

MID SUSSEX DISTRICT COUNCIL

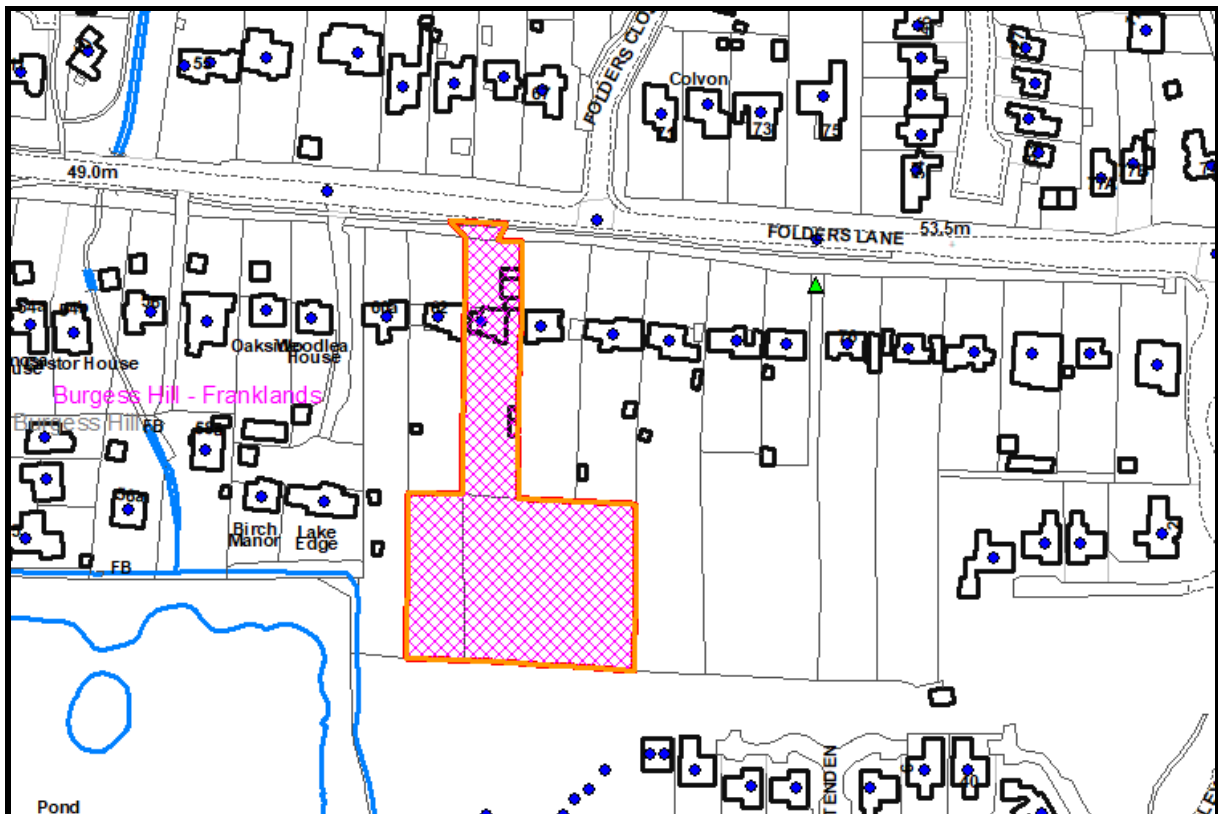
Planning Committee

13 OCT 2022

RECOMMENDED FOR PERMISSION

Burgess Hill

DM/22/0732



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REAR OF 62-68 FOLDERS LANE BURGESS HILL WEST SUSSEX RH15 0DX

REPLACEMENT OF EXISTING DWELLING AT 64 FOLDERS LANE AND DEVELOPMENT TO PROVIDE A MIX OF 17 ONE, TWO, THREE, AND FOUR BEDROOM DWELLINGS (USE CLASS C3), NEW ACCESS AND ASSOCIATED INFRASTRUCTURE (ADDITIONAL STATEMENTS RECEIVED 22-03-2022) (AMENDED DRAWINGS RECEIVED 22.04.22 AND 27.04.22). ADDITIONAL PLAN SHOWING WHEELCHAIR ACCESS FOR PLOT 1. RECEIVED 16.05.2022. AMENDED AND ADDITIONAL DRAWINGS INCLUDING UPDATED SUSTAINABILITY STATEMENT AND BAT AND REPTILE PHASE 2 SURVEY REPORT RECEIVED ON 30.05.2022 AND 06.06.2022. ENERGY _ SUSTAINABILITY STATEMENT

RECEIVED 13.06.2022 AND AMENDED DRAINAGE REPORT RECEIVED ON 10.06.2022. ARBORICULTURAL IMPACT ASSESSMENT AND AMENDMENTS TO WHEELCHAIR UNIT RECEIVED ON 05.08.2022. AMENDED DESIGN AND ACCESS STATEMENT REV D RECEIVED ON 27.09.2022.

MR ROB BURNHAM

POLICY: Area of Special Control of Adverts / Built Up Areas / Countryside Area of Dev. Restraint / Countryside Gap / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / Sewer Line (Southern Water) / Tree Preservation Order / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Largescale Major Dwellings

13 WEEK DATE: 13th November 2022

WARD MEMBERS: Cllr Janice Henwood / Cllr Graham Allen /

CASE OFFICER: Rachel Richardson

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 application seeks full planning permission for 17, one, two, three and four bedroom dwellings and the replacement of 64 Folders Lane, Burgess Hill. Also including a new access and associated infrastructure.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the District Plan (DP), Site Allocations Development Plan Document (DPD) and the Burgess Hill Neighbourhood Plan (BHNP).

As the proposed development is within the built up area boundary as amended by the adopted Site Allocations DPD, the principle of additional windfall housing development is acceptable under policy DP6 of the DP. The application site is also a category 1 settlement as defined within policy DP6.

Burgess Hill Neighbourhood Plan policies H2: Back Garden Development and H3: Protect areas of Townscape Value are also relevant, in the design and appearance of the new development as a whole and with regards to the proposed access point within the context of Folders Lane.

The Council's Mid Sussex Design Guide Supplementary Planning Document has been adopted and is a material consideration in the determination of planning applications.

It is considered that the application is in accordance with the Development Plan and that this is the proper starting point for decision making. However, the Council also must have regard to other material considerations, including the National Planning Policy Framework (NPPF) in determining this planning application.

There would be no adverse impact in relation to ecological or tree related matters. There are no objections raised in relation to drainage matters nor in relation to highway issues. It is proposed to use the existing access. As such these points are neutral in the planning balance.

The proposed development will provide 18 new dwellings (a net gain of 17) which will assist with meeting the Council's housing requirements. There would also be economic benefits from the proposal arising from the additional economic activity during the construction phase and also from the additional spending in the local economy from the additional population. These factors all weigh positively in the planning balance and should be given significant weight.

Therefore, taking all the points into consideration, there are compelling reasons to approve this application. This is a relatively small site (0.66 ha) comprising portions of rear gardens of 4 dwellings on Folders Lane. The density of development (25.7dph) for this proposal is at the lower end considered acceptable for residential development in a defined built-up area boundary, such as this. It is also surrounded to the east, west and southern sides of the application site, by other recently approved housing developments. Subject to the satisfactory completion of a Section 106 Legal Agreement to secure monies for infrastructure provision and the imposition of suitable conditions, it should be approved.

RECOMMENDATION RECOMMENDATION A

That full permission be granted subject to conditions listed in the appendix and the satisfactory completion of a Section 106 Agreement to secure financial contributions for infrastructure improvements and affordable housing provision.

RECOMMENDATION B

It is recommended that if the applicants have not submitted a satisfactory signed S106 Legal Agreement/or legal undertaking securing the necessary infrastructure payments and affordable housing provision by the 13th January 2023, then permission be refused at the discretion of the Assistant Director for Planning and Sustainable Economy, for the following reason:

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

SUMMARY OF REPRESENTATIONS

35 letters of objection (including SOFLAG - South of Folders Lane Action Group) have been received and 2 letters in support. The comments in support, and objections to the application are summarised as follows:

SUPPORT

- This is a good use of under used land as a first time buyer trying to get on the property ladder
- There have been similar development proposals in the locality which is good for the growing community

OBJECTION

Design

- Overdevelopment. The 2020 SHELAA (site ref 206), land rear of 60a-78 Folders Lane was a much larger site for 10 houses.
- cramped layout
- the mix of housing is out of keeping with semi-rural character
- This is a garden grab exercise and contrary to Neighbourhood Plan policy H2
- No communal area for future residents
- Too much hard surface compared to soft landscaping

Residential Amenity

- Noise and disturbance during construction
- Light pollution to adjacent properties
- Loss of outlook
- Loss of privacy

Highways

- Poor narrow access (the width of a driveway) for emergency vehicles and limited visibility
- Parking is substandard. Only 1 visitor parking space for 17 houses.
- Traffic congestion (and large HGV's) along Folders Lane will be exacerbated prejudicial to highway safety
- Increased pedestrian traffic crossing the road with no official crossing facilities

Housing

- Not needed. MSDC has enough housing sites (particularly on this side of town, namely, Northern Arc) and this is unjustified. There are 8 or 9 accesses to new developments between Ditchling Common roundabout and Keymer Road.
- Replacement of a structurally sound property is wasteful and unsustainable.

Infrastructure

- Puts additional pressure on local infrastructure and services/utilities
- No evidence of improvements made along Folders Lane from monies secured for other housing developments within the locality.

Drainage

- Increased risk of flooding due to reduction in natural drainage ground.

Policy conflict

- Contrary to policy MSDP policy DP12 as it is in the countryside
- Is within a designated area of townscape value and conflicts with Neighbourhood Plan policy H3.
- Section 7 of the design and access statement refers to Bracknell housing and confirms that it has met Bracknell parking policy. This is a cut and paste job and pays no regard to local residents.
- This is a speculative development that does not conform to the plan-led system as mentioned in the recent White Paper - Planning for the Future, August 2020.

Ecology/Biodiversity

- A significant number of mature trees were removed prior to submission of the application. Habitats have been destroyed. The developers should be obliged to replant lost trees.

**SUMMARY OF CONSULTEES (full comments in appendix)
County Planning Officer**

Requires contributions towards education provision, libraries and TAD.

West Sussex County Council Lead Local Flood Authority

No objection. The area is low risk from flooding. All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

West Sussex County Council Highway Authority

No objection subject to conditions.

West Sussex County Council Fire, Water and Access

No objection subject to conditions showing details for the location, installation and maintenance thereafter of fire hydrants.

