest. A self/custom build design code and plot passports will also need to be agreed prior to outline planning consent being issued for the plots."

Original

The applicant is proposing a development of 39 dwellings including 2 plots for self /custom build, which gives rise to a minimum onsite affordable housing requirement of 30% (12 units) in accordance with District Plan Policy DP31. The 12 affordable housing units proposed comprise 2 x 1 bed /2 person ground floor M4(3) flats @ 58.28m², 2 x 1 bed /2 person upper floor maisonettes @ 53.41m², 6 x 2 bed /4 person M4(2) houses @ 79.85m² and 2 x 3 bed

/5 person M4(2) houses @ 93.83m². As long as the floorspace of the upper floor one bed maisonettes does not include the hallway and staircase, (or if it does they measure under 3.41m²), all of the non M4(3) units will meet our minimum size and occupancy requirements.

The 2 x 1 bed/2 person M4(3) flats will however, as stated in the Affordable Housing SPD, need to be wheelchair accessible dwellings not wheelchair adaptable dwellings, and should have a minimum floorspace of 60m² in order to meet our size requirements, and access to an area of private open space. These units will need to meet the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) for wheelchair accessible dwellings as contained in Category 3 - wheelchair user dwellings of Schedule 1 of the Building Regulations 2010 as amended. 3 hard copies of 1:50 plans showing the various dimensions and the floor areas of individual rooms together with their furniture layouts will therefore need to be provided for the wheelchair accessible flats, together with a plan showing the access from the wheelchair accessible parking spaces to each wheelchair accessible unit. These plans will then need to be checked against the requirements and approved by our OT prior to planning permission being granted and as a condition of planning consent. The proposed tenure mix of 75% (9) rented and 25% (3) intermediate is compliant with our tenure requirements, however the intermediate units now need to be provided as First Homes rather than shared ownership but they will still need to be 2 bed houses, as previously advised, due to the £250K post discount First Homes price cap. We would suggest that they are plots 33 and 34 as currently shown, and plot 16 rather than plot 18. The distribution of the affordable housing units in two clusters is acceptable and the tenure blind approach to be taken concerning elevational treatments is welcomed.

It is noted that the development also includes 2 plots for self/custom build which would be suitable for 3 bed houses and these are also welcomed. They will need to be delivered as serviced plots in accordance with District Plan Policy DP30 and should be offered in the first instance to those who are registered on the Council's Self and Custom Build Register of Interest. A self/custom build design code and plot passports will also need to be agreed prior to outline planning consent being issued.

MSDC Environmental Protection

Amended

The 2000 permission for Millennium House, with the conditions 4, 5 and 17 in place, would provide me sufficient assurance that the new residents at the proposed site on land to the north of Lyndon, Reeds Lane would be suitably protected from potential environmental impacts from industrial activities arising at Millennium House. So my previous comments are still pertinent, it is just the 2000 permission (00/00315/FUL) that is relevant rather than the 2004 permission (04/01486/FUL).

Original

The applicant is proposing to build residential units on a former clay quarry and brickworks. The potential contamination risks will therefore need to be addressed and this will be considered in the Contaminated Land Officer's response to the application. The other matters that will need addressing are the noise, dust and light issues during the development phase(s) and the potential conflicts between the existing commercial units and the proposed residential use. The former can be dealt with by condition restricting hours of work for the site preparation phase and the build out and, in addition, requiring a construction environmental management plan to be submitted, approved implemented and maintained. The King Business Centre is located adjacent to the development site to the south and south

west of the development area. The closest commercial unit is Millennium House. Paragraph 187 of the National Planning Policy Framework states:

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

The King Business Centre was approved under application reference HP/04/01486/FUL. This includes conditions restricting hours of deliveries and placing limits on noise emissions from the site (conditions 16 and 20). If these conditions are enforceable then I am satisfied that this potential for conflict of uses and the risk of unreasonable restrictions being placed on the existing commercial operators in the event of noise complaint, are adequately safeguarded.

Recommended conditions

1. 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.

2. Hours of site preparation, demolition and construction, including collections, deliveries, loading and unloading shall be restricted to the following:

0800-1800 Monday to Friday

0900-1300 Saturday

No work permitted on Sundays or Bank holidays

MSDC Environmental Health - Contaminated Land

The site has been identified as potentially contaminated land due to previous use as a brick works, as well as fly tipped waste on site.

As part of the application a phase 1 desktop Study has been undertaken by Leap Environmental dated 22nd February 2022, Ref LP1490.

The report has identified that due to the previous uses at the site, there is the potential for contaminants to be on site that could impact on future uses. Appendix D of the report outlines the risk classification for various contaminants and receptors.

As such, the report recommends that intrusive testing be undertaken, especially in the vicinity of former boilers and greenhouses.

The intrusive investigation will be part of phased approach, whereby if contamination is found about the assessment criteria, a remediation option appraisal, remediation plan, and

verification report will be required. As such, a phased condition should be attached. If no contamination is found during the intrusive investigation, then the entire phased condition can be discharged at that stage.

Additionally, a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

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 site investigation scheme, based on the desktop study by Leap Environmental, dated 22nd February 2022, Ref LP1490, 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,

b) Based on the site investigation results and the detailed risk assessment (a) 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.

MSDC Landscapes

As there are no play areas within the plans, I have no comments.

MSDC Street Name and Numbering Officer

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

Informative (Info29)

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

Southern Water

Our investigations indicate that Southern Water can facilitate foul sewerage 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 supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (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.

Our records indicate that an Anti-Flood Device (AFD) is located within the site. Access to an AFD should be maintained at all times. The applicant is advised to discuss the matter with Southern Water Services Operations Team.

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 the Design and Construction Guidance 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