West Sussex County Council Waste and Minerals

No comment.

Sussex Police

No major concerns given that the level of crime and anti-social behaviour in the Mid Sussex district is below average compared with the rest of Sussex.

MSDC Environmental Health Officer

No objection subject to conditions to control noise and hours of construction as well as a condition to mitigate against the impact of the development upon air quality.

MSDC Drainage Officer

No objection subject to conditions.

The site is within flood zone 1 and is at low risk of flooding from main rivers. Most of the site is shown to be at very low surface water flood risk. However, there are areas of the site shown to have increased surface water flood risk.

The application is supported by a flood risk technical note focused on surface water (TN01, Motion, 27/06/22) and a surface water flood compensation note (TN02, Motion, 27/06/22).

Based on the information provided the flood risk and drainage team accept that flood risk can likely be managed on the site, subject to detailed design.

MSDC Urban Designer

No objection to the amended drawings received on 22.04.22 and 27.04.22.

MSDC Community Facilities Project Officer

Requires contributions towards off site leisure and community buildings provision.

MSDC Tree Officer

Has concerns but has recommended a planning condition to mitigate the impact of the development on threat to life expectancy of protected trees.

MSDC Ecology Consultant

Recommends approval subject to conditions.

Housing Officer

No objection to 6 affordable rented units. Recommendation of a planning condition requiring final approval of plans for the wheelchair accessible unit.

TOWN COUNCIL OBSERVATIONS

Recommends refusal.

The application is contrary to policies in the MSDP (DP26, DP12, DP21), Mid Sussex Design Guide (DG21, DG25, DG26, DG31 and DG37) and the BHNP (H2 and H3).

INTRODUCTION

Full planning permission is sought for the construction of 17 dwellings and the replacement of 64 Folders Lane, all on land to the rear of 62-68 Folders Lane, Burgess Hill.

RELEVANT PLANNING HISTORY

11/00380/FUL 23 dwellings, access and associated infrastructure. Refused.
26.07.2011
10/02676/FUL 27 dwellings, access and associated infrastructure. Refused.
23.11.2010

SITE AND SURROUNDINGS

The site area totals 0.66 hectares and consists of a detached dwelling, ancillary buildings and associated garden and land to the rear of 62, 66 and 68 Folders Lane.

The site lies off the southern side of Folders Lane (B2113) almost opposite Folders Close to the east.

No 64 is a large detached dwelling set back from the road behind two detached garages. Its front garden is hard surfaced and the boundaries are defined by hedgerow planting.

It has a substantial rear garden bounded by a hedgerow and post and rail fence. The garden at the rear of No.68 has been shortened and is separated with a 5 bar gate. The area at the southern end of the site has shrubs and trees which have undergone some clearance.

The site is flat albeit has a very shallow drop from north to south of around 0.5 metres over its 145 metres depth from the Folders Lane boundary at the front to the southern boundary at the rear.

There is ongoing housing development adjoining the site to the south. The Planning Statement references these developments as sites 1, 2 and 3 as being to the west, east and southern sides of the site.

The area is characterised by large detached dwellings of varying styles which are set well back from the road and in generous plots.

Folders Lane runs in an east-westerly direction linking with the B2112, Ditchling Road to the east and the Keymer Road to the west. It is a tree lined road with grass verges and pavements all of suburban character.

In terms of planning policy, Map 7 - Burgess Hill in the Site Allocations DPD, illustrates that the application site dwelling as defined within Protecting Areas of Townscape Value (policy H3 of the Neighbourhood Plan) and rear garden land of the application site is within the built-up area boundary. As such, policies DP4 and DP6 are relevant. DP4 seeks to ensure the deliverability of housing. Policy DP6 states that development will be permitted within towns and villages within defined built-up area boundaries subject to it being demonstrated that it is of an appropriate nature and will not cause harm to the character and function of the settlement. The proposal must not represent an underdevelopment of the site having regard to policy DP26 of the DP.

APPLICATION DETAILS

As stated above the application is seeking full planning permission for a mix of 17, one, two, three and four bedroom dwellings and the replacement of No.64 Folders Lane with a five bedroom dwelling. Existing garaging will be demolished. Access is proposed off Folders Lane and along the western boundary to land at the rear of 62-68 Folders Lane.

Layout

A loop road is proposed around the outer edge of 14 dwellings which are situated to the eastern side of the access leading off Folders Lane. Plots 15-17 are on the western side of the access road. All dwellings front onto the access road. An area of open space is to be retained along the southern boundary of the site where there are existing trees.

There are in total 44 parking spaces proposed including 29 parking spaces and 15 garage spaces. Covered cycle storage is to be provided within garages or garden cycle stores for houses/apartments.

External residual and recyclable waste storage will be located within rear gardens for houses and within communal stores for the apartments (plots 1-6) proposed.

Amount and Tenure

The schedule of accommodation states that the proposed development comprises:

- 3 x one bedroom flats
- 3 x two bedroom maisonettes
- 6 x three bedroom houses
- 5 x four bedroom houses
- 64 Folders Lane will be replaced with a new 5 bedroom dwelling.

6 affordable houses are proposed as part of the scheme. The housing mix and tenure is illustrated on a dwelling mix distribution plan within the design and access statement. Plots 1-6 are the 1 bed flats and 2 bed maisonettes.

Scale

A building heights plan illustrates that all of the development is 2 and a half storeys in height except for plot 17 which is 2 storeys. All proposed garaging is single storey.

Appearance

The development has been designed with narrow fronted properties with clipped gables presented to the roads at plots 7, 9 and 12 and 15 to provide vertical emphasis. The main roofs will have barn hipped ends as shown on the street scene illustration.

A mixture of brick and tile hanging is proposed. The exception to the rule is the replacement dwelling which takes on a modern interpretation of the Tudor boarding. All properties will have plain tiled roofs.

The application is accompanied by an amended design and access statement, planning statement, statement of community involvement, transport statement and road safety audit and designers' response, arboricultural statement (tree survey and impact assessment), Preliminary ecological appraisal, a bat and reptile phase 2 survey report, affordable housing statement, energy and sustainability statement, drainage statement.

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 conflict's 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 DPD and the Burgess Hill Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

DP6 Settlement Hierarchy
DP17 Ashdown Forest
DP20 Securing Infrastructure

DP21 Transport
DP26 Character and Design
DP27 Dwelling Space Standards
DP28 Accessibility
DP29 Noise, Air and Light Pollution
DP 30 Housing Mix
DP31 Affordable Housing
DP37 Trees, Woodlands and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage
DP42 Water Infrastructure and the Environment

Site Allocations Development Plan Document

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

SA38: Air Quality

Neighbourhood Plan

Burgess Hill Neighbourhood Plan.

Relevant policies:

H2 Back Garden Development

H3 Protect Areas of Townscape Value

Development Infrastructure and Contributions Supplementary Planning Document (SPD)

Affordable Housing Supplementary Planning Document (SPD)

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (July 2021)

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

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

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

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

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

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

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

Technical Housing Standards

ASSESSMENT

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

- The principle of development
- Design and Layout
- Trees and Landscape Impact
- Space standards

- Sustainability
- Air Quality
- Neighbour amenity
- Highways
- Ecology
- Drainage
- Infrastructure provision
- Affordable Housing Impact on Ashdown Forest
- Water Infrastructure
- Planning Balance and Conclusions

The principle of development

The MSDP is up to date and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one.

As the proposed development is within the built-up area as defined in the MSDP, the principle of additional windfall housing development is acceptable under policy DP6 of the MSDP, 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.'

The growth of settlements will be supported where this meets identified local housing, employment and community needs.'

Burgess Hill is a Category 1 settlement hierarchy listed under MSDP policies DP4 and DP6 with a comprehensive range of services and facilities and benefits from good public transport links. The site is located within the built-up area boundary as defined in the Site Allocations DPD.

The application site is considered to be a sustainable location for residential development.

The principle of redevelopment of this site thus accords with the development plan.

Design and Layout

MSDP policy DP26 concerns considerations of character and design and states:

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

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

Chapter 4: Site Layout, Streets and Spaces of Mid Sussex Design Guide SPD contains certain principles which are relevant to this application proposal. These are DG12: to deliver a clear and connected structure of streets and spaces, DG13: provides positive frontages to streets, DG14 provides enclosure, DG15: legibility and image, DG16: creates a positive development edge, DG17: pedestrian friendly streets and street hierarchy, DG18: integrate parking to support attractive streets and spaces, DG19: provision of off-street parking, DG21: consider and allow for servicing, refuse collection and deliveries, DG22: integrate refuse and recycling into the design of new development, DG24: plan for cyclists, DG27: integrate tree planting and soft landscape, DG30: design for everyone and look to the future.

The applicant is expected to meet the requirements of all the relevant principles or provide justification for failure to do so.

Paragraph 124 of the NPPF states that 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Paragraph 117 of the NPPF states in part 'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses,

while safeguarding and improving the environment and ensuring safe and healthy living conditions.'

Paragraph 122 of the NPPF states 'Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.'

The Council's Urban Designer has commented on and influenced the design of the proposed development and following subsequent amendments during the course of the application, is now satisfied that the scheme complies with the above relevant planning policies and the provisions contained within the NPPF.

Design and Layout

The comments of the Council's Urban Designer are summarised at the start of the report and set out in full in the appendix. He advises that, *'The overall layout has been appropriately designed to provide a positive frontage facing the east and south boundaries which reveals the attractive tree belt on the southern side that gives the scheme a soft backdrop.'*

He goes on to comment that the amended drawings have addressed most of his previous concerns, including;

'a pedestrian link between plots 1-6 and 7 to access plots 13 and 14; a reduction of hard surface at the point of arrival into the site through the introduction of soft landscaping and a car barn; the western flank of 64 Folders Lane is now formally organised with windows on all floors that allows the building to address the entrance approach and provide some natural surveillance over this key link into the site. The front garden now incorporates a pergola structure covering the parking (in place of a garage) that allows the house to positively address Folders Lane; an improvement to the building design resulting in flats 1-6 appearing as a terrace of houses. The introduction of a barn hipped roof on all 4 sides of plots 9 and 12 and with the hanging tiles provides a more coherent approach in design terms. Plot 17 now also benefits from a symmetrical frontage and a fully fenestrated northern flank. The majority of false glazing bars have now been omitted.'

He did comment on negative points which have now also been addressed. The applicant has confirmed that;

- 'Drawing No. P113 A shows the tile hanging extending around the side façade of plots 10/11 and the removal of the glazing bars.'

- Drawing No. P112 B shows the second floor window in the same ratio as the windows below on the first floor.
- The proposed site plan No. P101 B shows the roofline correctly.'

The applicant has also agreed to a planning condition for details of facing materials, downpipes, boundary treatment (brick walls instead of close boarded fencing as well as planting along the eastern boundary which may need to be in the form of climbers due to the limited space. This supports the recommendation of the urban designer's comments.

The scale of the development being at most two and a half storeys in height has been designed to utilise roof spaces and reflect existing houses within the locality. The half hipped 'barn' style roofs provides interest and reduces the building bulk and massing.

The looped outer road provides outward facing dwellings with back to back rear gardens. There are a further 3 dwellings which face outwards providing interest in the street scene. There is also an area of public open space under a tree belt along the southern boundary which is to be dedicated to a wildlife area. The applicant is of the opinion that any pressure from future occupants to remove these trees will be removed by the houses fronting onto this tree belt and on the opposite side of the estate road.

It should also be noted that the application site is to the southern side and at the rear of the Protected Area of Townscape Value (Policy H3 of the BHNP). Notwithstanding this, the proposal will preserve the existing character of the area in terms of spacing, building heights and general layout. It should also be noted that the application site lies just to the eastern side of SA13 (Land to the East of Keymer Road and South of Folders Lane) in the SADPD which is a site of 15.2 ha for the allocated development of 300 houses.

It is considered that given the above the design of the development is acceptable and accords with the aims of Principles DG27, DG37 and DG38 of the Design Guide SPD.

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

Quantum of Development

The proposed development will provide a net increase of 17 new dwellings across a site area totalling 0.66ha which equates to a density of 25.8 dwellings per hectare. As such, this is not considered to constitute a cramped or 'tight' development. It is also considered that the proposed development would not represent an underdeveloped or inefficient use of the land. It is considered that the spacing between and around the buildings has the desirability of maintaining the area's prevailing character and setting. It also has regard to promoting regeneration and change and securing well designed, attractive and healthy places whilst having regard to the grain and pattern of existing development in the locality. This is in accordance with para 124 of the NPPF, achieving appropriate densities.

It is also considered that in terms of density, the prevailing character and appearance of the area would be maintained in accordance with Policy H2 (Back Garden Development) of the BHNP. Notwithstanding this, it should also be noted that approximately two-thirds of the southern half of the application site falls outside of the Neighbourhood Plan boundary and the policies within the Neighbourhood Plan cannot be applied to this part of the site.

Trees and Landscape Impact

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

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

The Council's Tree Officer has raised concerns (but not objected in principle) regarding the loss of trees and potential impact on the life expectancy and pressure to remove trees as a result of the development proposed.

The applicant has confirmed agreement to a planning condition in relation to the submission of no dig construction details, fencing and pergola construction in association with the Arboricultural Method Statement. As part of this submission, kerb detailing can be agreed too.

In respect of drainage, the applicant has also confirmed that only a single foul water drain passes through this area and can be located outside of the RPA and will form part of the details submitted under the drainage condition. It is worth noting access to the development utilises existing arrangements and no trees are being removed on Folders Lane so the green nature of Folders Lane would remain unchanged. Furthermore and in response to the tree officers comments the applicant has confirmed that:

1. *'The access drive and crossover already exist with only localised works required*
2. *Only one category B tree will be lost, the rest are all either C or U.*
3. *None of the trees to be removed front onto Folders Lane*
4. *The construction detailing of a no dig surface and non-traditional kerbage have been requested as matters to be conditioned.*
5. *As part of the drainage strategy there is only a single foul water drainage route which currently encroaches on a less than 2per cent of an RPA. This can be designed out as part of the detailed drainage design which requires clearance by condition.*
6. *The development is not considered 'tight'. It has been through several iterations of design changes following comments from Will Dorman who has supported the proposals.'*

Given the above it is considered that while the proposed development will result in a loss of trees, there is appropriate mitigation measures in place to minimise any material harm caused to the character of the area.

Space standards

MSDP policy DP27: Dwelling Space Standards states:

'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'

'Dwelling space standards ensure that all residential development in Mid Sussex is of an acceptable size for the wellbeing of future occupants, that there is appropriate circulation space and that homes are highly functional in terms of typical day to day needs. The space standard helps to achieve sustainable development, encouraging useable and flexible living environments in which residents can undertake a range of activities such as bringing up families, working from home and communal and social activities, as well as providing for residents' changing needs by taking into account the spatial implications of providing improved accessibility and adaptability, particularly for older or less mobile people, including meeting the requirements of residential building accessibility standards in Building Regulations Approved Document M.'

The Schedule of Accommodation submitted with the application provides the following information:

- 3 x one bedroom flats - 50 - 62sqm (Nationally Described Technical Housing Standards 37 sq.m)
- 3 x two bedroom maisonettes - 85 sqm (NDTHS - 70 -79sqm)
- 6 x three bedroom houses 113 - 132 sqm (NDTHS 84-108 sqm)
- 5 x four bedroom houses 139 - 222 sqm (NDTHS 97 - 130 sqm)
- 64 Folders Lane will be replaced with a new 5 bedroom dwelling. 210 sqm (NDTHS 128 sqm)

The proposed development is more than compliant with the Nationally Described Technical Housing Standards and MSDP policy DP27.

MSDP policy DP28: Accessibility states:

'Developments of 5 or more dwellings will be expected to make provision for 20per cent of dwellings to meet Category 2 - accessible and adaptable dwellings under

Building Regulations - Approved Document M Requirement M4(2), with the following exceptions:

- 1) Where new dwellings are created by a change of use;*
- 2) Where the scheme is for flatted residential buildings of fewer than 10 dwellings;*
- 3) Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;*
- 4) Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.*

Wheelchair-user dwellings

Category 3 - Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4per cent, dependent on the suitability of the site and the need at the time.'

The proposed development will have to comply with access under building regs, i.e. level or ramped access to all areas.

A condition that 20per cent of the dwellings will meet the requirement of Part M of the building regulations can be added to any planning permission. Essentially this means that 20per cent provision across the development needs to be made to ensure that 4 dwellings are wheelchair accessible M4(2). The proposal includes for 1 unit to be wheelchair adaptable under M4(3), which meets policy criteria.

The applicant has provided detailed comments to ensure that all design elements of the wheelchair adaptable M4(3) unit meet regulatory requirements.

Sustainability

Policy DP39 of the District Plan states:

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

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

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

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

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

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

This application is accompanied by an amended energy and sustainability statement (June 2022).

In terms of location, the application site is within the built up area as defined in the Site Allocations DPD. The site is within a 20 minute walk of Burgess Hill Town Centre (approximately 1 mile south-east of the Town Centre) and Train Station with a wide variety of services easily accessible from the site. Folders Lane is accessible on foot with pavements either side and is a road that is well lit to ensure pedestrians can access nearby services and facilities at all times and without the need for a car. There is also a bus stop just 100m from the site.

There are 2 primary schools within 1.5 miles and a secondary school within 1.2 miles.

It is therefore considered that in terms of location, the site is sustainable.

In terms of renewable energy, the proposed development would incorporate a range of measures as set out in the sustainability report submitted with the application through the installation of Air Source Heat Pumps and a high quality approach to building fabric. Consideration has been given to the use of local materials and suppliers to reduce transport distances and support the local economy. The Design and Access Statement also says that consideration will be given to the use of 'A' rated materials as assessed using the BRE Green Guide to specification for buildings wherever possible and for the use of insulation materials with zero ozone depletion potential.

A planning condition is also recommended for the installation of electric car charging points.

The scheme has been designed to maximise solar gain and natural lighting through the orientation of the majority of the dwellings to the south, east and west. Under the sustainability objectives of paragraph 8 in the NPPF, the proposed development will help to contribute towards the local economy by providing jobs for

construction workers and through the acquisition of locally sourced materials and building supplies/machinery. This will support growth, innovation and improved productivity in what is currently a difficult financial climate.

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

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

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

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

Air Quality

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

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

Neighbour Amenity

Policy DP26 in the DP seeks to avoid significant harm to neighbouring amenities from new development.

The existing properties fronting onto Folders Lane to the north of the application site, numbers 66, 68 and 70 Folders Lane, will retain rear gardens with depths of approximately 25m to the northern boundary of the proposed site. Nos 60a and 62 will retain rear gardens with a depth of around 52m.

Given these distances it is not considered the proposal would cause any loss of amenity to the occupiers of this property.

Regarding distances to the new (Jones') housing development at the rear, the separation distances between housing is over 45m, notwithstanding the strong landscape buffer between the two sites.

Given these distances and intervening tree screening it is not considered there would be a loss of amenity to the occupiers of these properties. As such this element of policy DP26 in the DP would be met.

Highways

Policy DP21 in the District Plan states:

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

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

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

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

- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

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

The speed limit for the road is 30mph but on-site observation indicates that speeds are likely to be higher than this and for proposals of 37 mph a 59m visibility splay would be needed.

In respect of the vehicular access to the highway, this would operate as a shared space. The Local Highway Authority (LHA) raise no objection to the proposed access onto the public highway. The LHA are satisfied the required visibility splays of 2.4m by 64m to the west (for eastbound vehicles) and 2.4m by 54.3m to the east (for westbound vehicles) are in accordance with the recorded road speeds and can be provided within land forming the site and the public highway.

The Road Safety Audit (RSA) Team have accepted the designer's response stating: "The Audit Team is satisfied with the Designers Response to Problem 5.4 (of the stage 1 RSA), that the access operates as shared space. The size of the development does lend itself to this, and a similar layout has been applied at nearby Oak Grange."

The access works will be subject to a Section 278 Agreement and technical check with the LHA's Highway Agreements Team.

In terms of capacity, a trip generation analysis for the maximum number of proposed usage at the site has been undertaken using the industry standard TRICS software. The development proposals are predicted to generate 7 and 9 vehicular trips in the AM and PM peak hours respectively. The LHA would not consider the proposals would have a 'severe' impact on the network in line with National Planning Policy Framework (NPPF) Guidance.

Your Planning Officer agrees, this level of vehicular movement would certainly not result in a severe impact on the local highway network.

With regards to car parking, the scheme proposes a total of 29 parking spaces, which includes 1 visitor parking space. This would meet the standards in the WSCC parking calculator and is considered sufficient. The Design and Access Statement has been amended and at paragraph 6.2 (page 45) highlights the 29 standard parking spaces in yellow and the remaining 15 spaces, for garages, car barn and

pergola, in blue. This comprises a total of 44 parking spaces proposed across the site.

With regards to cycle parking, the applicants advise the cycle parking will be provided within the curtilage of each property. The details of this could be secured by a planning condition. The Highway Authority has confirmed that cycle parking provision is in line with current WSCC guidelines.

In terms of site layout, the proposals have been supported by swept path diagrams which will demonstrate the likely types of larger vehicles entering the site. The roads within the development have been tracked and approved by the Highway Authority (WSCC) for Waste and Emergency Access.

With regards to sustainable transport options, the site is well located to encourage travel by sustainable modes including the use of walking, cycling and public transport. These will provide opportunities for residents to travel to the site. The site is situated to the south of Folders Lane within Burgess Hill. The site benefits from close proximity the A23, the A272 and the A27, as well as a number of bus stops and Burgess Hill railway station. Burgess Hill town centre is circa 1.5 kilometres west of the site.

This is a site which is now located within the built-up area as defined by the Site Allocations Development Plan. As such, it is considered to be in a sustainable location for the development of new housing.

It is considered that the proposed development accords with the criteria of DP21 and the provisions contained within the NPPF.

Ecology

Biodiversity

Policy DP38 in the DP seeks to protect and enhance biodiversity.

The application is accompanied by a preliminary ecological appraisal (PJC Consultancy, March 2022) and the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022) supplied by the applicant, relating to the likely impacts of development on protected and Priority habitats and species, particularly bats, Hazel Dormouse, Great Crested Newt, reptiles, Badger and nesting birds, and identification of proportionate mitigation.

Place Services, who are the Council's consultee for ecology, has recommend approval subject to planning conditions.

In summary, the conclusions of the bat and reptile survey report (phase 2 surveys) are supported. It is noted that two common species of pipistrelle bat were recorded foraging/commuting on the site. Any loss of trees on the southern boundary of the site should be compensated for. Tree planting as part of a landscaping scheme, to be agreed with the Council prior to occupation, can be conditioned as part of any recommendation to grant permission. It is also recommended that there should be a

precautionary method of works during habitat clearance. It should also be noted though that the amended Design and Statement, at para 1.1 does confirm that the key tree belt to the southern boundary will be retained.

Place Services also support the recommendation that pre-work badger surveys should be undertaken immediately prior to construction works commencing. This can also be conditioned.

A low breeding population of reptiles (slow worms and grass snakes) was also recorded and Place Services also therefore support the Reptile Mitigation Strategy in the Bat and Reptile Report (Phase 2 Surveys) (PJC Consultancy, May 2022).

Place Services are satisfied that there is sufficient ecological information available for determination and with appropriate mitigation measures secured, the development can be made acceptable. Officers are therefore satisfied of the likely impacts on protected and Priority species and the Council can therefore demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The Wildlife Friendly Lighting Strategy should be secured by a condition of any consent for discharge prior to occupation.

Finally, Place Services also supports 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. The proposed habitats, including native species-rich hedgerows, species-rich meadow grassland and pond 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.

Any impacts will be minimised through the use of appropriate planning conditions and in terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

As such, the criteria of Policy DP38 is met in addition to the provisions contained within the NPPF.

Flood Risk/Drainage

Policy DP41 of the DP states:

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

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

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

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

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

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

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

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

The application is accompanied by a Surface Water Flood Risk Technical Note.

The Council's Drainage Engineer has no objection to the proposed development subject to the recommendation of planning conditions relating to foul and surface water drainage, works within 5m of a drain or watercourse and flood risk management.

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Most of the site is shown to be at very low surface water flood risk. However, there are areas of the site shown to have increased surface water flood risk.

There are no historic records of flooding occurring on this site. A lack of historic records of flooding does not mean that flooding has never occurred, instead, that flooding has just never been reported.

It is therefore considered that the flood risk can be managed on the site.

With regards to public sewers on the site these are not shown on the drawings. However, advice in relation to this matter can be found on the relevant water

authority's website and in this case Southern Water advise on proximity of any development to the public sewer.

With regards to surface water drainage as said above the application is accompanied by a drainage strategy report. The report states that the development will attenuate and discharge surface water into an adjacent watercourse. Drainage calculations indicate that sufficient attenuation storage can be accommodated within the development utilising attenuation tanks and non-infiltration permeable paving. The applicants have been advised that permeable paving be located outside any flood extents to mitigate the chance of the drainage system being overwhelmed with flood water. As said above any planning permission will be subject to planning conditions as recommended by the Council's drainage engineer.

The foul water drainage will discharge into the main public foul sewer which is acceptable.

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

Infrastructure provision

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

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

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

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

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

and:

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

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

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

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

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

West Sussex County Council

Education primary £62,177
Education secondary £66,918
Education Sixth Form £15,676
Libraries £7,042
Total Access Demand £60,099

Mid Sussex District Council

Formal sport £19,765 to go towards formal sport facilities St Johns Park and / or the new Centre for Outdoor Sport to be built south of the A3200.

Children's play space £29,470 to go towards play equipment (£16,017) and kick about provision for older children (£13,454) at Burners Close and Folders Meadow, owned and managed by the District and Town Councils respectively. These are the nearest locally equipped play areas to the development site.

Community buildings £11,336 to go towards improvements to the Cherry Tree, Park Centre and / or Cyprus Hall in Burgess Hill.

Local community infrastructure £12,710 to purchase some Speed Indicator Devices (SID's) for Burgess Hill Town Council.

The County Council have identified that the Total Access Demand (TAD) contribution would be spent on sustainable transport schemes which come forward through the Burgess Hill Growth Programme, which is a joint project between WSCC and MSDC.

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

Housing Mix and Affordable Housing

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

- 3 x one bedroom flats (18per cent)
- 3 x two bedroom maisonettes (18per cent)
- 6 x three bedroom houses (35per cent)
- 5 x four bedroom houses (29per cent)
- 64 Folders Lane will be replaced with a new 5 bedroom dwelling.

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

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

All 6 policy compliant affordable housing units will be for social or affordable rent, rather than 4 for social or affordable rent and 2 for intermediate, and the figures from our Common Housing Register would support this.

Ashdown Forest

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

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

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

Recreational disturbance

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

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

(SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

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

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment screening report

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

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

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

Water Infrastructure

Mid Sussex District Plan Policy DP42: Water Infrastructure and the Environment states;

'Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;

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

South East Water are the water supply company for this area. They have been consulted on the application. No comments have been made in relation to an inadequate water supply for the proposed development.

The applicant has provided confirmation from South-East Water regarding connection costs which they have confirmed are in agreement to. This indicates that there will be an adequate water supply to the proposed application site.

In any event, a 106 legal agreement is being finalised which will secure the required infrastructure and affordable housing provision before a planning permission could be issued and it is considered that the requirements within policy DP42 can be addressed through this process.'

It is therefore considered that, in terms of water supply, the proposed development satisfies the criteria of DP42.

CONCLUSION

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

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

The principle of development is acceptable on this site by virtue of the fact that the site is now within the built up area boundary, as amended by the adopted Site Allocations DPD.

The scheme would deliver 17 dwellings, 6 of which would be affordable. This should be afforded significant positive weight in the planning balance.

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

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

There are no ecological objections to the scheme subject to conditions to secure a biodiversity protection and mitigation plan and method statement, habitat enhancement and long-term management and a wildlife sensitive lighting plan.

Whilst unfortunate, the scheme will result in the loss of some trees, replacement tree planting and landscaping can be secured by a planning condition. This is negative in the planning balance but is outweighed by all other positive planning benefits.

The proposal will secure infrastructure monies for improvements to be made locally towards education at all levels, libraries and TAD for sustainable transport schemes. This also includes financial contributions towards play space, kickabout provision and community buildings.

These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations). This mitigates the impact of the development and is therefore neutral in the planning balance.

The proposal would also provide economic benefits from the investment and spending during the construction period and from the additional spend in the local economy once the development has been completed.

The government is committed to a plan led system of development. Therefore, the fact that this proposal would result in development on a site that is now within the amended built up area boundary of the Site Allocations DPD, and surrounded by residential development both approved and as allocated (SA13) under this plan led approach, should be afforded significant positive weight.

The scheme would be of a satisfactory design and would provide 17 units of accommodation, 6 of which would be affordable. Overall, taking all of the relevant issues into account, it is considered that the proposal complies with policies DP6, DP17, DP20, DP21, DP26, DP27, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 in the DP, policy SA38 in the Site Allocations DPD and policies H2 and H3 in the BHNP and therefore complies with the development plan, when read as a whole. The application proposal is also in accordance with the design principles of the MSDG and the provisions contained within the NPPF. Therefore, it is recommended that the application be approved, subject to appropriate conditions, and a legal agreement to secure the required infrastructure and affordable housing.

APPENDIX A – RECOMMENDED CONDITIONS

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

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

Approved plans

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

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

Pre commencement

3. 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 proposed development is satisfactorily drained and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

4. The development hereby permitted shall not commence unless and until details of the proposed flood risk management measures, including flood compensation, have been submitted to and approved in writing by the local planning authority. No development shall extend beyond slab level until all approved flood compensation works have been carried out in accordance with the approved details. No building shall be occupied until all other flood management measures have been carried out or installed in accordance with the approved details and that submitted under Technical Note 01.

The details shall include a management and maintenance plan for the flood management measures for the lifetime of the development. This could be incorporated into the drainage system's management and maintenance plan where appropriate. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure flood risk is appropriately considered and managed on site for the lifetime of the development to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

5. 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,
 - scheme of measures for the control of dust during the construction phase
 - 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 Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

6. Construction Environmental Management Plan (CEMP): No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall address control of noise and vibration from demolition and construction work, dust control measures, policy for burning on site, and site contact details in case of complaints. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of nearby occupiers in accordance with policy DP26 of the Mid Sussex District Plan.

Reason - In line with MSDC Policy DP29: Noise, Air and Light Pollution

7. A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the details contained within the details contained in the Preliminary Ecological Appraisal (PJC Consultancy, March 2022) and the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022).

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.

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). 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. To ensure that any significant impacts on biodiversity can be avoided, adequately mitigated or, as a last resort, compensated for, in accordance with policies DP38 of the Mid Sussex District Plan and 175 of the NPPF.

8. Prior to works above slab level 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 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). To ensure that any significant impacts on biodiversity can be avoided, adequately mitigated or, as a last resort, compensated for, in accordance with policies DP38 of the Mid Sussex District Plan and 175 of the NPPF.

9. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These works shall be carried out as approved. As part of the landscaping details a Method Statement should be submitted to address the impact of the driveway and crossover widening on the RPAs of trees, particularly the two TPO trees, the impact of the pergola and fencing on TPO trees, T50 and T53 and the potential impact of drainage works within the same RPAs affected by the access, T48 and T49. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031

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

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

11. 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.

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

Pre occupation

12. 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 drawing titled Proposed Access Arrangements and numbered 2107052-01 Rev B.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031 and the provisions contained within the National Planning Policy Framework.

13. The applicant shall submit an emissions mitigation calculation, in accordance with the Air Quality & Emissions Mitigation Guidance for Sussex, which is current at the time of the application, the purpose of which is to assess the emissions relating to the development and to determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment. The emissions mitigation assessment must use the most up to date emission factors. A Mitigation Scheme to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

Reason: To protect the amenities of nearby residents regarding air quality and emissions and to accord with Policy DP29 of the Mid Sussex District Plan 2014 - 2031.

14. No dwellings shall be occupied until details of proposed screen walls/fences have been submitted to and approved by the Local Planning Authority and the approved screen walls/fences have been erected.

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

15. Prior to the occupation of any of the dwellings hereby permitted, details shall be provided of the facilities for charging plug-in and other ultra-low emission vehicles for the written approval of 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

16. No dwelling hereby permitted shall be occupied until details, including a timetable for implementation, of ducting to premises infrastructure, to facilitate connection to high speed broadband and 4G, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure improved digital connectivity and the provision of high-speed broadband and 4G to the development and to accord with Policy DP23 of the District Plan.

17. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations) including plans for the Wheelchair Accessible Unit, in order to ensure that the unit meets the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended. These dwellings 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, unless an exception is otherwise agreed in writing 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.

18. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation 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). To ensure that any significant impacts on biodiversity can be avoided, adequately mitigated or, as a last resort, compensated for, in accordance with policies DP38 of the Mid Sussex District Plan and 175 of the NPPF.

19. 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). To ensure that any significant impacts on biodiversity can be avoided, adequately mitigated or, as a last resort, compensated for, in accordance with policies DP38 of the Mid Sussex District Plan and 175 of the NPPF

20. 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

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

Construction phase

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

Monday - Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents in accordance with policy DP26 of the Mid Sussex District Plan.

22. Smoke: No burning of demolition/construction waste materials shall take place on site.

Reason: To protect the amenity of local residents from smoke, ash, odour and fume in accordance with policies DP26 and DP29 of the Mid Sussex District Plan.

23. No part of any concrete foundations and no construction activities shall be within 5 metres of any drain or watercourse.

Reason: In the interests of protecting the natural environment and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

INFORMATIVES

1. 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.

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

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
4. 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.
5. 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.

6. 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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Proposed Elevations	20106-P110B	Plots 1-6	05.08.2022
Proposed Floor Plans	20106-P109C	Plots 1-6	05.08.2022
Proposed Floor Plans	20106-P108A	Plot 1	05.08.2022
		Wheelchair Unit	
Site Plan	20106-P101	G	05.08.2022
Site Plan	20106-C101	B	30.05.2022
Illustration	20106-C105	Air Source Heat Pump	30.05.2022
General	20106-P102B	Materials Layout	30.05.2022
Proposed Floor and Elevations Plan	20106-P112B	Plots 9 _ 12	30.05.2022
Proposed Floor and Elevations Plan	20106-P113A	Plots 10-11	30.05.2022
Proposed Floor Plans	20106-P118	Layout of flats	30.05.2022
General	20106-P119	Accessibility Diagram	30.05.2022
Proposed Floor and Elevations Plan	20106-P111	A	22.04.2022
Proposed Floor and Elevations Plan	20106-P114	A	22.04.2022
Proposed Floor and Elevations Plan	20106-P115	A	22.04.2022
Proposed Floor and Elevations Plan	20106-P116	A	22.04.2022
Proposed Floor and Elevations Plan	20106-P117	A	27.04.2022
Street Scene	20106-C102	A	27.04.2022
Location Plan	S101A		04.03.2022
Survey	S102A		04.03.2022
Illustration	20106-C103	Perspective view 1	04.03.2022
Illustration	20106-C104	Perspective view 2	04.03.2022
Street Scene	20106-P103	Proposed	04.03.2022

APPENDIX B – CONSULTATIONS

Burgess Hill Town Council

02.09.2022

Recommend Refusal. The Committee rejected this application citing their previous rejections made during the Planning Committee Meeting on 16 May 2022, regarding the contravention of the following policies under the Mid Sussex District Plan:

DP26 - does not protect valued townscapes, DP12 - outside boundary/ in countryside, and DP21 - does not avoid additional severe traffic congestion.

Mid Sussex Design Guide:

DG21 - site plan showed narrow roads, DG31 - no accessible transport, DG26 - no space for play, DG25 - does not enhance open spaces, and DG37 - did not incorporate renewable energy

Burgess Hill Neighbourhood Plan:

H2 - no backyard development, and H3 - protect areas of townscape value (Folders Lane)
The Committee also asked that this application be considered by the Planning Committee at Mid Sussex District Council, and that should there be any money put towards the development of community buildings, that it would be directed towards those being developed by Burgess Hill Town Council.

18.05.2022

Recommended refusal. The application did not support the following policies.

Mid Sussex District Plan;

DP26 -does not protect valued townscapes

DP12 -outside boundary/in countryside

DP21 -does not avoid additional severe traffic congestion

Mid Sussex Design Guide;

DG21 -site plan showed narrow roads

DG31 -no accessible transport

DG26 -no space for play

DG25 -does not enhance open spaces

DG37 -did not incorporate renewable energy

Burgess Hill Neighbour Plan;

H2 -no backyard development

H3 -protect areas of townscape value (Folders Lane)

MSDC Urban Designer

16.05.2022

Drawings: Amended drawings received 22.04.22 and 27.04.22

The overall layout has been appropriately designed to provide a positive frontage facing the east and south boundaries which reveals the attractive tree belt on the southern side that gives the scheme a soft backdrop.

The amended drawings have addressed most of my previous concerns in the following respects:

- A pedestrian link has been accommodated between plots 1-6 and 7 to provide a direct pedestrian access for plots 13+14 (which allows pedestrians to avoid the circuitous road connection).
- The arrival point into the main part of the site has been redesigned so that it is no longer dominated by surface parking; this has been achieved with the addition of a car barn and trees/soft landscaping to break up/soften the parking in front of plots 1-6.
- The western flank of 64 Folders Lane is now formally organised with windows on all floors that allows the building to address the entrance approach and provide some natural surveillance over this ley link into the site. The front garden now incorporates a pergola structure covering the parking (in place of a garage) that allows the house to address Folders Lane better.
- The building design has been improved in the following respects:
- The flats on plots 1-6 are now better ordered and convincingly evoke the appearance of terraced houses. Nevertheless here and on the other houses, the rainwater downpipes need to be included; as per DG 42 of the Council's Design Guide they should be carefully located so they do not detract (for 1-6, I would expect them reinforce the rhythm of the frontage by articulating the individual bays).
- On plots 9 and 12, barn hip now feature on all four sides and with the hanging tiles also more comprehensively integrated (as it does too on plots 7/8 and 15/16), it provides a more coherent and consistent design.
- Plot 17 now benefits from a symmetrical frontage and a fully fenestrated northern flank.
- Fake glazing bars have mostly been omitted.
- As well as the improvements to the western flank, the rear elevation of 64 Folders Lane is better composed.

Nevertheless, the house on plots 10/11 still suffers from an unconvincing design. While the secondary facing materials are more comprehensively applied than before on the other houses, the hanging tiles peel away at the side of plots 10/11. These houses also still feature fake glazing bars.

The second-floor window on the rear/north elevations of plots 9 and 12 still unbalance the façade because of its size/shape/depth and would work better if it simply replicated the tripartite windows below.

The perspective images and the proposed street scenes have not been updated and therefore should not register on the list of approved drawings. Also, the revised site layout does not show the revised roofline on plots 9 and 12 correctly as it is inconsistent with the amended plans and elevations; so this may require an informative (or a revised plan).

As the design of the boundaries is not clear from the submission, I would like this included in a landscaping condition. Where they face the street, boundaries should avoid c/b fencing in favour of a brick wall. Also, these boundaries should be softened with plants; the limited space on the eastern site boundary reduces the opportunity for this; here I would at least expect climbing plants to be included.

Overall Assessment

My remaining design issues are relatively minor, but it is a shame the opportunity has not been taken to accommodate renewable energy. Nevertheless, overall the scheme sufficiently addresses policy DP26 of the District Plan and the design principles in the Council's Design Guide. I therefore raise no objections, but would recommend conditions that require the approval of the following further information/drawings:

- Hard and soft landscaping details including boundary treatment.
- Details of facing materials
- The rainwater downpipes on all elevations facing road frontage.

MSDC Drainage Officer

28.06.2022

PLANNING APPLICATION CONSULTATION RESPONSE

Application Details

Application Number	DM/22/0732
Planning Officer	Rachel Richardson
Flood Risk and Drainage Officer	Natalie James
Response Date	2022-0-28
Site Location	64 Folders Lane, Burgess Hill
Development Description	Replacement of existing dwelling at 64 Folders Lane and development to provide a mix of 17 one-, two-, three-, and four-bedroom dwellings (Use Class C3), new access and associated infrastructure
Recommendation	No objection subject to conditions

Flood Risk

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Most of the site is shown to be at very low surface water flood risk. However, there are areas of the site shown to have increased surface water flood risk.

There are no historic records of flooding occurring on this site. A lack of historic records of flooding does not mean that flooding has never occurred, instead, that flooding has just never been reported.

The application is supported by a flood risk technical note focused on surface water (TN01, Motion, 27/06/22) and a surface water flood compensation note (TN02, Motion, 27/06/22).

The technical notes acknowledge that some development is located within the 1 in 1,000/year surface water flood extent, with a maximum 150mm depth of flooding. The technical notes state that development would result in 12.87m³ loss of floodplain storage.

The applicant proposes to lower land located within the 1 in 1,000-year flood extent by 20mm to provide 15m³ of storage within the existing flood plain to compensate for the loss due to development. This approach to flood compensation does not follow the standard level for level, volume for volume approach recommended by the Environment Agency. However, in this instance the flood risk and drainage team consider it likely to be acceptable, subject to detailed design.

In addition to the flood compensation provided the technical notes commit to finished floor levels of all structures within the floodplain being set no lower than 150mm above the surrounding ground levels.

Based on the information provided the flood risk and drainage team accept that flood risk can likely be managed on the site, subject to detailed design.

Sewers On Site

The Southern Water public sewer map shows a public foul sewer located within the redline boundary of the site. This sewer runs east-west approximately 10m from the northern boundary of the site (to the front of the existing No. 64).

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.

We would advise the applicant to consider Southern Water's requirements for development in proximity to public sewers.

Surface Water Drainage

The BGS infiltration potential map shows the site to be in an area with 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.

The application is supported by a drainage strategy report (2107052, Motion, 07/07/22, Final C). The report stated that the development will attenuate and discharge surface water at the Greenfield QBar runoff rate of 2.01/s into adjacent watercourse.

Initial drainage calculations have been undertaken and the report states sufficient attenuation storage can be accommodated within the development utilising sub-base attenuation beneath permeable paved private driveways and the shared access road. The principle of attenuating and discharging surface water into the adjacent watercourse is considered acceptable.

We would advise the applicant that **permeable paving should be located outside any flood extents** to mitigate the chance of the drainage system being inundated with flood water.

We would also advise the applicant that **all attenuation storage should be located within areas of public realm** (with private permeable drives connected but not providing

attenuation). This approach is to ensure the required attenuation volumes are maintained for the lifetime of the development by a maintenance company and are not reliant on multiple private homeowners (who could alter the surfacing of driveways in the future).

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 utilise an existing foul water drainage connection which ultimately discharges to the main public foul sewer.

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

CONDITION RECOMMENDATION

Foul And Surface Water Drainage

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 Or Watercourse

No part of any concrete foundations and no construction activities shall be within 5 metres of any drain or watercourse, except where necessary and approved in writing by the local planning authority, for drainage or flood management measures

Reason: In the interests of protecting the natural environment.

Flood Risk Management

The development hereby permitted shall not commence unless and until details of the proposed flood risk management measures, including flood compensation, have been submitted to and approved in writing by the local planning authority. No development shall extend beyond slab level until all approved flood compensation works have been carried out in accordance with the approved details. No building shall be occupied until all other flood management measures have been carried out or installed in accordance with the approved details.

The details shall include a management and maintenance plan for the flood management measures for the lifetime of the development. This could be incorporated into the drainage system's management and maintenance plan where appropriate. Maintenance and

management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure flood risk is appropriately considered and managed on site for the lifetime of the development.

General Drainage Requirement Guidance

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

Surface Water Drainage

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

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

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

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

Foul Water Drainage

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

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

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

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

Table 1: Detailed drainage design requirements – surface water

Requirement	Location of information within submitted design
<i>For all designs</i>	
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)	
On-site infiltration test results	
Plans / details of areas to be drained based on finalised development plans	
Calculations showing the system has been designed to cater for the 1 in 100-year storm event, plus appropriate allowance for climate change	
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system	
Maintenance and management plan ¹	
<i>For soakaways</i>	
Sizing calculations (to cater for 1 in 100-year plus climate change event)	
Half drain time (<24 hours)	
Construction details	
<i>For discharge to watercourse</i>	
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) ²	
Outfall location and construction details	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	
<i>For discharge to sewer</i>	
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)	
Discharge location and manhole number	
Outline approval from sewerage provider in relation to connection, discharge rate and connection location ³	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	

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

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

³ Formal approval via S106 etc is not required.

Table 1: Detailed drainage design requirements – foul water

Requirement	Location of information within submitted design
<i>For all designs</i>	
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location	
Foul flow calculations and confirmation proposed system is sized appropriately	
<i>For connection to main foul sewer</i>	
Discharge location and manhole number	
Evidence of communication with Water Authority regarding connection ¹	
<i>For non-mains system with drainage field</i>	
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields	
Evidence that either: <ul style="list-style-type: none"> a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted 	
<i>For non-mains system with discharge to open water</i>	
Evidence that either: <ul style="list-style-type: none"> a) The system meets latest General Binding Rules b) An Environmental Permit application is to be submitted 	
Outfall location and construction details	

20.05.2022

Hi Rachel,

I note that new plans have been submitted for the above application. Our comments on the application were based on the flood risk and drainage information provided, both of these are based on the previous layouts. I would advise that the applicant will need to review both flood risk and drainage and provide updated reports based on these new plans.

I also note Will's comments regarding boundary treatment and would like to raise that no solid boundaries (close board fences or walls etc) should be located within the flood extents on site, and no closer than 3.5m from the top of bank of a watercourse (5m buffer is preferred). This is because these structures create barriers between the watercourse and the floodplain which can increase flood risk both on site and elsewhere.

¹ Formal approval via S106 etc is not required.

To confirm our updated recommendation for this application is "further information required".

Kind regards,
Nat

Natalie James, MSc, FGS
Drainage Engineer (Flood Risk)

26.04.2022

No objection subject to condition

Flood Risk

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). Most of the site is shown to be at very low surface water flood risk. However, there are areas of the site shown to have increased surface water flood risk.

There are no historic records of flooding occurring on this site. A lack of historic records of flooding does not mean that flooding has never occurred, instead, that flooding has just never been reported.

The application is supported by a flood risk technical note focused on surface water (TN01, Motion, 23/03/22) and a surface water flood compensation note (TN02, Motion, 31/03/22).

The technical notes acknowledge that some development is located within the 1 in 1,000/year surface water flood extent, with a maximum 150mm depth of flooding. The technical notes state that development would result in 12.87m³ loss of floodplain storage.

The applicant proposes to lower land located within the 1 in 1,000-year flood extent by 20mm to provide 15m³ of storage within the existing flood plain to compensate for the loss due to development. This approach to flood compensation does not follow the standard level for level, volume for volume approach recommended by the Environment Agency. However, in this instance the flood risk and drainage team consider it likely to be acceptable, subject to detailed design.

In addition to the flood compensation provided the technical notes commit to finished floor levels of all structures within the floodplain being set no lower than 150mm above the surrounding ground levels.

Based on the information provided the flood risk and drainage team accept that flood risk can likely be managed on the site, subject to detailed design.

Sewers On Site

The Southern Water public sewer map shows a public foul sewer located within the redline boundary of the site. This sewer runs east-west approximately 10m from the northern boundary of the site (to the front of the existing No. 64).

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.

We would advise the applicant to consider Southern Water's requirements for development in proximity to public sewers.

Surface Water Drainage

The BGS infiltration potential map shows the site to be in an area with 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.

The application is supported by a drainage strategy report (2107052, Motion, 17/02/22, Final B). The report stated that the development will attenuate and discharge surface water at the Greenfield QBar runoff rate of 2.1l/s into the adjacent watercourse.

Initial drainage calculations have been undertaken and the report states sufficient attenuation storage can be accommodated within the development utilising attenuation tanks and non-infiltration permeable paving.

The principle of attenuating and discharging surface water into the adjacent watercourse is considered acceptable. We would advise the applicant that permeable paving should be located outside any flood extents to mitigate the chance of the drainage system being inundated with flood water.

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 utilise an existing foul water drainage connection which ultimately discharges to the main public foul sewer.

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

CONDITION RECOMMENDATION

Foul And Surface Water Drainage

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 Or Watercourse

No part of any concrete foundations and no construction activities shall be within 5 metres of any drain or watercourse, except where necessary and approved in writing by the local planning authority, for drainage or flood management measures

Reason: In the interests of protecting the natural environment.

Flood Risk Management

The development hereby permitted shall not commence unless and until details of the proposed flood risk management measures, including flood compensation, have been submitted to and approved in writing by the local planning authority. No development shall extend beyond slab level until all approved flood compensation works have been carried out in accordance with the approved details. No building shall be occupied until all other flood management measures have been carried out or installed in accordance with the approved details.

The details shall include a management and maintenance plan for the flood management measures for the lifetime of the development. This could be incorporated into the drainage system's management and maintenance plan where appropriate. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure flood risk is appropriately considered and managed on site for the lifetime of the development.

General Drainage Requirement Guidance

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

Surface Water Drainage

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

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

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

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

Foul Water Drainage

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

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

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

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

Table 1: Detailed drainage design requirements – surface water

Requirement	Location of information within submitted design
<i>For all designs</i>	
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)	
On-site infiltration test results	
Plans / details of areas to be drained based on finalised development plans	
Calculations showing the system has been designed to cater for the 1 in 100-year storm event, plus appropriate allowance for climate change	
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system	
Maintenance and management plan ¹	
<i>For soakaways</i>	
Sizing calculations (to cater for 1 in 100-year plus climate change event)	
Half drain time (<24 hours)	
Construction details	
<i>For discharge to watercourse</i>	
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) ²	
Outfall location and construction details	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	
<i>For discharge to sewer</i>	
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)	
Discharge location and manhole number	
Outline approval from sewerage provider in relation to connection, discharge rate and connection location ³	
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event)	

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

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

³ Formal approval via S106 etc is not required.

Table 2: Detailed drainage design requirements – foul water

Requirement	Location of information within submitted design
<i>For all designs</i>	
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location	
Foul flow calculations and confirmation proposed system is sized appropriately	
<i>For connection to main foul sewer</i>	
Discharge location and manhole number	
Evidence of communication with Water Authority regarding connection ²	
<i>For non-mains system with drainage field</i>	
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields	
Evidence that either: <ul style="list-style-type: none"> c) The system meets latest General Binding Rules d) An Environmental Permit application is to be submitted 	
<i>For non-mains system with discharge to open water</i>	
Evidence that either: <ul style="list-style-type: none"> c) The system meets latest General Binding Rules d) An Environmental Permit application is to be submitted 	
Outfall location and construction details	

MSDC Environmental Protection Officer

06.09.22

The amendments do not affect previous comments made by EP on 22 March 2022.

22.03.2022

Environmental Protection has no particular concerns, but does recommend conditions to control noise and hours during construction, as well as a condition to mitigate against the impact of the development upon air quality. Should the development receive approval, Environmental Protection recommends the following conditions:

² Formal approval via S106 etc is not required.

Conditions:

- Construction hours: Works of construction or demolition, including the use of plant and machinery, as well as any delivery or collection of plant, equipment or materials for use during the demolition/construction phase necessary for implementation of this consent shall be limited to the following times:

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted

Reason: to protect the amenity of local residents.

- Construction Environmental Management Plan (CEMP): No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall address control of noise and vibration from demolition and construction work, dust control measures, policy for burning on site, and site contact details in case of complaints. The approved Plan shall be adhered to throughout the construction period.

Reason: To safeguard the amenity of nearby occupiers

Reason - In line with MSDC Policy DP29: Noise, Air and Light Pollution

- Air Quality - The applicant shall submit an emissions mitigation calculation, in accordance with the Air Quality & Emissions Mitigation Guidance for Sussex which is current at the time of the application, the purpose of which is to assess the emissions relating to the development and to determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment. The emissions mitigation assessment must use the most up to date emission factors. A Mitigation Scheme to the calculated value shall be submitted to and approved in writing by the Local Planning Authority. Upon development, work should be carried out in accordance with the approved scheme.

Reason - In line with MSDC Policy DP29: Noise, Air and Light Pollution

22.3.22 Nick Bennett, EHO, Environmental Protection

MSDC Community Leisure Officer

09.05.2022

Thanks for the opportunity to comment on the amended drawings and additional information sent in regarding the 64 Folders Lane development. As the housing mix does not appear to have changed I have no further comments to make.

22.03.2022

Dear Rachel,

Thank you for the opportunity to comment on the plans for the development of 17 residential dwellings at Rear Of 62-68 Folders Lane, Burgess Hill RH15 0DX on behalf of the Head of Corporate Resources. The following leisure contributions are required to enhance capacity

and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

Burners Close and Folders Meadow, owned and managed by the District and Town Councils respectively, are the nearest locally equipped play areas to the development site. These facilities will face increased demand from the new development and a contribution of £29,470 is required to make improvements to play equipment (£16,017) and kickabout provision for older children (£13,454).

FORMAL SPORT

In the case of this development, a financial contribution of £19,765 is required toward formal sport facilities at St Johns Park and / or the new Centre for Outdoor Sport to be built south of the A3200.

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 £11,336 is required to make improvements to the Cherry Tree, Park Centre and / or Cyprus Hall in Burgess Hill.

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

Thanks,
Elaine

MSDC Tree and Landscape Officer

25.08.2022

The Council's Tree Officer (Irene Fletcher) has commented as follows:

'I have a number of concerns about this development, including the loss of 30 trees, mainly C category, but also a B category tree.

I do consider this will impact further on the green nature of Folders Lane.

I am also concerned about the impact of the driveway and crossover widening on the RPAs of trees, particularly the two TPO trees, the impact of the pergola and fencing on TPO trees, T50 and T53 and the potential impact of drainage works within the same RPAs affected by the access, T48 and T49.

Whilst no dig surfacing will mitigate to some extent, a method statement detailing construction details of all these features should be submitted. Whilst drainage is not a matter for planning, nevertheless, it will have a cumulative impact on the RPAs of these important trees, further compromising them.

Non traditional kerbage is proposed to avoid further root damage but this does not appear to be specified, only suggested.

I do consider that the proposed garages would place future pressure on retained trees and, it is clear there is some impact on their RPAs which does not appear to be specified.

The development is 'tight' and I am not sure that the 'high quality landscaping scheme' mentioned within the AIA could be implemented.

If the application is approved, please could the above matters be conditioned.'

MSDC Housing

22.08.2022

Recommends a planning condition re: the wheelchair accessible unit at the above scheme needs to say is that "final approval of the plans for the Wheelchair Accessible Unit will be required, in order to ensure that the unit meets all of the requirements contained in Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended."

Ecology Consultant - Place Services

21.06.2022

Thank you for consulting Place Services on the above application.

Recommended Approval subject to attached conditions

Summary

We have reviewed the Preliminary Ecological Appraisal (PJC Consultancy, March 2022) and the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022) supplied by the applicant, relating to the likely impacts of development on protected & Priority habitats and species, particularly bats, Hazel Dormouse, Great Crested Newt, reptiles, Badger and nesting birds, and identification of proportionate mitigation.

We note that no bats were recorded emerging from Building B1 during the bat emergence survey and that two common species of pipistrelle bat were recorded foraging / commuting on the site (Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022)). Therefore we support the conclusions of the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022) that Building B1 can be demolished and that any loss of trees on the southern site boundary must be compensated for.

We note that the woodland on the southern boundary provides some suitable foraging, commuting, nest building and hibernating opportunities for Hazel Dormouse, a European Protected Species. Therefore, we support the Preliminary Ecological Appraisal (PJC Consultancy, March 2022) recommendations for compensation for any loss of trees on the southern boundary and a precautionary method of works during habitat clearance.

As the site has some foraging and commuting opportunities for Badgers, we support the recommendation that pre-works Badger surveys should be undertaken immediately prior to the start of construction works (Preliminary Ecological Appraisal (PJC Consultancy, March 2022)).

We also note that a low breeding population of reptiles (slow worms and grass snakes) were recorded and we therefore support the Reptile Mitigation Strategy in the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022).

We are satisfied that there is sufficient ecological information available for determination and with appropriate mitigation measures secured, the development can be made acceptable. This provides certainty for the LPA of the likely impacts on protected and Priority species and enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Therefore, the mitigation measures identified in the Preliminary Ecological Appraisal (PJC Consultancy, March 2022) and the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 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, Hazel Dormouse, Great Crested Newt, reptiles, Badger 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 also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (PJC Consultancy, March 2022) and the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022)). Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats and to Dormouse, 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 emit an ultraviolet component or that have a blue spectral content have a high attraction effects 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.

The Wildlife Friendly Lighting Strategy should be secured by a condition of any consent for discharge prior to occupation. 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. The proposed habitats, including native species-rich hedgerows, species-rich meadow grassland and pond 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.

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

1. 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, in line with the details contained within the details contained in the Preliminary Ecological Appraisal (PJC Consultancy, March 2022) and the Bat and Reptile Survey Report (Phase 2 Surveys) (PJC Consultancy, May 2022).

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).

2. PRIOR TO ANY WORKS ABOVE 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 & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

3. 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 occupation 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).

4. 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 & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.

WSCC Highways

16.08.2022

Comments

No further comments from the Local Highway Authority (LHA) over and above previously submitted. The LHA has been in consultation with the planning officer in relation to a

wheelchair accessible space. These comments have already been submitted to the planning officer for consideration.

Jamie Brown
West Sussex County Council - Planning Services

12.05.2022

Amended drawings received 22.04.22 and 27.04.22.

The Local Highway Authority (LHA) acknowledges the revised information provided by the applicant. We have assessed the plans and confirm that our comments would remain as advised in our previous consultation response from 21st April 2022.

S106/TAD Scheme - Contributions can be allocated to Public realm and connectivity improvements in Burgess Hill Town.

Jamie Brown
West Sussex County Council - Planning Services

21.04.2022

No Objection

Background

The LHA provided comments to the Local Planning Authority on the 30th March 2022 and requested the following information:

- Speed survey to ascertain 85th percentile road speeds to apply the correct visibility splays.
- Further comment from the Auditor on the applicant's Designer's Response in relation to Problem 5.4 of the Stage 1 Road Safety Audit (RSA).

This information has now been provided within the Response Note (RN) submitted in support of the application.

Comments

As requested data has now been provided for Automated Traffic Count (ATC) placed between 1st November 2021 and 8th November 2021. The ATC results are attached within Appendix A of the RN. The 85th percentile directional speeds and applicable visibility splays shown to achieve 2.4 metre by 64 metre visibility to the west (for eastbound vehicles). Whilst to the east (for westbound vehicles) the required visibility splay is shown to 2.4 metres by 54.3 metres. The LHA would be satisfied with both splays proposed and that they are in accordance with the recorded road speeds. The splays are shown on the drawing included within Appendix B of the RN.

The LHA agreed with the Designers Response however it was suggested that the Auditor reviewed the Designers Response to confirm that the content was accepted. The RSA Team have since accepted the designer's response stating: "The Audit Team is satisfied with the Designers Response to Problem 5.4, that the access operates as shared space. The size of the development does lend itself to this, and a similar layout has been applied at nearby Oak Grange."

Conclusion

Having assessed the information within the RN we would now be satisfied with the

proposals from the highway perspective. Our comments on Capacity, Parking, Layout and Accessibility would still stand and these comments are detailed in our response from the 30th March 2022-no concerns were raised at this time on any of these aspects. Any approval of planning permission would be subject to the following conditions:

Access (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 drawing titled Proposed Access Arrangements and numbered 2107052-01 Rev B.

Reason: In the interests of road safety.

Construction Management Plan

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

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.

Jamie Brown
West Sussex County Council - Planning Services

30.03.2022

Background

WSSCC in its role of Local Highway Authority (LHA) has been consulted on the above proposals for highway safety, capacity and access on the proposals outlined above. The site currently accommodates a single dwelling (64 Folders Lane) and land to the rear of 62, 64, 66 and 68 Folders Lane. The proposals seek to demolish the existing dwelling to provide an access road leading into the site from Folders Lane. The development proposals include replacing the existing dwelling at the northern end of the site and the construction of an additional 17 dwellings to the rear. The proposals would be accessed from Folders Lane which has a 30mph speed limit.

The highway aspect of the proposals are supported by way of a Transport Statement (TS) which includes Trip Rate Information System (TRICS) data and a Stage 1 Road Safety Audit (RSA).

Access and Visibility

Access to the site is proposed via an upgrade to the existing access onto Folders Road to the north of the site. The TS refers to on-site observations that speeds are likely more than 30 mph and has based speed limits for the proposals on 37 mph and therefore 59 metre visibility splays. With local knowledge the LHA would concur that speeds do appear to exceed the 30 mph limit and would therefore advise that a speed survey is undertaken to ascertain the 85th percentile road speeds along Folders Lane to ensure the correct levels of visibility have been applied.

The access works will be subject to a Section 278 Agreement and technical check with the LHA's Highway Agreements Team.

Stage 1 Road Safety Audit (RSA)

A Stage 1 Road Safety Audit (RSA) has been carried out on the site access onto Folders Lane. The content of the RSA including the Designers Response has been commented on by the Auditor. The Designer has agreed with Problem 5.1 and the response appears to answer the Auditors point. With regards to Problem 5.4 the Auditor makes the recommendation that provision should be made for non-motorised users. We have read the Designers Response and would accept the principle of what has been put forward. We would however advise the Auditor provides comment on Problem 5.4 to confirm they are satisfied that this addresses this Problem.

Capacity

A trip generation analysis for the maximum number of proposed usage at the site has been undertaken using the industry standard TRICS software. The development proposals are predicted to generate 7 and 9 vehicular trips in the AM and PM peak hours respectively. The LHA would not consider the proposals would have a 'severe' impact on the network in line with National Planning Policy Framework (NPPF) Guidance.

Parking and Layout

Car and cycle parking provision will be in line with current WSCC guidelines. The applicant has stated 29 parking spaces within their supporting TS. The LHA would be satisfied with this amount of parking and given the sites layout this is likely to be the maximum that could realistically be provided.

In terms of site layout, the proposals have been supported by swept path diagrams which will demonstrate the likely types of larger vehicles entering the site. This is included within Appendix D of TS.

Accessibility

The site is well located to encourage travel by sustainable modes including the use of walking, cycling and public transport. These will provide opportunities for residents to travel to the site. The site is situated to the south of Folders Lane within Burgess Hill. The site benefits from close proximity the A23, the A272 and the A27, as well as a number of bus stops and Burgess Hill railway station. Burgess Hill town centre is circa 1.5 kilometres west of the site.

Conclusion

Having assessed the information within the TS and having regard to on-site observations the LHA would require the following areas of information from the applicant:

- o Speed survey to ascertain 85th percentile road speeds to apply the correct

visibility splays.

o Further comment from the Auditor on the applicant's Designer's Response in relation to Problem 5.4 of the RSA.

Jamie Brown
West Sussex County Council - Planning Services

WSCC Fire and Rescue - Ian Stocks

23.03.2022

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

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

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

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

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

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

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

Ian Stocks
Water and Access Manager

Email: frs.waterandaccess@westsussex.gov.uk

WSCC Planning Officer - Naomi Hoyland

Planning Services Division: Section 106 Consultation Response

DATE: 13th May 2022

FROM: Naomi Hoyland

DISTRICT/BOROUGH COUNCIL: Mid Sussex

Application Number: DM/22/0732

The Provision of Service Infrastructure Related to Rear of 62-68 Folders Lane, Burgess Hill, West Sussex, RH15 0DX

Planning Application details Replacement of existing dwelling at 64 Folders Lane and development to provide a mix of 17 one, two, three, and four bedroom dwellings (Use Class C3), new access and associated infrastructure (additional statements received 22-03-2022) (amended drawings received 22.04.22 and 27.04.22) -

Summary of Contributions

Education			
School Planning Area	Burgess Hill		
Population Adjustment	39.6		
	Primary	Secondary	6th Form
Child Product	0.4391	0.4391	0.2371
Total Places Required	3.0737	2.1955	0.4742
Library			
Locality	Burgess Hill		
Contribution towards Hassocks/ Hurstpierpoint/Steyping	£0		
Contribution towards Burgess Hill	£7,042		
Contribution towards East Grinstead/Haywards Heath	£0		
Population Adjustment	39.6		
Sqm per population	30/35		
Waste			
Adjusted Net. Households	17		
Fire			
No. Hydrants	TBC		
Population Adjustment	N/A		
£/head of additional population	N/A		
TAD- Transport			
Net Population Increase	39.6		
Net Parking Spaces	38		
Net Commercial Floor Space sqm	0		
Total Access (commercial only)	0.0000		

Summary of Contributions

S106 type	Monies Due
Education - Primary	£62,177
Education - Secondary	£66,918
Education - 6th Form	£15,676
Libraries	£7,042
Waste	No contribution
Fire & Rescue	No contribution
No. of Hydrants	secured under Condition
TAD	£60,099
Total Contribution	£211,912

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 17 net dwellings, and an additional 38 car parking spaces.

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

5. Deed of Planning Obligations

- a) As a deed of planning obligations would be required to ensure payment of the necessary financial contribution, the County Council would require the proposed development to reimburse its reasonable legal fees incurred in the preparation of the deed.
- b) The deed would provide for payment of the financial contribution upon commencement of the development.
- c) In order to reflect the changing costs, the deed would include arrangements for review of the financial contributions at the date the payment is made if the relevant date falls after 31st March 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 Birchwood Grove Community Primary School.

The contributions generated by this proposal shall be spent on additional facilities at The Burgess Hill Academy.

The contributions generated by this proposal shall be spent on additional facilities at St. Paul's Catholic College.

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

The contributions generated by this proposal shall be spent on public realm and connectivity improvements in Burgess Hill Town.

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 33per cent discount.

- b) Cost multiplier- Education Services

The cost multiplier is a figure released by the Department for Education. It is a school building costs per pupil place as at 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.

cc: **Peter Sugden/Russell Allen, WSCC Library Services (via email)**
Vanessa Cummins, WSCC Children and Young People's Services (via email)

WSSC Flood Risk Management Team

09.08.22

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 further comments to submit with regards to this matter. Please consult the District Drainage Engineer.

Kind Regards

Flood Risk Management Team

20.05.2022

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 drainage.

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

Flood Risk Summary

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

Comments:

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

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

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

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

Modelled groundwater flood hazard classification Low risk

Comments:

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

Ground water contamination and Source Protection Zones.

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

Ordinary Watercourses nearby? Yes

Comments:

Current Ordnance Survey mapping shows an ordinary watercourse running close to the boundary of the site.

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

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

Records of any surface water flooding within the site? No

Comments:

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

Future development - Sustainable Drainage Systems (SuDS)

The Drainage Strategy/Technical Note for this application proposes that permeable paving, attenuation, with a restricted discharge to the watercourse, would be used to control the surface water from this development.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles. The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

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

Kevin Brook
Flood Risk Management Team

WSCC Minerals & Waste - County Planning Officer

06.06.2022

Thank you for consulting West Sussex County Council, Waste and Minerals on the above application.

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/mwsfgrdngrsntn.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).

Tyra Money
West Sussex County Council - Planning Services

Sussex Police

30.08.2022

Contact Name: Phill Edwards Tel: 01273 404 535 ext: 540113 Mobile No: 07780987871

Dear R Richardson

RE: Rear of 62-68 Folders Lane, Burgess Hill, West Sussex, RH15 0DX.

Thank you for your correspondence of 03rd May 2022, advising me of a full planning application for the replacement of existing dwelling at 64 Folders Lane and development to provide a mix of 17 one, two, three, and four-bedroom dwellings (Use Class C3), new access and associated infrastructure (additional statements received 22-03-2022) (*amended drawings received 22.04.22 and 27.04.22*) at the above location, for which you seek advice from a crime prevention viewpoint.

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

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

With the level of crime and anti-social behaviour in the Mid Sussex district being below average when compared with the rest of Sussex I have no major concerns with the proposals from a crime prevention perspective, however, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

R Richardson

Southern Water - 02.09.2022

Thank you for your letter dated 15/08/2022.

Please see the attached extract from Southern Water records showing the approximate position of our existing foul drain in the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 100 mm public foul drain requires a clearance of 3 metres on either side of the public foul drain to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public foul drain without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public foul drain.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

Furthermore, 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.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:

developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

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

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

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

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

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

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

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

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

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

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

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

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

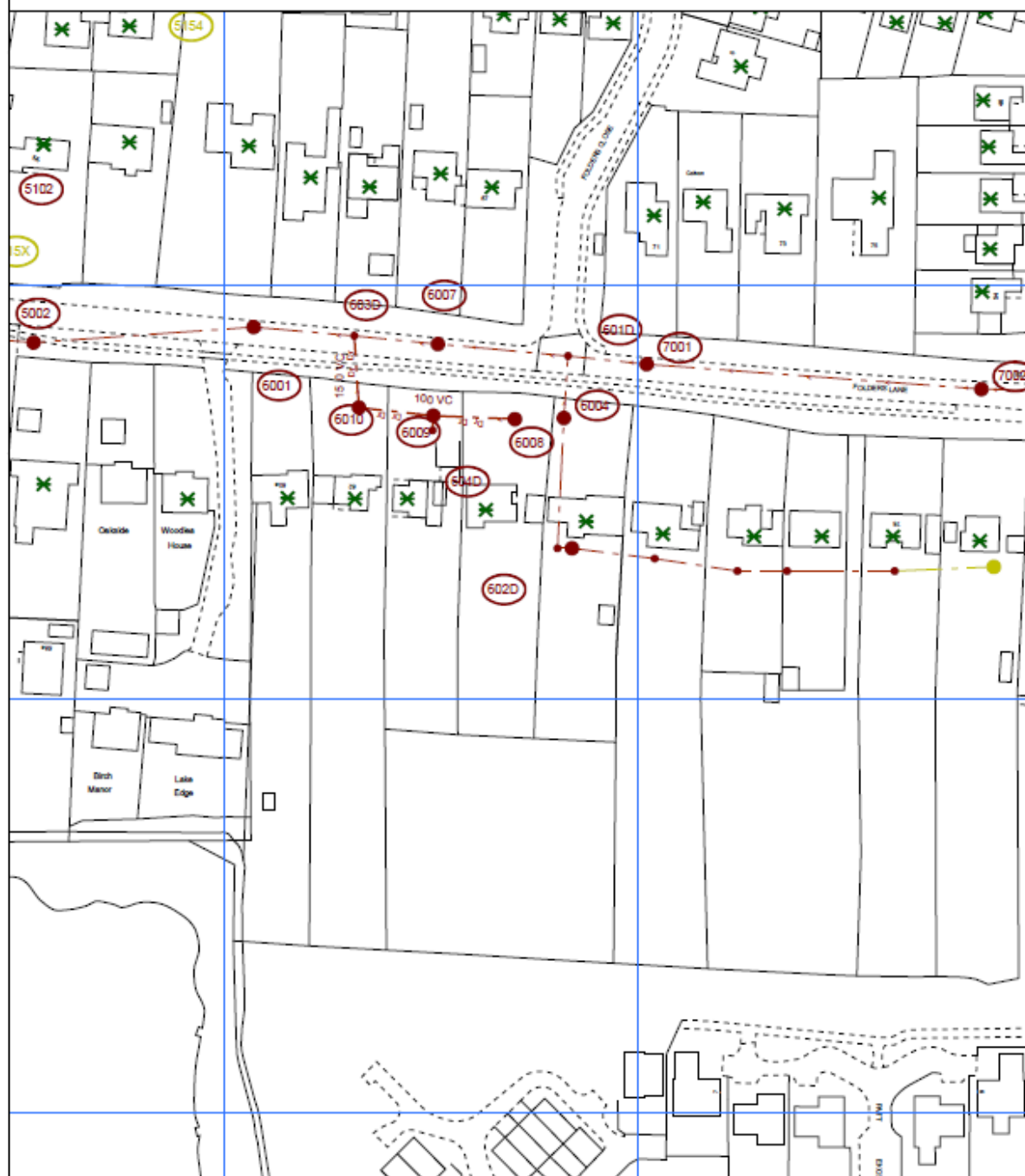
Yours faithfully,

Future Growth Planning Team

Business Channels

southernwater.co.uk/developing-building/planning-your-development

SOUTHERN WATER



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

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O.S. REF: TQ3218SE

Scale: 1:1250

Screen Print

WARNING: BAC pipes are constructed of Bonded Asbestos Cement

WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement



Printed By: BoregoS

Date: 2-9-2022

Southern Water MapGuide Browser

Requested By:

